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OFFICIAL REPORT
(HANSARD)

Thursday, December 3, 2020

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, December 3, 2020

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

Prayers.

SENATORS' STATEMENTS

TRIBUTE TO AMBROSE AND MATILDA CHOI

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise to recognize a noteworthy Canadian family residing in Vancouver, B.C.: Won-Chul, Ambrose, Choi; his wife Min Jeong, Matilda, Kim; and their two sons, Hyun Sik, Eric, and Young Sik, Alex, Choi.

Their immigrant story, from struggles and family separation to triumph and success, is one for the annals of Canadian history. It is a classic tale of young immigrant parents uprooting their lives to begin anew in Canada, and making sacrifices to enable their children to achieve academic success and give them opportunities to realize their dreams. In fact, Eric and Alex are both UBC graduates; Eric, after completing his master's thesis in sports management at the Seoul National University, returned to Canada and established HS 7 Enterprise Limited, following in his father's footsteps as a leading entrepreneur; and Alex currently works for a software company.

Honourable senators, this tribute to Ambrose and Matilda Choi is inspired by their indomitable entrepreneurial spirit, bright optimism, sincere generosity and deep love of country. It's also in recognition of Ambrose being named by World OKTA as their Korea Trade-Investment Promotion Agency CEO of the year on September 21, 2020. World OKTA is an international organization comprised of chapters around the world, including Canada.

Ambrose Choi is president of Ambrose Holdings, a family-run business that exports Canadian products to Korea. Named after his beloved wife Matilda, his "made in Canada" brand of Matilda's chocolates can be found in local stores in Canada and Korea. Together, the Choi family has generously supported their community through their annual Ambrose and Matilda charity concerts since 2014, which have raised funds to benefit hospital foundations, homeless shelters and various charitable organizations.

When the 2020 concert had to be cancelled due to the COVID-19 pandemic, they thought of a way to pay it forward in a different way. They embarked on a multi-week journey to make special deliveries to Crossroads Hospice, Eagle Ridge Manor, Eagle Ridge Hospital Foundation, St. Paul's Foundation, Richmond Food Bank, Richmond Hospital Foundation, Peace Arch Hospital, Abbotsford Regional Hospital, Tri-City Transitions and Talitha Koum Society. They gifted health care and social workers, hospital staff and volunteers with boxes and boxes of exquisite Matilda's chocolates as a gesture of thanks for their dedication on the front lines.

During Veterans' Week, Matilda and Ambrose also coordinated a special concert at YVR, filling the international terminal of the airport with beautiful classical music for passing YVR staff and airline crews to enjoy. I enjoyed the concert at YVR myself and also witnessed the heartwarming presentation of Matilda's chocolates to the hospital.

I will end with the words of Ambrose Choi, as he explains his inspiration:

> As an immigrant, I am so grateful to Canada that I want to give back to the country that has given me so much.

Hon. Senators: Hear, hear.

INTERNATIONAL DAY OF PERSONS WITH DISABILITIES

Hon. Chantal Petitclerc: Honourable senators, today is the International Day of Persons with Disabilities. This year's theme is "Building Back Better: toward a disability-inclusive, accessible and sustainable post COVID-19 World."

Building back better, with more inclusion and more diversity is a great invitation. We are over 6 million persons with a disability in Canada, from coast to coast to coast, each one of us unique, with diverse challenges and opportunities. One thing that we all agree on is more can and should be done.

So to our government, I want to say we are looking forward to your commitment made in the Speech from the Throne. This pandemic has shown us that when it comes to persons with disabilities, too many are still in a situation of social or economic vulnerability. We all know this, and now is the time to act.

To our businesses, organizations, big and small, I want to say diversity is a strength. Individually, collectively, we all gain from diversity. Make a commitment to remove the barriers that will stop individuals from reaching their potential and take away their right to contribute to society.

To the Canadian youth living with disabilities, never let the world define you: define yourself. Never compromise on your rights. You are human, and disability rights are human rights. You alone have the right to choose who you want to be and what you want to do. Do not fall for pity or sympathy. Ask for choices and for opportunities. When a door is open, embrace it. When a door is closed, push it open. Claim your place, and the world will be a better place because of you.

• (1410)

On this International Day of Persons with Disabilities, let's all remember that disability rights are human rights, diversity is always a strength, and that inclusion matters. Thank you.

Hon. Jim Munson: Honourable senators, as Senator Petitclerc has just mentioned, today is the International Day of Persons with Disabilities. As we have done every year on December 3 since it was proclaimed by the United Nations General Assembly in 1992, we promote the full and equal participation of persons with disabilities and act for their inclusion in all parts of society and development.

Since that time, there have been many steps in the right direction. Many achievements and accomplishments have been made by the world's more than 1 billion people living with a disability. They are breaking barriers.

One of those individuals is Chris Nikic from Florida, the first competitor with Down's syndrome to complete an Ironman triathlon. Chris finished the 2.4-mile open-water swim, 112-mile bike ride and 26.2-mile run in just under the 17-hour limit.

Like most people living with a disability, others often see Chris's limits and not his potential. But this race wasn't for other people. The 21-year-old was completing this triathlon to prove to himself that he can achieve anything, that his dreams can come true. "I learned that there are no limits," he said after the competition. "Do not put a lid on me." His mantra: One step forward, two steps forward, three steps forward.

I've always said that every step forward is a good step, and Mr. Nikic has shown us this in action throughout every step of his race. Do not underestimate anyone, for any reason.

Canada took a big step forward on its obligations to the UN Convention on the Rights of Persons with Disabilities by passing the Accessible Canada Act last year. I was proud to be the sponsor of the act in the Senate — and proud, of course, that we passed it in a unanimous fashion.

Since then, we have seen American Sign Language, ASL, available in the Senate Chamber and at our committees. ASL interpretation is now a regular occurrence at press conferences and news reports across the country and around the world, which is imperative for the Deaf community, especially during a worldwide pandemic. More steps in the right direction.

As you know, colleagues, not all disabilities are visible. Many disabilities, like hearing or sight impairments, as well as brain injuries, autism, mental health and chronic pain, can be invisible. The intersectional barriers faced by persons with disabilities are amplified as they deal with the restrictions of the coronavirus pandemic every day. Negative impacts on mental well-being from isolation, diminishing access to services and disrupted routines are on the rise. Just because we have an accessibility act now, it doesn't mean we can stop advocating and raising awareness of disabilities.

I see my time is running out, honourable senators, but I have to get in this word from my trusty assistant, Michael Trink, who has Down's syndrome. He has been with me for 10 years. Michael is an optimistic and hard-working soul, and he wanted me to share with you his words during this pandemic: Stay positive and keep moving forward.

I think that's advice we can all use. Thank you very much.

[*Translation*]

THE LATE MARC-ANDRÉ BÉDARD

Hon. Jean-Guy Dagenais: Honourable senators, I would like to take a few moments to pay tribute to a great Quebec politician, Marc-André Bédard, who died on November 25 from COVID-19 at the seniors' residence in Saguenay where he lived. He was 85 years old.

Although we did not share the same political affiliation, he was dedicated to serving the public and improving people's quality of life.

A lawyer by trade, Marc-André Bédard was one of the founders of the Parti Québécois and was always a staunch supporter of René Lévesque. After being elected for the first time in 1973, he was appointed as the Quebec Minister of Justice in 1976. When he was the head of that department, Quebecers benefited from significant, and I would even go so far as to say historic, reforms.

It was Marc-André Bédard who amended the Quebec Charter of Human Rights and Freedoms in 1977 to ban discrimination on the grounds of sexual orientation. That was the first time Canadian legislation was amended to protect gay rights.

It was also Marc-André Bédard who modernized family law by replacing paternal rights with parental rights and eliminating the status of "illegitimate" for children born outside of marriage. He was also the one who made spouses equal under the law.

Marc-André Bédard also created the Conseil de la magistrature du Québec and modernized the judicial appointments process, and — if you'll allow me a digression — the Liberals who are currently in government in the other place have still not managed to follow suit 40 years later. As justice minister, Mr. Bédard left a significant political and legislative legacy to the people of Quebec.

Marc-André Bédard was a sovereignist and separatist from the start, and he had a gift for not upsetting things or, above all, the public. This is why he unreservedly supported René Lévesque in what was known as the "beau risque" with the federal government, even though the more radical elements of the Parti Québécois were calling for a referendum.

Mr. Bédard was a diplomat who preferred convincing people instead of confronting them.

Although he held the most senior positions in a Parti Québécois government, including that of deputy premier, everyone who knew him were quick to point out how this politician made his constituents in Chicoutimi his first priority.

Mr. Bédard always put his role as a member of the National Assembly above his role as minister. He advised other elected officials to return to their ridings as often as possible so that they were familiar with their constituents and their realities.

Prior to entering politics in 1970, Marc-André Bédard was a remarkable defence lawyer. Among his many achievements, we know he helped get two men released from prison who had been unjustly charged with murder, and the real culprits were later identified.

When he left politics in 1985, Mr. Bédard returned to the law firm of Gauthier Bédard, where he practised law with his children and other lawyers in Saguenay.

Marc-André Bédard was a great justice minister for Quebec, and that is why I wanted to rise today to acknowledge his contribution to the advancement of Quebec society.

Hon. Senators: Hear, hear.

[*English*]

16 DAYS OF ACTIVISM AGAINST GENDER-BASED VIOLENCE

Hon. Salma Ataullahjan: Honourable senators, today I would like to speak to you about the invisible pandemic of gender-based violence. More specifically, I will highlight the negative impact our ongoing emergency health crisis is having on domestic violence.

November 25, the first day of 16 Days of Activism against Gender-Based Violence, was also the thirty-fourth birthday of Audrey Hopkinson, a mother of two from Brockville, Ontario. Sadly, for the first time last week, Audrey's family and friends observed her birthday without her. The beloved nurse who worked at Brockville General Hospital was tragically murdered, along with her unborn child. Audrey's partner took her life, followed by his own, last April, a few weeks after the pandemic lockdown.

Audrey Hopkinson's murder is unfortunately not an isolated case. The COVID-19 pandemic has exacerbated cases of gender-based violence in Canadian households by further isolating victims of domestic abuse. Oxfam Canada notes that the crisis and emergency situations worsen women's vulnerability to violence. Audrey Hopkinson's story is indeed proof of this.

• (1420)

In Canada, troubling numbers of domestic abuse cases are reported. A Vancouver crisis line reported a 300% rise in calls due to isolation faced during the pandemic. Shelters cannot keep up with the spike in demand due to the division of resources between COVID-19 health concerns and the increasing level of violence against women.

In this province, the Ontario Association of Interval and Transition Houses reported that 20% of their 70 shelters have had an increase in calls over the course of the pandemic. Meanwhile, York Regional Police noticed a 22% increase.

Women are at a much higher risk of experiencing violence due to home isolation. Indeed, lockdowns allow perpetrators to control women's movements, restrict access to support services and separate them from the safety networks of family and friends. The inescapable nature of such situations has led to the creation of a silent signal for help that has been shared across social media platforms such as TikTok and Instagram. It is clear to me that violence against women during a public health emergency needs to be prioritized.

Honourable senators, let us do our part as parliamentarians by including services that address gender-based violence wherever possible in government policy. Victimized women and girls were living in lockdown long before the pandemic began. During the remainder of the 16 Days of Activism, and every other day after, let us continue to speak out against gender-based violence because lives depend on it. Thank you.

[*Translation*]

L'ÉCOLE POLYTECHNIQUE DE MONTRÉAL

COMMEMORATION OF TRAGEDY

Hon. Julie Miville-Dechêne: I rise today to mark the thirty-first anniversary of the Polytechnique femicide and to pay tribute to the 14 young women who were killed on December 6, 1989.

Let us remember those 20 minutes of horror, which have been retold many times to ensure no one will forget that the victims were chosen by the killer because they were women and because they had dared to study engineering, which is traditionally seen as a male domain.

I was 30 years old at the time. I was a young, idealistic journalist based in Toronto. I thought I could change the world one news report at a time. I was also in a male-dominated workplace where women were slowly taking their place. I was a confident feminist who always pointed out double standards, discrimination, and misogynistic attitudes and comments.

The Polytechnique tragedy deprived us for quite some time of the hope that the feminist revolution was under way and that no one could stop it. The killer expressed his outright hatred for feminists. He has often been described as a mad killer, but he represented a masculinist way of thinking that had spread in Quebec, a backlash against liberated women.

Fortunately, over the years, a new generation of Quebec feminists has taken up the torch with new slogans and a passion that I am pleased to see. This year women represent 31% of the students enrolled in the Polytechnique program.

In the meantime, survivors and loved ones plunged headlong into a battle for gun control. The Polytechnique killer had emptied an entire magazine of 30 bullets from a Ruger Mini-14 semi-automatic into the female students in the classroom. Nathalie Provost was there and she survived. She said:

> Yes, the gun is a game-changer. The force of the shots played a major role, as did the ability to fire off shots in rapid succession.

Thirty years later, this deadly weapon was still in circulation, since the Nova Scotia mass murderer had a Ruger Mini-14 in his possession.

This firearm is one of the 1,500 assault style firearms that the federal government banned by order-in-council on May 1, a major step forward for the group PolySeSouvient. However, as December 6 draws near, Heidi Rathjen, who witnessed the shooting, wants the government to take action, to implement, as it promised, a mandatory buy-back program for all these deadly weapons and to impose stricter restrictions on handguns.

Ms. Rathjen does not believe that the pandemic justifies the delays, on the contrary. She said:

> . . . in an extremely stressful context where victims of domestic violence are even more vulnerable and where there is a greater risk of suicide . . . gun control becomes all the more urgent.

I agree. Thank you.

[*English*]

ROUTINE PROCEEDINGS

NATIONAL SECURITY AND DEFENCE

REPORT PURSUANT TO RULE 12-26(2) TABLED

Hon. Gwen Boniface: Honourable senators, pursuant to rule 12-26(2) of the *Rules of the Senate*, I have the honour to table, in both official languages, the first report of the Standing Senate Committee on National Security and Defence, which deals with the expenses incurred by the committee during the First Session of the Forty-Second Parliament.

(*For text of report, see today's* Journals of the Senate, *p. 219.*)

[*Translation*]

OFFICIAL LANGUAGES

REPORT PURSUANT TO RULE 12-26(2) TABLED

Hon. René Cormier: Honourable senators, pursuant to rule 12-26(2) of the *Rules of the Senate*, I have the honour to table, in both official languages, the first report of the Standing Senate Committee on Official Languages, which deals with the expenses incurred by the committee during the First Session of the Forty-Second Parliament.

(*For text of report, see today's* Journals of the Senate, *p. 220.*)

[*English*]

THE SENATE

MOTION FOR MEMBERSHIP OF STANDING COMMITTEE ON CONFLICT OF INTEREST FOR SENATORS ADOPTED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

> That, notwithstanding rules 12-3(2)(f) and 12-27(1) and subsections 35(2), (4), (5) and (8) of the *Ethics and Conflict of Interest Code* for Senators, the Honourable Senators Busson, Cotter, Harder, P.C., Patterson, Seidman and Tannas be appointed to serve on the Standing Committee on Ethics and Conflict of Interest for Senators, until such time as a motion pursuant to rule 12-27(1) is adopted by the Senate or the Senate otherwise replaces the membership of the committee;
>
> That, notwithstanding rule 12-27(2) and subsection 35(2) of the *Ethics and Conflict of Interest Code* for Senators, the quorum of the committee be four members; and
>
> That, notwithstanding rule 12-27(1), for the duration of the membership of the committee pursuant to this order, when a vacancy occurs in the membership of the committee, the replacement member be appointed by order of the Senate.

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*]

ADJOURNMENT

MOTION ADOPTED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(g), I move:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, December 8, 2020, at 2 p.m.

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.)

[*English*]

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY PRESENT STATE OF THE DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

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

> That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system; and
>
> That the committee submit its final report no later than September 30, 2022, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

• (1430)

QUESTION PERIOD

AGRICULTURE AND AGRI-FOOD

LIVESTOCK PRICE INSURANCE

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, my question is for the government leader in the Senate.

Senator Gold, cattle and hog producers in British Columbia, Alberta, Saskatchewan and my province of Manitoba have a risk-management tool available to them known as the Western Livestock Price Insurance Program. It provides them protection against an unexpected drop in prices over a defined period of time. This is particularly important for our young producers as it increases their ability to secure financing as well as their ability to survive downturns in the market. It's not a permanent program, however. They need to keep going back to renew it with all of the uncertainties that entails.

Leader, has your government considered working with the Western provinces to make the Western Livestock Price Insurance Program a permanent risk-management tool, not dependent on renewal under each agricultural policy framework, and if not, why not?

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you for your question and for informing me and the house of this particular program, the details of which I confess to being unaware. But I certainly will inquire and inform myself as to the program and attempt to answer your question as quickly as I can.

Senator Plett: Thank you, Senator Gold. As quickly as you can, I hope will be quicker than how some of the government bills are moving that we are waiting for.

Senator Gold, while Western provinces have access to this insurance program, farmers in the Maritimes still operate without a program that manages price risk in a timely fashion. The Maritime Beef Council, which covers New Brunswick, Nova Scotia and Prince Edward Island, has a strategy to expand cattle inventories and beef production. Having access to a price insurance program is key to achieving these objectives.

Industry has taken the lead by investing producer dollars to develop a pricing index specific to the Eastern Canadian cattle market, and by establishing a working group with Maritime officials and their counterparts in Western Canada.

Leader, will your government fully support and commit to helping Maritime farmers create a price insurance program in their region?

Senator Gold: Thank you again for your question, senator. The government is very aware of how important, generally speaking, business risk-management programs are for the sectors across the country, and in particular, the price insurance programs, as you quite correctly point out.

The government has not only been working with sectors across the country, it has heard from different sectors that there are challenges and improvements that need to be made to the various business risk programs upon which the agricultural community sector depends.

I have been advised that the government is in constant dialogue with industry stakeholders to mitigate the risk, to hear their concerns and work to see how, in a practical way, the programs can be improved. They are continuing to work on and consider how tools like AgriStability and others can help producers manage the difficult circumstances that are facing Canadian farmers.

[*Translation*]

HEALTH

COVID-19 VACCINE

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate. Mr. Leader, we recently received good news. Three of the vaccines are effective, and some are even 95% or 98% effective. That is excellent news. However, our experts tell us that herd immunity must be 85% to stop the spread. That means at least 85% of the population has to be vaccinated or have the necessary antibodies for us to achieve herd immunity.

A survey by Léger and the Association of Canadian Studies shows that only 63% of the population intends to get vaccinated. That is seven percentage points less than in July. It is expected that the percentage of the population wanting to be vaccinated could drop to 55% or 60%. Such a huge gap would compromise herd immunity. Will the government force Canadians to be vaccinated?

Hon. Marc Gold (Government Representative in the Senate): The government has no intention of making vaccination mandatory. That would contravene the rights and freedoms of individuals. That said, the issue you pointed out and its consequences for Canadians are serious. That is why the government is insisting that Health Canada follow its own protocols to reassure Canadians that the vaccines are safe and effective. We have a job to do in terms of communications, not just within government, but also across all political parties and civil society, to combat the misinformation that, unfortunately, is increasingly circulating on social media and elsewhere. This misinformation leads our citizens to doubt the efficacy and safety of vaccines, which are essential to combat this virus and help us return to a so-called "normal" life.

TRANSPORT

F.-A.-GAUTHIER FERRY

Hon. Claude Carignan: Leader, a vaccination campaign means that people will have to travel to get the vaccine. Right now, the government is talking about smooth travel and the possibility of people travelling from once place to another.

However, we learned that the ferry between Matane and the North Shore, the *F.-A.-Gauthier*, broke down and is now dry docked. As a result, ferry service will not resume until the end of February. What does the government intend to do to guarantee that the ferry is fully functional so that people can travel?

Hon. Marc Gold (Government Representative in the Senate): I will get back to you on that once I have an answer to that specific question.

[*English*]

INDIGENOUS SERVICES

NON-INSURED HEALTH BENEFITS

Hon. Margaret Dawn Anderson: Honourable senators, my question is for the Government Representative in the Senate.

Senator Gold, Indigenous Services Canada offers Non-Insured Health Benefits, or NIHB, to First Nations registered under the Indian Act and to Inuit recognized by an Inuit land claim organization. As of March 2019, there are 27,771 N.W.T. residents covered under NIHB in the Northwest Territories. As a beneficiary of the Inuvialuit Final Agreement, I myself am eligible for NIHB.

As we all know, difficulty breathing and shortness of breath is one of the symptoms of COVID-19. In early June, because of my personal familiarity with the NIHB process, I had the opportunity to ask officials from the Department of Health about the pre-approval process normally required for certain medications, including inhalers. On June 22, 2020, I was advised in writing by a representative of the First Nations and Inuit Health Branch of Indigenous Services Canada:

> Since the beginning of the COVID-19 pandemic in March, NIHB has initiated its Business Continuity Plan which includes contingencies for waiving pre-approvals for certain medications, including inhalers.

• (1440)

Senator Gold, I was recently made aware by an N.W.T. resident eligible for NIHB and diagnosed with asthma that they had to obtain NIHB approval before their prescription was filled. I have also been advised of individuals currently sharing their puffers with family members when medications have run out in communities where travel is required to renew a prescription.

I find this deeply worrying.

First, as I have just indicated, not all Northern communities have doctors. Often, obtaining a prescription requires travel by road or plane to a larger centre, which, particularly in the past few weeks as cases begin to creep up in the North, increases the risk of exposure to COVID-19.

Second, this experience contradicts the assurances I received from the First Nations and Inuit Health Branch in June, which informed me that:

> As of March 19, 2020, NIHB has waived established criteria for many drugs that would normally require prior approval by NIHB's Drug Exemption Centre. This was to ensure access to needed medications during a time when prescribers may not be available to provide eligibility criteria —

The Hon. the Speaker: I'm sorry for interrupting you, Senator Anderson. This is a very important subject, but we have a long list of senators who wish to ask questions. I would ask all senators to keep their introductory remarks for their question just a little bit brief, please, so we can get as many people asking questions as possible.

Senator Anderson: I'll go to my question.

Senator Gold, is the NIHB business continuity plan, which includes contingencies for waiving prior or pre-approval for certain medications, such as inhalers, still in place? If not, why? If so, how is this being communicated to the health care providers and clients of NIHB?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. It's an important one.

Simply put, I'll make inquiries regarding your specific questions and report back. The government is very aware of the gaps that still exist, unfortunately, to obtain the provision of health services, not only to Indigenous communities but to remote and rural communities as well, and is committed to doing better.

HEALTH

COVID-19 VACCINE

Hon. Rosa Galvez: Honourable senators, my question is for Senator Gold.

Following the declarations of our Prime Minister, many Canadians are decrying that our country does not have a major pharmaceutical company of its own developing a vaccine to fight COVID-19.

John Carrington, a retiree with 20 years at the University of Windsor, said that the former Harper government:

> . . . drastically cut funding to research councils, which in turn gave out fewer and smaller grants to support graduate students and post-graduate fellows with heads full of knowledge and a drive to discover.
>
> So some gave up on a career in research. Some went elsewhere. And where funds for labs and smart people were available and new knowledge was being published, companies set up their shops nearby.

That's why we don't have a vaccine being developed in Canada, a few years after austerity "medicine."

The Hon. the Speaker: I'm sorry, Senator Galvez, I have to interrupt you. We seem to be having more trouble with our translation. It appears now that the translations are reversed.

It seems to be better now. Please continue.

Senator Galvez: Senator Gold, how can the government reassure Canadians that it will negotiate this economic crisis without resorting to such austerity measures with fatal consequences for public health and ensure that Canadians have sustainable access to all essential materials for a resilient society, including vaccines?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. This government, I'm advised, has invested over $1 million in research so that Canadian sciences can continue their work to find therapies, treatments and a possible vaccine for COVID-19. This includes scaling up investments in our manufacturing capability, as well as partnering with the most promising international partners.

Now, regrettably, Canada's capacity to produce vaccines domestically has slipped away from us, and we need to rebuild that. However, I should add that through the Canadian Institutes of Health Research, $180 million was used to support over 300 university-based research projects on the subject of COVID-19, and they include not only vaccines but projects focusing on limiting the health consequences of the vaccine on Canadians.

This government's commitment to supporting science and the vital role it plays in the life of Canadians has been consistent. Indeed, since 2016, over $10 billion has been invested into science and research.

That doesn't change the fact that we are still some time away from rebuilding that capacity you mentioned.

[*Translation*]

Senator Galvez: I want to emphasize this point. As you know, nearly 300 coronaviruses are zoonotic. Many of those have been identified as potentially transmissible to humans. We therefore need concrete measures to prepare for the next pandemic and ensure that we do not end up in the same situation where we are unable to develop and produce vaccines here in Canada.

Senator Gold: The government completely agrees.

[*English*]

Hon. Douglas Black: Honourable senators, my question is for the Leader of the Government in the Senate, and it also relates to vaccines.

We know there are six National Research Council vaccines in development — one of them being in Calgary, Alberta — and we also know that others are receiving support through the Strategic Innovation Fund. The great news is that I am informed in conversations with industry that a Canadian COVID vaccine — what I would like to call the "maple leaf solution" — could be available in the millions by the fall of 2021. This is contingent on continual government support through the remaining clinical phases, and then vaccine production and distribution.

Senator Gold, can you please update the Senate on the government's strategy to support a domestic COVID vaccine solution and to commit to aggressively funding a "maple leaf response?"

Senator Gold: Thank you for your question and for the good news you've shared with the Senate.

I won't repeat the points that I made in response to Senator Galvez. The government's funding speaks for itself, and it is focused, among other things, on developing made-in-Canada solutions.

Although I cannot make a commitment with regard to the funding of any specific project, the funding I outlined has provided — and the government is committed to continuing to provide — support so that Canadian entrepreneurs, scientists and manufacturers can play their role in preparing us for the present and the future.

Senator D. Black: Senator Gold, thank you very much. That's a very encouraging response.

I would like to turn quickly to the international supply of vaccines to Canada. Of course, we all know that everything anybody orders today comes with a delivery date. If you order a snow shovel, you know when it will be delivered to your door.

Therefore, Senator Gold, did Canada neglect to include delivery dates in its vaccine contracts? If not, can you inform us as to the specific delivery dates and quantities of vaccine to be delivered under each contract?

Senator Gold: The answer to your first question is no, Canada did not neglect to include these in their contracts. The contracts that were entered into earlier in the year and which put Canada in a very enviable position, both with regard to the number of doses to which it contracted and, as it turns out, the quality and efficacy of the vaccines, at least so far as we know, included windows for delivery depending upon numerous factors.

I'm advised that the government is currently in discussions with each and every one of the vaccine producers that have reached a stage where the vaccine can be submitted for approval to Health Canada. It is negotiating those delivery dates. With respect to those specific dates, the negotiations are ongoing, and the government will release that information to its territorial and provincial partners, and to the public, as soon as they are available.

INDIGENOUS SERVICES

ACCESS TO SAFE DRINKING WATER

Hon. Jane Cordy: Honourable senators, my question is for Senator Gold. I would like to follow up on a question I asked in this chamber on September 30. In my question, I raised concerns about the omission in the most recent Speech from the Throne of the government's commitment to eliminate all long-term boil water advisories on public water systems in First Nations and other Indigenous communities on reserve by March of 2021.

• (1450)

When I asked if the government is still committed to achieving this goal by that date, you said:

> . . . I have been advised that the government is working towards the goal of ending all long-term boil water advisories on First Nations by March 2021. So there is no waffling on that point.

Minister Miller confirmed yesterday this deadline will not be met. He has been very up front, and he said he has a duty to get this done, which is a refreshing comment coming from a minister of any political stripe.

Has the government maintained open and transparent communication with each community regarding project plans? Are they kept fully informed about progress on each project? Are they fully informed and consulted on each project and the timeline?

That sounds like a lot of questions, but basically, I'm wondering whether or not the Indigenous communities have been informed with updates on the progress that is being made for safe drinking water in their communities.

Hon. Marc Gold (Government Representative in the Senate): Senator Cordy, thank you for your question and the important, though disturbing, facts that underlie it. Indeed, the minister was candid and took full responsibility, even though so much of this is out of his personal control for the failure to have fully reached the targets that were promised some years ago and reaffirmed by me in this chamber.

Though not all advisories will be lifted, tremendous progress has been made. The government both remains steadfast in working to end all long-term drinking water advisories and is working in partnership with First Nations communities to ensure that happens. I've been advised that in every community with a long-term drinking water advisory, there is a project team, an action plan and collaboration with the community in order to address the particularities of those communities. They vary dramatically, as you would expect, from community to community.

The government recently announced $1.5 billion in new funding. I could break that down for you, but it focuses on the continued work necessary to lift all long-term drinking water advisories in public systems on reserves, and long-term support for maintenance and operations of the infrastructure that is on reserves, and another $500 million to continue work to fund infrastructure projects on reserves.

As of this date, the government has lifted 97 long-term advisories and prevented 171 short-term advisories from becoming long-term, but as the minister pointed out, with regret, there remains work to do.

Senator Cordy: You are correct, Senator Gold. The government did lift 97 long-term boil advisories, and they deserve to be commended for these efforts. There are 59 advisories still in effect, but you're absolutely right, they do deserve credit. That's a lot of long-term boil advisories lifted. However, there is still work to be done.

The COVID-19 pandemic has impacted every facet of our lives in Canada, and the minister has stated that it has affected the completion of many of the water projects in Indigenous communities. Has the pandemic also hampered the planning process?

I did listen to the minister yesterday. He spoke about the challenges of doing the work itself. Has it affected the planning process, or can you assure us that the plans are ready to go in each community, or in how many communities, so that the next step in the spring, hopefully, the shovels are ready to go in the ground?

Senator Gold: Senator, thank you. I wish I had the answers and that the answers were that there was absolutely no breakdown or delay in planning caused by the pandemic. I don't know the answer, but the truth is that this pandemic has slowed

many things down, and it would not be unreasonable to assume that some of the planning in some communities may be compromised.

I don't know the specific answer. What I do know is that the government remains steadfast and committed to solving this problem, as it has been trying to do and continues to try to do. I know that it's working closely with each individual community to find the best solutions and to move as quickly as possible under these rather difficult circumstances. Thank you, again, for your question.

HEALTH

COVID-19 VACCINE

Hon. Salma Ataullahjan: Honourable senators, my question is for the government leader in the Senate. Senator Gold, the University of Toronto's Donnelly Centre for Cellular and Biomolecular Research requested just $10 million to produce an antibody treatment they had created. The federal government denied them funding, despite spending $175 million to fund an antibody treatment through AbCellera, which was moved to Eli Lilly in the U.S. The University of Toronto's antibody treatment has been readily funded by the Italian government.

You just said something very interesting in answering Senator Galvez's question. You said our ability to produce a vaccine slipped away from us. I think that is very true.

Why was the Government of Canada unwilling to support this fully Canadian COVID-19 treatment?

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you for your question. I don't know the details of the particular request that was made or exactly to whom it was made. The funding of scientific research is not something that is done by individual ministers or cabinet. There is a properly peer-reviewed and structured process for this.

I am unable to answer your specific question, but I would not make any assumptions that it is the government that denied funding. I just don't know what funding agency was responsible, what the criteria were for the program to which they applied, nor the reasons for the decision, which was an unfortunate one, I take it, for the university project.

Senator Ataullahjan: Senator Gold, yesterday Senator Seidman asked you about the order of distribution for the COVID-19 vaccine. Our colleague pointed out that the Prime Minister and the premiers agreed that the order of who gets the vaccine first should be consistent across Canada.

On Tuesday, the Prime Minister said:

> . . . there seemed to be a consensus that we should all agree across the country on what that list looks like and make sure that it is applied fairly right across the country.

Yet, you told the honourable senators yesterday that it is the responsibility of the provinces and territories to make their own decisions on their own priorities for distribution. Leader, who is correct, you or the Prime Minister?

Senator Gold: Thank you for your question. At the risk of sounding pretentious, I might answer as King Solomon might have answered: I think we're both correct. But there was wisdom behind that, senator.

The truth is that as desirable as it would be to provide uniformity and reassurance to Canadians who don't spend their time, as I did in a previous life, worrying about federal-provincial relations, the fact is that it's a constitutional jurisdiction that belongs to the provinces.

We're all in the same boat in this pandemic and we would like to have the same rules apply to all of us. That's why the federal government and the provinces work together in an attempt to find uniform standards.

The Prime Minister is right that it's desirable, but I believe that I'm also right in reminding us that, ultimately, the provinces are sovereign in this particular area.

AGRICULTURE AND AGRI-FOOD

AGRISTABILITY

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I do hope that firefighters will be part of the list of first responders. They are often the very first to be there.

My question, leader, is concerning cattle and hog producers in my province of B.C. I am a city gal by birth, but in meeting with the BC Cattlemen's Association and learning about the incredible challenges that they face each and every day, and that they overcome, I'm such an admirer of their courage and resilience. Thank goodness they do what they do.

Senator Gold, as you can imagine, COVID-19 has increased market volatility in addition to the typical risks like weather, which then would affect production and costs. Of course, there are trade disputes, and those can also impact many cattle producers. Currently, the payment trigger for the AgriStability business risk management program is set at 70% of the reference margin.

Leader, the Canadian Cattlemen's Association has welcomed Minister Bibeau's proposal last week to increase the compensation rate to 80%, but have also said they will continue to advocate for changes to the trigger and the removal of the caps on payments.

• (1500)

Can you explain why your government chose not to address the payment trigger? Minister Bibeau has said she is still open to other program changes. Might this be one of them?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, from a city boy to a city girl.

The truth is that this government and Minister Bibeau in particular have demonstrated an openness and commitment to working with stakeholders, as the change you announced underlines. Certainly, the government continues to remain committed to hearing from stakeholders to see how the support programs that are in place can be improved.

I don't have the answer as to why the government did not move further in response to the request of the cattlemen's association, but this government continues to work with them to find solutions to their problems.

The Hon. the Speaker: I'm sorry, Senator Martin, you only have 10 seconds left, so you won't have time for a question or answer. The time for Question Period has expired.

Senator Martin: On a point of order, I wanted to clarify: When we have Question Period and we know there's a time limit, when there are interruptions, technical difficulties or your interventions, are those not part of the allotted time? Today seemed a lot shorter; that's all.

The Hon. the Speaker: We generally try to extend it to account for interruptions, Senator Martin. We'll keep a much closer eye. The table always lets me know when time is up, and they do know that interruptions are to be extended.

DELAYED ANSWERS TO ORAL QUESTIONS

(*For text of Delayed Answers, see Appendix, p. 562*.)

ORDERS OF THE DAY

OFFSHORE HEALTH AND SAFETY ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Mohamed-Iqbal Ravalia moved second reading of Bill S-3, An Act to amend the Offshore Health and Safety Act.

He said: Honourable senators, I'm pleased to rise as the Senate sponsor of Bill S-3, An Act to amend the Offshore Health and Safety Act.

Colleagues, this bill addresses two crucial aspects of Canada's offshore petroleum industry: first, the profound importance of this sector and its workers to the Canadian economy, especially in my home province of Newfoundland and Labrador, and indeed, Atlantic Canada; and second, the overriding importance of safety when it comes to extracting our resource wealth from the frigid North Atlantic. Governments and regulators must continue to do everything possible to protect the health and safety of our offshore workers.

Colleagues, allow me to pause for a moment to acknowledge a remarkable Canadian who played a lead role in the world-class health and safety system that has emerged from this legislative process.

The Honourable Robert Wells, QC, who passed away a few weeks ago, lived an extraordinary life. He was a true gentleman, a Rhodes scholar and Oxford grad who spent a lifetime serving his beloved province of Newfoundland and Labrador and his country. Robert Wells was a Crown prosecutor, a national president of the Canadian Bar Association, and for 22 years, a Newfoundland and Labrador Supreme Court justice.

Justice Wells took great pride in his family. One of them happens to be a member of this very institution. I know I can speak for everyone here in expressing our heartfelt condolences to our dear colleague Senator David Wells.

I'm acknowledging the late Robert Wells because of his tremendous influence on the way we keep our offshore workers safe today. It is a story that begins with a tragedy. On March 12, 2009, a Cougar helicopter, Flight 491, bringing workers from St. John's to an offshore oil platform crashed in the North Atlantic. All but 1 of the 18 on board perished.

When this devastating news spread, it triggered painful memories of an even greater offshore disaster in my province, the 1982 *Ocean Ranger* sinking that left 84 dead. I want to take a moment to acknowledge the victims and their families who were impacted by these tragedies.

After the 2009 tragedy, the Canada-Newfoundland Offshore Petroleum Board established the Offshore Helicopter Safety Inquiry Commission to investigate the incident and make safety recommendations. Justice Wells was asked to head the inquiry. He produced extraordinary work.

The vast majority of his recommendations went into Bill C-5, the Offshore Health and Safety Act, which is at the heart of today's debate. As a result of the Conservative government's diligence and the Senate sponsor of Bill C-5, at that time, Senator David Wells, that bill became law in 2014.

The Offshore Health and Safety Act amended two accord implementation acts and established a new occupational health and safety regime in Canada's Atlantic offshore areas. The purpose of the regime is to prevent accidents and injury arising out of, linked to or occurring during the course of employment in the offshore petroleum-related activities. The act clarified the health and safety roles and responsibilities of the Government of Canada, the two provincial governments and the two bodies responsible for regulating offshore exploration and development: the Canada-Newfoundland Offshore Petroleum Board and the Canada-Nova Scotia Offshore Petroleum Board.

The act also spelled out in detail the specific duties expected of each of the parties involved: operators, employers, supervisors, employees, contractors and interest holders.

It gave offshore board officers comprehensive powers to further enhance safety. The legislation also established a new appeal process for the most serious cases. In certain special instances, this process would enable the provincial minister to appoint a special officer to help resolve a contentious case. It provided modern enforcement powers to new occupational health and safety officers and to existing operational safety officers.

While the Offshore Health and Safety Act is broad in scope, it goes a long way towards protecting the health and safety of our offshore workers.

The bill that is before us today, Bill S-3, is narrow in scope and straightforward. When the Offshore Health and Safety Act was enacted in 2014, the government put in place strong interim transitional regulations under the accord acts while permanent regulations were developed. These transitional regulations are set to expire on December 31 of this year.

Bill S-3 simply extends the period of time that the transitional regulations will remain in place until December 31, 2022. This extension will allow Canada, Nova Scotia, and Newfoundland and Labrador the time they need to finalize new, modernized regulations tailored to the unique offshore workplace conditions through appropriate consultations and coordination. The permanent regulations that are being developed will replace the transitional regulations with a single, comprehensive occupational health and safety regulation.

You may be thinking: Why is it taking so long to develop permanent OHS regulations? Well, the regulations are very complex, totalling nearly 300 pages and with more than 100 domestic and international standards incorporated by reference. They are being developed to be consistent with the joint management framework that characterizes the Atlantic offshore. This means that the regulations must be vetted and agreed upon by Canada, Newfoundland and Labrador, and Nova Scotia, and this can be time consuming.

There are also a number of other factors at play, including extensive consultation and engagement with stakeholders, as well as competing drafting priorities and, most recently, new challenges imposed by COVID-19.

• (1510)

The Ministry of Natural Resources has a detailed implementation schedule in place with the Department of Justice and our provincial partners. We are confident the work that remains can be completed with two additional years this bill would provide. I recognize that we are closely approaching expiration date of December 31, 2020.

Clause 3 of Bill S-3 ensures that the extension of the transitional regulations will apply retroactively to January 1, 2021. This will ensure continuity of these regulatory requirements even if the bill is passed after the expiry date. This will also provide much-needed assurance and certainty to our offshore workers and personnel in the interim.

In 2014, Atlantic Canada's offshore sector was in high gear and fostering prosperity. Today it is reeling from several crises: a pandemic-induced global recession, the impacts of global price wars and climate change advocacy. These are significant concerns. The industry's economic impact in Newfoundland and Labrador has been profound. My province generates one quarter of Canada's conventional light crude and 8% of all crude. The industry supports thousands of jobs and has generated more than $22 billion in royalties for the provincial government since 1997. It is responsible for close to 30% of our provincial GDP.

The Atlantic offshore industry operates under strict environmental rules and has produced some of the lowest-emitting petroleum products in the world. However, offshore petroleum exploration and development are highly complex and inherently risky work. These workplaces are located upwards of 500 kilometres offshore and away from the nearest hospital emergency room. There needs to be extra vigilance in preventing accidents from occurring in the first place, but also capability to respond to all emergencies that may occur, as rescue support could be hours — or, depending on weather conditions — days away from responding.

We can show our support for the offshore and its workers by supporting Bill S-3, which will give the governments of Canada, Nova Scotia and Newfoundland and Labrador the needed time to address the technical complexity and sheer volume of regulations associated with the Offshore Health and Safety Act. Allowing for this time will help facilitate the formal completion of a new occupational health and safety regime in Canada's Atlantic offshore area — one that will prevent accidents and injury linked to employment in offshore petroleum industry-related activities.

The key principles of this regime include: employee rights, including the ability to refuse dangerous work without fear of reprisal; a culture that recognizes shared health and safety responsibilities in the workplace; regulations that apply broadly to offshore petroleum activities, including the transport of workers; and an effective and efficient regulatory regime based on mirrored provincial and federal legislation and consistency between jurisdictions.

Honourable senators, I think we can all be proud of our role in developing a clear occupational health and safety framework — one that is enforceable by law and free of any jurisdictional uncertainty, and prioritizes the well-being of our offshore workers. I urge all honourable senators to support Bill S-3. Thank you. *Meegwetch*.

(On motion of Senator Wells, debate adjourned.)

[*Translation*]

JUDGES ACT
CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Pierre J. Dalphond moved second reading of Bill C-3, An Act to amend the Judges Act and the Criminal Code.

He said: Honourable senators, I'm pleased to open debate at second reading of Bill C-3, An Act to amend the Judges Act and the Criminal Code. I'm not actually sure why I was chosen.

Let me give you a little background on this bill before moving on to analysis.

This bill was introduced in 2017 by the Honourable Rona Ambrose when she was interim leader of the Conservative Party of Canada in the House of Commons. She saw it as a way to restore the confidence of victims of sexual assault, mainly women, in the Canadian justice system, because that confidence had been eroded by unacceptable comments on the part of certain judges in cases that then received a lot of media attention.

By "unacceptable comments," I mean comments that indicate stereotypes, prejudices or a poor understanding of sexual assault law.

[*English*]

These harmful myths and stereotypes include the following: that women who choose to go home with a man are necessarily consenting to sexual activity; that women who dress provocatively or are flirtatious are asking for it, even when they say no; that women who do not resist are consenting; that women cry rape after a consensual sexual encounter that they later regret; and that women who have consented to sexual activity also consent to subsequent sexual activity.

Prior to 1983, when Canada overhauled its laws on sexual offences, these myths not only infiltrated our courtrooms, they informed the very laws that governed sexual offences and, in some cases, even constituted rules of law. For example, a woman had to raise a hue and cry immediately after an alleged sexual assault if they were to be believed, a woman's allegation of sexual assault had to be corroborated if they were to be believed, and a sexually active woman was considered to have been more likely to consent to sexual activity, even if unsolicited. When the existing sections 274, 275 and 277 of the Criminal Code were enacted in 1983, all of these rules had to be specifically abrogated, but this did not mean that they were automatically erased from the brains of all counsel, police officers or even judges across Canada.

The 1983 amendments, together with reforms that were enacted in the 1990s and most recently in 2018 through former Bill C-51, have responded to many persistent myths and stereotypes. We now have an affirmative consent sexual assault model in place in Canada, an approach that is respected around the world as one of the most robust responses to this type of crime. Now most Canadians should know that "no" always means no, and a lack of consent always means no.

• (1520)

Bill C-51 also made clear that advanced consent to sexual activity is not valid and that consent must be continued and remain present throughout the sexual activity. Sexual activity cannot be engaged in or continued with a person who is momentarily unconscious or unable to give consent for whatever reason.

Finally, Bill C-51 strengthened existing procedural rules that protect victims of sexual offences from having certain types of evidence about them used to impugn their credibility, such as questions about previous sexual partners or activity.

Yet, despite this strong legal framework and clear guidance from time to time from the Supreme Court of Canada, we still see these same myths and stereotypes influencing court decisions.

[*Translation*]

It should also be noted that victims do not always find a sympathetic ear in police stations, where allegations of sexual assault must be reported. In the 2014 General Social Survey on Victimization in Canada conducted by Statistics Canada, victims of sexual assault reported a lower level of trust in the police than the general population.

On top of that, we have a justice system that appears slow and complex, one in which, some people would say, defendants are treated better than victims. Victims also criticize the lack of support in the process.

Finally, in most cases involving sexual offences there are no witnesses, and the outcome of the judicial process often depends on an assessment of the credibility of the person who made the complaint. This can be viewed as the trial of the victim, rather than the accused, who has a right to silence, and as a form of "revictimization" of the person who made the complaint.

This mixture of facts and perceptions regarding the justice system no doubt deters many victims from going to the police and resorting to the courts.

Also according to the 2014 General Social Survey, only 5% of sexual assaults are reported to the police. The most frequently cited reasons for not reporting a sexual assault include fear of not being believed, shame, embarrassment, not knowing that it could be reported and a lack of family support.

That explains, in part, the #MeToo movement on social media, where a person can generally speak out against an attacker without risk. However, this type of popular justice does not offer any guarantees in terms of getting to the truth, since it is not required to meet the burden of proof. It is in that context that the Ambrose bill was introduced in the other place. At committee stage, the Standing Committee on the Status of Women proposed some amendments, the most important of which was the addition of social context as an element that should be part of the training provided to judges, in addition to training on sexual offences. In May 2017, the bill passed unanimously at third reading in the

House of Commons. Every political party saw this bill as a way to prevent certain missteps during trials. Judging by the MPs' comments, they knew that the Ambrose bill was just a step, important, yes, but not enough to encourage the victims.

When the Ambrose bill arrived in the Senate on May 16, 2017, it did not benefit from the order of precedence and the procedural advantages reserved for government bills. It therefore moved slowly at second reading stage, which lasted a year. The debates from that time show that senators, many of whom are no longer here with us today, were concerned about various aspects of the bill that they considered to be excessive or inconsistent with the principle of the institutional independence of the courts.

[*English*]

In Canada, we are extremely lucky to have a robust and independent judiciary. A core constitutional principle underlying our democracy, judicial independence means that our judges need to be free to decide each matter on its own merits and that courts should manage their affairs without external influence. Judges must not be subject to interference or influence of any kind.

Particularly relevant to our discussion today, judicial independence requires that the judiciary retain control over the management of its affairs, including the discipline and training of its judges.

[*Translation*]

The bill was finally sent to the Standing Committee on Legal and Constitutional Affairs on May 31, 2018, where it patiently sat for a full 12 months before being examined. The committee heard from many witnesses, including the Honourable Rona Ambrose, as well as representatives from the National Judicial Institute and various academics. Thanks to the collaboration of many people, including the sponsor of the bill, former Senator Andreychuk, and former Senators Joyal and Pratte, the committee members unanimously agreed to amend the preamble and content of the bill.

Unfortunately, despite my many attempts, I wasn't able to get this bill read the third time before the end of the previous Parliament in June 2019.

Support from members of Parliament for the bill did not waver, however, and the parties promised to get right back to it after the election.

On February 5, 2020, the Minister of Justice, the Honourable David Lametti, introduced a government bill in the House of Commons, which took over Ambrose's bill as amended by the Standing Senate Committee on Legal and Constitutional Affairs.

This bill was quickly sent before the House of Commons Standing Committee on Justice and Human Rights, which heard from representatives of the judiciary, bar associations and organizations that provide support to sexual assault survivors. Then the pandemic hit, interrupting the work of the committee before it could submit its report. Parliament then prorogued in August 2020, and that was the end of the second attempt.

On September 25, 2020, Minister Lametti introduced the bill again. This third attempt resulted in a short examination in committee with no witnesses other than those who had testified during the previous session and whose testimony was resubmitted to the committee. This new committee made several changes, the most important of which was to specify that "social context" includes systemic racism and systemic discrimination.

The House of Commons once again unanimously passed Bill C-3, which is now before the Senate.

Honourable senators, that is the background of the bill that is before you.

[*English*]

I will now turn to the content of the bill.

The Ambrose bill provided that any prospective appointee to a federally appointed provincial superior court was required to have completed an up-to-date and comprehensive course on sexual assault law and social context prior to their appointment. In short, it was a condition that had to be met before submitting one's application, which implied the availability of suitable courses given by law societies or other organizations and the ability of the Commissioner for Federal Judicial Affairs to evaluate the completion of that training material.

[*Translation*]

It also created a number of obligations for the Canadian Judicial Council, an entity created by the Judges Act that is made up of chief justices and associate chief justices of the Canadian superior courts and courts of appeal, including federal courts. The council receives no less than $30 million per year from Parliament for its operations.

Among other things, the council would have been required to report annually on the number of sexual assault cases heard by judges across the country who had never participated in training on the subject. That clearly constituted interference in the management of the courts.

Lastly, the Ambrose bill told the council what the judges' training would have to cover and set out which groups would be required to participate in developing the course content.

• (1530)

[*English*]

All these elements were overreaching and compromised judicial independence. Fortunately, the Standing Senate Committee on Legal and Constitutional Affairs addressed them. That said, like the Ambrose bill, Bill C-3 is aimed at the important fundamental objective of ensuring that survivors of sexual assault trust the criminal judicial system and that decisions in sexual assault proceedings will be rendered according to the law and the facts without resorting, consciously or not, to stereotypes, myths and bias.

To this end, the bill will amend the Criminal Code to require all judges to explain in their rulings the reasons why a person is acquitted, found guilty, discharged after having been found

guilty, found not criminally responsible on account of a mental disorder or found unfit to stand trial. This will allow the complainant, the accused, the litigants, the media and the appellate courts to fully understand the reasoning of the deciding judge, including the reasons that led to the conclusion that he or she reached to ensure that it is not only a legally sound conclusion but also devoid of bias, stereotypes and myths.

The duty of transparency is important in maintaining confidence in the justice system. However, I would add that the duty to provide the judge's reasons reduces the risk of error and the likelihood of an appeal and retrial, which will require the complainant to testify again and relive traumatic events.

In sum, when Canadians interact with our courts, they should be confident that they will be treated with dignity, respect and understanding. Survivors of sexual assault should be able to trust that the facts will be considered without bias or through the lens of stereotypes, that the law in this area will be carefully and properly applied and that they will have access to the reasons for the decisions in their case. That is what the Bill C-3 amendments to the Criminal Code, applicable to all provincially or federally appointed judges across Canada, will achieve. They will increase trust and confidence in our justice system, improve transparency and make our courts more responsive and inclusive of all Canadians.

[*Translation*]

We also need to help the courts do things properly the first time. It's clear that making amendments to the Criminal Code is not enough. We have to make sure that judges, lawyers and police officers understand them properly and have a solid understanding of sexual assault law, of the impact of sexual crimes on the victims and of the social context in which these crimes take place.

That's why the bill also sets out to provide the best possible training to federally appointed judges. As such, the bill amends the Judges Act, which governs the judicial appointment process for provincial superior courts, compensation and other benefits for all federally appointed judges, training and discipline.

[*English*]

The bill would amend the Judges Act to limit the eligibility for appointment to provincial superior courts to individuals who agree that, if appointed, they will participate in training on sexual assault law and social context. This measure will ensure that each judge, newly appointed to a provincial superior court, starts their judicial career with this critical training.

[*Translation*]

The bill invites the Canadian Judicial Council to organize training on laws pertaining to sexual assault, after consulting with individuals, groups or organizations that the council deems appropriate, such as sexual assault survivors and the groups and agencies that support them, and then provide courses to every judge, new and experienced alike.

It should be noted that the council designs these courses in practice with the assistance of the National Judicial Institute, an independent, not-for-profit agency headed by judges that is the primary provider of education for judges in Canada. Thanks to the dedication and efforts of the council and the National Judicial Institute, Canada is a world leader in judicial education.

[*English*]

Bill C-3 focuses on two particular areas of judicial education: training in matters related to sexual assault law and training related to social context, including systemic racism and systemic discrimination.

As I said earlier, when speaking about the legislative background of the bill, the law relating to sexual offences has been amended often since 1983. Various amendments were made in view of protecting complainants against discriminatory or unfair rules and practices by eliminating intrusive and irrelevant lines of questioning, limiting searches of the complainant's medical and other files, defining consent and so on.

Unfortunately, as a result, some provisions of the Criminal Code have been made longer and more complex, increasing the risk of mistakes by counsel and judges. To reduce the risk of error in law, the bill invites the Canadian Judicial Council to provide more training in laws pertaining to sexual offences and invites the judges to take advantage of these courses. Each year, approximately $6 million of the $30 million provided to the council by taxpayers are dedicated to the training of judges.

On the topic of social context, every individual exists in a social context made up of various factors that intersect to impact the individual's experiences, reality and perception of the world. These include poverty, gender identity, disability or historical mistreatment, such as that experienced by Indigenous peoples. Social context education addresses all of these issues, both singularly and through their intersection, and it is designed to teach awareness and skills for judges to ensure that all people are treated with dignity and respect and, most importantly, that they are treated equally before the courts.

Systemic racism and systemic discrimination can impact on an individual's access to employment, public housing, economic opportunity and the delivery of public services, such as health care and justice. For many people, particularly Indigenous peoples, as well as Black and racialized Canadians, systemic racism and systemic discrimination are lived realities in the justice systems and far beyond, as was highlighted last June during our emergency debate on systemic racism.

Canada has strong legal and policy frameworks in place to address systemic racism and systemic discrimination. This framework includes the Canadian Charter of Rights and Freedoms, federal and provincial human rights statutes and codes, the Criminal Code and the Canadian Multiculturalism Act, as well as other legislation. Section 15 of the Charter, for example, prohibits discrimination by all levels of government. The Canadian Multiculturalism Act recognizes and promotes the cultural, racial and religious diversity of Canadian society and acknowledges the freedom of all members of Canadian society to preserve, enhance and share their cultural and religious heritages.

The Criminal Code requires judges to consider for the purposes of sentencing whether a crime committed was motivated by bias, prejudice or hate.

These are useful tools in combatting systemic racism and discrimination. Yet, for these tools to be effective, they need to be properly understood and applied by a justice system that is aware of social contexts, including the social context of the judge, and responsive to the experiences of each individual who interacts with the courts.

• (1540)

Bill C-3's requirement for judicial education on social context is part of the efforts made to address these issues. The inclusion of systemic racism and systemic discrimination in the definition of social context education is intended to highlight the importance that Parliament places on ensuring its pernicious and destructive impact is recognized and addressed.

Going to court can be stressful and challenging. When Canadians interact with our courts, they should not bear the increased stress of confronting harmful myths and stereotypes. Nor should they face a system that lacks awareness of their social context, including the ways systemic racism and systemic discrimination may impact their lives. Social context training for judges aims to develop the skills and awareness that judges need to ensure that everyone who interacts with the courts is met with a responsive, respectful and inclusive justice system.

In addition to in-court interactions, social context training is relevant to judicial decisions. Personal or societal biases, myths and stereotypes have no place in judicial decision making. Training in social context will continue to provide — as it does already, but will be strengthened and thus provide even more to judges — the knowledge and the tools they need to ensure that decisions are free from these inappropriate considerations.

During their careers on the bench, judges interact with individuals who highlight the richness of Canada's diversity. Social context training provides judges with the skills, knowledge and awareness to help them ensure that courtrooms are welcoming of this diversity and responsive to it. Bill C-3's social context training requirement assures Canadians that their newly appointed Superior Court judges and long-serving judges will receive and will be provided access to proper training and tools to do their important job.

[*Translation*]

Some have concerns about amending the Judges Act in relation to this judicial training. I think they are wrong. Bill C-3, in its current form, fully respects the independence of the judiciary. It was carefully designed to strike a balance between the need to enhance public confidence in our justice system and the need to allow the judiciary to retain control over judicial education.

The obligation imposed on judicial candidates does not apply to sitting judges. Rather, it is an additional condition of employment for the desired position, which is intended to help incumbents better serve Canadian litigants and defendants.

The invitation to the Judicial Council to ensure that training is offered to all judges is nothing new. The judiciary has long understood that continuing education is a preferred tool. Judicial office requires not only good training and the ability to listen and empathize, but also, as with all other professions, the duty to keep up to date and hone one's skills.

The Canadian Judicial Council's *Ethical Principles for Judges* written for federally appointed judges states the following, and I quote:

> Sustained efforts to maintain and enhance the knowledge, skills and attitudes necessary for effective judging are important elements of judicial diligence. This involves participation in continuing education programs as well as private study.

This document also mentions the following obligation:

> . . . make every effort to recognize [attitudes based on stereotype, myth or prejudice], demonstrate sensitivity to and correct such attitudes.

Parliament is merely supporting the efforts of the Canadian Judicial Council and is urging it to continue on this path.

This has led some to say that this does not need to be addressed in the legislation because it is already part of the reality of judges. However, I ask you, what harm is there in Parliament — which authorizes funding for judges' training — pointing out to the Canadian Judicial Council and to all judges how important this issue is for Canadians?

In reality, Parliament has just as much interest as the Canadian Judicial Council does in encouraging the continuing education of judges. This will maintain and even increase the confidence of citizens in the courts, which are important elements of our country's system of governance without which a true democracy cannot exist.

[*English*]

Finally, through a further amendment to the Judges Act, this bill invites the council to submit annual reports to the Minister of Justice on the social context and sexual assault law seminars and courses provided in the previous year. These reports would include a description of the content covered in each seminar or course and the number of judges in attendance. Upon receipt of such reports, the Justice Minister will be required to table it before each chamber of Parliament.

[*Translation*]

It is important to note that this invitation for the Canadian Judicial Council to submit an annual report, a copy of which will be tabled in both chambers, to the Minister of Justice is not an obligation, but a suggestion. This is made clear by the wording chosen in the bill, as amended by the House of Commons.

However, this report is a way to promote transparency within the council, an organization created by an act of Parliament and entirely funded by an annual budget from Parliament.

I remind senators that the council's annual budget is $30 million, $6 million of which is allocated to judicial education. Furthermore, in the 2019 budget, Parliament authorized the government to increase the amount allocated to judicial education by $5 million over the following 10 years.

Judicial independence is essential, but does not justify a lack of accountability for the use of public money. I should point out that judges' expenses and fees are now disclosed every quarter.

What is more, it is only natural that the council explain to Canadians its purpose and objectives and let them know about all of the courses that it offers to judges in order to give Canadian the best justice services possible. This is not just a matter of transparency, which is always necessary when it comes to the use of public funds. I also see it as an opportunity for the judiciary, which has a duty of restraint, to share with the public, on a yearly basis, information that will likely increase Canadians' confidence in our justice system. This is not so much an obligation as a platform for the judiciary.

Finally, I would like to reiterate the fact that the House of Commons Standing Committee on Justice and Human Rights changed the wording of the act to emphasize that this is not something that the Judicial Council is being ordered to do, but rather an invitation to provide information. That was done in order to show that Parliament respects the independence of the courts and the administration of justice, as indicated in the preamble of the bill, which reads as follows:

> Whereas Parliament recognizes the importance of an independent judiciary;

In closing, honourable senators, I am pleased that the important work that the Senate did in 2019 was incorporated into this bill. The Senate has once again demonstrated its usefulness as a chamber of sober second thought and the guardian of the key principles set out in our Constitution, particularly the principle of the separation of powers and the necessary independence of judges and courts.

[Senator Dalphond]

[*English*]

Honourable senators, it is long overdue that the legislative story of this bill gets its happy ending and Parliament adopts this bill designed to enhance the trust survivors of sexual assault have in the judicial system. It would acknowledge that they deserve to be treated by judges that know the law very well and are able to guard themselves against myths, bias and stereotypes while deciding sexual offence cases.

Thank you. *Meegwetch*.

• (1550)

Hon. Nancy J. Hartling: Honourable senators, I wish to acknowledge that thanks to our ability to join remotely, I am speaking to you from my home in Riverview, New Brunswick, located on the traditional unceded territory of the Mi'kmaq people.

Merci, Senator Dalphond, for your commitment to and your sponsorship of Bill C-3.

Today, I am honoured to speak to you about Bill C-3, An Act to amend the Judges Act and the Criminal Code. This legislation is very important to me as a woman, a feminist, a social worker and a lifelong advocate for survivors of sexual assault and intimate partner violence.

I am grateful to the Honourable Rona Ambrose, a strong advocate for women and girls, who first introduced the original bill in the other place in 2017.

In my remarks, I will give a brief history of the bill, statistical data related to the legislation, and its relevance, including its four main elements.

Bill C-3, initially known as Bill C-337, was first introduced by the Honourable Rona Ambrose in February 2017, and received overwhelming support from parliamentarians and stakeholders. This private member's bill was brought forward because at that time the #MeToo movement was gaining momentum with many women speaking out about their experiences of sexual assault.

Concurrently, a very high-profile inquiry into former Judge Robin Camp's conduct while presiding over a sexual assault trial in Alberta was happening, which eventually led to his dismissal as a result of inadequate and inappropriate handling of the case.

The bill was crafted with a view that judges needed to be more informed about sexual assault so they could better apply the law.

Bill C-337 was delayed in our chamber for a long time and died when the election was called in 2019. Following the election, it was reintroduced as Bill C-5, which died with prorogation in 2020.

Bill C-3, the bill we have before us today, is essentially the same as Bill C-5. Again, I would like to thank Senator Dalphond for being the sponsor of this legislation and the great speech he gave with all the legal context. I might add that the bill came over from the other place with unanimous consent.

Since 2017, the number of cases of sexual assault has continued to grow and has been even more obvious with the COVID-19 pandemic. I believe Bill C-3 is timely and necessary.

On a personal level, this legislation has a great deal of relevance for me as a former social worker dealing with sexual assault survivors and victims of intimate partner violence. For many years, I co-facilitated therapy groups for survivors of sexual assault who shared their very painful experiences and learned how to cope after the trauma had happened to them. Some of the stories I will never ever forget. They often felt re-victimized by the system, including the legal system, and were made to feel as if it somehow was their fault.

One thing I learned from these women was how important it was to be believed. I carry their stories with me knowing how important it is to give them a voice and to speak about the significance of Bill C-3.

Colleagues, of course you can't learn about this kind of trauma from a book or a short course on the subject. However, I sincerely believe that training that encompasses a greater understanding and knowledge of social context is important and crucial, not just for judges but for all of us.

Gender-based violence, which includes sexual assault, is very prevalent in Canadian society. A 2019 Juristat publication detailing findings from a survey on gender-based violence and unwanted sexual behaviour in Canada provides us with this data. Some of the key findings include that:

> Women were more likely than men to have been sexually assaulted or have experienced unwanted sexual behaviour in public . . . online, or . . . in the workplace in the 12 months preceding the survey . . . .

Three in ten women, or, have been sexually assaulted at least once since age 15. One in five victims of sexual assault felt blamed for their own victimization.

You will likely know someone in your circle who has experienced this. Maybe she hasn't told you, but this has happened far too often. Society needs to ensure that when victims choose to use our justice system, they can be confident knowing that the judges hearing their cases are not only knowledgeable but compassionate.

I will now highlight the four key elements of Bill C-3 and why they are important.

The first key element proposes to amend the Judges Act to require candidates for Superior Court judicial appointments to commit to participate in continuing education on matters related to sexual assault law and social context, which includes matters related to systemic racism and systemic discrimination.

The second element requires the Canadian Judicial Council to develop this training after consultation with knowledgeable stakeholders, including survivors and groups who support them.

The third element requests that the data on the delivery of and participation in these seminars be gathered by the CJC, then submitted in an annual report to Parliament through the Minister of Justice.

The final element of the bill would amend the Criminal Code to require that judges provide reasons for decisions in sexual assault cases. This amendment is intended to enhance the transparency of the judicial decisions made in sexual assault proceedings. These must be provided in writing or in the record of the proceedings.

All of these elements are important because they support the principles of transparency, trust, commitment and accountability in the justice system. The anticipated result is that it will help victims gain more faith in the system and, perhaps, choose to use it with limited hesitation and more confidence.

It is my belief that the debate around this bill is not whether or not this bill is necessary, but rather around the key elements and how they will be enforced in terms of training and reporting.

Rosemary Cairns-Way and Donna Martinson, a law professor and a former judge, are the authors of *Judging Sexual Assault: The Shifting Landscape of the Judicial Education in Canada* in 2019, which examined the Camp inquiry and Bill C-337. As noted in the article's foreword, the authors clearly identify:

> . . . tension between the legitimate call for judicial accountability and the equally legitimate desire to protect judicial independence at a time of increasing public and political awareness of entrenched female inequality and its relationship to male sexual violence.

Cairns-Way and Martinson disagreed with the Canadian Judicial Council, which advocates that judicial education be controlled, supervised and implemented by judges. Instead, they suggest that a respectful, continuous and dynamic collaboration among judges, academics and community members with pertinent experience and expertise would better contribute to ensuring women are treated more fairly in courts, most notably in sexual assault cases.

For its part, the CJC has voiced its reservations about Bill C-337 as it related to maintaining judicial independence. However, they also recognize that continued education on social context for judges is necessary to be truly responsive to public interests.

According to the CJC website, social context education provides judges with the necessary skills to ensure that myths and stereotypes do not influence judicial decision making and ensures that judges are aware of the challenges faced by vulnerable groups in society.

The CJC's commitment to excellent continuing education is manifested in its Professional Development Policies and Guidelines. Since 2018, Canada's Superior Court judiciary is one of the first in the world to insist on the importance of integrating awareness of social context into its substantive programming.

I believe that the bill we have in front of us today, Bill C-3, maintains the intent of the Ambrose bill while being respectful of judicial independence. With regard to the first amendment of the Judges Act relating to undertaking continuing education, it is important to note that this eligibility requirement will only impact those applying to become a federally appointed judge of a provincial Superior Court, not those applying to become a judge of a provincial or territorial court, as they are appointed by their respective governments.

Unfortunately, it is estimated that approximately 95% of sexual assault cases are heard by provincial court judges and not Superior Court judges. Nonetheless, I am optimistic that this legislation could act as a template for provincial and territorial governments to implement similar legislation for their judicial appointments. For example, Ontario and Saskatchewan have done some preliminary work in this regard, and Prince Edward Island has legislated a new requirement for judicial candidates to agree to comply with the continuing education plan for judges, including any continuing education in sexual assault law.

• (1600)

In its written submission to the House Justice Committee on Bill C-5, the CJC put forward that "Sexual assault cases are some of the most complex and difficult matters heard by the courts." In response to this, it is clear that ongoing training, which dispels myths and stereotypes and incorporates culturally relevant information, is crucial.

Normalizing unwanted sexualized comments, action and advances when in public all contribute to creating and upholding a sexist culture where people feel targeted and unwilling to come forward to report sexual assault. This, combined with the internalization of guilt, shame or stigma that they will be blamed, disbelieved or dismissed, leads to gross under-reporting of sexual assault to police. Statistics tell us that only 5% of sexual assaults are reported to police. Other barriers to reporting include socio-cultural attitudes that minimize the seriousness of sexual assault and survivors' lack of trust in the system.

Most notably, their concerns about the criminal justice system process, which starts with reporting to the police straight through to trial and thus impacts their willingness to come forward.

In 2015, Status of Women Canada commissioned a brief on sexual violence, which stated that sexual assaults account for approximately 33% of all crimes committed against Aboriginal women, compared to 10% of crimes committed against non-Aboriginal women. A riveting example was illustrated when, in 2019, the Supreme Court of Canada held that a man who allegedly sexually assaulted and killed Cindy Gladue, a Métis woman, should be retried after evidence of her sexual history was mishandled at the trial. The judge explained that admitting evidence of prior sexual history makes jurors more likely to accept the harmful myth that past sexual behaviour suggests a greater likelihood that the victim consented to the alleged sexual assault.

Ms. Gladue bled to death in a motel bathroom. This case and the way she was treated greatly saddens me and caused me to reflect on the National Inquiry into Missing and Murdered Indigenous Women and Girls. Hundreds of women and girls are still missing, having been murdered or sexually assaulted. I recently took some time to look at their faces, names and ages. These girls and women were sisters, daughters, mothers and aunties.

It is essential that ongoing training for judges resulting from this legislation acknowledges and recognizes that sexual violence is a gender-based crime that disproportionately affects Aboriginal women, Black and racialized women and women with low income. To me, much more needs to change to support women, especially marginalized women, not only in the legal system but our social supports, including having a basic income.

COVID-19 has shone a light on the most vulnerable people in our society, and we are failing them. Bill C-3 is a step in the right direction, a beginning, a tiny opening to bring more confidence to the judicial system and to acknowledge that women's voices need to be heard. Let's not delay in sending it to committee for the survivors who have been waiting for fairness and justice.

Fittingly, I will close with these words from the Honourable Rona Ambrose in a recent interview on CBC's "The Current" on October 7, 2020, on Bill C-3:

> . . . when it comes to racism, sexism, discrimination, there is unconscious bias in our systems and particularly in systems like the judiciary, in our court system. And we have to have training. And so I don't think it's a lot to ask the people who are judges that are at the top level of our judicial system to be educated in sexual assault law. At the end of the day, what this bill actually asked them to do is to know the law. Three times the Supreme Court in the last few years has overturned sexual assault cases because judges made basic errors in the law. That cannot happen. When you walk into the courtroom as a sexual assault survivor, you should have faith that the person overseeing your case actually, at the least, knows the law, so, and applies it properly.

Thank you.

(On motion of Senator Martin, debate adjourned.)

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Gagné, seconded by the Honourable Senator Petitclerc:
>
> That the following Address be presented to Her Excellency the Governor General of Canada:
>
> To Her Excellency the Right Honourable Julie Payette, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.
>
> MAY IT PLEASE YOUR EXCELLENCY:
>
> We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Mary Jane McCallum: Honourable senators, I want to start off with a prayer in my language.

[*Editor's Note: Senator McCallum spoke in Cree*.]

Thank you, Creator, for giving me the privilege of waking another day, for giving me breath once again. Thank you for giving me the privilege of seeing Mother Earth once again because that is what we live for. If we don't have Mother Earth, we won't be here. Thank you for giving me the ability to come here, to stand here and to speak and to help me to do the work that needs to be done. Thank you to the elders, who provide me with guidance to speak my truth and the courage to stand my ground and to protect my loved ones.

Honourable senators, on September 23, the Governor General read the Throne Speech in this chamber. In part, it read:

> Every day on our shared planet, millions face hardships that test the human spirit. Extreme weather, wildfires, poverty, conflicts, discrimination and inequalities. Rarely though, has all of humanity faced a single common insidious enemy. An invisible enemy that respects no borders, thrives anywhere, hits anyone.

The speech goes on to say:

> We Canadians did our part. . . . while caring for one another.

While the Governor General was speaking about COVID-19, it is important to note that all of humanity has always faced another common insidious enemy, an invisible enemy that respects no borders, thrives anywhere, is intentional and hits only some. What makes this enemy even more dangerous is that it has infiltrated very deeply into every structure and process of Canadian society, including Parliament Hill. This invisible enemy is racism and its end effect, discrimination, but their effects are anything but invisible.

These effects are socially constructed, and it is in the cracks caused by racism and discrimination that COVID-19, like other parasites, flourishes and tests our human spirit. How have we, as parliamentarians, responded to the blatant racism and discrimination in Canadian culture? How have we cared for one another?

Just as there are many people who think COVID-19 is a hoax, many others think that racism in Canada doesn't exist. But COVID-19, as has been shown, has exposed the cracks and gaps where society has neglected to do due diligence and provide equality, equity and justice to all. COVID-19 attacks the most marginalized, many of whom are people who have been unable to give voice, like the majority of residents in our care homes or those who have become institutionalized.

It also attacks those who have given voice but whose voices remain neglected or have been silenced, like the First Nations, Inuit and other Canadians whose basic needs aren't being met. Man-made inequalities based on discrimination test the human spirit differently because they are intentional and malicious.

• (1610)

Honourable senators, socialization through policies and programs for First Nations is an example of institutional racism. The only avenue of fundamental reform has been to add policies to existing programs and systems and to cope with the resulting confusion. Because of these tendencies, institutional racism directed at First Nations, when viewed in historical context, consists of layers of outdated programs and policies. The danger here is that the result of this chaos becomes the basis for stereotyping of First Nations.

If you lived a life where you didn't know if the rules would suddenly change and affect your access to health care, if you didn't know what rules might change in your contribution agreements, and if you didn't know what funding you were getting from one year to the next, I bet your heads would spin too.

The danger is that when society doesn't support or advocate for a segment of the Canadian population that is marginalized — in this case, First Nations — their silence gives liberty to the government to continue to draft policies and laws that are used to further subordinate First Nations. This example then emboldened the general population to act out in ways such that they, too, showed racism and discrimination — without repercussion and often supported by the RCMP. I have many stories of my own, including some perpetuated in the Senate.

One example is that a senator feels she can tell the story of my experiences in residential school and challenge me that hers is the true story, completely invalidating my lived experience.

Another example is that Canadians feel they can ignore the rule of law and a Supreme Court decision and commit violence with no legal repercussions, as we are seeing happening with the Mi'kmaq.

In the book entitled *A Mind Spread Out on the Ground* by Alicia Elliott, she states on page 104:

> Brent Bezo in *The Impact of Intergenerational Transmission of Trauma from the Holodomor Genocide of 1932-1933 in Ukraine*, describes how the Holodomor, a forced starvation that killed millions of Ukrainians, undermined its victims' lives:
>
> [Holodomor survivors] reported that the confiscation of food, personal property and homes rendered them "bare" and resulted in the complete loss of traditional means to independently support, look after, and maintain themselves and their families. This loss was reported as a "destruction" of independent self-sufficiency that was a "deliberate act to break the will of the Ukrainian people" and "to show people that they would not become independent Ukrainian people."

She goes on to say:

> When I first read that my breath caught in my throat. Never before had I seen a non-Indigenous person so succinctly sum up the way that my people's experience of genocide worked.

In the chapter "On Seeing and Being Seen," Ms. Elliot writes on page 23:

> I've heard that when you see someone you love your pupils get bigger, as if your eyes themselves want to swallow them up and trap them inside.

I, myself, feel that love when I meet former students of residential school.

Honourable senators, when I entered the Senate, I didn't expect another senator to write a story about First Nations' experience in residential school. I also didn't expect to have her story supersede reality and become accepted by Canadians as fact — over my story and the stories told by thousands of former residential school students. She not only appropriated but outright misrepresented those life experiences, based on a few examples.

Her story, as well as her supporters, featured the stereotypical Indians: drunken, dysfunctional, lazy, non-taxpayers, wanting to live on welfare and having the audacity not to learn from the "good experiences" in residential school. Why, colleagues, do we continuously get dragged into the Canadian spotlight in such a negative way?

As I said at the outset, the insidious act of racism thrives anywhere, including here. As the Governor General said in the Throne Speech, "For too many Canadians, systemic racism is a lived reality."

Was this — a story portrayed by a White woman — more "Indian" than the stories of the former students, including myself? The impact of the stories posted on the website didn't go away simply because they were taken off the website; they have the ability to perpetuate a lifetime of racist thoughts and discriminatory acts. The letters have certainly perpetuated a rash of hateful letters that are still being circulated.

As Ms. Elliot states on page 30:

> If you can't write about us . . . for who we are as a people, what we've survived, what we've accomplished despite all attempts to keep us from doing so, if you can't look at us as we are and feel your pupils go wide, rendering all stereotypes feel like a sham, a poor copy, a disgrace — then why are you writing about us at all?

Honourable senators, what Senator Beyak has done is to illustrate the acts of discrimination that have been long perpetuated on former students of residential schools and their descendants. Like the current virus impacting us all, she has been able to penetrate the cracks and gaps of the relationship between First Nations and the different levels of government and other Canadians, denigrate a group of fellow Canadians, and think she can get away with it.

Senator Beyak was suspended by the Senate and required to complete certain tasks. Following that, the Committee on Ethics and Conflict of Interest for Senators tabled a report in the Senate recommending her reinstatement. That report, in the normal course of time, would be considered and voted on by the Senate.

With prorogation this summer, Senator Beyak's suspension was also effectively brought to an end and she became a senator again, though without the Senate's decision on the Ethics Committee report. Leaving aside the merits of the suspension, it is troubling that this would be the end of this situation.

It is troubling, colleagues, for two reasons.

First, if we take our responsibilities seriously to oversee senators' conduct and hold each other accountable when we misconduct ourselves, then we are duty-bound to complete the process. We cannot let prorogation do our work for us. That is not what a responsible organization would or should do. As things stand, doing nothing further amounts to a delegation to the Ethics Committee of the decision on Senator Beyak's reinstatement. I don't think a question such as this is for the Senate to delegate, nor for the Ethics Committee to decide.

In the normal course, following prorogation, the committee would typically re-table its report and the matter would return to the Senate for a continuation of its consideration of this important matter.

The second concern is for the senator in question in a situation like this. If a senator does fulfill the conditions required for reinstatement, it is my belief that the Senator should be entitled to return to the Senate by a decision of their peers — not to return simply because the clock has run out on the suspension.

So I ask, colleagues: Is the Senate a credible institution if we do not have in place the processes to deal with these questions in principled ways? As of now, we don't seem to have these processes in place, or at least we are not relying on them. It is this unwillingness or inability to act that we must address internally; otherwise we risk becoming a federal institution that perpetuates systemic racism.

Honourable senators, as the Governor General pointed out in the Throne Speech, "There is work still to be done, including on the road of reconciliation, and in addressing systemic racism."

Thank you.

(On motion of Senator Gagné, debate adjourned.)

• (1620)

ADJOURNMENT

NOTICE OF MOTION WITHDRAWN

On Government Business, Motions, Order No. 19, by the Honourable Raymonde Gagné:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, December 7, 2020, at 6 p.m.

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 5-10(2), I ask that the government Notice of Motion No. 19 be withdrawn.

(Notice of motion withdrawn.)

[*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 CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator McPhedran, seconded by the Honourable Senator Loffreda, for the 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).

Hon. Julie Miville-Dechêne: I rise to voice my support at second reading for 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 regarding voting age.

I want to thank Senator Marilou McPhedran for this initiative, which was launched in cooperation with her precious youth council. One of the members of that council, a Franco-Saskatchewanian named Janie Moyen, believes that young Canadians are exploited in politics. Politicians speak on their behalf without listening to what they have to say. I also found Maisy Evans's testimony to be very relevant. She is a 17-year-old member of the Welsh Youth Parliament who participated in that country's campaign to include Welsh youth in Wales in the parliamentary process. For the first time in 2021, 16- and 17-year-olds in Wales will be able to vote. According to Maisy Evans, it was not easy, but the arguments of young advocates prevailed. If a 16-year-old has to pay taxes, why should they not be allowed to vote so that they can have their say on how public funds are spent? A total of 59% of Welsh people surveyed supported the reform, which caused quite the debate in Wales.

In the October 2015 federal election, 57% of youth aged 18 to 24 voted. That's much lower than the overall voter turnout of 68%. Nevertheless, it was cause for celebration, because the participation rate among 18- to 24-year-olds was significantly higher than in the previous election. The 2015 election was an exception to generally declining youth voter participation since the 1990s. The decline is troubling because elections are considered the main way people participate in politics.

What to do? The idea of allowing 16- and 17-year-olds to vote is seductive. Over the decades, the voting age has been gradually lowered, and suffrage has been expanded to renters, women, Indigenous individuals, people of colour and people belonging to certain religions in order to create a more representative democracy. At each stage, those in favour of the status quo cast doubt on a given group of citizens' ability to vote.

Let's recall arguments put forward in 1918 by Henri Bourassa, an editorial writer at *Le Devoir*, against women having the right to vote. I quote:

> The main function of woman is and will remain — no matter what the suffragettes say or do or do not do — maternity, holy and fecund maternity, which truly makes woman the equal of man and, in many respects, his superior. Maternity necessarily precludes heavy burdens — military service, for example — and public service. If we insist on talking about "rights," about "privileges," I would say that maternity gives woman the "right" and "privilege" to not be a soldier or a voter.

That is what we are still doing for citizens who are 16 and 17 when we invoke their lack of maturity. I would be curious to measure the political maturity of the general public. Clearly age is certainly no guarantee of maturity. We can find all sorts of counter examples to illustrate that political maturity is not necessarily a trait reserved for older generations. Social media is bursting. If the right to vote was based on a competency requirement, other demographic groups might see their civic rights challenged.

At the age of 16, young people are presumed to be capable of making informed choices. They can work, pay taxes, become members of a party and make decisions about the medical care they wish to obtain. It is also the age of sexual consent. A 16-year-old girl has the right to decide on her own if she will have an abortion, and she is also legally allowed to marry, as that is the minimum age set by the law. It seems to me that these are important responsibilities that indicate that a 16-year-old has reached a certain level of maturity.

Granting the right to vote to 16- and 17-year-olds could reduce political apathy among young people, according to Paul Howe, a political science professor at the University of New Brunswick. He believes that today's youth vote less than the same age group did in previous generations, possibly because we live in a more individualized society.

A European Union survey found a link between school attendance and voter turnout. Just 50% of individuals who leave the school system at the age of 15 vote, compared to 80% of those who leave school at the age of 20. Furthermore, people who vote for the first time will continue to do so, because they have developed the habit, compared to those who start voting later in life. Some experts suggest that the right to vote would raise political awareness and engagement among young people. These trends are interesting, since they suggest that 16- or 17-year-olds who are still in school, living with their parents, will be more inclined to vote in an election than young people aged 18 to 24 who have moved out.

However, there is strong resistance to giving 16- and 17-year-olds the right to vote. The fiercest opponents say that teens under the age of 18 have limited experience and are easier to influence, which makes them more likely to vote for people who are well known, such as celebrities. Young people would be more inclined to vote for extremist parties or for parties that oppose the system.

These arguments don't hold water when we look at the situation in countries or communities where 16- and 17-year-olds are allowed to vote. Research conducted in three German states during local elections showed that the new voters vote differently from their elders, without showing a consistent tendency to lean left or right. Young people aged 16 and 17 were not particularly inclined to vote for extreme left or extreme right parties in any of those states.

Many people recommend taking one step at a time and giving 16- and 17-year-olds the right to vote first in a local or regional election because those issues affect voters more directly and are therefore easier for young people under the age of 18 to understand.

Let's be frank. Fully 85% of countries give their citizens the right to vote at the age of 18, the age of majority, but six countries have lowered the voting age to 16, namely Argentina, Austria, Brazil, Cuba, Ecuador and Nicaragua.

Austria was the first European Union member country to launch such a reform in 2007. The reform was relatively uncontroversial, and four out of five parties supported extending the right to vote to younger people. Several studies have shown the impact of this reform to be generally positive, but it should be noted that the growing interest and high level of voter turnout among 16- to 17-year-olds depends on their education and social status. Still, there is reason for optimism, given that 16- and 17-year-olds vote more than 18- to 20-year-olds and almost as much as older age groups. We should also note that there were major awareness campaigns.

I find the example of the Scottish referendum quite inspiring. They extended the right to vote to 16- and 17-year-olds specifically for that consultation in 2014, and it was a success. Some 75% of the 16- and 17-year-olds who had registered to vote indicated that they had voted, and 97% of those young voters indicated that they would vote again in future referendums or elections. Even more interestingly, 40% of 16- and 17-year-olds said they voted differently from their parents. They also consulted a wider variety of information sources than other age groups. It's worth noting that this was an extraordinary consultation, because the Scots had to decide if they wanted to separate from the U.K.

• (1630)

People under 18 account for one quarter of the Canadian population, yet they have no political representation and very little say in matters that will affect their lives, from how we manage the environment to government spending priorities. In 2016, in response to a private member's bill on the subject, the Canadian UNICEF Committee expressed support for giving 16- and 17-year-olds the right to vote.

This is from UNICEF's brief:

> The establishment of a minimum age threshold in laws . . . is an approach generally intended to protect young people from decision-making responsibilities or from participating in rights considered to be beyond their capacity or to place them or others at risk. . . . some age thresholds are arbitrary, based on a presumption of capacity in adulthood and incapacity in childhood.

The standards and beliefs behind these prescriptions are not always evidence-based. In fact, UNICEF Canada found that there was no protective benefit to prohibiting 16- and 17-year-olds from voting. Yes, consuming alcohol or marijuana poses a real risk, which is why minors are prohibited from purchasing such substances, but no one is at risk if young people take part in the electoral process.

In closing, lowering the voting age to 16 is a democratic gesture and would increase the representativeness of the voting population. The Senate is a good place to hold this debate. I think we have very little to lose and everything to gain by giving the right to vote to 16- and 17-year-olds, who, after all, represent only 2.9% of the total number of eligible voters.

Thank you for your attention.

Hon. Pierrette Ringuette (The Hon. the Acting Speaker): Would the senator accept a question?

Senator Miville-Dechêne: Yes, of course.

[*English*]

Hon. Yonah Martin (Deputy Leader of the Opposition): I hope to speak to this bill later. In regards to the stats you shared with Scotland, you said that the 16- and 17-year-olds voted differently from the parents. Do you know if they voted similarly to, say, a teacher who was in the classroom, perhaps overseeing the study of political issues? I'm curious, only because students often spend a lot more time in the classroom than they do at home. That's just a question that I have, a curiosity as to those stats.

Senator Miville-Dechêne: In the studies I read, I didn't see that the teachers had been asked that question, so we don't know. Obviously, studies show a part of the reality, but I thought it was quite interesting that 40% of them didn't follow their parents' voting patterns. In general, among the arguments of the people who oppose letting the 16- and 17-year-olds vote, they tend to say that they are very influenceable and they will follow whoever is there near them. This could be the parents too.

I feel this was an interesting case. However, as you may know, this permission was given only for the referendum. We know that a referendum is a very special moment. Obviously, when I was reading this particular study, I thought about Quebec. It would have been interesting to see, during our two referenda, if we could have had the young voting in that case — considering that the young people were much more in favour of independence than the older ones — how it would have impacted on the results. That is not part of my speech, but I thought about that when I was reading about it.

Senator Martin: I'm curious if the Quebec high schools also participate in the Student Vote program. With any election that is happening in British Columbia, for instance, a parallel election is held in the schools. Often the results are different than what happens in the actual election. This, too, is interesting. Does Quebec also participate in such programs? That's an excellent way to engage young people to be ready to vote when they become of age.

Senator Miville-Dechêne: Unfortunately, I would have to say that civil education in Quebec is not very well developed. We don't have that program, which is a great program. We have the circle of young parliamentarians of Québec, where young people go to the Parliament, but we don't have such an extensive program of voting in schools at the same time that they do at the provincial level.

A few schools may do mock voting, but it's not extensive.

The Hon. the Acting Speaker: Senator Martin, there are 25 seconds left if you have more questions.

[*Translation*]

Senator Miville-Dechêne, are you asking for another five minutes?

Senator Miville-Dechêne: No, I don't want to hold up the proceedings.

[*English*]

Senator Martin: Thank you.

Hon. Ratna Omidvar: Honourable senators, I rise to speak to you on Bill S-209, An Act to amend the Canada Elections Act for the purposes of lowering the voting age from 18 to 16.

I want to commend Senator McPhedran for her work on ensuring that the voices of young Canadians will have a say in our democracy. I welcome her efforts in this direction.

I want to start with history because the history of who gets to vote in Canada has never been set in stone. It has always evolved and will likely continue to do so. In 1885, as we have heard a number of times, only male property-owning British subjects aged 21 and older were eligible to vote. Today, all Canadian citizens aged 18 or older, regardless of gender, income, property ownership or ethnic origin, have the right to vote.

However, every time voter eligibility has evolved, objections have been raised. Senator Miville-Dechêne pointed out some of the objections that were raised in my research. I came across what happened in 1918 when women were enfranchised. Senator Hewitt Bostock argued that:

> . . . women will be put in the position of receiving something that they do not appreciate, and consequently very probably they will not exercise their right to vote.

I'm sure many women cringe when they read that point of view.

Similarly, I have heard many arguments against lowering the voting age to 16, so instead of telling you the virtues associated with the idea, let me try to deal with the objections.

The first objection that people put forward is that young people are just too young to deal with complex matters such as voting. Plus, they are so young that we cannot reasonably expect them to make informed choices. In addition, their brains are not sufficiently developed at 16 to enable them to make logical choices. What would be the point, in any case, since young people would only vote the way their parents tell them to? In other words, here is the basket of objections: They are too young. They are too immature. They are too impressionable. They are too inexperienced to be granted that most valuable right of citizens — the ability to cast your vote.

Instead of just giving you my opinion, let me grasp for evidence from jurisdictions that have lowered the voting age. In 2007, Austria enfranchised those aged 16 and older. There is a 13-year body of evidence to draw from. The data tells us that the turnout among 16 and 17-year-old Austrian voters have been substantially higher than the turnout among 18 to 20-year-old voters and not substantially lower than the overall turnout rate. Evidently, young people will vote if they are given the opportunity.

Let's deal with the objection related to immaturity: Young people cannot be entrusted with the vote because they will make uninformed choices. If given the vote, they may cast their vote for the sake of voting, without understanding the implications of

the choices they are making. They don't have enough political knowledge, they are not able to tune into the political discourse of the day, et cetera.

• (1640)

Colleagues, as an aside, if this holds true for young people, I would submit it holds true for many adults as well.

But, once again, I look to countries that have enfranchised youth to determine if this argument holds water. A study conducted in Austria before the 2009 European Parliament election showed that young people voted based on their political preferences just as much as older voters did. They were not ignorant of the context; quite the opposite. They had a distinct political preference, which they exercised through their vote.

Then there is the argument that adolescent brains cannot manage the logical processes required for voting. However, according to neuroscientists, in scenarios where tasks are mainly cognitive, adolescents show competence levels similar to those of adults. This means that when the level of stress is low and there is time to evaluate different choices, young people are indeed able to make thoughtful decisions. Because voting is an activity for which you don't just vote on the go — you have time to think about it — they are able to make reasonable decisions, just as much as adult voters.

Finally, to the point of parental influence, what is the point of allowing young people to vote, people ask, since they will only vote the way their parents tell them to. I don't know about your kids, colleagues, but in my family, the opposite is almost always true. Kids have perspectives, they have priorities, they have opinions and they don't hesitate to tell adults, especially parents, what is wrong with our world.

As Senator Miville-Dechêne pointed out, prior to the 2014 Scottish independence referendum, over 40% of those under 18 years of age indicated a different voting intention to that of their parents. Clearly, young people have minds of their own.

Plus, the influence does not just go one way; it goes both ways. Young people can and do affect their parents' civic engagement and attitudes as well. My children have certainly influenced me about global warming and climate change.

There are many reasons to look seriously at this proposal. It will have a positive impact on a lateral participation in the long run, because people under 18 are likely to still be in school and live with their families — two factors that have been shown to encourage turnout. I believe that permitting young people to vote will allow them to learn to vote in a more sheltered environment. In the long term, this higher level of participation at a young age may become a good, lifelong habit they can exercise.

But the most important reason for enfranchising young people is that the future is theirs. We make decisions here in this chamber that have significant impacts on their lives: regarding cannabis, the labelling of food, assisted dying, what they buy, whether products have slave labour in their supply chains, the impacts of the pandemic on their lives and climate change.

A common complaint I hear from young people is that the older political elites control their future. Giving them the right to vote at this age will ensure that we hear their views and take them seriously.

I don't want to make the argument for lowering the voting age without linking it to civic education; you can't do one without the other. For example, in Austria, the lowering of the voting age was accompanied by awareness-raising campaigns and enhancing the status of civic and citizenship education in schools. In terms of citizenship education, all provinces and territories include the subject area in their curriculums. There are programs, of course, as Senator Martin has pointed out, like youth vote, et cetera, that go into schools and raise awareness. But I would like to see more emphasis given in mandatory school curriculums in Canada.

Colleagues, I will close my short speech with a final pitch. Young people will inherit the results of the decisions we make. It's time to give them a chance to shape their future and ours at the polls. This is an important issue. I would urge the Senate to send this bill to committee for further scrutiny. Thank you very much.

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

Senator Martin: I have a question for Senator Omidvar.

The Hon. the Acting Speaker: Senator Omidvar, would you answer a question?

Senator Omidvar: Absolutely.

Senator Martin: Thank you.

I agree that civic education will be very important for students. Do you also think that financial literacy and teaching students basic economic principles and understanding the economic impact of decisions — those things are also important — should also be a focus along with some of these other programs?

Senator Omidvar: Senator Martin, it is clear that you and I were both teachers in our past. We both value education that is in keeping with the times. I can't disagree with your proposal that financial literacy is core to helping young people mature. There should be an aspect of citizenship education that lays out the basics of taxation, et cetera, so kids understand this important feature.

But I think the real challenge is in persuading provincial school systems to expand the time allocated to civic and citizenship education. It's highly variable across the country, and I believe this is a very important matter for scrutiny in committee.

Hon. Mary Jane McCallum: Honourable senators, I wish to speak in support 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), which would lower the voting age from 18 to 16.

I would like to thank Senator McPhedran for not only sponsoring this bill but also for challenging me to think beyond my comfort zone, my biases and my belief that I knew what was best for our youth.

As Senator McPhedran said in her speech, one of the potential benefits of this bill is the revitalization of our democracy. Speaking from the perspective of a Cree woman, this bill is about revitalizing First Nations, Métis, Inuit and non-status youth, and supporting them in their self-determination. Our youth have been told numerous times that they are the leaders of tomorrow and that they are our future. If that is so, then let us look at the resources required to make it easier for them to do the job that is waiting for them.

When I was first introduced to the idea of lowering the voting age to 16, I could not wrap my head around the idea of voting when I was 16. When I spoke to other First Nations, Métis and Inuit adults, they voiced the same concerns that I had. The concern was that it may add another burden when many youth at 16 are in the midst of turbulent lives, hormonal changes and dealing with intergenerational trauma, high suicide rates, domestic violence and inadequate access to proper education.

As it is, many people today, including politicians and policy-makers, discard youth's concerns because they are not a part of the voting population, and that is a very poor excuse.

Colleagues, when I went back to my reserve in the 1990s to provide treatment and care as a dentist, I was already aware of the impacts of the social determinants of health. In order to learn more, I volunteered on school committees: education, social assistance and housing.. As chair of a school committee, I could see the negative cycle that occurred. Children didn't understand what was being taught in the classroom or didn't challenge their minds, so their inquisitiveness decreased, as did their attendance.

As the dentist for the reserve for seven years, I went into the classroom three times a year to talk to the students about life in our community and in Canada. I spoke to them about the purpose of tradition and asked what their goals were. In return, they told me how they envisioned achieving those goals and also identified what would make them better students.

Youth are capable of developing the skills and assets required to make reasonable decisions, provided they have the necessary supports in place.

As a committee member, I had the opportunity to speak to and interact with the people in the community, both Métis and First Nations, and to reacquaint myself with the day-to-day expectations of employees, students, parents and elders. I saw firsthand the results of government intervention into the private lives of First Nations people on the reserves. Many of the attitudes, behaviour patterns and qualities of character that have long been assumed to be inherent qualities of First Nations were, in fact, the result of ordinary processes of socialization.

• (1650)

Organized government programs for First Nations continue to play a major role in determining the nature of this socialization. Dependency then is a social role that First Nations must learn how to play, and have played for many generations. This must stop and we as senators have been given a great opportunity, through this bill, to support youth in one aspect of their self-determination; the right to be taught the skills to become and remain politically active.

In the preface of the book *The Making of Blind Men: A Study of Adult Socialization* by Robert A. Scott, it states on page 8:

> This study is a powerful case analysis of a major human disability, of a set of welfare institutions designed to meet this disability. It also presents basic social science information that can be brought to bear on understanding the disability and the institutions' procedures. The key to Dr. Scott's study is given at the outset:
>
> The disability of blindness is a learned social role. The various attitudes and patterns of behaviour that characterize people who are blind are not inherent in their condition but, rather, are acquired through ordinary processes of social learning.

The process of socialization extends to many sectors of society, including the Senate Chamber. That's why it's important to question why any and all processes exist, and understand what agenda it serves.

Honourable senators, at the invitation of Senator McPhedran, I participated in a teleconference last week with Grade 9 students from across the country, including Iqaluit. One of the students commented on the lack of political education that youth have today. Until fairly recently in our history, many adults were also not allowed to be active in the political process, including the right to vote — First Nations, Métis, Inuit, Chinese, Japanese. Why? Because the political process is one of power and the Dominion of Canada could not afford dissension. What changed that allowed these adults into the ranks of the enfranchised? And the country survived.

There are many explanations that have been given for the treatment of First Nations by governments to justify the socialization, but these are not only inadequate — they are false. One is that First Nations possess personalities and psychologies that are different from those of other Canadians, that we are somehow lacking. It is as if we are always fighting an inner conflict of savagery. We are thought to be helpless in our abilities, especially our leaders; questioned at every turn. It is believed that we can accomplish very little by ourselves, do very little for ourselves, and that our mental state precludes any real intellectual development and performance. Helplessness, dependency, violence — these are the things that Canada's youth has to expect of First Nation. There is a danger to a single story — a story that is carried on without question.

At 16 and just out of residential school, I had absolutely no knowledge of the political system that ran this country — simply because it had not been taught to us, not because I was incapable of understanding it. Why were we not taught, so we could participate more fully in the economic, social and cultural life of Canada? Was that not an important part of education, to remove the savage out of the youth?

Honourable senators, after being challenged to think about the lowering of the voting age, I thought about my mother and father, and how their generation was already working hard at the age of 12, fishing, trapping, chopping wood, living off the land in -40 weather, and doing it successfully. Their generation was expected to work and to contribute to the running of the household, and they were taught tradition, life skills to be passed on, life skills to keep us alive. In their generation, many married young and had the responsibility of raising a family. This was not unique to First Nations, Métis and Inuit but was the norm for many peoples across the world. How then did this world change to start excluding youth from decision-making processes?

Many youth are already involved in the conversation around environmental degradation, destruction and climate change. They are very well aware that without the earth, the air and the water, human beings will not survive. They are ahead in sober second thought more than many adults. They are not at a stage where they have been corrupted by greed of land and natural resources. They want a good life with the ability to breathe, to drink potable water and to live on uncontaminated land.

During one of the visits to a high school in Winnipeg, the Grade 9 students were taking courses in philanthropy, social justice and climate change. The conversation and questions they posed showed that they are being given the skills to think critically. Through our conversation, they showed they are not only capable, but are invested in their country and the world.

In the community of Lac Brochet, a remote Dene reserve in northern Manitoba, many young people joined the Junior Canadian Rangers at the age of 12. It has become family tradition. Twin sisters Taylor and Skylar Veuillot started going to meetings when they were 11 and joined at the age of 12, following in the footsteps of their four older siblings. Six years and many great experiences later, the twins are being recognized in 2020 by the Department of National Defence, and received bursaries to help with their university studies. They continue to mentor students and have plans to go home to teach once they complete their studies.

In closing, colleagues, I want to share words of students in three Grade 5 classrooms at General Byng Middle School in Winnipeg school division number one. They invited me to speak to them about residential school. There were three classrooms. They were given little tiles. It's called Project of Heart. On each tile they painted a symbol and they told what they had learned about residential school. So when I went into one of the classrooms, a group got together, made an inukshuk from the tiles and picked a young boy to be the spokesperson. He said to me:

> We chose the Inukshuk because it is a sign that shows the way. We chose colours to go with the values. The arms are red because it signifies courage and caring. The legs are blue because blue represents peace, because you cannot lead without peace.

I was so amazed at how wise these young people were. The last boy to speak in the last classroom had run to his bus. He came running back in the classroom. He said, "I can't leave, I have to tell my story." He said:

> My tile is about yin and yang. Life is about balance and we have both negative and positive experiences. We learn to accept this reality and we learn from both because even the negative experiences have much to teach us.

These students are now in Grade 11 and I would say they are well equipped to being on their way to being socially responsible citizens.

Honourable senators, I would like to encourage you to support this bill being sent to committee so you can see for yourselves, firsthand, the forgotten potential of our youth. Thank you.

(On motion of Senator Galvez, debate adjourned.)

• (1700)

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. Brian Francis: Honourable senators, I rise today to speak at Second Reading of Bill S-210, which proposes to establish the office of the commissioner for children and youth. I fully support the intent behind the bill and commend Senator Moodie for her dedication. However, I am not convinced that the bill before us is the best way forward.

I am frankly disappointed by the lack of respect for, meaningful engagement with and participation of Indigenous people, which is reflected throughout the bill. I am certain that this was not done in bad faith, but because of limited knowledge and understanding of, and relationships with, Indigenous peoples. I am also mindful that an individual senator's office does not have the capacity and resources to coordinate with numerous Indigenous governments, communities and organizations. But

none of this ever justifies a failure to incorporate the unique rights, interests and circumstances of Indigenous peoples during the development and eventual implementation of legislation.

Honourable senators, to make progress toward reconciliation, lawmakers at all levels must commit to moving away from the unilateralism of the past centuries. This change requires that we all deepen our understanding of and respect for Indigenous peoples, and pursue partnership and collaboration even when it's hard or uncomfortable.

Before I speak to the substance of Bill S-210, I want to comment on the situation of Indigenous children and youth who are by far the most marginalized and disadvantaged in Canada. A recent report on child poverty, which used census data from 2006 to 2016, found that an astounding 47% of status First Nations children in Canada live in poverty — two and a half times above the national average. The rate increases to 53% for those living on reserve. For those in Saskatchewan and Manitoba, it is 65%. The report also found that some 32% of non-status First Nations children live in poverty. Inuit children are at 25% and Métis children at 22%. None of this is accidental.

The Crown has, for centuries, sought to assimilate, dispossess and erase every aspect of Indigenous people's existence, including our identity, language, culture and sovereignty. This legacy contributes to a complex and ongoing intergenerational trauma, and it has taken us from economic self-sufficiency to dependency. All is made worse because of the inadequate and insufficient housing, non-potable water, inferior basic services and other conditions arising from chronic underfunding and because of systemic discrimination, racism and violence.

The truth is that even the most resilient of our children and youth are hurting. A deep sense of hopelessness and even despair lingers, which no doubt contributes to the suicide epidemic affecting so many of our communities today.

Colleagues, Indigenous children and youth in Canada are frequently viewed and treated as less worthy or deserving than others. That is, of course, not true. And, as the youngest and fastest-growing segment of the population, we simply cannot continue to deprive them of attention and priority.

Indigenous children and youth want to be happy, healthy and empowered and to rebuild, revitalize and regain control over their lives and communities. Their parents, communities and organizations want to help them realize this vision. Yet progress is too often undermined by the federal government and others in positions of power, either because of disinterest, inattention or unilateral actions hidden under the veil of good intentions. A commitment to true and lasting reconciliation requires that we start to listen and act. It requires that we recognize the rights of Indigenous people and that their distinct views, interests and needs are incorporated in our decision making. It requires an emphasis on meaningful and informed dialogue and collaboration as equals, and not as subordinates.

Honourable senators, I now want to turn to Bill S-210 itself. Dr. Cindy Blackstock, a tireless advocate for Indigenous children's rights, prepared an excellent briefing note, which requires our careful analysis. Among the shortcomings she identified in Bill S-210, it does not sufficiently acknowledge the distinct obligations Canada has toward different First Nations, Métis and Inuit children, youth, governments and communities. Such was evident to me after reading the preamble of the bill, which reads:

> 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 . . . .

This statement is inaccurate. I will not elaborate further, given that Senator Patterson alluded to this point in his speech.

Another shortcoming in the bill identified by Dr. Blackstock includes the disregard for the long-standing practices of First Nations, Métis and Inuit communities and families to safeguard the rights and best interests of their children using their laws and practices. Even more disturbing, the bill implies that the practice of separating Indigenous children and youth from their families and culture is historical rather than ongoing, which is entirely untrue. There are more Indigenous children and youth in care today than there were in residential schools at the height of their use, contributing to what has now become known as the Millennial Scoop.

Colleagues, the call for the establishment of a single commissioner with an assistant commissioner for Indigenous children and youth is another serious shortcoming in the bill. This top-down approach is not in line with one of the most basic rights of Indigenous peoples: the right to self-determination. This is our right to have control over matters that directly affect us without domination or interference, including those related to our children and youth, and to establish a relationship with the dominant society and the state based on participation and consent. The single commissioner proposed by the bill reinforces a paternalism that treats Indigenous peoples as wards of the state who require control and direction, and which emboldens those in positions of authority to justify making decisions about us without us, sometimes with devastating consequences.

A clear example is found in the application of the principle of the best interests of the child, which is grounded on Western and Euro-centric values and has been used to justify the removal of too many Indigenous children and youth from their families and communities. It is only recently that the importance of maintaining cultural continuity and ensuring substantive equality in the provision of services has been acknowledged. The coming into law of Bill C-92, which aimed to restore control over the delivery of child and family services to Indigenous communities, has been a crucial step forward. In contrast to Bill C-92, Bill S-210 feels like a step backward.

To be consistent with the right to self-determination, I and others reason that the role of a national children's commissioner must include a dedicated Indigenous children's commissioner. The Assembly of First Nations, for example, passed resolutions supporting independent oversight bodies to protect the unique needs, rights and views of First Nations children and youth. Only a dedicated First Nations or Indigenous commissioner would fit this vision.

We should also take note from Australia, where they established a National Children's Commissioner in 2012. Last year, an enlightening position paper, which was signed by over 70 organizations and 7 of the country's children's commissioners and guardians, called for the urgent establishment of a commissioner for Indigenous children and youth on an equal footing as a national children's commissioner, noting that this would be consistent with the right to self-determination. The position paper also maintains that the role must be filled by a person with the necessary qualifications, knowledge and experience and, more significantly, be filled by an Indigenous person with the requisite cultural understanding and relationships to understand and promote the best interests of Indigenous children and youth. I completely agree. We need more Indigenous-led solutions. Excluding Indigenous people from the table is what has led to today's problems.

Professors Hadley Friedland and Naiomi Metallic, who are also advocates for Indigenous children's rights, brought other shortcomings in the bill to my attention. Perhaps the most significant is that:

> Indigenous children are the only children directly under federal jurisdiction (s. 91(24) jurisdiction concerning various essential services provided to Indigenous families, particularly those on reserve), but appear to be relegated to a secondary status in this Bill by not having Indigenous children being the focal point of the Act. This makes no sense because Indigenous children are the only children Canada's jurisdiction directly impacts.

• (1710)

The professors mentioned that this bill does not refer to relevant legislation, such as the Department of Indigenous Services Act, which confirms the responsibility of the Minister of Indigenous Services to provide services to Indigenous peoples, including First Nations children and families on reserve, and An Act respecting First Nations, Inuit and Métis children, youth and families, also known as Bill C-92, which applies only to Indigenous children, setting out minimum standards judges must consider in child welfare hearings and implicates the federal government in negotiations with Indigenous governments for funding and services in relation to the exercise of Indigenous self-government over child and family services.

The professors also warned me that the bill does not mention remedies or what a person or court can do if the law is not being complied with. This is an important shortcoming for Indigenous children and youth, especially considering a recent provincial court decision in Alberta where the judge states that Bill C-92 does not give her the jurisdiction or authority to order remedies if the government does not comply with what the law says they must do.

Colleagues, the lack of binding mechanisms significantly undermines the capacity of this bill to achieve its stated objective, which is to ensure federal accountability for the rights of children and youth, especially those most vulnerable.

Consider, for example, that in 2016, Canada was found guilty by the Canadian Human Rights Tribunal of discriminating against children who live on reserve by wilfully and recklessly underfunding child welfare and other services and was subsequently ordered to compensate individual First Nations children and some parents or grandparents affected. The federal government has yet to do so. It also continues to underfund health and social services for First Nations children living on reserve. This bill will, regrettably, not change this.

Having the authority to investigate, make findings and recommendations is valuable, but many studies, reports and inquiries have already drawn our attention to the issues. Indigenous people have a good understanding of what needs to happen. The problem is a lack of political will to do so.

Why, then, does this bill rely on the goodwill of the federal government and other parties to uphold the rights of Indigenous children and youth when it has been proven, time and time again, to be insufficient?

Colleagues, it is also noteworthy that Canada has been called out on multiple occasions for not having a centralized mechanism to compile and analyze disaggregated data related to children. The Calls to Action specifically refer to monitoring and assessing neglect investigations, issuing annual reports on the number of Indigenous children in care, the reasons for apprehension, the total spending on services by child welfare agencies and the effectiveness of various interventions. None of this is reflected in Bill S-210.

Even if the bill was amended to address this shortcoming, the rights of Indigenous communities to own, control, access and possess information about their peoples must be respected, as it is fundamentally tied to self-determination and to the preservation and development of culture.

In closing, honourable senators, I want to make clear that I am not in any way opposed to protecting and promoting the rights of children and youth. It would be absurd for anyone to insinuate as much. I just do not think that Bill S-210 is the answer, at least not for Indigenous children and youth. What I do know is that this bill makes no more than a passing reference to Indigenous groups. It is wrought with colonialistic and paternalistic attitudes, and lacks substance because of its little regard for the distinct needs, rights and views of Indigenous children and youth and their parents, communities and governments.

Indigenous people need a seat at the decision-making table from the beginning to the end as equal partners. We must be afforded the meaningful opportunity to collaborate in the development of bills that touch upon matters that affect us. Had this happened with Bill S-210, there would not be so many shortcomings. Since it did not, we will now be asked to consider numerous amendments in an attempt to salvage a flawed bill. This leads me to ask: Are we really prepared to unilaterally impose another bill on Indigenous people without the time to adequately involve them or consider how their rights are impacted? I do not feel comfortable proceeding this way. I would much rather take more time and do it in a respectful and culturally appropriate manner. Thank you. *Wela'lioq*

(On motion of Senator Duncan, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Boisvenu, seconded by the Honourable Senator Dagenais, for the second reading of Bill S-212, An Act to amend the Criminal Code (disclosure of information by jurors).

Hon. Stan Kutcher: Honourable senators, I wish to speak in favour of Bill S-212, An Act to amend the Criminal Code (disclosure of information by jurors).

This is a simple bill that proposes one important amendment to existing legislation. It is designed to help jury members who have suffered mental injury following exposure to trauma-creating experiences during a trial. The bill removes the prohibition that makes talking to a health care provider about the trial and its negative impact on the mental health of a juror a crime.

Think about that for a moment.

Psychological treatments for PTSD usually include discussion about many aspects of a traumatic situation in order for an effective healing intervention to be implemented. As it currently stands, the law prohibits a juror who is suffering from a mental disorder or a mental health problem resulting from their discharging their civic duty from receiving effective treatment for an injury that arose from that activity. That's unfair.

The outcome of this bill may help mitigate that unfairness by offering a better chance at recovery to those who have suffered a mental injury as a result of their work as jurors. It removes a barrier to jurors who need to speak freely and confidentially to a health care provider in service of them receiving treatment for their mental injury.

Yet, while I fully support this bill, I am also of the opinion that it does not go far enough. While we certainly need to ensure that those jurors who suffer mental injury in the discharge of their duty are able to obtain the treatment that they need, we also have the ability to do more. As a society and as legislators, we have the ability to potentially decrease the probability that such injury will happen in the first place. In short, we have an opportunity to possibly prevent a mental disorder, such as PTSD, from happening as a result of jury duty. It would not take much to do so.

First, potential jurors could have their risk for developing PTSD as a result of their trial participation identified during the course of jury selection. The nature of the trial is well known prior to jury selection. Should the trial contain substantive traumatic elements that are known to possibly lead to PTSD for persons with greater risk, why can't those potential jurors who are at greatest risk be excluded from participation in that trial?

Research has shown us — for example, see the comprehensive review by Bryant published in the journal *World Psychiatry* last year — that risk for PTSD with exposure to a traumatic event is not equally or randomly distributed in the population. Some persons are at greater risk than others for development of PTSD as a risk of traumatic exposure. Experts know the risk factors that increase the probability for the development of PTSD. Given this knowledge, why can't jury selection be informed by screening for those risk factors and providing those potential jurors who score at greatest risk an opportunity to recuse themselves from a trial in which traumatic material will be presented?

Since most people in a population do not develop PTSD when exposed to the same traumatic experience, this simple step could possibly prevent cases of PTSD developing in jurors without substantially impacting the capacity for jury formation.

• (1720)

Second, it is also known what the early symptomatic indicators are that show PTSD might be developing, and experts know what interventions can mitigate this development if these interventions are applied early in the course of the disorder, when treatment response may be more robust. So why can't this knowledge be applied to jurors who are being exposed for prolonged periods of time to traumatic materials?

Jurors who enter these types of trials could be provided educational material about what emotional states to expect, what kind of symptoms might signal the development of PTSD, and even a briefing session on this with a specially trained counsellor or psychologist, as is currently done with military and RCMP working in other countries. These specialists can be appointed by the court to also be present to help identify if symptoms experienced by a juror exposed to traumatic material in the trial are likely to be normal, or those which may signal the development of a mental injury. For example, the appearance of acute dissociative reactions, in which a juror experiences episodes of not feeling real, of not knowing where they are and of not being able to differentiate being awake from being asleep. It would be ideal if, when such symptoms arise, jurors could be assessed by a court-appointed mental health expert who could confidentially determine if continued exposure would likely be detrimental to the juror's mental health.

This simple intervention may have a positive impact in preventing the development of PTSD, thus mitigating the often soul-destroying symptoms that PTSD can engender, and concurrently, saving the individual and the health care system the time and treatment costs related to PTSD when it has become entrenched.

Third, everyone in this chamber knows that rapid access to best available evidence-based mental health care is a problem across all of Canada. Therefore, it is likely that if a juror develops PTSD as a result of their jury duty, it will take some time for them to access effective treatment. During this time — which in many locations can be counted in months — the disorder can worsen and thus become more resistant to treatment when treatment is finally initiated.

In order to mitigate this unsatisfactory outcome, could the courts not have a cadre of mental health care providers who are expert in the diagnosis and treatment of trauma-induced mental disorders available to any juror who requires that care? This

could work similarly to how institutions make mental health care available through EAP programs, or how workplace compensation boards link those needing care to providers.

Honourable senators, these opportunities for prevention that I have raised are not complex. They are, however, based on our best current scientific knowledge. If well applied, they may be able to prevent a number of mental disorders, such as PTSD, from arising in people asked to serve on juries.

Surely, we should not be putting our citizens, who are doing their civic duty, in harm's way, especially when it is already known how to provide the inexpensive and easily applied interventions that can mitigate the risk of them developing a mental disorder that may arise as a result of them fulfilling the civic duty that our society has asked them to undertake on our behalf.

I realize that many of the issues I have raised are not addressed in this bill. I raise them to add to the discussions during study at committee of this potentially impactful bill. Hopefully, with the passing of Bill S-212, jurors who work to help our justice system operate will not be punished for their civic undertaking.

With that, honourable senators, I urge this chamber to take the steps needed to move this legislation forward as quickly as possible.

(On motion of Senator Duncan, debate adjourned.)

[*Translation*]

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. Marilou McPhedran: Honourable senators, as a senator from Manitoba, I recognize that I live on Treaty 1 territory, the traditional territory of the Anishinabe, Cree, Oji-Cree, Dakota and Dene and the Métis Nation homeland. I also recognize that we are gathered here today on the unceded territory of the Algonquin Anishinabeg people.

[*English*]

Honourable colleagues, I rise today to support Bill S-213, which in the words of its sponsor, Senator McCallum, is a "slight but powerful and timely piece of legislation."

Quite simply, this bill would result in requiring the Minister for Women and Gender Equality to table a statement on the public record that contains gender impact analysis of new legislation on women and girls in Canada, particularly Indigenous women and girls.

As Senator McCallum explained, the reference in her bill to "particularly Indigenous women" aims to facilitate attention to those who are living each day at the intersection of multiple sources of disadvantage, and thereby include their voices, who can best articulate the shortcomings and considerations that are relevant to their situation — in this case, First Nations, Métis, Inuit and non-status women.

Today I want to share with you some of my thoughts about the usefulness of this bill. As senators, it is part of our job to give voice in this chamber to a wide range of concerns and opinions. Yes, it is part of our job to use words as best we can, yet none of us fool ourselves into thinking that our words will somehow be miraculously transformed into effective action.

Practically speaking, we know that laws and policies are just words, unless they are actualized through financial and human resources managed well, to result in implementation of those laws and policies. Passage of a bill is not an end in itself; it is, at best, a tentative beginning in making systemic change.

"Implementation" is just one word, but it encompasses hundreds of decisions and actions necessary to make anything actually happen. This is why the details in Senator McCallum's bill matter, why they could make the difference between words spoken and effective action taken. This is why this bill makes sense at this stage of our shared journey as legislators in trying to identify what needs to be done, then figure out what needs to be in a law or its regulations to actually produce the intended results.

Clear requirements are set out in this bill, with the onus unequivocally resting with the Minister for Women and Gender Equity to table the impact analysis, in the house in which the government bill originated, no later than two sitting days after the bill is introduced. This means that the impact analysis cannot be an afterthought, and it cannot be kept secret by being tagged as a cabinet document, as happens now.

Furthermore, this bill would also require gender-lensed analysis to be undertaken by the minister for all private members' bills once they are referred to committee within their respective house of Parliament. As Senator McCallum explained, committee referral of a private member's bill is actually an indicator of meaningful progress through our parliamentary

system. The minister is required to table their analysis of such a private member's bill in the house of origin, no later than 10 sitting days after the bill is referred to committee.

Not only that, in the event that amendments are made to a bill, the minister would have to table an additional statement with additional impact analysis of those amendments, and every such ministerial statement tabled would also have to be published on the departmental website, making this knowledge more accessible to the folks who pay for all that legislators do; the Canadian public.

• (1730)

Let me turn now to another question about this bill. In this place, we have heard some thoughtful concerns about whether the new responsibilities that this bill places on the Minister for Women and Gender Equality are really necessary, or are they redundant given that subsection 4.2(1) of the Department of Justice Act already requires the minister to ascertain whether any of the provisions of new legislation are inconsistent with the purposes and provisions of the Canadian Charter of Rights and Freedoms, and to report any such inconsistency to the House of Commons at the first convenient opportunity.

Colleagues, I am honoured to have worn this little snowflake pin, signifying membership in the Order of Canada, for more than 35 years, because of the massive social movement in Canada that led to the naming and strengthening of equality rights in the Charter that are entrenched in our Constitution. I wish to offer my thoughts on why the amendments to the Department for Women and Gender Equality Act proposed in Bill S-213 are, in fact, highly compatible with the requirement in the Department of Justice Act. As a co-founder of LEAF, the Women's Legal Education and Action Fund, which is responsible for more interventions in courts on women's equality than any other individual organization in Canada for more than 30 years, let me remind you. The stark reality is that cases on women's equality, using the Charter protections that were so hard fought and won those decades ago, have nevertheless been lost more often than won.

Let me also remind you that although section 25 on Aboriginal rights resides inside the Charter portion of our Constitution, it is in fact section 35, outside the Charter, with specific mention of Aboriginal women's rights in subsection 4, that is the basis for most of the court decisions on Aboriginal rights and Aboriginal women's rights.

Charter statements, as required by the Department of Justice Act are a good thing — don't get me wrong — but they focus on Charter rights. I am sad to say that the Charter has not served women and girls, including Aboriginal women and girls, as well as those of us who helped to draft section 28 — the sex equality guarantee, designed to bolster section 15, the equality rights section of the Charter — sincerely believed it would, when we were so deeply involved in that Constitution-making.

In contrast, impact analysis under Bill S-213, whether it incorporates Charter analysis or not, requires that the minister who is directly responsible for women and gender equality in Canada must focus and report publicly on how the proposed legislation is expected to impact the lives of women and girls — particularly Indigenous women and girls. This is the laser focus needed to ensure that women and girls are not overlooked in the broader analysis of proposed legislation required in a Charter report under the Department of Justice Act.

Colleagues, Bill S-213 is not a redundancy. It is an essential enhancement of the methodology needed for effective implementation, for effective action, beyond words.

Now, I wish to address another question raised about this bill, that of not defining any specific analytical tool to be used for the minister's required report. To my mind, this bill strikes a needed balance, between leaving everything to officials and providing a sufficiently detailed framework that guides a minister and their officials into producing useful and relevant information that is needed for effective implementation to occur.

This may be another lesson that this COVID pandemic is giving us to learn: We're able to work in this chamber in person and virtually because we have had to be flexible and willing to apply what tools experts could give us to work with. Where the law was so detailed and inflexible, we saw frustratingly long delays or complete abandonment of tasks. That is why, dear colleagues, it is important to let the experts at the Department for Women and Gender Equality determine the best tools for appropriate impact analysis of bills. It's their job to analyze our bills with the latest and best impact-analysis tools. We don't want to force specific tools upon the experts that become useless, thereby erecting yet another barrier to progress in the implementation of gender equality in Canada.

I urge you to think about the thousands of Canadian women trying to achieve their personal and professional goals, who despite our constitutional guarantees of equality, are still earning less and facing more barriers than many men in Canada. Think about all the ways we can consider their and their families' well-being with the implementation of Bill S-213. We'll be keeping our promise to Canadian women, while making a genuine effort to reconcile with Indigenous women.

With this bill, we'll be tackling discrimination, racism and oppressive factors that harm Canadian women and girls, in turn harming the Canadian economy, society and our democracy.

According to annual reporting by Statistics Canada for 2019, of all those who were employed in health occupations, almost 80% were women. Of those employed in education, law, and social, community and government services, over 70% were women. Of all those in business, finance and administration occupations in Canada, almost 70% were women. Many of those deemed to be Canada's essential workers are women, and for months now we have been acknowledging them with our words, or by hanging hearts in our windows or banging pots in our yards at 6 p.m. But now as legislators, with this bill, we have a chance to do more than send them thank-you tweets, or make statements in this chamber.

Women dominate crucial sectors of productivity in Canada, and our economy would not — could not — survive without their contributions. The social fabric of our country is interwoven with women's essential work in homes and in public spheres. As we heard the first woman finance minister in the history of Canada describe her financial update, we heard her refer to it as feminist.

We hear new terms like “she-cession” instead of “recession or ”she-covery instead of “recovery”. As we hear this, we must think and act substantively about women’s well-being when we make laws. Because, dear colleagues, without women, our social fabric will shred, and our democracy will be torn asunder.

I would also like to remind you, with a great sense of prospective loss, due to Senator Sinclair’s announcement that he will be leaving us soon, that Canada committed to reconciliation and renewing the relationship with Indigenous peoples based on recognition of rights, respect, cooperation and partnership. Traditional leadership in many Indigenous communities entailed egalitarian relations between men and women. Notions of leadership predicated on patriarchy were introduced through European missionary work, new forms of trade relations, Western institutions of governance and the state. Before European contact, many Indigenous women were influential and respected leaders in their communities, and while we have outstanding Indigenous women leaders today, the Inquiry into Missing and Murdered Indigenous Women and Girls has indubitably demonstrated that as a population group, the most vulnerable people in Canada are Indigenous women and girls.

• (1740)

We have seen the invaluable contribution of women. Yes, Bill S-213 is a slight but powerful and timely piece of legislation. Please join me in supporting it.

Thank you, *meegwetch*.

(On motion of Senator Pate, debate adjourned.)

[*Translation*]

CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Pierre-Hugues Boisvenu moved second reading of Bill S-219, An Act to amend the Corrections and Conditional Release Act (disclosure of information to victims).

He said: Honourable senators, I rise today to introduce Bill S-219, which seeks to amend the Corrections and Conditional Release Act regarding disclosure of information to victims.

Honourable colleagues, there is still so much to accomplish in Canada when it comes to improving victims’ rights. As soon as I arrived in the Senate in 2010, I committed to being their voice, to ensure that their rights were recognized and respected.

In 2015, after 10 years of hard work, it was with great pride and a sense of accomplishment that I introduced in the Canadian Senate, for the first time in the history of Canada, a bill that became the Canadian Victims Bill of Rights, dedicated specifically to the rights of victims and henceforth enshrined in law.

Unfortunately, for decades, the Canadian Charter of Rights and Freedoms did much more to advance the rights of criminals than those of victims.

The Canadian Victims Bill of Rights has four fundamental principles, four pillars, that justice can no longer and must no longer turn away from.

Those principles are the right to information, the right to participation, the right to protection, and the right to compensation.

Since the Canadian Victims Bill of Rights became law, too many victims of crime and their loved ones have seen their right to information be ignored or, worse, denied. Bill S-219 will enshrine their right to information.

In Canada’s justice system, many victims of crime are unfortunately not considered to be victims — as they should be. It is still difficult to understand how, in a country like Canada, victims have fewer rights than criminals when, at the very least, they should have equal rights. For example, the lack of transparency at the Parole Board of Canada is something that comes up over and over when I hear from victims and their loved ones.

It takes a lot of courage to take on the justice system and its institutions, like the Parole Board of Canada, and it takes even more courage for a victim or family member to confront an attacker in the case of tragedies like rape or murder, for example.

That is why it is important to ensure that, through our laws, we give victims and their families the support they need by providing them with relevant information on the decisions made by judges and board members.

One of the most difficult steps for victims and victims’ families is a parole board hearing.

After suffering a tragedy that forever changes their lives, victims and families often find themselves alone with their pain, their doubts and their fears. For example, they are afraid that one day they will have to face the ordeal of the possible release of the person responsible for their suffering without being notified in advance. It has been shown that the parole process is an extremely painful psychological ordeal for the victims and their families. Some people are unable to work for a few months before the hearing, others can experience severe depression.

I will quote a statement from the family of Brigitte Serre, who was murdered in 2006 after being stabbed 72 times. She was 17 years old.

> With every notice and every hearing, we relive all the emotions that we bury deep within ourselves to be able to move forward in life. Every hearing is emotional torture.

These ordeals are unfairly and willfully imposed by an offender. It is unacceptable that the victims and victims' families must deal with the fact that they are treated in such a cavalier manner by our justice system. Take a few seconds to imagine this: What if that victim were your child, or that family were your family, or you, yourself, had to fight for your rights to be recognized?

It is then for their sake, and to strengthen their right to information enshrined in the Canadian Victims Bill of Rights, that I introduce Bill S-219.

Honourable senators, the bill will require the Parole Board of Canada to inform and explain in detail to victims and families the mechanisms and criteria used by the Parole Board when determining the dates for temporary absences, travel outside the institution, parole and statutory release for criminals.

The Parole Board of Canada is a federal institution that has an obligation to comply with federal statutes. This legislation, once passed, will strengthen its accountability and its obligations to victims. In short, this bill, if passed, will make the board accountable to victims and their families.

As my colleague, MP Colin Carrie, said in a speech in the other place, and I quote:

> It is the very institutions that are supposed to think first and foremost of those affected by the actions of violent offenders that often plunge these survivors into a cycle of revictimization and suffering.

Honourable senators, it is our duty to adopt legislation that improves and respects the rights and needs of vulnerable people and that gives them the support they deserve. This bill has no financial implications, doesn't add an extra burden on the commissioners and would restore the confidence of the public, particularly victims and their families, in our justice system and in the Parole Board of Canada.

I would describe this bill as a citizen-driven initiative.

Lisa Freeman, who lives in Oshawa, contacted her MP, Colin Carrie, with the idea of introducing a bill that would clarify the way the Parole Board of Canada and Correctional Service Canada determine offenders' eligibility dates.

Ms. Freeman's father was murdered in 1991. When she received the notice of parole eligibility for the man who killed her father, she was caught off guard because she was not given any sort of explanation about the dates or conditions. The man was sentenced to life in prison without the possibility of parole for 25 years. However, 20 years into his sentence, he became eligible for early parole, but Ms. Freeman was not given any explanation as to why that decision was made.

In a press conference a few days ago, Ms. Freeman stated, and I quote:

> When I lost my dad, my world was flipped upside down. Like many others who have had to suffer the loss of a loved one because of violent crime, I relied upon the criminal justice system to do what was right. Thankfully, justice was done at the time, but what I did not expect was for that same criminal justice system to revictimize my family years later. And I know that we are not alone.

• (1750)

There are many similar stories of injustice.

For example, during this pandemic, Ms. Freeman told me that she was denied the right to be an observer at the parole hearing for her father's murderer in person. On the recording that she received following the hearing, Ms. Freeman was shocked to learn that two observers had attended the hearing in person, including her father's murderer's probation officer.

In a speech on May 1, I condemned the injustice suffered by Ms. Freeman and by all the other families of victims who were denied access to the hearing by video conference during the pandemic. I understand measures to prevent the spread of the virus, but I do not understand, nor do I accept that victims are not even granted the same rights as offenders during these hearings.

This principle was my inspiration for introducing this bill. Bill S-219 will amend sections 26 and 142 of the Corrections and Conditional Release Act to ensure that information disclosed to victims and to families of victims regarding eligibility dates in respect of temporary absences, parole or statutory releases must include an explanation of how the dates were determined by the Parole Board.

As Ms. Freeman said, and again I quote:

> While this bill won't go back and save my family from being revictimized, it will protect victims and their families in the future from facing the same uncertainty and repeat trauma that my family has endured.

Honourable senators, as I said a little earlier, we want victims and the general population to have more faith in the justice system, and that will take work. The Parole Board of Canada must be more transparent in dealing with victims and families, and this bill is a big step in that direction.

Back in 2015, I knew the Victims Bill of Rights needed improvement. This first step, passing Bill S-219, would be an eloquent and long-awaited improvement.

Honourable senators, this bill meets a need expressed by families of murder victims across Canada. It is an honour and a privilege for me to still be here in the Senate five years after the Canadian Victims Bill of Rights was adopted, to carry on my work, which took shape after my daughter, Julie, was murdered in 2002.

This step plays a part in improving the Victims Bill of Rights. The changes would allow a great many victims and victims' families to better approach a difficult and onerous step, one that is imposed on them and for which they would be better prepared.

In supporting this bill, my colleague, MP Shannon Stubbs, stated the following:

> This change can help strike a better balance in the justice system. The rights of victims and of law-abiding, innocent Canadians must always come first.

This amendment respects the principles of the Canadian Charter of Rights and Freedoms and will reassure victims and their families that their right to information is also respected.

Dear colleagues, I am convinced that this bill, called for by and for the victims and their families, will be assured of your support as a sign to these individuals of the respect and support that they deserve after experiencing tragedies that forever turned their lives upside down without ever having asked for it.

In conclusion, honourable senators, I ask the Senate to send this bill to the Standing Senate Committee on Legal and Constitutional Affairs so it can be quickly studied and debated. That is the wish of all victims of crime and their families.

In their name and mine, thank you very much.

(On motion of Senator Pate, debate adjourned.)

[*English*]

JUDGES ACT
CRIMINAL CODE

BILL TO AMEND—DECLARATION OF PRIVATE INTEREST

The Hon. the Speaker: Honourable senators, I wish to draw to your attention that the Honourable Senator Cotter has made a written declaration of private interest regarding Bill C-3, and in accordance with rule 15-7(1), the declaration shall be recorded in the *Journals of the Senate*.

AUDIT AND OVERSIGHT

FIRST REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report (interim) of the Standing Committee on Audit and Oversight, entitled *Nomination of two external members for the committee*, presented in the Senate on December 1, 2020.

Hon. David M. Wells moved the adoption of 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.)

The Hon. the Speaker: Senator Housakos, very early into your intervention, I will have to draw the attention of the Senate to the time being six o'clock.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

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

On the Order:

> Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Martin:
>
> 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.

Hon. Leo Housakos: Honourable senators, I rise today to speak about a motion I tabled calling for the Standing Senate Committee on Foreign Affairs and International Trade to 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.

In the time since Recep Erdoğan became the President of Turkey, and especially after the orchestrated coup attempt in July 2016, Turkey has become a rogue state, constantly violating the norms of international law and fuelling conflicts within the immediate region and abroad. It is no secret that Turkey is a country built on the ashes of crimes against humanity, having committed one of the worst genocides in history against the Armenian, Greek and Syrian peoples toward the end of the First World War that continued until 1923. Throughout the decades, Turkey witnessed a drastic transformation in its political culture and socialization, attempting to become a secular nation and a Western ally. While it would be naive to believe that Turkey was ever fit to become a Western ally, the geopolitical considerations of the Cold War anchored Ankara as a NATO member and one that could cooperate with Western nations.

However, the reality of Turkey is much different, and today, thanks to the acts of its dictator, President Erdoğan, we are witnessing the real face of this Turkish government, one that is brazenly undemocratic and unwilling to position itself as a positive force on the global stage. Over the last few years, we have witnessed a number of situations where Turkey has played either a destabilizing role in its immediate region or has been the

sole instigator of conflicts and atrocities, building on the criminal resumé of its Ottoman past. With extensive geopolitical ambitions much above its capabilities, Turkey has effectively become a pariah nation threatening the global order while constantly violating international law.

Since 2018, Turkey has been actively meddling in issues outside of its maritime jurisdictions by attempting to contain the full rights of the Greek and Cypriot governments to search for natural gas within their own waters. This standoff, initiated and exacerbated by Turkey, is continuing to this day —

The Hon. the Speaker: I'm sorry, Senator Housakos, to interrupt you, but it is six o'clock, honourable senators. Pursuant to rule 3-3(1) and the order adopted on October 27, I'm obliged to leave the chair until seven o'clock unless there's leave that the sitting continue. If any senator wishes the sitting to be suspended, please say, "suspend."

Some Hon. Senators: Suspend.

The Hon. the Speaker: The sitting is suspended until seven o'clock, at which time Senator Housakos will be given the balance of his time.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1900)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

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

On the Order:

Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Martin:

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.

Hon. Leo Housakos: Honourable senators, the standoff in question, initiated and exacerbated by Turkey, is continuing to this day, raising alarming concerns across the European community and within NATO. The standoff was made worse in July of this year, when Turkey put out a naval alert that it was sending a research ship to conduct survey operations near the Greek island of Kastellorizo, covering the area between Cyprus and the Greek island of Crete.

While mediation efforts by European allies helped ease the tension for a short while, in early August, Turkey departed from its commitment to engage in dialogue and renewed its provocation by once again sending the *Oruç Reis* research ship to only a few kilometres outside of Greek waters. The research ship was only 10.5 kilometres away from the coast of Kastellorizo, while Greece's territorial waters extend to 9.5 kilometres from the island's coast. According to international law, Greece has the right to legally expand its maritime borders from 9.5 to 19.3 kilometres.

However, Turkey has said if Greece, another NATO ally, chooses to take this legal step, Ankara would officially consider it a justification for war. This is absolutely absurd and a clear attempt by Erdoğan and his government to engage in a new conflict that not only will threaten the very foundation of the NATO alliance, but makes Turkey a de facto rogue state, unworthy of being admitted in that very prestigious NATO alliance group.

Despite many calls by European countries for Turkey to end the provocation and return to negotiations, Erdoğan remains adamant about picking yet another fight to destabilize the region and shift his people's attention from his own economic failures at home.

To add insult to injury and further rally his people around the flag, in July, Erdoğan decided to convert the historic Christian Hagia Sophia Greek Orthodox Church Museum into a mosque, showing absolutely no respect for historic and religious sites in his own country. This is not how a NATO ally should behave. Erdoğan's government has departed from its initial policy of zero problems to zero neighbours. It is high time for Canada and the rest of the international community to realize that Turkey is not an ally that is willing to engage with the global community in good faith.

Canada must stand up for Greece, stand up for Cyprus and other like-minded countries and call Erdoğan for who he is, and work with our partners in the world to contain this danger and bring peace and stability to that highly explosive part of the world.

Erdoğan's issues do not end with Greece, however. He is continuing to further exacerbate the situation in Libya, in Syria, and recently fully backed his counterparts in Azerbaijan when the latter unleashed an unprovoked war against the Republic of Artsakh and the people of Armenia. On September 27, Azerbaijan, backed by Turkey and foreign jihadist mercenaries, began a large-scale war against Artsakh, threatening to once

again ethnically cleanse the historically undisputed Armenian republic of these indigenous people who have been living there for centuries.

As a result of the silence coming from the international community, and unfortunately including our own government here in Canada, the Turkish-Azerbaijani tandem was left unchecked as they uprooted the Armenian people once again from their ancestral lands, resulting in a lopsided peace agreement that was signed between Armenia and Azerbaijan and forced upon them by Russia on November 9.

Today, even though the hostilities have ceased, Turkey and Azerbaijan are not stopping their criminal acts. While nearly 100,000 Armenians remain displaced, the fate of many Armenian POWs is uncertain. As Azerbaijan, backed by Turkey, is maliciously ignoring calls to initiate in prisoner and body exchange, this is happening against the background of large and more serious war crimes that Azerbaijan committed during the war and is continuing to commit today as they enter historic Armenian territories.

We must have the courage to stand up to these criminal regimes and not just put out statements that achieve next to nothing. Make no mistake, colleagues, the real instigator behind all these crimes is Turkey's Erdoğan himself, and if the international community doesn't act bravely, the threat will continue to spread to territories much closer to us than we can ever imagine.

Everything that Erdoğan's Turkey has done and is continuing to do is contrary to the values shared by the Western democratic world and our NATO allies. Unfortunately, on most of these issues, our government has either chosen to remain silent or blind or has found very little success in bringing a positive change to the table. The world expects more from us and the world needs more of Canada's traditional and positive contributions to the international community.

Prime Minister Trudeau once said that Canada was back. In fact, ever since he came to power Canada has been shying away from its obligations, unable to respect its commitments toward the international community. There are a number of things we can do, colleagues, including authorizing the Foreign Affairs Committee to examine and report on Turkey's increased aggression and acts against international law.

Honourable senators, I do therefore urge you all to vote in favour of this motion and the two other motions I've tabled regarding the independence of the Republic of Artsakh and condemning Turkey for converting the centuries-old Christian landmark Hagia Sophia into a mosque, amongst other egregious behaviour of the State of Turkey. Thank you, colleagues.

(On motion of Senator Dasko, debate adjourned.)

[*Translation*]

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 CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Martin:
>
> 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.

Hon. Leo Housakos: Honourable senators, before I describe the problem that our country is facing, I want to explain my vision of bilingualism in Canada to you. The problem with our bilingual system is that it doesn't encourage bilingualism. It's a system that encourages division rather than unity. Francophone communities across the country are surrounded by much larger anglophone communities. Quebec, which is supposed to carry the French-language torch, is surrounded by anglophone forces to the south, north, east and west. Even Montreal, which is our largest French-speaking city, is becoming more and more anglophone.

The strategy we are using is not working. The status of French is declining at an alarming speed. French is seen by many newcomers and anglophones who settle in francophone areas as a necessary evil. French should not be an obstacle to prosperity, but a tool for attaining it. French and English should go hand in hand, rather than being opposing forces. We should encourage true bilingualism so that francophone and anglophone communities can be truly united and so that we can break down the language barriers holding so many people back.

Politicians from all parties use the issue of language to win votes and score political points. Unfortunately, despite the fact that official languages are a recurring theme in political discourse, very little effective concrete action is being taken to address the plight of Canadian bilingualism. Let's stop using language as a political tool. Let's unite our voices in both French and English, to make Canada into a truly bilingual country. That will be good for everyone.

• (1910)

I would now like to discuss one of the most damaging decisions the Trudeau government has made since taking power.

In recent months, we have seen proof of this government's corruption in the WE Charity scandal. The scandal proved that the Trudeau family and its Liberal friends have zero scruples around money. They accepted hundreds of thousands of dollars and luxury trips from a foundation that does not even pay its speakers. The scandal was so serious that the Minister of Finance had to resign because he had accepted bribes from WE Charity too. His actions were so unacceptable that the only member with the skills to fill the position of Minister of Finance had to resign. That kind of behaviour on the part of our democratically elected leaders is totally unacceptable. However, this is not the first time Justin Trudeau has refused to acknowledge a conflict of interest when doing so benefits him. It is the third.

What is even more disgraceful is the fact that all the bribes that WE Charity paid to the Prime Minister's mother, brother and wife, and to the Prime Minister himself, obviously worked. After Justin Trudeau's family members were handsomely paid for their volunteer work, then it was time for the Prime Minister of Canada himself to return the favour to his friends, the Kielburger brothers. He therefore unilaterally decided to award them the contract to manage the $900-million Canada Student Service Grant program, without issuing a call for tenders and without even thinking of giving this responsibility to the public service, which, according to several reports, would have been perfectly capable of handling that program. It really pays to be Justin Trudeau's friend, seeing as WE Charity was supposed to get $43.5 million to distribute those grants.

The facts I just outlined are simply unacceptable, and yet our esteemed Prime Minister went even further in his contempt for Canadian taxpayers. To top it all off, WE Charity, the organization that greased the palms of Mr. Trudeau and his family, wasn't even qualified to handle the French portion of the grants. Although Mr. Trudeau was very generous with taxpayers' money to his friends, he wasn't astute enough to realize that his gift to the Kielburger brothers was in violation of the Official Languages Act. Mr. Trudeau has such contempt for francophone communities across the country that he forgot to take this into account when he hatched his plan to reward his friends. After paying hundreds of thousands of dollars to his entourage, it turned out that WE Charity was not the only organization qualified to manage those grants. In fact, WE Charity was not at all qualified to take on that responsibility.

Honourable senators, despite the seriousness of the facts I just shared with you, I would like to point out something that is even more troubling to many Canadians. The inability of WE Charity to run the grant program in French is more evidence that the Liberals have no interest in the French language. Funnily enough, this is not the first time the Liberals have disrespected one of our great country's two official languages. A Liberal MP from Quebec recently cast doubt on the decline in French in Quebec. Ironically, that member was elected in a riding in the Montreal area where French is under serious threat. That MP's comments were so disrespectful that Mélanie Joly, the Liberal minister responsible for official languages, called her out in public. The MP in question apologized for her insensitive comments on social media, but it was too little, too late. She had once again proven that the Liberals do not care about the status of French in Canada, much less Quebec.

We have heard such comments before from senior Liberals. In September, the Quebec president of the Liberal Party of Canada stated on social media that Bill 101 was "oppressive" and that it has ruined English-language education. Naturally, honourable senators, like good Liberals, when they started being heavily criticized for their unacceptable remarks, they both apologized on social media. The Quebec president of the Liberal Party of Canada went so far as to delete her tweet in an attempt at damage control. No letter of apology can excuse the ignorance of the French language shown by these two senior Liberals. Unfortunately for francophones in Canada, these two people were merely saying out loud what the government thinks in private.

No matter what the Liberals think about the decline of the French language, it is frankly irresponsible to suggest that it is not happening. As a bilingual nation, we cannot allow ourselves to set aside one of our founding languages. After seeing that French is very much in decline, the least the Liberal government should do is provide equivalent services in English and French.

That is why I rise today to condemn the federal government's actions against one of our great country's founding languages. French is in trouble across Canada and even in Quebec. The government is trotting out its usual platitudes, promising that French has never been in a better position. That statement is completely false, and something needs to be done right now.

The status of French could certainly be improved through assistance programs and other subsidies. However, the only way to protect French in the long run is for the government to show French the respect it deserves as an official language.

Despite the obvious corruption I've described, the most harmful part of this scandal is the blatant lack of respect for the French language. The fact that WE Charity had to hire the public relations firm National to administer the grant program in French was totally illegal under section 25 of the Official Languages Act. Section 25 states that any organization providing services on behalf of the federal government must do so in both official languages. The program that the federal government concocted for WE Charity was not designed in compliance with the Official Languages Act. It is therefore up to us, as parliamentarians, to speak out in support of French and to make sure it is respected. Too often, Francophone communities across Canada are left behind, and we owe it to them to use our power to ensure that the French language gets the respect it deserves.

The government owes us an explanation for its decision to give the grant distribution contract to an organization that could not provide services in both official languages. That kind of decision must have consequences. If we do not get to the bottom of this matter, this kind of violation is likely to become increasingly frequent, and that hurts all of Canada's francophone communities.

For these reasons, I move 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 provide services in both official languages, in apparent contravention of Canada's Official Languages Act.

Honourable senators, I hope you will support this motion. This request is entirely non-partisan. It's simply an action we must take if we are to prosper as a bilingual nation.

Thank you, honourable senators.

• (1920)

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): I have a question for Senator Housakos, if he'll accept one.

Senator Housakos: With pleasure.

Senator Gagné: Thank you very much for this speech and for your commitment to promoting Canada's two official languages. You said at the beginning of your speech that the issue of bilingualism has become a political tool. I would like you to clarify whether, in your opinion, bilingualism has become a political tool for all parties.

My second question pertains to the difference between official languages and national languages, because I'm starting to hear the leader of the Conservative Party, Erin O'Toole, use the expression "national languages," which is new. I was wondering if you could tell us a little more about that.

Senator Housakos: Firstly, I completely agree with you that every political party and every politician in Canada often uses French and bilingualism as a political tool, which is unfortunate.

In the meantime, we're going through a serious crisis in Canada. We're an officially bilingual country. However, my concern as a parliamentarian has to do with the fact that the regions outside Quebec are becoming increasingly anglophone and Quebec is becoming increasingly unilingual francophone. In my opinion, this phenomenon doesn't promote national unity. We have to have a common vision, a vision that uses our two founding languages as tools for unifying the country.

As for your second question, I'm proud, as a member of the Conservative Party of Canada caucus, that our leader, Erin O'Toole, made his position on the decline of French clear. He's prepared to go much farther to support the French language than any other leader of a national party, in my opinion. That is good news for bilingualism and the French language.

When a government violates the Official Languages Act, as the current government did with the contract it wanted to award to the WE Charity, institutions like the Senate are forced to take measures to protect the purpose and spirit of that legislation.

The Hon. the Speaker: Your time has expired, senator. Would you like another five minutes to answer questions?

[*English*]

Some Hon. Senators: No.

(On motion of Senator Duncan, debate adjourned.)

POINT OF ORDER

SPEAKER'S RULING RESERVED

Hon. Frances Lankin: Your Honour, I want to raise a point of order. I raised my hand with the virtual tools we have here, and I also sent a message to the technical folks that I was raising my hand on a point of order.

I think we all heard Senator Housakos accuse the Prime Minister of bribery — the government, the Prime Minister, the family — but the word "bribe" was clearly used. I know, Your Honour, that you are loath to wade into our debates and deliberations, but you've urged us many times not to use sharp and taxing language.

I think this goes over the line on that. Bribery is a charge under the Criminal Code, so the honourable senator just made an accusation of criminal activity. In a rhetorical sense, he's entitled to his opinion and I would never take that away from any senator, but I think accusing government officials of bribery when there is no evidence and no suggestion of criminal activity is over the line. I think the senator should be asked to withdraw that.

Thank you very much, Your Honour.

The Hon. the Speaker: Senator Lankin is raising a point of order under rule 6-13(1). Senator Housakos, do you wish to reply?

Hon. Leo Housakos: I do, Your Honour, thank you very much.

We obviously have our privileges in this chamber to express ourselves as we see fit. I exercise that privilege. I would like to respond to Senator Lankin.

I've had the integrity and decency to go above and beyond that, because the claims I've made in my speech today, under my privilege and immunity as a parliamentarian, I have already made on social media; I made those declarations public. I've encouraged the Prime Minister, if he wants, to take actions against me in dealing with those declarations. He has the freedom to do so, and I'd be more than happy to see him in a court of law and cross-examine him in a court of law.

I stand by my statement. I believe the WE Charity gave payments to his mother, brother and wife at various times, and in a complete conflict of interest and breach of the Criminal Code, months later, there was an exchange of government grants and funds.

This Prime Minister has done this on a number of occasions. I called him out when he took two luxury trips to the Aga Khan's island and, a few months later, the foundation of the Aga Khan received tens of millions of dollars in decisions that were taken by the cabinet where the Prime Minister did not excuse himself when he was in a clear conflict of interest.

Regarding everything I've expressed in this chamber just now, I have done publicly, and I stand by them. I'd be more than happy to face the consequences, because I have had the courage to make those claims out in the public sphere.

Senator Campbell: Shame! Shame!

The Hon. the Speaker: Before carrying on, there are a number of senators who want to enter the debate. I remind you that rule 6-13(1) pertains to matters that occur within the chamber; what occurs outside the chamber is essentially of no concern with respect to this particular rule.

Senator Lankin, I know you want to speak, but I also see Senator Dalphond rising, so I'm going to let him speak next.

Hon. Pierre J. Dalphond: Thank you, Your Honour.

I think I just heard Senator Housakos go even further than what was said in his speech. I think that is contrary to rule 6-13(1) because this is unparliamentary — he may say it in the press or he may say it when he makes a speech with Mr. O'Toole somewhere in Montreal that he thinks the government has "bribed" and all these things.

That is one thing, but when he engages and participates in debate, he has to govern himself according to the rules of this place, where decorum is important and where dignity and respect for the institutions and those who serve the country — as ministers, as prime ministers, as senators or MPs— are important. That's why we have this rule:

> All personal, sharp or taxing speeches are unparliamentary and are out of order.

To say that somebody has committed a crime when perhaps he has breached the code of ethics of the House of Commons is confusing things on purpose. It's lying to this place. It's misleading the public, who are watching.

This is unparliamentary, Your Honour, and I think the Honourable Senator Housakos must withdraw these words and apologize. Thank you.

Senator Lankin: Not to provoke Senator Housakos into giving his speech again, which is what he just did in response to the point of order, I would like you, Your Honour, to consider that it is also about the reputation of this august institution. It is about the conduct expected of senators. It's about our code of ethics not to bring this institution into disrepute. It's a range of those things.

But surely, the rule in question of not using sharp and taxing language, and insisting that it is unparliamentary, has to have some meaning. While I do appreciate that you always try to ask senators to conduct themselves appropriately, and in the cut and thrust of debate, sometimes these things happen, this was very much a political positioning. I think most of us would agree with that, even if Senator Housakos denies it. I think it was over the line of that rule and I would ask you please ask him to withdraw.

• (1930)

[*Translation*]

Hon. Renée Dupuis: I'd like to rise in support of the point of order that was raised. I believe that, as senators, we could also have raised a question of privilege. Senator Housakos's lack of consideration, not only for the people he is accusing, but also for senators who, like me, are participating in this meeting this evening, is unacceptable.

Therefore, I'm asking you to consider this point of order, otherwise I intend to raise a question of privilege regarding this attempt to limit our ability, as senators, to exercise our duties at an extremely difficult time not only in the history of humanity in general, but also in that of the Canadian people, due to the COVID-19 pandemic.

I believe that we are all required to observe, as parliamentarians and unelected lawmakers, a minimum of restraint in our interventions in this chamber. Invoking parliamentary privilege to attack, for political or other reasons, public officials before this captive audience of senators is unacceptable.

[*English*]

Senator Housakos: There is nothing in the language that I used in my speech or since the speech, when I rose to speak on the point of order, that is unparliamentary. Over the years I have very carefully followed procedures in the House of Commons, the Senate and other Westminster parliamentary bodies, and there is not a single word that I used in my speech that a speaker would call unparliamentary language. I was making reference to a code of ethics, which all parliamentarians are expected to abide by. I made reference to the Criminal Code, the laws of this country, and we expect them to be applied regardless of to whom they apply.

We have the right and privilege to express ourselves freely — freedom of expression — under our parliamentary privilege. I, under no circumstances, used taxing language as is recognized historically by speakers in this chamber. No one will take away the right of any parliamentarian to call out in the public arena members of the executive that we feel have breached the code of ethics, which this Prime Minister has done on three confirmed occasions and is still being investigated by the Ethics Commissioner. For that matter, my understanding is that the RCMP made declarations a few weeks ago that they are investigating and looking into the WE charity scandal.

At the end of the day, we have the right as parliamentarians to make sure that our Criminal Code and code of ethics that we put together are respected. We are allowed to freely express ourselves. When parliamentarians might have a vested political interest and they get up to defend a member of the executive branch whom they don't want to face criticism, under the guise of a point of order, because you feel my language or my questions were too pointed, I have the right to do so. No one has the right to take that away from me. I simply responded to Senator Lankin, and I have done it in the public arena as well.

It's not as if I have been a coward. I'm doing it under my parliamentary privilege, which I clearly have. Thank you, honourable senators.

The Hon. the Speaker: I want to thank all senators who participated in this debate. I will take the matter under advisement.

ADJOURNMENT

MOTION NEGATIVED

Hon. Donald Neil Plett (Leader of the Opposition) moved:

That the Senate do now adjourn.

The Hon. the Speaker: It is moved by Senator Plett, seconded by the Honourable Senator Martin that the Senate do now adjourn. All senators opposed to the motion will please say, "no."

Some Hon. Senators: No.

The Hon. the Speaker: All those senators seated in the chamber who are in favour of the motion will please say, "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed 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: I see two senators rising. Do we have an agreement on a bell?

Some Hon. Senators: One hour.

The Hon. the Speaker: One-hour bell. The vote will take place at 8:35 p.m. Call in the senators.

• (2030)

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.

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Ataullahjan	Martin
Batters	Mercer
Beyak	Mockler
Boisvenu	Plett
Carignan	Poirier
MacDonald	Richards
Manning	Seidman
Marshall	Stewart Olsen—16

NAYS
THE HONOURABLE SENATORS

Bellemare	Gold
Black (*Alberta*)	Hartling
Boehm	Jaffer
Boniface	Keating
Bovey	Klyne
Brazeau	Kutcher
Busson	LaBoucane-Benson
Campbell	Lankin
Cordy	Loffreda
Cormier	Marwah
Cotter	McCallum
Coyle	McPhedran
Dalphond	Mégie
Dasko	Miville-Dechêne
Dawson	Moncion
Deacon (*Nova Scotia*)	Munson
Deacon (*Ontario*)	Omidvar
Dean	Pate
Downe	Ravalia
Duffy	Ringuette
Duncan	Simons
Dupuis	Verner
Forest-Niesing	Wetston
Francis	Woo—49
Gagné	

ABSTENTION
THE HONOURABLE SENATOR

Housakos—1

• (2040)

Hon. Leo Housakos: Honourable senators, as is the tradition in this chamber for an abstention, I would like to address the chamber and explain my abstention.

I thought it incumbent to explain my abstention because I can say it's probably, in my recollection, the first time that I have ever abstained on any vote in this chamber. I would like to address the reasons behind it.

First and foremost, if there is anyone that appreciates the rules, rights and privileges of this chamber, as all know, it's me. I adhere to them fundamentally and as consistently as possible. There is no doubt that caucuses and all senators have the right to move adjournment motions, and they have the right to vote and support those adjournment motions as they see fit.

I do want to highlight that this chamber already has a preponderance of giving priority to government legislation as principle. It's in the foundation of how this institution works. We continue to do that.

I think it's also important for the nation and as an institution that we remain relevant above and beyond the work of the executive branch. When we look at inquiries of individual senators, motions, private members' motions and at private members' bills in this place, they are important to stakeholders and Canadians across the country. In my humble opinion, as a Parliament they are just as important as government legislation. Obviously being an institution that believes in fundamental democracy, we will always prioritize the government legislation and we will be very sensitive and diligent about the political agenda of the government.

I also want to highlight that we have to be very careful. I think despite the fact that you have the right to move your adjournment motions, whoever wants to move them, we have to be cognizant that this place has to have fulsome debate on all of the other motions and inquiries of private members' bills if we are going to serve Canadians to the best of our ability.

I wanted to express that. Going forward, even though groups and leadership groups take liberties because we give them authority to negotiate agreements to curtail time of debate, there comes a point in time where they have to take into consideration the work that individual senators want to do on their individual work.

The message I have, especially to the government leadership that takes the important role of guiding debate and negotiations in this chamber — you have to be prudent and cognizant when all these negotiations take place, that this place was designed as an institution to give minority voices a fundamental place in this place. That's what the beauty of the Senate is. It's a hybrid institution created on the principles of the House of Commons in Westminster, the House of Lords, created by the forefathers of this country to make sure all regions and voices are heard, and heard equally.

Your Honour, thank you for allowing me to share my views with my esteemed colleagues.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE CUMULATIVE IMPACTS OF RESOURCE EXTRACTION AND DEVELOPMENT—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator Loffreda:
>
> That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine and report on the cumulative impacts of resource extraction and development, and their effects on environmental, economic and social considerations, when and if the committee is formed; and
>
> That the committee submit its final report no later than December 31, 2021.

Hon. Kim Pate: Honourable senators, I rise today in support of Senator McCallum's Motion No. 17, calling on the Committee on Energy, the Environment and Natural Resources to study the cumulative impacts of resource extraction and development, and their effects on environmental, economic and social considerations.

Thank you, Senator McCallum, for this proactive opportunity for the Senate to confront the systemic racism, sexism, ablism, economic marginalization and other inequalities that too often prevent all those concerned with resource extraction and development from being heard in this or the other place.

Particularly as Canada responds to the Missing and Murdered Indigenous Women and Girls Inquiry and the COVID-19 pandemic, the proposed study provides a vital opportunity to ensure that economic recovery efforts remain grounded in human rights and environmental imperatives that accord with Canada's commitment to the UN Sustainable Development Goals, and the development of an action plan to remedy the many issues outlined with respect to missing, murdered, disappeared, homeless and imprisoned Indigenous women and girls.

This study would encourage comprehensive consideration of the implications of resource extraction and development, in particular for those most marginalized and where these activities overlap with and intensify systemic inequality.

Every day of this pandemic has been a stark reminder of the inexorable links between environmental, economic health and social well-being, emphasized by the UN Sustainable Development Goals. If economies are to function, let alone thrive, we need to ensure that people, communities and environments are healthy and safe.

• (2050)

As we work together to weather COVID-19, we must not lose sight of the challenge that lies beyond it; that is the need to arrest and, wherever possible, to remedy the harms of climate change

and environmental degradation. Ensuring that law and policy properly account for the effects of resource extraction and development are an inevitable part of this challenge.

Sustainable Development Goal 10 is Reduced Inequalities. Senator McCallum discussed the high rates of health issues such as rare cancers among Indigenous peoples in communities near oil sands, uranium mines and pulp mills. Senator Galvez brought the issue of environmental racism to our attention by highlighting the economic policies that depend on locating hazardous and toxic industries in the backyards of racialized and poor communities.

Environmental degradation associated with resource extraction has interfered with access to Indigenous communities; threatened sacred sites; disrupted traditional activities such as hunting, fishing and foraging; and endangered wildlife and plant diversity as well as water and food quality, all of which undermine the health and well-being of individuals and communities.

Poor and racialized communities have been disproportionately affected by Canada's failure to manage carbon and other emissions associated with extractive industries. Those most economically marginalized are also most disadvantaged by higher food costs and increased food insecurity, not to mention the fewest viable means to prepare for, protect themselves from and safely leave areas experiencing catastrophic weather events associated with climate change, from floods to wildfires to tornadoes.

Dr. Pamela Palmater has further underscored that, in too many Indigenous communities:

> Genocide and ecocide go hand in hand. Extraction and development destroys the lands and waters on which we depend . . . and is a direct contributor to the violence and genocide committed against Indigenous women and girls.

Sustainable Development Goal 5 is Gender Equality. As Senators McCallum and Galvez and the National Inquiry into Missing and Murdered Indigenous Women and Girls have reminded us, resource extraction work is associated with higher rates of violence against women, most notably Indigenous women. Human trafficking and sexual exploitation have all too frequently been linked to resource extraction camps.

In addition, women living in remote regions face economic barriers to leaving abusive partners if they rely on their partners' incomes or have no safe place to go.

High-paying resource extraction and development jobs are still overwhelmingly held by men, exacerbating sex-based inequality in communities whose economies are built on these industries and where other available jobs are often poorly paid service industry positions.

The 2004 Pictou Statement from grassroots and national women's groups highlighted the link between women's equality and income equality by calling for a national guaranteed livable income as a means of ensuring security and autonomy for all women.

The Pictou Statement also emphasizes the potential of guaranteed liveable incomes to enable communities to resist and develop alternatives to economies that ignore the well-being of people and the planet and deny the value of women's work.

Sustainable Development Goal 1 calls for an end to poverty, and Sustainable Development Goal 8 calls for decent work and economic growth.

Honourable senators, in studying the effects of resource extraction and development, measures like a guaranteed livable income have the potential to offer alternatives to an otherwise stark trade-off between livelihoods of community members and human environmental rights. Communities often opt to live with the risks associated with resource extraction and development because advocating protections or opposing the expansion of industry is seen as imperiling jobs or even entire local economies.

A guaranteed livable income could create space to develop not only more sustainable but also more equal and just economies, where communities are empowered to make long-term decisions about what will best serve the future well-being of all community members.

In the context of transitions away from fossil fuel industries, while a guaranteed income likely could not match the wages earned through resource extraction and development jobs, it could ensure individuals have a safety net in case of loss of jobs or other financial setbacks, and could provide a stable source of income for those wanting to retrain or seek new opportunities.

Sustainable Development Goal 14 relates to life below water, and Sustainable Development Goal 15 relates to life on land.

Indigenous communities have disproportionately borne the negative consequences of resource extraction and development. At the same time, Indigenous peoples have too often been unjustly left to take the lead protecting land and water in ways that benefit all of us.

According to the World Economic Forum, Indigenous peoples represent less than 5% of the world's population, but they are responsible for protecting 80% of earth's biodiversity. According to the UN Special Rapporteur on human rights and the environment, lands managed by Indigenous peoples are characterized by lower levels of deforestation and higher levels of carbon storage.

Recognition of Indigenous law and inherent Indigenous rights, territory and governance could be a vital part of curtailing the negative effects of environmental degradation associated with resource extraction and development.

Sustainable Development Goal 16 calls for peace, justice and strong institutions, including equal access to justice. Canadian legal systems have too often failed to recognize, and much less uphold, rights conferred by Indigenous and international legal orders. Worse still, Indigenous peoples taking measures to assert their rights in order to protect themselves, their families or the environment, including by opposing resource extraction and development on their lands, have been criticized for causing inconveniences and depicted as transgressors of the rule of law,

and too often have also been criminalized and even imprisoned, as evidenced by the state responses to the Wet'suwet'en matriarchs in British Columbia, and Mi'kmaq and Innu water protectors in Nova Scotia, Newfoundland and Labrador.

A growing body of research has demonstrated that environmental degradation from climate change to biodiversity loss to air pollution has put the world at greater risk of the emergence of infectious diseases and global pandemics like COVID-19.

As the economy restarts, Canada has an opportunity to prioritize policies and investments that promote the health and resilience of people, communities and economies alike.

The study proposed by Motion No. 17 provides an urgently needed opportunity to account for the environmental, economic, health and social impacts of resource extraction and development as we move forward in a way that is more fair and just for all, and that insists on rights for and accountability toward future generations.

Honourable senators, let us ensure that we provide a healthier, more equitable and sustainable world as our legacy.

Meegwetch. Thank you.

(On motion of Senator Downe, for Senator Tannas, debate adjourned.)

(*At 8:59 p.m., the Senate was continued until Tuesday, December 8, 2020, at 2 p.m.*)

APPENDIX

DELAYED ANSWERS TO ORAL QUESTIONS

FOREIGN AFFAIRS

INTER-PARLIAMENTARY UNION PRESIDENCY

(*Response to question raised by the Honourable Salma Ataullahjan on September 30, 2020*)

Global Affairs Canada (GAC)

The Inter-Parliamentary Union (IPU) is an important international organization where Canadian parliamentarians have been proud participants for many years. It is not, however, an intergovernmental organization. This is a key distinction. It is a longstanding practice that the Canadian government does not advocate for a candidate for inter-parliamentary organizations. That was the case again here, though the government was disappointed to see that Senator Ataullahjan was not successful in her bid.

The Minister of Foreign Affairs and his office did speak with the Senator a number of times. The Senator's specific ask was for the letter co-signed by the Speakers of this House and the Senate be sent to Canadian heads of mission around the world and then shared with their host country Speakers. The government fulfilled this request.

The accusation that there is anything related to gender in the government following a longstanding practice on interparliamentary organizations is without a basis in fact, or reflective of the government's record.

To the other question raised, there was no other Canadian candidate running for the presidency of the IPU.

AGRICULTURE AND AGRI-FOOD

AGRIINVEST

(*Response to question raised by the Honourable Donald Neil Plett on October 2, 2020*)

Agriculture and Agri-Food Canada (including the Canadian Pari-Mutuel Agency)

AgriInvest is a self-managed producer-government savings account designed to help producers manage small income declines and make investments to manage risk and improve market income.

Our government has encouraged producers to use the funds in their AgriInvest accounts. AgriInvest is there to provide immediate support to address cash-flow issues.

Federal and provincial governments provide on average close to $250 million in matching contributions to AgriInvest accounts every year.

As of mid-October, Canadian agricultural producers have over $2.4 billion in their AgriInvest accounts, which can be accessed at any time.

The average producer has almost $25,000 in his/her AgriInvest account, though this varies by sector. As of mid-October, producers of grains and oilseeds have an average balance of almost $32,000.

As AgriInvest contributions are based on sales, larger farms have on average larger AgriInvest accounts.

AgriInvest accounts are personal accounts, with balances that reflect each farmer's business structure, deposit, and withdrawal choices. Producers can choose to use all or part of their funds each year or leave their funds in their AgriInvest accounts.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

CANADA-UNITED STATES-MEXICO AGREEMENT

(*Response to question raised by the Honourable Donald Neil Plett on October 27, 2020*)

Agriculture and Agri-Food Canada (including the Canadian Pari-Mutuel Agency)

The Government recognizes the importance of a strong and prosperous dairy sector and is committed to fully and fairly compensating our farmers for impacts resulting from the Canada-European Union Comprehensive Economic and Trade Agreement (CETA), the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), and the Canada-United-States-Mexico Agreement. This commitment was recently reaffirmed in the Speech from the Throne on September 23, 2020.

In August 2019, the Government announced that $1.75 billion would be made available to all Canadian dairy producers over eight years to mitigate the impacts of CETA and the CPTPP. As of March 31, 2020, more than $338 million had been distributed to all eligible dairy producers who applied through the new Dairy Direct Payment Program. The Government is also supporting the Canadian dairy sector to adjust to the impacts of CETA through the Dairy Farm Investment Program and the Dairy Processors Investment Fund.

The Government recognizes industries' desire for clarity and certainty about compensation and is working diligently in order to announce additional compensation details for the dairy producer and processing sector in a timely manner.

FINANCE

SUPPORT FOR CHILDREN AND FAMILIES

(*Response to question raised by the Honourable Rosemary Moodie on October 28, 2020*)

The Government of Canada is committed to supporting families and ensuring every child gets the best possible start in life.

Through the Canada Child Benefit (CCB), the Government of Canada provides support to families who need help the most. The CCB puts about $24 billion, tax free, in the hands of almost 3.7 million Canadian families each year. As a result, 367,000 children were lifted out of poverty between 2015 and 2018, and 9 out of 10 Canadian families have more money to help pay for healthy food, clothes, and activities. As of July 2018, the CCB was indexed to inflation to ensure it continues to help with the rising costs of raising children.

In September's Speech from the Throne, the Government made a commitment to support people throughout the COVID-19 pandemic, and to build a stronger, more resilient Canada. Recognizing the importance of childcare for the well-being of children and families, women's economic participation, and Canada's economy, the Government committed to making a significant, long-term, sustained investment to create a Canada-wide early learning and childcare system.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

SUPPORT FOR FARMERS AND PRODUCERS

(*Response to question raised by the Honourable Robert Black on October 28, 2020*)

Agriculture and Agri-Food Canada (including the Canadian Pari-Mutuel Agency)

The Government recognizes the importance of a strong and prosperous dairy sector and is committed to fully and fairly compensating our farmers for impacts resulting from the Canada-European Union Comprehensive Economic and Trade Agreement (CETA), the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), and the Canada-United-States-Mexico Agreement. This commitment was recently reaffirmed in the Speech from the Throne on September 23, 2020.

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