



DEBATES OF THE SENATE

1st SESSION



44th PARLIAMENT



VOLUME 153



NUMBER 148

OFFICIAL REPORT
(HANSARD)

Tuesday, October 17, 2023

The Honourable RAYMONDE GAGNÉ,
Speaker

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

Publications Centre: Publications@sen.parl.gc.ca

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

THE SENATE

Tuesday, October 17, 2023

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

Prayers.

BUSINESS OF THE SENATE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate, I ask:

That, notwithstanding any provision of the Rules or previous order, for today's sitting, five additional statements be added at the beginning of Senators' Statements with regard to the recent attacks in Israel and the situation in the Middle East.

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

Hon. Senators: Agreed.

SENATORS' STATEMENTS

TRAGEDY IN ISRAEL

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, it is with a heavy heart that I rise today, not as the Government Representative in the Senate but as a human being and as a Jew.

Let me begin by thanking all of you who have reached out to me over the last week and a half. Your support and understanding mean a great deal, more than you may realize.

Jews have been called the "People of the Book" because words matter. Words can comfort and words can heal, but sometimes words simply fail. This is such a time, at least for me.

What words can capture the horror that we witnessed a week ago on Saturday on the Jewish Sabbath? What words can heal the memory that is seared into the souls of Jews around the world of seeing children ripped from their parents' arms and slaughtered before their eyes, of the systematic butchering and massacring of innocent people in the deadliest attack against Jews since the Holocaust? Words fail me.

Along with millions of Jews around the world, I have family and friends in Israel. Some went to Israel straight from the concentration camps, others came to live in the ancestral homeland of the Jewish people. Some are serving on the front lines, others are living in the very communities that were invaded by Hamas. And, yes, colleagues, some are being held as hostages in Gaza as I stand here today.

Colleagues, dear friends, this is very personal for me. In the face of such brutality, such inhumanity, such horror, I wish I had the words to comfort all of those who are grieving and who are trembling and suffering in fear, but the words keep failing me, so I turn to my own tradition for guidance.

In *Pirkei Avot*, which is a rabbinic text written 18 centuries ago, it is stated that we should not offer comfort to someone while their dead still lies before them. So the best that I can do is to feel the pain and loss — and the fear and dread — that have been visited upon my people; to honour the memory of the dead; to mourn with their family, friends and communities; to hope for the speedy recovery of the injured; to work for the release of all those held hostage; to hope that the innocent victims trapped in Gaza, whatever their religion or nationality, are provided the humanitarian assistance they so desperately need; and to pray that all of them — their family, friends, and good neighbours, all the innocent people caught up in this brutal war — be spared any further sorrow.

Thank you.

Hon. Senators: Hear, hear.

Hon. Donald Neil Plett (Leader of the Opposition): Colleagues, while most of us were peacefully sleeping in our beds on Friday, October 6, the sirens in central and southern Israel began to blare out a warning of incoming rockets. This sound is not unusual for those who live in Israel, but as the sun began to rise that Saturday morning, what was about to transpire was far from ordinary and would shake the world.

As thousands of rockets screamed through the sky, bulldozers and bombs breached the fence separating Israel from Gaza, and armed Hamas terrorists streamed through the openings. The jihadists poured into the country by air, land and sea, with the clear and premeditated intent of carrying out unthinkable atrocities on men, women and children.

As the video evidence and eyewitness accounts would later show, Hamas entered 22 communities, opening fire on unprotected homes and indiscriminately killing women, children and the elderly in an unmitigated display of evil. In one community, over 40 babies were massacred, some of them beheaded. Video footage showed their bloody cribs standing as a silent testimony to the barbarism of the attackers. At a music festival, young people were sprayed with bullets and rocket propelled grenades, killing over 200 of them. When they fled and hid, their attackers hunted them for hours, summarily executing them in cold blood when and where they were discovered. Entire families were kidnapped, along with mothers, children, the elderly and even the disabled, to be held as hostages or simply executed later in cold blood. Women were assaulted, raped and then paraded around as trophies. In total, more than 1,300 civilians were slaughtered.

This, colleagues, is the true face of Hamas, an anti-Semitic, Islamic jihadist group dedicated to the annihilation of the Jewish people and destruction of the Jewish state. This is the work of evil and sadistic men without a conscience, who take pleasure in the most barbaric acts imaginable and then celebrate them.

But while I was horrified to see the bloody carnage left by the terrorists, I was stunned to later see a surge of pro-Palestinian demonstrations celebrating the massacre and cheering on the terrorists. In cities across Canada, they danced, marched and waved their flags as if this was some kind of victory for their cause. It was sickening.

There is nothing to be celebrated here, colleagues. This cruelty does not advance anything but an agenda of evil.

Today, I stand with Israel and its right to defend itself, and I encourage every senator and every Canadian to do the same.

Thank you, colleagues.

Hon. Senators: Hear, hear.

• (1410)

[*Translation*]

Hon. Raymonde Saint-Germain: Honourable senators, on October 7, the Hamas terrorist movement launched an extremely violent, barbaric attack on the territory of the State of Israel from the Gaza Strip. Sadly, this date is already going down in human history as the deadliest day for Jews since the Holocaust, with more than 1,500 people having lost their lives and nearly 3,500 wounded.

When unequivocally speaking out against this barbaric and inhumane attack, our thoughts go out to the Israeli victims and their loved ones, the active members of the military and innocent civilians, including Israeli Canadians. As a result of this fanaticism, the region is now in a state of war and experiencing a humanitarian crisis.

Our thoughts also go out to the Palestinian civilians, nearly 2,500 of whom have lost their lives and more than 10,000 of whom have been wounded. The death toll already exceeds that of the six-week war in Gaza in 2014, another sad historic record. Trapped in the Gaza Strip, civilians are still trying to survive in the terrible conditions of a war zone, innocent victims of the mounting tensions caused by the Hamas terrorist attack.

These horrendous crimes cannot go unpunished. It will be very complicated to resolve this conflict, which has been going on for decades, and it is hard to remain hopeful that a peaceful solution will be found. However, we mustn't give up hope. Violence will not solve the conflict between Israel and Palestine. As Albert Camus said, "Peace is the only battle worth waging."

[*English*]

I take this opportunity given to me today to urge the actors in this conflict to act in respect for international and humanitarian law, to abide by the Geneva Convention and to give priority to saving and protecting the lives of the innocent civilians. Turning to terrorism and religious extremism is and will always be wrong.

[Senator Plett]

In these critical moments, I urge for restraint and reflection, for dialogue and for cooler heads to prevail — restraint and reflection that must apply as well within our diverse country.

I also salute the work being done by the Canadian government and our public servants — notably those serving in diplomacy and emergency management — to help and protect Canadian citizens on the ground in Israel and in Gaza, while dealing with difficult situations out of their control.

Colleagues, I am taking a stand here for peace and human rights, both for Israeli and Palestinian peoples.

In my name, and in the name of all the members of the Independent Senators Group, I extend our deepest sympathies and support for the innocent victims of this conflict, and urge all involved to work toward peaceful and sustainable solutions for the benefit of both peoples, as well as for preventing further degeneration into a regional conflict. We need to stand together for peace.

Thank you. *Meegwetch.*

Hon. Senators: Hear, hear.

Hon. Scott Tannas: Honourable senators, I rise today to speak briefly on behalf of all members of the Canadian Senators Group about the horrific attacks that occurred in Israel, and now the unfolding human catastrophe in Gaza. As global citizens, we are quite rightly horrified and heartbroken.

As parliamentarians, I think we must be clear-eyed, and we must urge our government to focus on easing the suffering of all those people by providing aid wherever and whenever it is needed. I think we must urge the government to exercise serious diplomatic influence in order to stop the potential spread of this horrible contagion of war.

Canada has a strong legacy of promoting peace in the world and defending human rights. When former Canadian prime minister Lester B. Pearson accepted the Nobel Peace Prize in 1957, he said:

Of all our dreams today there is none more important — or so hard to realise — than that of peace in the world. May we never lose our faith in it or our resolve to do everything that can be done to convert it one day into reality.

Colleagues, that is Canada's role in the world, and its role — more importantly — now more than ever.

These are difficult times with the prospect of even darker days ahead. Hope is hard to find in the face of terror and horror, but may we always be driven by our faith that peace will always prevail.

Thank you.

Hon. Senators: Hear, hear.

[Translation]

Hon. Pierre J. Dalphond: Honourable senators, I want to add my voice to those of Senators Gold and Plett, as well as Senators Saint-Germain and Tannas in the wake of the atrocities in Israel.

First, to all those who have lost a family member or friend, especially our fellow Canadians, I offer my deepest condolences. To those without news of a loved one, please remain hopeful.

Next, I want to express our solidarity with Israel and its people. I also want to clearly condemn the unjustifiable acts committed by members of Hamas, a terrorist organization that doesn't hesitate to kill, injure or kidnap innocent civilians, including children.

[English]

In my opinion, the atrocities committed by Hamas on October 7 are clear breaches of basic human rights and cannot be justified under international law, including the rules of war. In fact, they are barbarian acts that confirm that Hamas is a terrorist organization that must be neutralized.

Of course, Israel has the right to re-establish law and order within its borders. In fact, it has the duty to protect its citizens and visitors against any repetition of these outrageous acts.

The countries and organizations that supported Hamas will have to be held accountable for their complicity in the atrocities committed. For now, the minimum they can do is work diligently for the release of all hostages. I also invite Canada to exercise global leadership to help secure the release of all hostages.

Finally, I was deeply saddened to see groups in Canadian cities last week showing support for Hamas, considering their atrocities against civilians. Colleagues, our country is built on the rule of law and respect for the life and dignity of all, irrespective of their origin, belief, religion or opinion. These core values are part of our social contract as a country — let us reaffirm them loud and clear.

Hatred and acts of support for Hamas have no place in Canada. I invite all leaders and influencers, including political and religious ones, to reaffirm these values and to call for a lasting peace in the Middle East based on mutual respect and the two-state solution.

Thank you. *Meegwetch.*

Hon. Senators: Hear, hear.

The Hon. the Speaker: Honourable senators, please join me in rising for a minute of silence to remember the victims of the Hamas attack on Israel.

(Honourable senators then stood in silent tribute.)

• (1420)

[Translation]

The Hon. the Speaker: Thank you, colleagues.

[English]

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of our former colleague the Honourable Linda Frum.

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

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Don and Carolyn Murdoch, who are accompanied by Thane and Kelly Higgs. They are the guests of the Honourable Senator Plett.

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

Hon. Senators: Hear, hear!

BREAST CANCER AWARENESS MONTH

Hon. Jane Cordy: Honourable senators, I rise today to draw your attention to a cause that I know is important to so many of us here. October is Breast Cancer Awareness Month, and I would like to take a moment to speak about this issue and why it remains crucial to raise awareness.

Senators and staff are indeed focused on that work. This year marked the eighth time that our Senate Sensations team, organized by Conservative staffer Karma Macgregor, participated in the CIBC Run for the Cure, raising not only awareness but over \$12,000 for research and support for the cause. I thank all those who organized, participated in and donated to this event. It's clear that breast cancer has affected the lives of so many.

Estimates show that about 1 in 8 Canadian women will develop breast cancer in their lifetime and, honourable senators, an estimated 1 in 34 Canadians will die from breast cancer.

Excluding non-melanoma skin cancers, breast cancer is the most common cause of cancer among Canadian women and the second leading cause of cancer death. We know that early detection and treatment leads to better outcomes, and though these statistics can sound scary, the death rate has actually been decreasing since its peak in 1986. This likely reflects the improvements in screening and treatment. Over 80% of female breast cancer cases are diagnosed at stage 1 or 2. In Canada, the probability of surviving at least five years after diagnosis is about 89%. These encouraging statistics remind us just how important it is to remain focused and to have regular screening.

Statistics Canada reported a drop in cancer diagnoses in 2020, which has generally been attributed to the disruptions in screening services that occurred during the early stages of the

COVID-19 pandemic. The domino effect of this could have devastating effects: Missed or delayed screenings will lead to missed or delayed diagnoses.

Breast Cancer Canada recently launched a PROgress Tracker Breast Cancer Registry where the capital P-R-O stands for patient-reported outcomes. We need more data, and this is one way to achieve that. Canada does not currently track race-based data around screening rates to help identify and combat race-based disparities, which we know exist.

Honourable colleagues, I invite you to join me in marking Breast Cancer Awareness Month by encouraging those who are eligible to participate in breast screening tests. Together, we can show our support for those fighting this disease, and we can continue to work towards improving outcomes for everyone.

Thank you.

Some Hon. Senators: Hear, hear.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of members from the Canadian Parks and Recreation Association. They are the guests of the Honourable Senator Deacon (*Ontario*).

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

Hon. Senators: Hear, hear!

CANADIAN PARKS AND RECREATION

Hon. Marty Deacon: Honourable senators, as I begin, thank you again to my colleagues on their words regarding the recent terrorism and Hamas.

I rise today to talk about an important day that focuses on all Canadians, their health and their well-being. Today is Canada Parks and Recreation Association day on the Hill. Some of you had an opportunity to meet representatives this morning in our beautiful senators' lounge or in meetings throughout the day.

They are here to talk to us and continue to educate us on the contribution the parks and recreation sector makes to all of Canadian society. Think about what this looks like and what it feels like in your own community.

When I grew up, I worked for my local parks and recreation department. In the parks department, this included ensuring all town properties and parks were in great shape, and in July and August I worked for the recreation department with youth in the summer. These were experiences that influenced my life and love of my community. Yes, colleagues, I learned how to drive tractors, back up trailers each day full of park maintenance equipment, give tune-ups to my truck each day and sharpen lawnmower blades. I also planted many trees and shrubs on the town's park properties that, 40 years later, tower into the sky.

I also had the privilege to work with young people as a recreation counsellor and director. In my young life, which was not easy, these experiences with parks and recreation gave me a sense of connection, of belonging, of pride and of community that was deeply missing in my life. Over the years I have observed the pivotal role parks and recreation play in promoting physical and mental health and overall well-being. This sector supports healthier lifestyles and fosters resilience against health challenges.

Fast forward to today in my role as a senator: I visited over three dozen organizations during those early months of the pandemic, and I saw our recreation professionals leading in a time of crisis and uncertainty. These community workers pivoted like no other. They reconfigured their recreation facilities and rallied to bring all staff and volunteers in to help and provide refuge, support and essential services during those uncertain and early days. This made the difference for many who were struggling, particularly the most vulnerable in our community.

In every corner of this country, the Canadian Parks and Recreation Association is working to model and ensure this sector is creating a legacy of unity, well-being, vitality and resiliency to which we dearly aspire to leave our children.

The CPRA will continue work to build a stronger, healthier and more resilient Canada by promoting health, greening our economy, empowering youth and combatting climate change. Let us make sure this work can continue. For this, we thank you. *Meegwetch.*

Hon. Senators: Hear, hear.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of His Excellency Sam Tan, High Commissioner of Singapore in Canada. He is the guest of the Honourable Senators Woo and Oh.

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

Hon. Senators: Hear, hear!

COMBATTING HATE

Hon. Salma Ataullahjan: Honourable senators, when 6-year-old Palestinian American Wadea Al-Fayoume saw his landlord enter their apartment in Chicago, he was excited to see the man who had attended his birthday party just two weeks prior, and he ran for a hug. The landlord was speaking to his mother about his anger about the conflict in Israel and Palestine. The mother responded, "Let us pray for peace." But she and her son were instead met with violence when 6-year-old Wadea was met with a seven-inch blade and stabbed 26 times while the landlord allegedly yelled, "You Muslims have to die. You're killing our kids in Israel. You Palestinians don't deserve to live." Wadea's final words to his mother before passing were, "Mom, I'm fine."

• (1430)

Wadea's death at the hands of hate reflects the horrific loss of life we have seen in Israel and Palestine over the last week, where an estimated 1,400 Israelis have died at the hands of Hamas. An estimated 2,450 Palestinians have perished, and at least a quarter are children. I cannot offer more specific numbers, as the death toll is continuously rising.

I was hesitant to speak today for fear of being labelled a "terrorist sympathizer." But I sit amongst you, colleagues, in the chamber of sober second thought, where we speak on difficult and uncomfortable issues. I strongly condemn Hamas, and this is not the first time I have condemned Hamas. I condemn them for attacking innocent Israeli civilians.

I grieve for the loss of life on both sides. As a vocal human rights advocate, I must remind my colleagues that Israelis and Palestinians both have fundamental human rights that must be respected and protected; to say this is not and should not be controversial.

With reports of city officials in Markham, Ontario, attempting to secretly end Islamic Heritage Month, we must also guard against the surge of anti-Semitism and Islamophobia here at home as a response to the global events.

Yesterday, a man in Michigan was arrested after attempting to find others to help him "hunt Palestinians." I ask my colleagues today to join me in combatting this rising tide of hate and calling for a ceasefire. There must be an end to hostilities and the unnecessary loss of life. Thank you.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of collaborators in the Canadian Pride Caucus. They are the guests of the Honourable Senator Cormier.

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

Hon. Senators: Hear, hear!

[Translation]

NARGES MOHAMMADI

CONGRATULATIONS ON NOBEL PEACE PRIZE

Hon. Julie Miville-Dechêne: For all women in Canada and elsewhere who believe in gender equality, the selection on October 6 of Nargues Mohammadi, Iranian activist, as winner of the Nobel Peace Prize sends a wonderful message of hope.

From deep in the prison where she is being held in Tehran, despite heart problems and mistreatment, Nargues Mohammadi remains among the harshest critics of Iranian theocratic power.

Arrested 13 times and sentenced five times to a total of 31 years in prison and 154 lashes, this activist is fighting body and soul against mandatory veiling and violence against Iranian women.

[English]

Her voice is powerful. Here are her own words in an essay recently published in *The New York Times*:

What the government may not understand is that the more of us they lock up, the stronger we become.

The morale among the new prisoners is high. Some spoke with strange ease about writing their wills before heading onto the streets to call for change. All of them, no matter how they were arrested, had one demand: Overthrow the Islamic Republic regime.

What is less known is that Narges Mohammadi is also a mother who for eight years has not seen her twins, now 16 years old, who are exiled with their father. Her son speaks of her with pride. Her daughter only wants to be reunited with her mother. But Narges refused to leave Iran to continue her fight for freedom. This is a heavy sacrifice.

Could this highly publicized Nobel Prize breathe new life into the Woman, Life, Freedom movement in Iran, which has moved underground since the regime's violent repression? Is Narges Mohammadi the long-awaited leader who could unify the opposition? Who knows? But we can hope.

[Translation]

In the meantime, Canada should be using every tool at its disposal to put maximum pressure on the Iranian regime and its accomplices. Although a Senate motion urged the Government of Canada to do just that, it has yet to declare the Islamic Revolutionary Guard Corps as a terrorist entity, despite its close ties to Hamas, which is designated a terrorist entity.

We cannot remain indifferent to what has been described as an unprecedented feminist revolution. Narges Mohammadi is counting on us. With all eyes riveted on Gaza or Ukraine, let's not turn our backs on Iranian women.

Thank you.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Jiaying Zhao, from the University of British Columbia, and Jessie Golem, creator of the "Humans of Basic Income" portrait series. They are the guests of the Honourable Senator Pate.

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

Hon. Senators: Hear, hear!

ANTI-SEMITISM

Hon. Leo Housakos: Honourable senators, today, as Jewish people from across Canada and around the world are gathering here in Ottawa for an anti-Semitism conference, I feel compelled to talk about what that will mean as Israel increases its military action in Gaza. This conference was scheduled long before the October 7 Hamas terrorist attacks on Israel that saw men, women and children of all ages murdered, raped and paraded through the streets as trophies; babies beheaded and set ablaze; and 200 Israelis taken and who remain hostage.

October 7 wasn't an act of war or resistance. It was an act of cowardice and depravity. It was an act of terror and pathological Jew hatred, full stop.

The first and sole objective of Hamas is the destruction of the state of Israel and the Jewish people. That's what they mean when they say, "From the river to the sea . . ." It's not a rallying cry for freedom and certainly not for peace. Hamas has no interest in peace. When we say that Israel has a right to defend itself and to defend its people, there can be no equivocation, especially in the coming days.

Of course, it is not easy to see images of civilians killed by Israeli rocket strikes. We can and should mourn the deaths of civilians in Gaza, as we mourn those in Israel.

However, we must be clear. Israel is acting in accordance with international law. It is engaging in a lawful, proportionate attack against a genocidal enemy force. While the human suffering of war is undeniable, we must remember that this war is not by choice for Israel. It is by necessity. Their very existence depends on it.

Israel's military response against Hamas is not an act of retaliation, nor is it punitive. To describe it as such or to falsely accuse Israel of widespread atrocities, as at least one member of Parliament has done, is not only patently false and unfounded but an attempt to equate Israel with the cowardice of Hamas. Shame on anyone who does so, whether it be that MP, delegates at federal party conventions, members of provincial Parliament, heads of public service unions or Canadians marching shamefully in the streets in pro-Hamas rallies.

We've heard people at these rallies claiming that Hamas is not a terrorist group and that any violence they commit is justified in pursuit of a free Palestine. I don't know how that can be characterized as anything other than hateful and anti-Semitic. Saying such things should be covered under our hate speech laws. If such laws don't apply to the glorification of murdering babies and parading the bodies of dead women through the streets, to what do they apply?

If the October 7 attacks and the subsequent pro-Hamas rallies and anti-Israeli rhetoric being espoused by politicians and senior bureaucrats have shown us anything, it's that — more than ever — we must recognize that anti-Zionism is anti-Semitism. We must face it and we must fight it.

Never again means never again.

Thank you.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. David Huntsman, Professor in Obstetrics and Gynaecology at the University of British Columbia. He is the guest of the Honourable Senators Ravalia and Woo.

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

Hon. Senators: Hear, hear!

SMALL BUSINESS WEEK

Hon. Tony Loffreda: Honourable senators, this week is Small Business Week, a week-long event that celebrates Canada's entrepreneurship and the 1.2 million employer small businesses in Canada.

According to Statistics Canada's latest data, small businesses account for 97.9% of all businesses in Canada. In my home province, this represents nearly 250,000 businesses. Across the country, they employ 8.2 million Canadians, which represents 67.7% of the total private labour force.

[Translation]

This week, the Business Development Bank of Canada will be hosting a number of events to help businesses rise to the challenge of managing and growing a small business, especially against the current backdrop of labour shortages, rising interest rates and inflation.

• (1440)

[English]

Colleagues, we know that the pandemic was difficult on our business community. Small businesses were under immense pressure to innovate, digitize and make their products available online for easy order and delivery. It was a question of survival.

Unfortunately, some did not recover from the various lockdowns and health restrictions, while others are struggling to recuperate lost revenues — which is why I welcomed the government's recent decision to extend the repayment deadline for the Canada Emergency Business Account.

However, for the most part, Canada's business community showed us the true meaning of resiliency. Business owners are naturally always looking to the future. They are creative,

adaptable and fully committed to growing their business. They put everything on the line every single day. I admire their passion and perseverance, and how they are eager to adapt to the economy of the future.

Thankfully, the government is also there to support businesses to break into the online marketplace and use technology to increase their sales. Launched in March 2022, the \$4-billion Canada Digital Adoption Program hopes to help 160,000 businesses move online, boost their e-commerce presence and incorporate technologies that help them become more productive and competitive.

I have always said that small businesses are the heartbeat of any economy. I would even argue that they are the heart and soul of our neighbourhoods and towns. There are incredible business success stories in all corners of our great nation. This week, we celebrate these individuals, their families and their staff who are injecting life into our local communities.

Honourable senators, please join me in celebrating Canada's entrepreneurial spirit and our small businesses — whether online or in our communities — for being an important part of our economy, and for contributing to our overall prosperity and well-being. We thank them for all that they do. Thank you.

ROUTINE PROCEEDINGS

STUDY ON THE PROVISIONS AND OPERATION OF THE SERGEI MAGNITSKY LAW AND THE SPECIAL ECONOMIC MEASURES ACT

TENTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL
TRADE COMMITTEE—GOVERNMENT RESPONSE TABLED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the government response to the tenth report of the Standing Senate Committee on Foreign Affairs and International Trade, entitled *Strengthening Canada's Autonomous Sanctions Architecture: Five-Year Legislative Review of the Sergei Magnitsky Law and the Special Economic Measures Act*, tabled in the Senate on May 16, 2023.

QUESTION PERIOD

GLOBAL AFFAIRS

JOINT STATEMENT ON ISRAEL

Hon. Donald Neil Plett (Leader of the Opposition): Government leader, two days after the sadistic Hamas attacks on Israel, a joint statement of condemnation was issued by the U.S.,

the U.K., Italy, Germany and France. Canada's voice was excluded. Canadians were told that this didn't really matter because the statement was from the Quint.

I think it does matter, leader, because our country is increasingly sidelined after eight long years of Prime Minister Justin Trudeau.

Leader, your government says it's good at convening. If Canada's exclusion from the Quint statement didn't matter, then why didn't the Prime Minister convene a statement from the G7 leaders?

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

Canada's stated condemnation of Hamas — and its continuing support for Israel's right to defend itself — is consistent with international law. Canada's continuing support for providing humanitarian assistance to those who need it stands as a testament to the moral position that Canada has taken and continues to take. With regard to actions on the ground, Canada is doing its part as well to assist those who are held hostage and those who seek safe refuge from the war, and shall continue to do so.

Senator Plett: You really prepare your answers before the questions are even asked. This didn't touch upon the question I asked, leader.

Trudeau is not a serious leader, and the world knows it. It's one thing for Prime Minister Trudeau to destroy his own personal reputation all over the world, but he is also destroying Canada's reputation.

Answer this question, Senator Gold: This is just like Canada's exclusion from the AUKUS security pact. Your government wasn't invited. They found out about it after the fact, and then downplayed its significance. It's the same thing all over again, Senator Gold — isn't it?

Senator Gold: Thank you for your question.

No, what is the same thing is the drumbeat that you continue to play in the face of the actions that Canada is taking both to protect its citizens and to play its part on the world stage.

PUBLIC SAFETY

CANADA BORDER SERVICES AGENCY

Hon. Leo Housakos: My question is for the government leader.

Senator Gold, I've been asking questions regarding ArriveCAN for two years now. I've asked about the unconstitutionality of leaving Canadians stranded overseas. I've asked about Canadians being unlawfully quarantined. I've asked whether your government would finally do the right thing and cancel the outstanding fines levied against Canadians. Every time, no matter the question, you regurgitate the same talking points that the Prime Minister's Office, or PMO, sends over here.

It sounds good, but it's completely irrelevant to the questions being asked. Senator Gold, I'm putting you on notice that those answers just won't wash.

Very simply, this is my question: why? When she was in the middle of her own investigation, why was the Auditor General of Canada not informed that the RCMP was also investigating allegations of fraud pertaining to the ArriveCAN scam? Why did the Auditor General have to find out about the latest criminal investigations into your government through media reports?

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

The Auditor General operates independently of the government, as do investigations by the RCMP. My understanding is that the Auditor General — now apprised of that — has extended the time for her evaluation and analysis.

Senator Housakos: Senator Gold, as if it isn't bad enough that the Auditor General wasn't informed of the RCMP investigation into the "ArriveScam," last week when she appeared at a House committee, your Liberal-NDP government shut down her testimony after only a few minutes — claiming that she had nothing more to add.

How would your government know what she did — or didn't — have to add, Senator Gold? What do you know that the rest of us don't know? What is your government hiding when it comes to this?

Senator Gold: The government is hiding nothing. The government has enormous respect for the work of the Auditor General, who has consistently provided assistance to both parliamentarians and Canadians, as she shines a light on the ways in which our practices, operations and programs can be improved.

FINANCE

GUARANTEED LIVABLE INCOME

Hon. Kim Pate: My question is for you, Senator Gold.

Today is the International Day for the Eradication of Poverty. By 2030, it is estimated that 7% of the world's population will be living on less than \$2.15 per day.

Throughout the pandemic and beyond, we are experiencing the crises of deepening poverty, homelessness and health and food insecurity. This is especially true for marginalized women, Indigenous and Black people, folks with disabilities and the 2SLGBTQIA+ communities.

• (1450)

As you know, in 2021, the government's National Action Plan for Missing and Murdered Indigenous Women and Girls identified the role of guaranteed liveable income as a short-term priority to begin within the coming one to three years — that's by next year, by 2024. What steps has the government taken

toward implementation, and when will they act to assist provinces like P.E.I. and other jurisdictions that are interested in pursuing such initiatives?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The government is committed to supporting Canadians. Indeed, between 2015 and 2021, close to 2.3 million Canadians have been lifted out of poverty, including 653,000 fewer children and 11,000 fewer seniors, representing a 49% decrease in poverty.

While basic income could help to address poverty, there are significant design considerations that require further study, including funding implications for existing programs and the potential effects on the labour market. To this end, I note that a study is being conducted by our Standing Senate Committee on National Finance.

It is my understanding that the government will continue to monitor research and analysis on basic income, and the government is exploring potential short-term and long-term policy responses to address the needs of Canadians.

Senator Pate: Thank you very much for that response, Senator Gold. I'm interested in the specific steps — perhaps you could provide them in writing — that the government has taken to have these interjurisdictional discussions with provinces, territories and municipalities that have been raised by a number of jurisdictions, which I first highlighted on June 8, 2021, just after the action plan was introduced.

Senator Gold: Thank you for your question. I appreciate your patience in waiting for a response to your written question. I will ask my office to follow-up on the response, and I'll report back to the chamber as soon as I can.

[Translation]

IMMIGRATION, REFUGEES AND CITIZENSHIP

ECONOMIC MOBILITY PATHWAYS PILOT PROJECT

Hon. Marie-Françoise Mégie: My question is for the Government Representative in the Senate.

Senator Gold, in the wake of Minister Miller's announcement last week, *Le Devoir* published an article today entitled "Ottawa accusé de faire marche arrière sur son engagement humanitaire après Roxham," or "Ottawa accused of walking back its humanitarian engagement after Roxham." Here's part of what it says:

"I think the meaning of 'humanitarian' is being twisted," said Adèle Garnier, a professor in the department of geography at Université Laval. She believes it is clear that temporary foreign workers "are not humanitarian migrants" according to the traditional definition because this kind of program exists "specifically to meet economic needs."

According to the article, even though there is already a family reunification program, “The 11,000 Colombians, Venezuelans and Haitians will qualify if a member of their extended family is already in Canada.”

Senator Gold, when will we learn the details of the new program Minister Miller announced, and when will it be on stream?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. Canada is committed to welcoming 15,000 people from the western hemisphere. As you pointed out, the minister announced a new humanitarian pathway for permanent residence for 11,000 people from the Americas, including Haiti. I’m told the program will open this fall.

The government will also welcome an additional 4,000 temporary foreign workers from the region. The Government of Canada continues to offer regular humanitarian and economic immigration pathways as well as temporary work programs.

I’m also told that work is ongoing in collaboration with our partners.

CANADIAN HERITAGE

ONLINE NEWS ACT

Hon. Jean-Guy Dagenais: My question is for the Government Representative in the Senate.

I see that measures taken by our government to force web giants to negotiate have been unsuccessful. Even worse, some media outlets are being financially impacted and losing visibility.

What will it take for the government to acknowledge that it is going down the wrong path with the Online News Act?

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

The goal of Bill C-18 is to force web giants to sit down with our small and large media companies to come to a fair and equitable agreement for the benefit of Canadians.

Obviously, web giants are afraid of the precedent this has created in Canada and Australia. They are flexing their economic muscles to try to bully us into not going forward with this bill. However, the Government of Canada is staying the course in supporting this bill, which is good for Canada.

Senator Dagenais: Can you explain the logic behind the government’s fight against these web giants, when the Prime Minister himself uses them to announce changes in his family situation instead of using a local, Canadian news channel? In a way, he is proving the effectiveness of web giants in the system.

Senator Gold: The idea behind the bill is not to go backward and get rid of commonly used tools such as social media. It is instead to ensure that our traditional media and our local journalists, which Canadian democracy relies on, receive fair support compared to the media giants who benefit from it.

HEALTH

NATIONAL PHARMACARE

Hon. Andrew Cardozo: My question is for the Government Representative in the Senate and is on the affordability that comes with pharmacare and the dental care system.

[English]

The idea of pharmacare has been around for a while. At various times, the Liberal, New Democratic and Green parties have proposed a national pharmacare policy. In June of this year, the NDP health critic, Member of Parliament Don Davies, introduced a private member’s bill on this topic, Bill C-340. Last weekend, the NDP National Convention endorsed the party’s push for such a policy. The Liberal government has announced that they plan to introduce such a plan, and we know that the two parties are in discussion on a draft bill. Can you provide this house with an update on the negotiations and a timeline of when this bill will be introduced?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I’m advised that work is ongoing to introduce a Canada pharmacare bill to help Canadians have greater access to the health care that they deserve and need. I understand that conversations are ongoing with the New Democratic Party and indeed all parliamentarians to ensure that Canadians aren’t put into an impossible position when they must figure out how to pay for essential items, such as drugs.

At the same time, the government must ensure that it acts prudently and in a fiscally responsible manner. In that regard, the government remains focused on determining the most effective way to reduce the cost of pharmaceuticals for Canadians.

Senator Cardozo: I would still like to hear if there is a timeline in terms of passing such a bill by the end of the year.

My supplementary question is about dental care, the other part of health care that is related to affordability. This policy has been put in place. Could you update us on where the dental care policy is at this point?

Senator Gold: Thank you. Regrettably, I don’t have any more details on this than in the answer I gave to our colleague, Senator Cordy, earlier this month. To remind my honourable colleagues, the Canadian Dental Care Plan is expected to begin rolling out by the end of this year, and by 2025, it will be fully implemented to cover all uninsured Canadians with an annual family income under \$90,000. Again, the government remains committed to moving forward.

ENVIRONMENT AND CLIMATE CHANGE

IMPACT ASSESSMENT ACT

Hon. Denise Batters: Senator Gold, last week, the Supreme Court of Canada ruled that the vast majority of Bill C-69 and the entirety of its regulations are unconstitutional. The act has almost 200 sections, and the Supreme Court found only 10 sections acceptable. The court held that the “‘designated project’ scheme . . . exceeds the bounds of federal jurisdiction.”

Bill C-69 was an unmitigated disaster from the start. The Trudeau government itself proposed 150 amendments at the House of Commons committee stage. The Senate passed almost 200 more, and the government accepted 99 — mostly government — amendments. Now, Minister Guilbeault says they will do their homework and tweak it a bit.

Enough, Senator Gold. Stick a fork in it; it’s done. It’s time to repeal the whole bill. When will the Trudeau government finally admit their colossal failure on Bill C-69?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. Bill C-69 was and is legislation designed to affirm the importance of proper environmental overview of projects. The Government of Canada respects the Supreme Court’s decision and is considering the guidance that the Supreme Court has provided. The Supreme Court made it clear that important sections dealing with federal jurisdiction remain constitutional and has provided guidelines for moving forward.

• (1500)

The government and the minister have announced that they will be adjusting the legislation to bring it into conformity with the Supreme Court’s decision and will continue to provide the leadership on environmental issues that this country needs and deserves.

Senator Batters: Senator Gold, I told your government five years ago that this terrible bill, Bill C-69, was unfixable and would be found unconstitutional:

It intrudes on provincial jurisdiction and violates our Constitution’s division of powers. . . . The Trudeau government keeps shoving its way into matters of provincial jurisdiction.

Your government should have shelved it then but stubbornly refused. Will you shelve it now?

Senator Gold: Thank you for your supplementary question. As I’ve just said, honourable colleague, the government is studying the guidance that the Supreme Court has provided for ways to make the legislation fit within the parameters of their ruling, and the minister and the Government of Canada are determined to move forward with this legislation and these changes that they have announced.

CANADIAN HERITAGE

CANADIAN BROADCASTING CORPORATION

Hon. Donald Neil Plett (Leader of the Opposition): Leader, the Director of Journalistic Standards of the “government broadcasting corporation” — or the CBC — sent this instruction to their journalists following the terror attacks by Hamas on innocent people in Israel:

. . . do not refer to militants, soldiers or anyone else as “terrorists.”

. . . Even when quoting/clipping a government or a source referring to fighters as “terrorists,” we should add context to ensure the audience understands this is opinion, not fact. That includes statements from the Canadian government and Canadian politicians.

It is absolutely shameful, leader, that the CBC refuses to call Hamas what it is — a terrorist organization, a group of terrorists. Why did the Liberal and NDP coalition of MPs vote to protect the CBC by shutting down a committee study on this, Senator Gold?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. First and foremost, as I’ve said, the Government of Canada and the Prime Minister have been very clear that Hamas is a terrorist group.

Second, it is important to remember that the independence of CBC/Radio-Canada’s journalism from the government and from Parliament, including the Senate, is protected by law under the Broadcasting Act.

I understand, colleagues, if you have read the newspapers today. The organization has provided an explanation and a rationale for its position with regard to the use of this language, and similar policy, as you may know, is implemented by the BBC and a number of other global news outfits. As parliamentarians, it is not our job to tell journalists or newsrooms what to say in the course of their work, but I would note that CBC/Radio-Canada has provided many a platform to use the word “terrorist” many times in recent days.

Senator Plett: A subsidy of \$1.4 billion does not make them an independent organization. Despite what the CBC says, it’s a fact, Senator Gold, that Hamas has been a terrorist entity under Canada’s Criminal Code for 21 years. This is not opinion; this is fact.

The fact that the CBC won’t call Hamas terrorists tells Canadians all they need to know about the state broadcaster they fund through their taxes. Is there anyone in the Trudeau government who will condemn the CBC for this?

Senator Gold: I am really going to resist answering in kind, Senator Plett. The CBC is an independent news organization. No one has to tell me that Hamas is a terrorist organization or to remind me of how long Canada has stood in solidarity. Again, if you take the time to read their explanation, you will see that your assertions are unnuanced and incomplete.

*[Translation]**[English]***IMMIGRATION, REFUGEES AND CITIZENSHIP****ASYLUM SEEKERS**

Hon. Julie Miville-Dechêne: Senator Gold, Quebec is currently experiencing an explosion in asylum applications. We welcomed 49,000 of the country's 90,000 asylum seekers between November 2022 and June 2023, or 55% of the Canadian total.

I visited The Refugee Centre in Montreal last Wednesday. The organization offers various types of assistance and integration supports for people waiting for their status to be determined. The place was packed. Clients were sitting on the floor in the hallway. According to this centre, Immigration, Refugees and Citizenship Canada is paying for thousands of hotel rooms to house asylum seekers when they arrive, but this non-profit organization, which helps them find a real home and deal with all kinds of formalities, is not eligible for federal funding.

Can you tell me whether the current legislation effectively prevents Immigration, Refugees and Citizenship Canada from funding these services offered to asylum seekers by non-profit organizations?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for highlighting the challenges faced by these shelters and the important work they do. This is a challenge not only for the province of Quebec, but also for cities and provinces across Canada that have welcomed large numbers of people. The government is well aware that this poses major challenges in terms of housing, among other things.

I don't have a precise answer to your question, but I will bring it to the minister's attention and share your concern.

Senator Miville-Dechêne: Thank you. I'd still like to add one thing to the question you're going to ask: Can the law be changed?

It seems rather absurd to spend millions of dollars on hotel rooms for up to a year, I'm told, rather than to ask and fund non-profits capable of rehousing them for less in society, and helping them. This seems like an inconsistency that needs to be corrected.

Senator Gold: Thank you. I will add this observation to the information I will be forwarding to the minister.

PRIVY COUNCIL OFFICE**MANDATE LETTERS**

Hon. Marty Deacon: My question is for the Government Representative in the Senate.

Senator Gold, this past July, we saw a major cabinet shuffle that welcomed in many new faces and even introduced a new portfolio in the Minister of Citizens' Services. This shuffle represented a change of priorities for this government in order to meet the challenges Canadians are facing every day.

We have yet to see the new mandate letters for these ministers, though. I have found the timely publication of these letters incredibly useful in determining the goals of the government and making sure I can hold these ministers to account when they appear before us. Can we expect a new crop of mandate letters and, if so, when?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. Colleagues, the ministers and this government are continuing to work hard to fulfill their responsibilities. My understanding is that the current mandate letters published in accordance with the beginning of the mandate in December 2021 exist and remain available online. I'm not advised of any updates, but I'd be glad to bring your comments forward to the government.

Senator M. Deacon: Thank you. I appreciate you asking and moving forward on that. I would think that if we're looking at a shift in ministers and a new minister that there would also be subsequent adjustment or refinement of mandates. I look forward to ensuring that we have some connection between those two soon.

Senator Gold: As I said, I'm not aware that there are plans to update them, but I will certainly raise that with the appropriate ministers.

FINANCE**CANADA'S INFLATION RATE**

Hon. Yonah Martin (Deputy Leader of the Opposition): Senator Gold, I raised with you in June the IMF warning that Canada has the highest risk of mortgage defaults among advanced economies. Statistics Canada reported today that mortgage interest costs in September went up a staggering 30.6% year over year. This was the main contributor to inflation last month. It's no wonder that Canadians are increasingly worried about keeping up with their mortgage payments and keeping their homes.

Will the Trudeau government stop the inflationary deficits that are fuelling high interest rates to keep Canada from a mortgage default crisis?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The position of the government is simply this: It has made investments in Canadians, our businesses and our infrastructure in order to assist Canada in going through these challenging economic times. Those investments have been successful in keeping our economy resilient and in maintaining Canada's economic status and position.

The Government of Canada is also providing assistance and will continue to work to provide assistance to those who are facing challenges in obtaining and/or retaining their houses. It is the position of the government that their investments are not the cause of the high interest rates that are befalling not only this country but others as well.

• (1510)

Senator Martin: Senator, the numbers speak volumes. This summer, RBC said that 43% of its residential mortgages were longer than 25 years, which is a jump of 40% in just one year. Early last year, RBC reported having no mortgages longer than 35 years; now they represent 23% of RBC's mortgages.

Leader, why do you think it takes 25 years to save up for a down payment now when it used to take that long to pay off a mortgage? Isn't it because the Prime Minister is not just worth the cost of — after eight long years —

The Hon. the Speaker: Senator Martin, thank you. Your response, Senator Gold?

Senator Gold: The Government of Canada understands very well the challenges that Canadians are facing with rising interest rates and the impacts they have, not only on their housing but on other choices they have to make. However, it is simply not the case that the responsibility for the problem lies with the federal government. The federal government is here to provide assistance, however.

PRIVY COUNCIL OFFICE

COMMENTS BY STAFF MEMBER

Hon. Donald Neil Plett (Leader of the Opposition): Leader, in 2020, the Centre for Israel and Jewish Affairs and the Friends of Simon Wiesenthal Center alerted the Privy Council Office, or PCO, about wild anti-Semitic comments made online by one of the Privy Council's senior analysts. In response, the PCO simply shuffled the staffer into another role, this time with the Department of Fisheries and Oceans Canada. Last week, Senator Gold, we learned that same staffer is under investigation yet again for anti-Semitic comments he made after the vicious Hamas terror attack on Israel.

The PCO is the Prime Minister's own department, Senator Gold. Why weren't those comments taken seriously three years ago, and why should we believe they will be taken seriously now?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, Senator Plett.

The expression of hatred, whether anti-Semitic or otherwise, is unacceptable. I have confidence that the PCO and other institutions, both in government and outside, take seriously the harms that such comments cause.

I only regret that today and during this time it seems somehow acceptable in this chamber to use these issues, which are so painful to so many people, for partisan reasons.

It's a legitimate question as to why people who express hatred are not dealt with. I have no knowledge of these particular facts. I have confidence it is being done consistently with our rules, values, procedures and laws that govern such matters.

Senator Plett: I take offence at that answer, Senator Gold. I stand with Israel. I always have. I'm sorry that I have to ask these difficult questions. For you to think there is anything nefarious there is problematic.

Leader, I won't repeat what the staffer said, but his hateful words can easily be found online. If any one of us can find those words and if we can clearly see them for what they are — anti-Semitic — then the PCO should be able to as well. The staffer kept his employment within the Government of Canada. Why is no one held accountable under this Trudeau government?

Senator Gold: I acknowledge that it's legitimate to ask questions about how such matters are treated by employers, whether governmental or otherwise. My comments stand for themselves.

I have no knowledge of this particular case and have no further comments to make in that regard.

GLOBAL AFFAIRS

ISLAMIC REVOLUTIONARY GUARD CORPS

Hon. Leo Housakos: Senator Gold, it's great to say that the government is showing its solidarity with the State of Israel, but we also need action.

My question is not partisan by any means; it is simple and direct: Why isn't the Canadian government ready to put into place punitive measures against nations that are supporting Hamas directly, such as Qatar and Iran? We are importing hundreds of millions of dollars of oil into our country from Qatar.

Of course, your government continues to refuse to list the IRGC, or Islamic Revolutionary Guard Corps, as a terrorist organization. When will you list the IRGC as a terrorist organization?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your questions.

As I have answered on many occasions and about which I have little to add, there are a large number of organizations and individuals in Iran and the other countries that are listed as terrorist organizations. As I have explained before, those decisions are made through a process that is ongoing. In that

regard, again, Canada is doing its part to defend Israel and to provide humanitarian aid to those who are suffering during this war. It will continue to do its part diplomatically to hold all governments to account if and as they support the barbaric acts perpetrated in the Middle East.

Senator Housakos: Senator Gold, with all due respect, for years, we have had motions in this chamber, and there have been motions that have passed in the House of Commons, calling upon the government to list the IRGC as a terrorist organization. Saying it takes time and is ongoing is not acceptable when it has already been seven or eight years. The government has the power to do this, and when you don't do it, it empowers organizations like the IRGC.

When will you list the IRGC as a terrorist organization?

Senator Gold: I'm sorry my answer does not satisfy you, Senator Housakos. As I have said on other occasions, it is an easy matter to make the argument, but it's far more difficult and important to make sure that innocent people who are drawn into these matters do not suffer.

The government is taking its responsibility seriously and responsibly.

[Translation]

ORDERS OF THE DAY

DECLARATION OF PRIVATE INTEREST

The Hon. the Speaker: Honourable senators, Senator Audette has made a written declaration of private interest regarding Bill C-21, Bill C-48, Bill S-212 and Bill S-232 and in accordance with rule 15-7, the declaration shall be recorded in the *Journals of the Senate*.

[English]

BUSINESS OF THE SENATE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to the order adopted December 7, 2021, I would like to inform the Senate that Question Period with the Honourable Jean-Yves Duclos, P.C., M.P., Minister of Public Services and Procurement, will take place on Wednesday, October 18, 2023, at 2:25 p.m.

[Translation]

BUDGET 2023

INQUIRY—DEBATE ADJOURNED

Hon. René Cormier rose pursuant to notice of Senator Gold on March 29, 2023:

That he will call the attention of the Senate to the budget entitled *A Made-in-Canada Plan: Strong Middle Class, Affordable Economy, Healthy Future*, tabled in the House of Commons on March 28, 2023, by the Minister of Finance, the Honourable Chrystia Freeland, P.C., M.P., and in the Senate on March 29, 2023.

He said: Honourable senators, I rise today on the occasion of 2SLGBTQI+ History Month to speak to Inquiry No. 5, calling the attention of the Senate to the budget entitled *A Made-in-Canada Plan: Strong Middle Class, Affordable Economy, Healthy Future*.

Tabled on March 28, 2023, the budget announced the creation of a new action plan to combat hate, which includes measures to combat hateful rhetoric and acts to build more inclusive communities, a measure eagerly awaited and essential to 2SLGBTQI+ communities in Canada.

[English]

According to the UN, hate-related incidents are on the rise and reflect a global trend. The main culprit in this very worrying phenomenon is hate fomented online, specifically on social media. According to the thematic report by the UN Special Rapporteur on minority issues, over 70% of those targeted by hate crimes or hate speech on social media are from national ethnic, religious, linguistic, sexual and gender minorities.

[Translation]

Unfortunately, Canada is not immune to this trend. According to recent Statistics Canada data, hate crimes reported to police and committed on the basis of sexual orientation increased by 64% between 2020 and 2021.

• (1520)

That's just the tip of the iceberg, as the data don't take into account crimes targeting gender identity or gender expression, nor the fact that daily hateful attacks and microaggressions on social media are all too frequent. These attacks are often found inadmissible by the police, but they're nevertheless very damaging.

Why is this hatred growing? Disinformation, lack of education, prejudice, fear, intolerance and polarized discourse are certainly some of the factors behind this phenomenon.

In Canada, the current polarization, disinformation and intolerance surrounding the rights of trans children and young people are real vectors of hatred. It is extremely troubling, but not surprising, that this debate is framed as a fight that pits parental rights against the rights of trans children.

[English]

This is precisely the rhetoric used by the American “Save Our Children” movement led by singer Anita Bryant in the 1970s. This movement was formed to abolish measures preventing discrimination against gay men and lesbian women in Florida.

The completely disturbing statements made by this movement at the time — such as “. . . homosexuals cannot reproduce, so they must recruit. . . .” — had repercussions beyond the borders of the United States, and unfortunately still resonate in 2023.

Currently, it is mainly the group Moms for Liberty that is fuelling this rhetoric in the U.S. According to the Southern Poverty Law Centre, this is a far-right group that identifies itself as part of the modern parental rights movement.

[Translation]

In Canada, this movement is spearheaded by Action4Canada, an organization that played an active role in two controversial measures: New Brunswick’s revised Policy 713 and Saskatchewan’s parental inclusion and consent policies.

According to Action4Canada:

The LGBTQ have been hijacked by radical activists who are attacking the core freedoms and rights of all Canadians. . . . Their objective is forced compliance and acceptance of their adult sexual proclivities and ideologies.

This group claims that sexual education hurts minors and threatens the traditional family unit. It claims to act on behalf of our children’s well-being.

If there’s one thing to rally around, colleagues, is that not the well-being of our children?

Instead of considering a child coming out at school instead of at home as a parental failure, let’s think about the ways in which we can help families be safe and loving spaces that nurture the development of every child, regardless of sexual orientation or gender identity and expression.

Of course, it is absolutely legitimate for parents to be involved in their children’s development, but let’s not lose sight of the cornerstone of that development: the children’s safety and well-being.

Also, instead of focusing on the negative consequences of gender-affirming care, let’s recognize that exploring one’s gender identity is an integral part of child development and let’s enhance the positive aspects of this care.

[Senator Cormier]

Zakary-Georges Gagné, a two-spirit person, transfemme and francophone who works on creating safe community spaces for Indigenous and 2SLGBTQIA+ people, said the following, and I quote:

For young people and adults alike, having access to gender-affirming care, simply knowing that we can access it, is an immense source of support.

To me, having access to gender-affirming care means having access to greater safety and the power to identify myself with confidence and pride in every space I occupy. To many, having access to this care is life-saving.

[English]

Let us not forget that the recognition of a child or young person’s identity, whether gay, non-binary or trans, is an important factor in their well-being, and that questioning the existence of trans identity is extremely damaging and can lead to hate speech towards these young citizens.

[Translation]

Colleagues, let’s not forget that in 2016, through Bill C-16, the Parliament of Canada recognized the diversity of gender identity and gender expression by amending the Canadian Human Rights Act to add gender identity or expression as a prohibited ground for discrimination.

In addition, every province and territory has laws that cover discrimination on certain grounds, including gender identity and sexual orientation, and has adopted other measures to protect sexual and gender minorities.

New Brunswick, the province I represent in this chamber, adopted a policy in 2020 aimed at making schools more inclusive.

Last week, I had the privilege of meeting with young queer people at the Université de Moncton who shared moving personal accounts of the positive effects of this policy.

Here’s what one young person had to say, and I quote:

When I came out as a trans person in high school, the support of my teachers and classmates was monumentally beneficial to my mental health. Things weren’t going well at home, so school quickly became my safe haven.

However, the Government of New Brunswick amended its Policy 713 last August to make it more restrictive and to require parental consent for first name and pronoun changes at school.

What can be said about the Government of Saskatchewan’s worrisome Bill 137, which has the same objectives and invokes the use of notwithstanding clauses for certain provisions of the Canadian Charter of Rights and Freedoms and the Saskatchewan Human Rights Code?

Honourable senators, yesterday, I met with the mother of a trans child who is also a teacher. She spoke with great emotion about the learning curve she experienced when her child told her that he was trans and described the hateful comments he had endured.

After a long journey as a mother and a teacher, here are the three things that she learned and that she shares with all parents and teachers.

She said that parents must truly listen to their child as they express the real suffering associated with their coming out.

Parents must also educate themselves, look for information and accompany children on their journey. Schools and some community organizations that work in this area can provide support to parents who ask for it.

Finally, she said that teachers must clearly identify themselves as allies if they want to properly support trans children and listen to them when they talk about the challenges they are facing in announcing their gender identity to their parents.

This mother and teacher told me that teachers who have identified themselves as allies support trans youth in their journey toward talking to their parents when they feel safe doing so.

[English]

There are solutions, colleagues, to reassure worried parents and ensure the health and safety of trans children. There are solutions to counter the growing hatred in our country against the 2SLGBTQI+ community. This will undoubtedly require education and more action, and, as parliamentarians, we must speak out. Silence is not an option.

In this context, I welcome the future action plan to combat hatred that the federal government announced in the 2023 budget. This plan is needed for all Canadians. I hope that substantial funds will be available for its implementation.

In conclusion, I cannot pass over in silence the intolerable hatred and violence suffered by 2SLGBTQI+ people in refugee camps in Kenya and elsewhere, and I vigorously denounce the humanitarian disaster and the barbaric crimes currently occurring in many parts of the world.

Colleagues, let us work together to fight hatred and bring peace to our schools, families, our communities and in the world. Thank you, *meegwetch*.

Hon. Flordeliz (Gigi) Osler: Honourable senators, I rise today to speak to Inquiry No. 5 and the need to bring visibility to hatred towards 2SLGBTQI+ people and communities.

To start, let me share with you a moment in time that speaks about the impact of language. It was fall 2019, and I was giving a keynote address at a national medical meeting. I began the address by introducing myself as Dr. Gigi Osler and that my pronouns are she/her.

After I got off the stage, a colleague who was in the audience told me they had witnessed the person in front of them turn to the person beside them and say, “I never heard that before,” when I used my pronouns.

At the time, and still to this day, I am unclear if the person didn’t know what I meant when I used my pronouns or if they truly had never heard someone introduce themselves as she/her. Nevertheless, I was struck by how those five words — “My pronouns are she/her” — could start a broader conversation and raise awareness about how using gender identity terms such as pronouns can signal courtesy and acceptance.

• (1530)

In Canada, the acronym 2SLGBTQI+ represents two-spirit, lesbian, gay, bisexual, transgender, queer, intersex — and the “I” of intersex considers sex characteristics beyond sexual orientation, gender identity and gender expression — and, finally, the “+” includes people who identify as part of sexual and gender-diverse communities who use additional terminologies.

“Cisgender” refers to a person who identifies with the gender they were assigned at birth. “Transgender” refers to a person whose gender identity differs from the sex they were assigned at birth. Although “sex” and “gender” are often used interchangeably, they have different meanings.

The Canadian Institutes of Health Research defines “sex” as:

. . . a set of biological attributes in humans and animals. It is primarily associated with physical and physiological features including chromosomes, gene expression, hormone levels and function, and reproductive/sexual anatomy. . . .

Sex is typically assigned at birth and is usually categorized as female or male, typically based on external anatomy.

In contrast, gender is a social construct. The Canadian Institutes of Health Research defines “gender” as:

. . . the socially constructed roles, behaviours, expressions and identities of girls, women, boys, men and gender diverse people. It influences how people perceive themselves and each other, how they act and interact, and the distribution of power and resources in society. Gender identity is not confined to a binary (girl/woman, boy/man) nor is it static; it exists along a continuum and can change over time. . . .

Inclusive language matters when it comes to countering 2SLGBTQI+ hate. A 2022 research study in the *Canadian Medical Association Journal* examined suicidality among sexual minority and transgender adolescents in Canada. The study found that compared with cisgender heterosexual adolescents, transgender adolescents showed 5 times the risk of suicidal

ideation and 7.6 times the risk of suicide. The authors highlighted the need for inclusive prevention approaches to address suicidality among Canada's diverse youth population.

Words matter because lives are at stake.

Both the Canadian Psychiatric Association and the Canadian Medical Association recognize that gender identity is a health issue and that people's expression of sexual orientation and gender needs to be supported.

While Budget 2023 supports comprehensive sexual and reproductive health and education through the commitment of \$36 million over three years to the Sexual and Reproductive Health Fund, more intentional commitments to counter rising 2SLGBTQI+ hate are needed.

Finally, I offer congratulations to Logan Oxenham, who is believed to be the first openly transgender person elected to the Manitoba legislature in the October 3 provincial election. MLA Oxenham wants to use his first-hand knowledge of navigating the health care system as a transgender man to bring about positive change. Transgender and gender-diverse people have long been under-represented in political office at all levels of government, and he wants to "... amplify voices who have traditionally not been heard in places such as the legislative building."

The election of a transgender MLA provides much-needed visibility and representation for the transgender community in Manitoba. It sends a powerful message that transgender individuals can and should be active participants in the political and decision-making processes that affect our communities.

Bringing visibility to hatred and discrimination against 2SLGBTQI+ communities is an ongoing effort that requires the active involvement of individuals, communities, organizations and government bodies. By raising awareness, recognizing the root causes and implementing solutions, we can strive for a more inclusive and accepting society in Canada.

Thank you, *meegwetch*.

Hon. Andrew Cardozo: Honourable senators, it is my pleasure to join the discussion on 2SLGBTQI+ rights as raised in the last federal budget.

I want to take this opportunity to address a very specific policy here in the Senate, which is the recent decision by the Long Term Vision and Plan working group to have gender-neutral washrooms in the new and renovated Senate buildings. While surprisingly there has been some resistance, I am pleased to observe that the mainstream of the discussion was squarely based in the year 2023, and not in 1923.

[Translation]

I want to be as clear as possible as a senator in this chamber: I'm in favour of gender neutral washrooms.

[Senator Osler]

[English]

These washrooms will accommodate transgender Canadians and gender non-binary Canadians, the common word being "Canadians."

As a bonus, as with most forms of accommodation, many other Canadians will benefit from and appreciate the measure. I speak of this as if it were the brand new invention of the private washrooms. Here is the thing. While accommodation is always a good thing for the reasons of human rights and respect, it almost always benefits other people beyond those who need it most.

Let me give you two examples. Back some 30 or 40 years ago, when buildings and sidewalks were being built to be more accessible to people in wheelchairs and those with mobility challenges, I became acutely aware that these measures were of great assistance to parents with young children. While I stayed home to raise my kids for a few years when they were little, there were countless times when those facilities made it possible for me as I lugged around two little kids and a stroller.

Facilities for people with disabilities greatly assisted all parents and caregivers of young children, who are much larger in number than those using wheelchairs. By the way, we are still not at 100% in terms of accessibility.

[Translation]

As a second example, when I was at the CRTC, one of the initiatives that we were working on was television closed captioning for people who are deaf and hard of hearing.

[English]

Today, subtitling on television remains a very successful program that pays for itself through advertising and sponsorship, and it is widely used for the benefit of all who are patrons to bars, pubs and restaurants, as well as gyms and health centres. So, colleagues, the next time you find yourself reading subtitles on a TV screen at an airport, remember to thank the pioneers of this service — your fellow Canadians who are deaf and hard of hearing.

I will suggest the washrooms that accommodate "others" was probably a raging debate in this Parliament a century ago, two years after the first woman was elected to the House of Commons and seven years before the first woman was appointed to the Senate. The debate for an appropriate number of washrooms for women has been going on in the decades since, but I can just imagine the male fragility that yelled and hollered about having to give up their washrooms for their female colleagues, who they probably didn't believe belonged in Parliament to begin with. And here we are, 100 years later, and at last we have a solution. It takes us a while, but we can get it done.

I want to congratulate Senator Tannas and the Long Term Vision and Plan Subcommittee as well as Senator Moncion and the Internal Economy, Budgets and Administration Committee and all other senators who have approached this with openness and respect.

I'd like to make one last point on minority rights, and this is my plea to all parliamentarians. Let me paraphrase what President Biden said a few days ago about hate. There is some deep hate in our society at all times that is just under the surface and just needs oxygen to give it life. In our debates as parliamentarians, let us be careful not to give oxygen to the darker forces in our society.

• (1540)

I understand that we are often dealing with issues that are new to some, complicated or threatening. As parliamentarians, perhaps we can do our best, when discussing complex and emotional issues, not to feed the darker forces in our society, even if it could bring short-term political benefit to some of us.

To those who don't like the idea of a gender-neutral washroom, I say: Come on; join us. Let's be respectful and welcoming to all, be they parliamentarians, staff or visitors. Parliament is the home of all Canadians, not just some Canadians. Trust me; you're going to like the private washrooms. Thank you.

Hon. Mary Coyle: Honourable senators, I rise today to share my concern and some thoughts about the rising incidence of hate toward 2SLGBTQI+ people in Canada, and children in particular, by speaking to Inquiry No. 5, which draws attention to Budget 2023 and, in particular, the importance of the development of the National Action Plan on Combatting Hate.

Honourable colleagues, last Thursday, a headline in *The Economist* magazine declared, "The culture wars have come to Canada." The article was about the so-called parental rights movement's influence on education, laws and policies in New Brunswick and Saskatchewan, which take rights to privacy, safety and health away from trans children and youth and put educators in a very difficult position.

Colleagues, honestly, I am still shaken from my own encounter on September 20 with the front line of the divisive and polarizing culture wars. As I was trying to cross Wellington Street to get to my East Block office, I came across two groups of people separated by lines of police officers. On the south side of Wellington Street were people dressed in rainbow attire with signs encouraging people to teach love, not hate; to protect trans kids; and stating that trans rights are human rights.

In Canada, we know gender identity and gender expression are prohibited grounds for discrimination under the Canadian Human Rights Act. So I was okay. Across the street, on Parliament Hill, were people who had come to protest as part of the 1 Million March 4 Children. There I saw signs like "Boys, boys, girls, girls;" "Hands off our kids;" "Parents know best;" "Democracy not dictatorship;" and "Leave the kids alone."

This may seem innocuous, but there was a dangerous subtext. According to the Canadian Anti-Hate Network, by using a phrase like "parental rights" — which many parents would find natural and unobjectionable — as a stand-in for anti-trans rights and anti-child rights, the movement drives not only anti-2SLGBTQI+ activists but also concerned and misinformed parents to endorse that philosophy and join that movement.

I was profoundly disturbed by what I was witnessing. It felt dangerous for 2SLGBTQI+ people and kids. It felt dangerous for parents who appeared to be caught in a web of deceit, and it felt dangerous, frankly, for Canada.

Amarnath Amarasingam, a Queen's University expert on extremism says:

Anti-COVID stuff and anti-vaccine stuff was like a bug light to so many different movements. And now all of those movements are listening to whatever that next issue was going to be, and following it.

He predicted the shift to 2SLGBTQI+ issues. In that *Toronto Star* article, Bruce Arthur wrote that "protests like this are like a thermometer of societal health, and the fever is rising."

In their article, "How the 'parental rights' movement gave rise to the 1 Million March 4 Children," Professors Mason and Hamilton of Mount Royal University explained how the parental rights movement is not new. In the 1970s, in the U.S., "parental rights" and "protecting the children" mantras were used to oppose protections against discrimination for lesbians and gay men. Today, that "parental rights" movement in the U.S. is fuelled by Moms for Liberty, a known anti-government extremist organization with ties to White nationalists, including the Proud Boys. Groups like Action4Canada have taken up the parental-rights torch in Canada. They are calling for the end of inclusive curricula and restricting the use of chosen names and pronouns in schools.

The two groups behind the 1 Million March 4 Children are Family [Heart] Freedom, which targets educational content on sexual orientation and gender identity resources, and the Hands Off Our Kids organization, a moniker clearly meant to evoke grooming and pedophilia, which is protesting so-called LGBTQIA+ ideology, whatever that is, in schools.

So, colleagues, what do we do about this? First, we need to listen to the people most at risk of harm and act accordingly. Alex Harris, a transgender student in New Brunswick, said the protests and discourse are creating a scary and dangerous environment for queer students. While his parents are supportive, he knows other kids who would be at risk of physical abuse or being kicked out of the home if they came out to their parents.

Second, we need to call out the people and organizations leading the so-called "parental rights" movement, shine a light on their true agenda and debunk the disinformation they are feeding to parents.

At the same time as we do that, though, the Canadian Anti-Hate Network warns:

Framing all parents who desire to be actively involved in their children's lives and who are personally troubled by the idea of another adult knowing things about their child that they themselves do not, as bigots and bad parents, does not help schools be safer It only drives them further into the . . . "Parental Rights" Movement.

The Canadian Anti-Hate Network suggests that we focus on shared values, such as all children deserving to be safe and supported, and therefore, if all children deserve to be safe and supported, we should all think about the needs of the most vulnerable when we make policies that affect them.

The third point is the importance of communicating clearly the evidence about sexual orientation, about gender identity and expression and about measures that work to make our schools and communities safe and inclusive for everyone. Thank you to Senator Osler for starting us off with some of that evidence today.

Fourth, and importantly for all of us here in this room, is the matter of politics. The last thing that vulnerable children and youth need is to be pawns on a political chessboard. In writing about the Saskatchewan situation, *The Globe and Mail* columnist Andrew Coyne said this:

But then this isn't about the parents, or the children. It's about politics. It's about pandering to obscure fears and broader resentments

Colleagues, I change my tone now when I say that I also concur with the Canadian Civil Liberties Association when they say:

In Canada, people are compassionate and decent; Canadians care about rights and freedoms, about evidence-based policy, and about the well-being of children.

I was so happy to hear that, today, in the Nova Scotia Legislature, many members from all parties spoke about protecting the rights of 2SLGBTQI+ people in that legislature. That's wonderful news.

Honourable senators, it's time for us all to stand with our 2SLGBTQI+ brothers, our sisters, our children, our grandchildren, our colleagues and our neighbours. Let's come together in unity here in this upper chamber of Canada's Parliament to pledge right now our commitment to respecting and upholding their rights as dictated by the laws of our land — and because it is the right thing to do.

And let's ensure that Canada does not get dragged deeper into someone else's culture wars. Let's make sure the government develops a robust anti-hate action plan with effective mechanisms to combat any current and future threats to the safety, well-being and rights of 2SLGBTQI+ Canadians.

Honourable senators, I hope you will all agree we need a Canada where everyone can flourish without fear. Thank you.

[Senator Coyle]

Hon. Rebecca Patterson: Honourable senators, I rise today on Inquiry No. 5, which calls the attention of the Senate to the 2023 federal budget entitled, *A Made-in-Canada Plan: Strong Middle Class, Affordable Economy, Healthy Future*. You will find that my comments dovetail very nicely into what my colleagues have said.

• (1550)

In this budget, the government proposed to introduce a new action plan to combat hate by the end of the year. However, we can't pick and choose who will be excluded and left to be targeted by hateful conduct.

Under the Canadian Human Rights Act, gender identity or expression is protected against hateful conduct. This includes 2SLGBTQIA+ communities, which is why they must be included in this plan.

As many of you are aware, there are ever-increasing reports of targeted threats and violence against the community, particularly transgender people. Here in Canada, we have seen 2SLGBTQIA+ people attacked. We have seen protests against drag storyline, pride clubs in schools and even the raising of pride flags. We've seen the erosion of young people's ability to safely self-identify. These all stand in stark contrast as reminders that we must remain vigilant in protecting society's most vulnerable.

Senators, most of you have heard the term "woke," which was originally used by the Black community to refer to being aware of racial and social injustice. However, as we've recently seen, wokeness has been used as a label to attack 2SLGBTQIA+ rights as divisive or extreme. Those opposed to the fundamental rights of 2SLGBTQIA+ citizens often label themselves as anti-woke.

I spent my previous career upholding the rights of Canadian values at home and abroad, and I ask you the following: When is it ever okay to deny a fellow Canadian their rights because they don't fit into a heteronormative, cisgendered identity? Every Canadian has the right to live as their authentic self.

Thank you.

Hon. Brent Cotter: Honourable senators, I rise to speak to Inquiry No. 5 to draw attention to the budget entitled *A Made-in-Canada Plan: Strong Middle Class, Affordable Economy, Healthy Future*.

Specifically, I want to speak to the importance of the national anti-hate action plan announced in the 2023 budget, and its impact on 2SLGBTQIA+ communities.

I enjoy hearing myself speak — it's conceivable that some of you do as well, but I think you and I would be better off today if I didn't, and instead listened to the thoughtful, insightful and moving remarks on this issue being delivered by senators in this place. I'm honoured today more to be listening than to speak.

This is an issue that is both deeply personal and profoundly universal for many of us. As we gather in this chamber, we must recognize the urgency of the matter and the responsibility that we bear — as representatives of the Canadian people — to give voice.

The human rights of all individuals are universal and indivisible. As stated in Article 1 of the Universal Declaration of Human Rights, “All human beings are born free and equal in dignity and rights.”

Yet, for many in the 2SLGBTQIA+ community, this fundamental truth remains elusive for them. Hate crimes, discrimination and violence against these individuals persist, both within our borders and beyond. In 2022 alone, the Trans Murder Monitoring report indicated that there had been 327 deaths globally — 95% of those murdered being trans women. Most of these victims were marginalized, further underscoring what we already know: Hate manifests most among those of us who are pushed to the edges of our societies.

Canada is not immune to these challenges. A 2020 study in Canada found that trans Canadians were more likely to experience violence and inappropriate behaviours online and at work. In 2023 alone, we have witnessed hate-motivated vandalism of pride flags, hate-fuelled protests and even the exclusion of pride flags from municipal properties and from the tape on hockey sticks.

Sadly, this past year, we’ve also seen a significant and insidious rise in the politicization of discussions about sexual orientation and gender identity of Canadian youth. Some of you have spoken to this already. Several provinces have rolled out or are considering legislation targeting the treatment of gender-diverse youth in our education systems, and I want to primarily speak about young people in the remaining part of my remarks.

My sense is that this politicization of our youngest, most vulnerable citizens is concerning and, indeed, unacceptable. A study was pointed out to me by Senator Cormier, which helps to illuminate this concern. It was a study of student wellness for New Brunswick. It polled students from grades 6 to 12, or children aged 12 to 18 — those are hard years for many of us, regardless of the extenuating circumstances.

I want to read out a few sobering findings, if I may: The first will be the average response among students, and then the response provided by LGBTQ2+ students. Students were asked if they felt lonely most or all of the time. The average response rate was 28% said yes. For LGBTQ2+ students, 51% felt lonely most or all of the time. These are messages of alienation and vulnerability, I think.

With respect to difficulty sleeping most or all of the time, the average was 65%. For LGBTQ2+ students, it was 80%. In regard to the ability to communicate in the communities, and if people in those communities can be trusted, 55% of students said yes. Of

the LGBTQ2+ students, 42% said yes. In regard to if you can ask for help from neighbours, the average was 66%. For LGBTQ2+ students, it was 53%.

In every one of these cases, there was a statistically significant difference in the wrong direction for support for these vulnerable young people. The evidence is clear, and the need for heightened protection of minors has been clear even in the Supreme Court of Canada jurisprudence, which has stated unequivocally that “Recognition of the inherent vulnerability of children has consistent and deep roots in Canadian law.”

Let me offer an aside: You hear this debate between parental rights and children’s rights, and maybe the argument being advanced is that somehow parental rights should trump children’s rights. Well, let me tell you what we do in every province in this country: We have laws that protect children — I have an audience of one back here.

Thank you, Senator Simons.

We have laws, so much so that it is an obligation that if you — as a citizen in this country — discover that a child is in need of protective services, you are obliged to report that to the authorities. If you fail to do so, you commit an offence. So be damned with this line of argument that somehow children’s rights have to be modified.

In this society, to our credit, we place them on a very high pedestal, and we should not stop.

Some Hon. Senators: Hear, hear.

Senator Cotter: Internationally, Canada has been a vocal advocate for the rights of marginalized communities, and we’ve engaged constructively at both bilateral and multilateral levels, worked closely with civil society organizations and supported international assistance programs that advance the human rights of queer and transgender people.

Yet, as we reflect on these statistics and our efforts, are we doing enough? It seems to me that the answer, unequivocally, is no. We must do more.

This is why I want to, once again, highlight the importance of consultation with the 2SLGBTQIA+ communities in the development of the national anti-hate action plan announced in the budget. Through this work, and the work of so many Canadians, we will create a Canada where every individual is free to be themselves, particularly for young people to grow up to lead fulfilling lives without fear or prejudice.

Thank you.

• (1600)

Hon. Paula Simons: When cold and calculating Republican strategists began using anti-trans rhetoric as a wedge issue in American politics, whipping up imaginary fears about trans women lurking in bathrooms, or fears about library books turning straight kids gender-queer, I rejoiced that we lived in Canada, where, I naively believed, such craven and cowardly politics would never take hold.

When I looked to Britain and saw trans-exclusionary feminists, including the once-beloved children's writer J. K. Rowling, of all people, attacking trans rights, I felt grateful to live in Canada — a country of inclusion and compromise, where gender identity and expression are protected by our Charter of Rights and Freedoms.

But, as I look out now upon Canadian streets, where protesters are tearing down and stomping on rainbow flags, when I look at Canadian social media, where people are equating LGBTQ activists to Nazis, my heart sinks.

The furor being whipped up around this question is shocking and scary. The angry, hateful protests in our streets are bad enough. The paranoid and despicable actions of certain provincial premiers who are willing to run roughshod over Charter and privacy rights, the better to posture as “family values warriors,” are, in their way, even more frightening.

Can you imagine the anger and disgust that the late Peter Lougheed would feel to learn that his notwithstanding clause is being used — not to protect provincial rights, but as a pre-emptive threat to bully and intimidate literal schoolchildren?

In Canada, no school board is taking away parental rights. No caring teacher, or librarian or school counsellor is forcing, or luring or seducing Canadian children into being trans. Gangs of queer activists are not roaming the country lopping off teenagers' breasts or genitalia.

In Canada, with its public, not-for-profit health care system, no one is making money by tricking kids and parents into getting hormone therapy or top surgery. Canada's physicians tend to be conservative — in the best and most honourable sense of the word — and in this country, no families with underage children are being rushed or pushed into gender-affirming care. No dramatic medical steps are taken without lots of psychiatric and medical assessments and lots of therapy and conversations.

The “save the children” rhetoric being weaponized so recklessly by anti-trans protesters and their allies, on both the left and the right, is the rhetoric of the moral panic — of the witch hunt. It's the same language that was everywhere in the public discourse during the “satanic panic” child abuse scare in the 1980s.

It's the same language used at Salem, or when medieval peasants worried that their children were going to be stolen by the Roma or the “fair folk.” And it's language that anyone of Jewish descent should recognize with a shudder — because it is the precise vocabulary of the anti-semitic blood libel, the thousand-year-old canard that Jews kidnap Gentile children to use their blood in religious rituals. In no week more than this week should that shock and horrify us.

No wonder the Anti-Defamation League in the United States has documented evidence of anti-trans hate campaigns that explicitly link the trans movement as part of a giant Jewish conspiracy. Telling people that their children are in danger, that some menacing, mysterious group of outsiders wants to steal or mutilate, or somehow convert their kids — my friends, that is

propaganda with a pedigree: a dark and bloody pedigree. For thousands of years, across cultures and continents, it has been the go-to tactic to incite a mob.

And it works, because it plays on every parent's darkest terrors. Of course we love our children. Of course we want to protect them. Of course we want to ensure that they share our values, that they conform to our hopes and dreams for them.

But we cannot let hatemongers turn our love for our children, and our fears for their happiness, into a political weapon to divide our country. And we cannot let partisan operatives, who don't even truly care about the issue but who see it as a handy political tool, exploit vulnerable children and their families as a way to win votes.

I have not always been comfortable with the ambivalences of this issue. I owe a lot to my daughter's friends and to my friends' children who identify as non-binary, gender queer, gender fluid, two-spirited and trans. I've come on a journey with them, watching them fight for their rights, their identities and their mental health. And I've watched their parents, my friends, wrestle with their own confusion, doubt and discomfort.

The gender binary is so engrained in our popular culture. It's the first thing we ask about any baby: Is it a boy or a girl? The idea that someone could be either, or neither, or both confounds us because most of us were brought up in a binary world. I've watched and seen some kids playing with identity, experimenting with their pronouns, names and presentation, exploring the limits of gender norms and then deciding that they're not trans or gender queer at all.

You know what? That's okay, too. Adolescence should be a time to experiment, push limits and ask hard questions about who you are.

For some people, this is probably just a phase, or a fad, or a way to challenge their parents. And you know what? That's also perfectly fine. However, for many, gender transition has been a literal life saver — something that has given them peace in their own bodies, has made them know themselves for who they truly are and saved them from depression, despair and self-harm. Who are we to begrudge individuals that right to individual choice?

Now, I am a fairly ordinary and boring middle-aged “cishet” woman with she/her pronouns. Perhaps I'm not exactly conventionally attractive and perhaps, because I dare to do conventionally masculine things like, say, give speeches, write newspaper stories, have opinions of my own, or — gasp — be a senator, I have been bombarded for years and years with transphobic hate on social media and in my email inbox, a truly never-ending stream of people who think it clever social commentary to compare me to a drag queen or a trans woman. It is hateful. It is hurtful. It never stops. And I am, as I said, a “cishet” senator, with all the privilege and social protection in the world. I can scarcely imagine how much more frightening and hurtful such attacks are if you are queer or trans, and when they come not from mean strangers on the internet but from real people in your real life, especially if those people are members of your own family.

When we talk about not “outing” gender-queer teens by revealing their pronouns to their parents, that’s what we’re talking about here. We’re not just protecting kids who aren’t quite ready to talk to their families, who are sorting through their own confusion and trying on different identities. We’re protecting youth who might legitimately fear physical abuse or even homelessness.

My friends, these are not easy questions. They are complicated and emotional, and they speak to the core of human identity: what it means to be human; what it means to be a parent; what it means to be a family.

In a multicultural, pluralist country, where freedom of religion is also a protected Charter right, we need to have careful, thoughtful, heartfelt conversations around these issues. That is precisely why partisan tactics, designed to foment fears and anxieties around trans identity and parental rights, particularly targeted at immigrant and religious communities, are so corrosive and so dangerous.

We won’t be able to negotiate these difficult moral and ethical questions if we’re caught up in a moral panic, blinded by our fears or manipulated by those who want to play us off against each other to serve their own dank ambitions.

Thank you. *Hiy hiy.*

Some Hon. Senators: Hear, hear.

Hon. Stan Kutcher: Honourable senators, I rise today to speak in support of the development of a national anti-hate action plan that was announced in Budget 2023.

I want to thank my colleagues for speaking out on this issue today, and I want you to know that it is a privilege to be able to stand here with you.

I, like many Canadians, am significantly concerned about the rise of hateful rhetoric, including public displays of hate speech toward 2SLGBTQI+ people in Canada.

In September, demonstrations held across this country amplified discriminatory, harmful and false messaging about 2SLGBTQI+ adults, youth and children. Most of these messages contained disinformation that has been regurgitated for decades to advance political agendas that resist social progression and respect for basic human rights. One happened right outside my office, and I and my staff were dismayed by the slogans being chanted and the signs being held.

• (1610)

Following the demonstrations, Senator Cormier and I filmed and released a video on social media, denouncing these hateful messages. We shared a message of kindness, compassion and support for 2SLGBTQI+ Canadians and their families. We spoke about the rights of all Canadians, regardless of whom they love and how they identify.

On Twitter, our message of allyship was met with some of the most hateful responses I have personally experienced. Although there were many, I will share one comment about me, left on Senator Cormier’s post, and I will censor certain words and ask

you, colleagues, to use your imagination to fill in the blanks. Let me assure you that your imagination may not go to the places the actual words did.

Look at these two [blank] clowns! Just absolute [blank] mongers. Stan, you are a dirty, filthy, [blank]ing pedophile. You are a vile, worthless [blank]ing loser. You know it too, you know that you are an absolute piece of [blank]ing [blank].

Colleagues, according to the United Nations, hate speech is:

... any kind of communication ... that attacks or uses ... discriminatory language with reference to a person or a group ... based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor.

The Canadian Criminal Code defines public incitement of hatred as “... communicating statements in any public place ...” that “... incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace ...”

This comment on our video was only one of many that met these criteria.

I am deeply concerned about two things. The first is the digital technology that allows this kind of hateful language to be posted in the public space without regulation, without consequences and, perhaps, even encouraged. Indeed, my staff registered complaints about a number of similar posts, only to be told that they were considered to be within “normal” limits of the use of this platform.

Colleagues — really? This type of hate speech is considered to be “normal”?

Secondly, I am deeply concerned about 2SLGBTQI+ youth and young people who are exposed to this abuse and the potential it has to damage their well-being and mental health. Think of how you would feel if such abuse were directed toward who you are as a person. I am certain that no one in this chamber would consider such verbal slugging to be anything but damaging.

Numerous research studies have found that lesbian, gay and bisexual individuals are more likely to experience depression, anxiety, suicidality and substance abuse than their heterosexual peers. As a psychiatrist who has a robust professional knowledge in this domain, I can safely say that much of this mental torment is the result of the prejudice, discrimination, hate speech and harassment they face both online and in person.

Targeted hate speech is spread and repeated with the end goal of preventing 2SLGBTQI+ people from freely participating in our society. Colleagues, it denies their identity. It turns them into caricatures that are deemed to be less than human. We are only too aware of how the process of dehumanizing others turns out. It is the false touchstone that leads to discrimination, violence and even worse.

Those who post hate speech online are telling us that some of our children, family members, friends, colleagues and fellow citizens are not worthy of our respect, that they are not worthy of our love — that they are not worthy, period. Colleagues, this is

simply wrong. This is not what we want our Canada to in any way condone. As leaders, we cannot stand idly by and let this happen. We cannot let hatred fill our streets and become the norm in our social discourse. We have a responsibility to act, and we must use that responsibility fully and vigorously.

We cannot remain silent, because silence can mean consent and silence tells those who are spreading hatred that they can do whatever damage they choose to do — that there are no consequences for hateful and harmful behaviour. So, I will repeat to you here some of the words Senator Cormier and I spoke online several weeks ago:

Children and youth have the right to safe and nurturing environments where they are supported by their peers, by their caretakers, at home and at school.

We also said:

All people deserve to be loved, accepted and cherished, not despite, but regardless of who they love, how they identify and how they express themselves.

Honourable senators, I do not think that any platform in Canada should tolerate the promotion or spread of hate speech. I do not think that any Canadian should be subjected to hateful attacks for any reason, including the colour of their skin, their place of origin, whom they love and how they identify themselves. That is why I support the development of a national anti-hate action plan.

Colleagues, in my opinion, every person living in Canada deserves to live a life free from prejudice and discrimination, where they are free to be who they are and where they are free to love whom they love.

Thank you.

Some Hon. Senators: Hear, hear.

Hon. Mohamed-Iqbal Ravalia: Honourable senators, it is my privilege to rise to speak to Inquiry No. 5, which draws attention to the budget entitled *A Made-in-Canada Plan: Strong Middle Class, Affordable Economy, Healthy Future*.

In response to an increase of police-reported hate crimes, including the hate faced by 2SLGBTQI+ communities, Budget 2023 has included plans to introduce a new action plan to combat hate in this country.

We live in a time of increased polarization, with the rise in hateful messages and misinformation targeting many, but in particular our queer and trans communities, fostering fear and isolation. The federal government recognizes this, and steps have been taken, including the development and implementation of the 2SLGBTQI+ plan. The plan in 2022 helped advance equality and the rights of community members throughout Canada and is helping several queer and trans organizations and communities across the country build resilience in the wake of increasing hate.

Just this past August, in my home province of Newfoundland and Labrador, the federal government announced funding through the action plan to two local organizations, First Light

St. John's Friendship Centre and the Quadrangle LGBTQ Community Centre, whose respective goals are to support, among others, Indigenous women and 2SLGBTQI+ communities. The projects receiving support are focused on ending gender-based violence and providing affirming health care.

• (1620)

The 2SLGBTQI+ communities contribute immeasurably to Newfoundland's cultural fabric, arts and business communities. They are our friends. They are our family. They are our neighbours. They continue to play a leading and ongoing role in the broader movement for their rights and acceptance in our country through advocacy, education and visibility. Colleagues, we must stand by them.

In May, the Newfoundland and Labrador Queer Research Initiative launched a collection of rare documents and photographs detailing the province's LGBTQ+ past. With credit to Sarah Worthman, the non-profit's Executive Director, the new archive tells the hidden stories of gay, lesbian, bisexual and gender-diverse Newfoundlanders and Labradorians throughout our history. As Ms. Worthman eloquently stated in an interview, "... it's much harder to hate on someone that you know as opposed to someone that you don't."

In my own career, I have witnessed the devastating impacts on the mental health of 2SLGBTQI students — students who are stigmatized by name-calling, microaggressions, marginalizations, exclusion and sometimes violence.

The implementation of this plan to combat hate is an essential next step to continue on the progress that we've made. This plan signifies a continuing commitment to tackling the systemic issues that have perpetuated discrimination and violence against these communities. It recognizes that in order to secure a prosperous future for all Canadians, we must confront the hatred and prejudice that undermine our values of equality, diversity and inclusivity.

The significance of this plan extends far beyond its immediate impact on hate crimes. It goes to the heart of what we stand for as Canadians — a nation that values the dignity and worth of every individual, regardless of who they are or whom they love. By addressing hate, we are not only helping safeguard the lives of 2SLGBTQI+ Canadians, but also reinforcing our commitment to building a society where everyone has an equal opportunity to thrive.

Honourable senators, I look forward to seeing the development and implementation of this plan with specific measures to combat hate as we move towards a more equitable, inclusive and, hopefully, prosperous future for our 2SLGBTQI communities and other marginalized groups. A prosperous future in the truest sense is one where every Canadian can live their lives authentically without the fear of discrimination or violence.

Thank you, *meegwetch*.

Some Hon. Senators: Hear, hear.

[Translation]

Hon. Renée Dupuis: I found my colleagues' speeches inspiring today. I want to very briefly speak to Inquiry No. 5 by Senator Gold, the Government Representative in the Senate, about the action plan to combat hate announced in the most recent budget tabled by the Minister of Finance. This budget is entitled *A Made-in-Canada Plan: Strong Middle Class, Affordable Economy, Healthy Future*. I would add "for all" — not just for the middle class, but for all classes in Canada.

I remind honourable senators that the Canadian Human Rights Act was amended exactly 10 years ago to remove sections that protected groups that are discriminated against and that are the subject of hate speech. I refer you to subsection 13(1) of the Canadian Human Rights Act, entitled "Hate messages," which says, and I quote:

It is a discriminatory practice for a person or a group of persons acting in concert to communicate telephonically or to cause to be so communicated, repeatedly, in whole or in part by means of the facilities of a telecommunication undertaking within the legislative authority of Parliament, any matter that is likely to expose a person or persons to hatred or contempt by reason of the fact that that person or those persons are identifiable on the basis of a prohibited ground of discrimination.

Section 3 of the Canadian Human Rights Act refers to the groups against which discrimination is prohibited. The grounds of discrimination are as follows:

... race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

Honourable senators, I'm impressed by the speeches I've heard today, and I hope to be just as impressed by the actions this chamber takes.

Honourable senators, we're all lawmakers, and we need to put this section back in the Canadian Human Rights Act. I encourage Senator Gold, who initiated this inquiry, to convince the government that an action plan is all well and good, but that action plan must be comprehensive and must include concrete measures so that people subjected to hate, which is discrimination, have recourse under the law. Thank you.

(On motion of Senator Martin, debate adjourned.)

FOREIGN INFLUENCE REGISTRY AND ACCOUNTABILITY BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Wells, for the second reading of Bill S-237, An Act to establish the Foreign Influence Registry and to amend the Criminal Code.

Hon. Bernadette Clement: Honourable senators, I move that further debate be adjourned until the next sitting of the Senate.

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

Hon Senators: Agreed.

(Debate adjourned.)

• (1630)

FEDERAL OMBUDSPERSON FOR VICTIMS OF CRIME BILL

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Pierre-Hugues Boisvenu moved second reading of Bill S-265, An Act to enact the Federal Ombudsperson for Victims of Crime Act, to amend the Canadian Victims Bill of Rights and to establish a framework for implementing the rights of victims of crime.

He said: Honourable senators, I'm proud to rise today to speak to Bill S-265, An Act to enact the Federal Ombudsperson for Victims of Crime Act, to amend the Canadian Victims Bill of Rights and to establish a framework for implementing the rights of victims of crime, which I introduced in this chamber on May 17.

Honourable senators, it has now been 14 years since I came here to the Senate to continue my mission to be the voice of victims of crime, after my daughter Julie was murdered in 2002. Over the past 14 years, which have gone by too fast despite my heavy but very necessary workload, I've devoted all of my energy to try to advance and protect the rights of victims of crime across our country.

When I was appointed to the Senate by Prime Minister Stephen Harper in 2010, I had a very specific objective in mind, that of giving victims of crime a bill of rights that would guarantee the recognition of and respect for their rights, which are all too often neglected or even forgotten by federal institutions and the Canadian justice system. On April 23, 2015, I had the honour and privilege of getting passed, in this chamber, Bill C-32 to implement the Canadian Victims Bill of Rights.

When I navigated our justice system during the trials related to Julie's murder, I quickly became concerned by the tremendous imbalance between the rights of the accused and those of the victims and their families. I still carry this concern and always will.

In 1982, Canada incorporated in its Constitution the Canadian Charter of Rights and Freedoms. It has 17 sections that offer legal guarantees to the accused and the convicted to protect them from any cruel treatment, any unfair trial, any unreasonable search and any unjustified arrest. These rights enshrined in our Constitution, taken from lessons learned from the past, are critical for protecting human rights in a country like ours that is governed by the rule of law.

However, I always found it unusual, unfair even, that our Constitution doesn't include any provisions dealing specifically with the rights of victims of crime. Over the years, this legal gap has caused victims to have a lack of confidence in our justice system and our federal institutions, and has instilled a sense of injustice. Through the adoption of the Canadian Victims Bill of Rights, victims of crime and their loved ones finally gained a legal recognition of their rights, a recognition they deserve for the heinous crimes they endured.

As I pointed out in my speech as sponsor of Bill C-32, passing the bill of rights was only the start of gaining recognition for victims of crime. In 2015, as I often remind people, the Canadian Victims Bill of Rights was a vehicle that we needed to learn how to drive, a vehicle that had to be maintained and earn some mileage. Unfortunately, eight years after it was adopted, I'm disappointed to say that no improvements have been made to victims' rights, and that includes the document itself. Sadly, there was much to be done in those eight years. The Trudeau government had many opportunities to introduce legislation, and it had a responsibility to do so. Alas, it chose to ignore them.

The government should have been called out publicly time and time again when it trampled on victims' rights. Victims of crime often share this image with me: Since its adoption, the Canadian Victims Bill of Rights has been kept on life support, with the government keeping its foot on the oxygen hose. The bill of rights isn't dead, but it's not strong.

It is in this context that I decided to take action by introducing this vital bill that will correct the gaps observed over the past few years and uphold and enhance the rights of victims of crime. In drafting this bill I first focused on the remarkable work of the former federal ombudsman for victims of crime, Heidi Illingworth. The report tabled by her office, entitled *Progress Report: The Canadian Victims Bill of Rights*, allowed me to include in the current bill the vast majority of the 15 recommendations that the ombudsman proposed at the time.

Then I looked at the recommendations in the report of the House of Commons Standing Committee on Justice and Human Rights entitled *Improving Support for Victims of Crime*, tabled in December 2022. It's important to note that this report is the result of a study launched by the Conservatives on the government's responsibilities toward victims of crime. This initiative was especially critical because the government had failed to do the

five-year review of the Canadian Victims Bill of Rights in 2020. This government clearly hasn't put victims of crime at the top its priorities.

Honourable senators, first, Bill S-265 seeks to recognize the Office of the Federal Ombudsperson for Victims of Crime as an independent legal entity that reports directly to Parliament instead of it being considered a mere program under the Department of Justice. As an officer of Parliament, the ombudsperson will table before Parliament an annual report on its operations and complaints received, like the Correctional Investigator of Canada does regarding criminals.

This is a very important measure because it would guarantee that victims of criminal acts are permanently represented and supported within our federal institutions. To illustrate this point, let's remember that the position of Federal Ombudsperson for Victims of Crime remained vacant for an entire year after the last two ombudspersons' terms, which is unacceptable for such a crucial position. As a comparison, the Correctional Investigator position was vacant only for a few weeks on the same two occasions.

Let's also remember that the current Federal Ombudsperson for Victims of Crime expressed his support for the bill when he appeared before the House of Commons Standing Committee on Justice and Human Rights during the study that I mentioned earlier. Here's what he said:

I think there are benefits to both approaches, but I think that reporting to Parliament provides a stronger mandate for the office.

The intent of an ombudsperson is that it's an independent authority that has the right to bring a challenge to the current approach. There's a power imbalance if that reporting can be stopped at the Minister of Justice, who's approaching issues in a particular way, rather than the wider body that represents the interest of Canadians.

That would be Parliament.

When we look at something as significant as criminal justice, input of governance from a wider body is appropriate. As Heidi said, I think a move in that direction would also necessitate a stronger portfolio of funding. Even if it's not a substantial increase, some increase to bolster that capacity would be an added benefit that would significantly help victims of crime.

That statement highlights an essential point. If the Office of the Federal Ombudsperson for Victims of Crime reported to Parliament, it would have a bigger budget, which would enable it to fulfill its missions to better protect victims' rights and ensure they are upheld in accordance with the Canadian Victims Bill of Rights.

I also want to quote part of a report entitled *Improving Support for Victims of Crime*. The report includes comments from the former Federal Ombudsman for Victims of Crime, who stated that, because of her office's limited budget and small number of

employees, there was a limit to the amount of work it could do, particularly with regard to carrying out systemic reviews and handling emerging issues and victim complaints.

• (1640)

Bill S-265 also includes direct amendments to the Canadian Victims Bill of Rights. The bill of rights would be amended to strengthen certain rights for victims, notably by replacing the “right to restitution” with the “right to reparation.” This would allow victims to receive compensation. This is in line with article 12 of the UN declaration, which encourages states to provide compensation to victims when the perpetrator is unable to do so.

This measure is also one of the recommendations set out in the progress report by the Office of the Federal Ombudsman for Victims of Crime. This right to reparation would cover restorative justice, symbolic actions of reparation and restitution to victims.

In addition, the bill includes a new provision stipulating that victims of crime will be able to receive assistance if a court order for restitution isn’t respected. This provision responds to another important recommendation of the Office of the Federal Ombudsman for Victims of Crime, which states that any victim in whose favour a restitution order is made has the right, if they are not paid, to have the order entered as a civil court judgment that is enforceable against the offender.

Finally, the bill also includes a training component for anyone employed by a criminal justice system authority who plays a role in implementing victims’ rights. It is essential that all those involved in the criminal justice system are fully informed and aware of the new provisions of the Canadian Victims Bill of Rights. After experiencing significant suffering, victims have the right to feel heard and to be treated properly. Revictimization is a concept too often ignored, yet many victims of crime feel revictimized when their rights aren’t respected or when they feel like they don’t have a voice.

Bill S-265 is a much-needed initiative to guarantee them independent representation within our institutions, and to offer them the support they need to rebuild their lives after being the victim of an indictable offence. I ask you to support this important measure to ensure justice and to support the well-being of victims of crime in Canada.

Honourable senators, the bill includes a third and final part, which is an ambitious implementation framework designed to ensure the enforceability of the new provisions set out in this bill and of the bill of rights itself.

Since its coming into force in 2015, I have lamented the fact that the bill of rights is more symbolic in nature given that its provisions are, unfortunately, not often enforced. Worse yet, often they aren’t upheld.

I often receive sad accounts from victims of crime who are discouraged by the lack of information they should be receiving about their cases or by the lack of consideration and respect for their rights when they want to take part in the trials.

Still today, victims and their loved ones have little recourse to defend their rights. So, to change things and relieve the pain of these victims and victims’ families, I decided to propose in this bill an implementation framework to chart a path to promoting compliance with the provisions of the Canadian Victims Bill of Rights.

This implementation framework includes nine points and many essential elements. First, it provides for mechanisms to assess victims’ access to support services and to guarantee that their rights are respected under the Canadian Victims Bill of Rights.

Second, it establishes the legal remedies available to victims when their rights aren’t respected. This framework also determines the minimum standards for support services for victims, including legal, social, medical and psychological assistance. It also institutes a national awareness campaign to inform Canadians of their rights as victims of crime. Finally, it strengthens victims’ participation in the criminal justice system, improves the parole process in their favour and determines the federal legislative process necessary to implement these rights.

In summary, this implementation framework seeks to guarantee better access to services for victims, strengthen their rights, raise public awareness of these issues and offer victims recourse if their rights are violated, all while improving their participation in the criminal justice system.

I’d like to tell you about how the family of one victim supports this bill. Darlene Ryan and Bruno Serre lost their 17-year-old daughter when she was brutally stabbed 72 times with a knife 17 years ago. They said, and I quote:

In order for victims and their families to have a strong voice and to be adequately represented in the justice system, they must be able to rely on robust rights that provide those assurances. The Canadian Victims Bill of Rights must continue to evolve and must be improved to strengthen its use, and to ensure that all federal institutions that must comply with it, and with which victims and their loved ones interact, have the unwavering duty to comply with it.

Honourable senators, this speech marks the end of a long and sustained battle I’ve been waging in the Senate for nearly 14 years to advance the cause of respect for the rights of victims of crime. Bill S-265, which I have outlined for you today, is the next step in my mission and my commitment to victims and their families by improving the Canadian Victims Bill of Rights.

The importance of this bill cannot be underestimated. We need to ensure independent representation and consistent support for victims of crime within our federal institutions. Too many victims and their families have been neglected, their rights have been ignored and their suffering has been cruelly minimized. Victims’ families have gone through unimaginable and unspeakable hardships, and it is our duty to provide them with the respect, compassion and justice they deserve by providing them with a robust bill of rights that they can rely on.

I would like to emphasize, once again, how difficult it is for victims’ families to overcome the challenges that stand in their way, particularly at a time when they are coping with appalling tragedies. The criminal justice system is complex, often

impersonal and indifferent to the suffering they have endured. That is why this bill is essential and fundamentally important to these families.

Bill S-265 seeks to restore balance by ensuring that victims' rights are respected, their voices are heard and their suffering is recognized.

Colleagues, we have the opportunity to send them a clear, sensitive and compassionate message by passing Bill S-265. I am confident that you will join your voice with mine and take advantage of this opportunity.

I would like to read you the statement Heidi Illingworth made when she attended our press conference:

[English]

As Ombuds, I found that the implementation of the CVBR was sporadic and inconsistent and that the situation of victims of crime had not fundamentally changed since it was passed. Training opportunities for criminal justice officials were limited, and there was no public education effort to inform citizens of their rights.

The proposed legislation sets out a clear framework for implementation by the Minister in consultation with provinces and those with responsibility for the administration of justice and other stakeholders. This is welcomed.

[Translation]

Passing this bill is a decisive step in finally making the provisions of the Canadian Victims Bill of Rights enforceable, because this bill of rights has remained purely symbolic since its creation in 2015. This implementation framework proposes assessment mechanisms, remedies, minimum standards of support, a public awareness campaign and increased victim participation in the criminal justice system. This bill represents real change, the promise of justice for victims of crime.

• (1650)

Honourable senators, I have to mention that this will probably be one of my final speeches in the Senate. The knowledge that my last big fight in this place involves a cause as noble as giving a voice to victims of crime fills me with pride. When I was appointed to the Senate, that was my commitment and my daughter Julie's legacy. As I leave this place, I will maintain that commitment and try to fulfill it elsewhere in a different way.

I leave with you this bill, which is an important part of my legacy and my commitment to supporting victims. I urge every one of you to recognize its importance, to support and pass it so that Canadian victims of crime will finally know that they are not alone, that they have rights and that they deserve all the justice and respect that our society can, and must, give them.

In closing, honourable senators, I ask you to vote for Bill S-265 not only because you are legislators, but as an act of compassion for those who have suffered so much. It is our duty to victims of crime and to justice itself.

[Senator Boisvenu]

That is the legacy I leave behind. It is now yours to build on. Thank you.

Hon. Senators: Hear, hear!

Hon. Bernadette Clement: Your Honour, I thank Senator Boisvenu for that moving speech, a tribute to his daughter, Julie.

(On motion of Senator Clement, debate adjourned.)

[English]

CRIMINAL CODE INDIAN ACT

BILL TO AMEND—SECOND READING—DEBATE

Hon. Scott Tannas moved second reading of Bill S-268, An Act to amend the Criminal Code and the Indian Act.

He said: Before I start, thank you, Senator Boisvenu. I know we will have time to celebrate your legacy. You have left us a bill to honour your legacy, and it is much appreciated.

Honourable senators, I rise to speak to Bill S-268. I am a first-time sponsor of a Senate public bill. I have been here 10-plus years and this is my first bill.

For the record, I've been a member of the Standing Senate Committee on Indigenous Peoples since my very first day in the Senate. It has not always been easy, but it has been an honour to work with members past and present on issues and obstacles to reconciliation.

I'd like to thank First Nations people in general and Chief Roy Whitney of the Tsuut'ina Nation and Chief Bobby Cameron of FSIN — the Federation of Sovereign Indigenous Nations — for their initial inspiration to me to take this step on behalf of all First Nations.

Let me talk about the objective of the bill. This being second reading, my speech will be relatively short. I'm happy to answer questions. I'm going to try to stick to the principle of the bill.

Simply put, the bill affirms First Nations' governments' jurisdiction and power to govern gambling activities on their reserve lands, and does so in a way that matches identically provincial jurisdiction and powers in their respective jurisdictions.

Bill S-268 would formalize First Nations' control of gaming only on-reserve. It would displace provincial control over those activities, including licensing and — here's the tricky part — the appropriation of the profits. The desired outcome is that all activity and profit would be under the control of duly elected First Nations governments for gambling on their territories and reserves, in the areas of their jurisdiction. We're talking about hundreds of millions of dollars per year that would accrue to the benefit of the First Nations communities involved. That's what this bill attempts to do.

Here's some context around the history and the situation today. About 40 years ago, the federal government entered into two agreements with the provinces that effectively devolved gaming — or what they called back then lottery schemes, as they were termed — to the provinces. This devolution involved changing the Criminal Code to say that only provincial governments could manage or conduct gambling or, as they called it, lottery schemes.

Of course, this being 40 years ago, there does not appear to have been any thought or consideration given to First Nations, or territorial governments for that matter; not surprising, after all, because the ink was barely dry on the Constitution at this point.

Since that time, First Nations governments have attempted to assert their right and jurisdiction in this area, citing section 35 of the Constitution and backed by evidence that gaming and gambling have been part of Indigenous culture for millennia, and certainly predates the arrival of and contact with European settlers.

Many First Nations governments entered the gaming industry in the hope and expectation of eventually realizing their jurisdiction. They developed infrastructure and expertise in good faith despite an uneven and sometimes unfair relationship with the provinces. Today, there are more than 30 Indigenous community-owned gaming facilities on reserves across the country.

Successive generations of First Nations leaders and delegations have engaged with and been assured by ministers of the Crown that the federal government is working toward recognition of rights and jurisdiction of gaming on reserve lands. Many years of soothing words to that effect have been heard by leaders and delegations.

It has become clear that nothing is happening. Nobody is working toward anything regarding this issue. Why is that? In this era of reconciliation, why is that? I suspect the real reason is because it's hard, because doing what's right will cost somebody who previously had a monopoly to have that monopoly removed and face competition and innovation and, ultimately, see less revenue than when they had a monopoly. This is what real economic reconciliation looks like. It's hard.

• (1700)

Much effort has gone into reconciliation in the past 10 years or so, particularly with acknowledging the truth of our past; providing funding and development of Indigenous governments; and providing resources and jurisdiction in the areas of education, culture, social services and community development — all cost centres, by the way. We've provided jurisdiction and resources in all of those areas.

There is still much work to be done on these fronts, but talk has definitely turned to action — speaking as somebody who has an arc of time of 10 years watching Indigenous matters through the committee.

Economic reconciliation is more difficult because it disrupts the status quo. It displaces those who were advantaged by the policies of the past. It involves money, new competition and redistribution of market share. But it is overwhelmingly, colleagues, the right thing to do.

After decades of uneven and unfair suppression of First Nations rights and jurisdiction, and after years of quiet promises and assurances by ministers of the Crown, as we move past symbolic reconciliation toward tangible economic reconciliation, it is time to do this. To quote John F. Kennedy from many years ago, "We should do this, not because it is easy, but because it is hard."

Colleagues, there are a number of nuances in this bill that will hopefully receive study and reflection at the Indigenous Peoples Committee, and I welcome the opportunity for improvement through the committee stage.

I will leave my comments here for now. I'm happy to answer any questions that you might have today, and you will certainly hear more from me about the bill — in greater detail — at third reading. Thank you.

Hon. Denise Batters: Senator Tannas, I was hoping to garner a bit more detail about your bill because it is not something I have had a chance to delve into. Usually, at second reading, I hope to hear a bit more detail.

Did you consult with any provincial governments when you were drafting this bill about this very dramatic change to the gaming environment in Canada?

Senator Tannas: No, I did not. I intend to invite provincial governments to come and tell us what impact it will have, but, at the end of the day, this is about sovereignty — for Indigenous and First Nations peoples — and they either have it or they don't. We either believe in reconciliation, and that they have jurisdiction on their own lands, or we don't. I know what we will hear from the provinces, and you know what we will hear: It will cost them money. This will come out of their cut of casino betting and other betting that occurs on reserves. We're going to give them the chance to come and talk about that. Maybe some provinces will see this as a positive step — one that is doable and within their purview to support.

Just as the federal government didn't consult with First Nations when they gave the power to the provinces, we did consult with First Nations and received the support of the Assembly of First Nations, or AFN, through their gaming subcommittee. They have already started to work on some initiatives in support of this, should it pass — but no, I did not talk to the provinces.

Hon. Mary Jane McCallum: The amendment that I had made to Bill C-218 — which brought about the inherent right of gambling that First Nations have — was voted against in the Senate, and the amendment didn't pass.

What makes this different from that amendment? Also, does this include virtual gaming? As you know, with Bill C-218, First Nations across the country cannot enter into virtual gaming and

are literally left out. The Mohawks, the Assembly of Manitoba Chiefs and the other chiefs from Ontario — I was bringing this on their behalf — are looking at correcting this. Could you answer those questions?

Senator Tannas: Those are all good questions. With respect to the amendment that you brought forward, I think I voted against it. I felt that it was a consequential amendment that was outside the scope of that bill, and that it needed to be its own bill. We have it here now, and I think we can engage on the discussion of the other items.

With respect to virtual gaming, the initial issue is to put First Nations governments in exactly the same position as the provinces. It's not clear in any laws in the country — that I can see — where the rules are with respect to virtual gaming. Ontario and others have said, "Virtual gaming means you have to live in our province," but that's their interpretation of it. There isn't any clarity.

As a step, we wanted to make sure that First Nations have the ability to pursue gaming on their reserves in law and in the Criminal Code. The one piece that we did make sure our language included was the fact that they can run virtual gaming servers on-reserve — that would be included.

The question of how their jurisdiction — as an elected First Nations government on-reserve — interacts with Province X or Province Y, or Country X or Country Y, is something that they will have to sort out and negotiate, but they will be negotiating in the context of all the other countries and provinces that are trying to understand how this works.

Hon. Karen Sorensen: Senator Tannas, will you take another question?

First of all, thank you for your commitment to the Indigenous Peoples Committee. Just for clarity, does this bill protect the interests of those First Nations who do not want to have lottery schemes on their reserves? If this bill passes, will it bind all First Nations to take part in the gambling industry?

Senator Tannas: That's one of the nuances that I mentioned. When we were drafting the bill, I remembered when we had the marijuana legalization. We had First Nations and Inuit communities come and say they wanted it to stay illegal in their communities, and whether there was a way we could make it happen. I thought we might see that same desire in some Indigenous communities; they may not want to have anything to do with this.

The bill accomplishes that by asserting the right, but, in order to activate the right, First Nations communities give short notice to the Government of Canada that they intend to take up their right. In that way, those who don't want to, don't. Thank you for the question.

[Senator McCallum]

[Translation]

Hon. Michèle Audette: Thank you very much, Senator Tannas. I know the term "economic reconciliation" comes up a lot, but I'm from the community of Maliotenam, which is 15 kilometres from Sept-Îles . . . We vigorously opposed getting a casino for reasons such as public health, mental health and organized crime. That was some years ago.

Now we see the effects of all that. Even though we rejected it, we still found ways to reduce gambling addiction.

I remember when the bill was introduced, and I need to know what mechanisms were put in place. You can surely see why this makes me uncomfortable as an Innu woman and a First Nations member who would like our nations to be self-governing. We don't have a lot of territory, and gambling is unfortunately seen as a solution sometimes.

What mechanisms did provincial and territorial governments put in place when they created this kind of gaming and built casinos? The government also has to promise support for mental health and fighting organized crime.

• (1710)

What mechanisms are there in your bill to ensure that people look beyond economic considerations to broader reconciliation that includes security, health and so on?

[English]

Senator Tannas: That is a great question, thank you.

Let me say that if we truly believe in reconciliation and we believe in Indigenous governments' jurisdictions, you can't put a whole bunch of conditions on them when we hand them over something that is already theirs. If we believe it is already theirs, it is tough to start making conditions and rules for them.

The Indigenous governments that are currently involved in gaming recognize this. Again, another nuance in the bill contemplates the ability for Indigenous communities to establish an Indigenous gaming commission where they would work together on common standards.

Would they actually make it somehow mandatory or put into law some way in which they have to do that? Probably not. It would probably be more along the lines of an association that would audit and make sure the standards were being followed, and if they weren't, it would issue consumer warnings.

But the point is that is the work that needs to be done of that order of government that wants and actually believes they already have, in some cases — in fact, there is a community in Quebec that is probably against this bill because they're worried that, somehow, there is an admission they don't have the rights they believe they have now. They operate how they feel like, and they dare anyone to come and tell them they don't have the rights.

This bill allows First Nations governments, as they take up the jurisdiction, to also cooperate on a regulatory regime that they will decide.

Thank you.

Hon. Brent Cotter: Senator Tannas, will you take a question or two?

Senator Tannas: Yes.

Senator Cotter: Thank you.

This is a fascinating initiative, Senator Tannas. It raises a variety of fascinating potentials and also some challenges.

I want to begin by channelling Senator Batters, if I might. In Saskatchewan, there are casinos on reserve — on roughly five reserves. Every dollar that is earned in those casinos goes back to First Nations communities now as is.

Second, that money is distributed, pro rata, to all the bands in the province, even the ones in the Far North that could never sustain a casino even if they wanted one; there would be no customers.

So empowering individual First Nations that are in attractive geographical locations to have the jurisdiction to operate their own casinos seems to be, quite frankly, a disruption of that fairly equitable arrangement in Saskatchewan. The band outside of Saskatoon — my good friend and yours, Darcy Bear, oversees a casino on the White Cap Dakota reserve, but the money that casino makes gets pooled in a province-wide arrangement. It seems to me that your proposal makes it possible that Chief Bear could carry on with his casino and keep all the profits, which would be great for White Cap Dakota — as it is for some First Nations around Phoenix, for example — but it is not so good for the rest of the province.

Could you comment on that?

Senator Tannas: Yes, and you're right —

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it being 5:15 p.m., I must interrupt the proceeding. Pursuant to rule 9-6, the bells will ring to call in the senators for the taking of a deferred vote at 5:30 p.m. on Government Motion No. 126.

Call in the senators.

• (1730)

THE SENATE

JOINT COMMITTEES AUTHORIZED TO HOLD HYBRID MEETINGS

On the Order:

Resuming debate on the motion of the Honourable Senator LaBoucane-Benson, seconded by the Honourable Senator Duncan:

That, notwithstanding any provision of the Rules, previous order, or usual practice, until the end of the day on June 30, 2024, any joint committee be authorized to hold hybrid meetings, with the provisions of the order of February 10, 2022, concerning such meetings, having effect; and

That a message be sent to the House of Commons to acquaint that house accordingly.

The Hon. the Speaker: Honourable senators, the question is as follows: It was moved by the Honourable Senator LaBoucane-Benson, seconded by the Honourable Senator Duncan:

That, notwithstanding any provision of the Rules, previous order, or usual practice, until the end of the day on June 30, 2024, any joint committee be authorized to hold hybrid meetings, with the provisions of the order of February 10, 2022, concerning such meetings, having effect; and

That a message be sent to the House of Commons to acquaint that house accordingly.

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Arnot	Hartling
Audette	Jaffer
Bellemare	Klyne
Black	Kutcher
Boehm	LaBoucane-Benson
Boniface	Lankin
Boyer	Loffreda
Burey	MacAdam
Busson	McCallum
Cardozo	Mégie
Clement	Miville-Dechéne
Cordy	Omidvar
Cormier	Osler
Cotter	Pate
Coyle	Patterson (<i>Ontario</i>)

Dagenais	Petitcherc
Dalphond	Petten
Dasko	Quinn
Deacon (<i>Nova Scotia</i>)	Ravalia
Deacon (<i>Ontario</i>)	Ringuette
Duncan	Saint-Germain
Dupuis	Simons
Forest	Smith
Francis	Sorensen
Galvez	Tannas
Gerba	Verner
Gold	White
Greenwood	Woo
Harder	Yussuff—58

NAYS

THE HONOURABLE SENATORS

Nil

ABSTENTIONS

THE HONOURABLE SENATORS

Ataullahjan	Martin
Batters	Mockler
Boisvenu	Oh
Carignan	Plett
Housakos	Poirier
MacDonald	Seidman—13
Marshall	

CRIMINAL CODE
INDIAN ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Tannas, seconded by the Honourable Senator Verner, P.C., for the second reading of Bill S-268, An Act to amend the Criminal Code and the Indian Act.

The Hon. the Speaker: Senator Tannas, there was a question. Had you finished your question, Senator Cotter?

Hon. Brent Cotter: Senator Tannas had begun to answer it. He answered me in private, but I think he might like to provide an answer to it here.

Hon. Scott Tannas: If I remember correctly, you were talking about the deal in Saskatchewan. The deal in Saskatchewan, as I understand it, has an interesting formula that involves a

percentage going to the host nation and a percentage going into a pot for all First Nations, and then the non-First Nations casinos, obviously overseen by the province, also contributed into that pot that goes to the benefit of all First Nations, which was a negotiated deal that has some interesting history to it.

• (1740)

The point is this: Our bill would not seek to preserve or to kill that. Our bill recognizes and seeks to affirm the jurisdiction of the communities. They will decide what they will do. If there is a wealth redistribution scheme that needs to happen, they will make that decision. If there's a wealth redistribution scheme that needs to happen in uranium mining, oil and gas, forestry or whatever, where maybe a community that isn't close to those resources gets something, they can decide all of those things. We don't get to decide that and the province doesn't get to decide that.

It's probably fair to say that in the province of Saskatchewan — and maybe it was trial and error or maybe it was circumstance — it's probably the deal that is fairest for host First Nations, and indeed for non-host First Nations. Maybe it will be a model that will run rampant across the country. But that is for those governments to decide, just like wealth redistribution is done in our federation with transfer payments and equalization.

Senator Cotter: If I may, I have a jurisdiction question, Senator Tannas. The language in the preamble speaks to the inherent right of First Nations and the like, along the lines that Senator McCallum had raised earlier, but the bill is actually structured to be a delegation under the Criminal Code, so I'm curious about that.

Another dimension of this is that the structure of the bill says that when a First Nation gives notice to Canada that it intends to establish a gaming regime on its reserve, that First Nation, for the purposes of gaming, is deemed to no longer be part of the province in which it's situated. It struck me as a unique provision that First Nations, for certain purposes, are deemed not to actually be part of the province anymore. I wonder if you could speak to those jurisdictional questions.

Senator Tannas: Yes. They are part of the challenge of reconciliation. It certainly will come across that way in things like child and family social services. It will come that way in education. It will come that way in health. It will come that way in a whole bunch of different areas over the course of time, and it will have to be dealt with.

All we wanted to do, and the simplest thing to do today, was to put Indigenous governments on their reserves where they have jurisdiction in the same position as the provinces. That was the simplest way to do it. There may be, in the fullness of time, other ways in which it could be done. There may be a point when the provinces can't agree on things and we have to come up with a national gaming scheme. Who knows? But I would not want a new set of soothing words about a "someday, maybe" national gaming program that would include First Nations to get in the way of doing something that's simple and elegant today.

Hon. Frances Lankin: Senator Tannas, will you take another question?

Senator Tannas: Yes.

Senator Lankin: Thank you very much. I appreciate the intent of what you're trying to do and I'm generally supportive. The details and the consequences are always going to be important, and I know that would be worked on at committee and there are a number of things that may come forward.

I have a couple of questions. I'll put them all out there so that it's all in one question. These follow on the questions that have been asked.

First, every province and the First Nations within those provinces have different arrangements at the current time. You seem to be familiar with Saskatchewan; I'm very familiar with Ontario. Like Saskatchewan, the fact is that some of the general revenues that are raised in non-Indigenous casinos are pooled to go back to other First Nations. That's not something the province has to do, and it's something that could change as we go forward. I wonder if you've looked at that.

Second, has your research brought together the materials about the different schemes that are in place in different provinces? I think it's important to take a look at that and what the history is. I understand from a quick conversation — I may have this wrong — that Alberta, for example, used to have a pooled fund, the Wild Rose Foundation, I think it was, that was to benefit First Nations in Alberta, and that was done away with by the province. So the action of the provinces, which have often been focused on wanting to see the federal government take its full responsibility with respect to First Nations, are at risk of walking away.

The second thing is that when I was on the Ontario Lottery and Gaming Corporation board, I chaired the social responsibility committee, which was about responsible gambling as well as all of the other social responsibility items, and we won awards many years in a row for the program around safe gambling and prevention for people who were at risk. Does your bill make reference to that being built into the national framework as well?

Senator Tannas: To your first point, every province has a different scheme, and we did not spend a lot of time analyzing those schemes because we want to get the province out of the way. To the extent that the province takes, in some cases, 70% of the profit and returns a small amount of that, which they decide, to whoever they decide should get it and leaves 15% of the profit with the host community, there are all of these schemes that involve so many percentage points going in all directions. That's not for us to decide.

In this case, we're handing over jurisdiction, just like we did with the provinces. There were no conditions. The agreement that transferred this authority to the provinces is about three pages long, and two pages of it is signatures. It was not complicated and it wasn't fraught with a whole bunch of conditions that the federal government said they wanted to have in the future.

I know it's risky. I know our reflex is to say that we can't trust them with this. Well, I'm sorry; we have to. We have to believe that Indigenous governments will get it right. That is the whole point.

On the second issue, which is sort of the same issue, we need to understand. I think the operators understand who their customers are and they have actioned the idea of an Indigenous gaming commission that they would all belong to. It was passed as a motion to begin to build a framework at AFN — Assembly of First Nations — just a few months ago. They are doing the work to put that in place.

They also have the example of the United States. When the rights and jurisdiction were given over, there was some disruption and dislocation, and there needed to be a collective that brought good standards and the right policies together. But again, that is for those nations to decide. This is business that is being conducted on their lands.

We could spend months or years dreaming up all the rules, regulations, conditions and so on that we'd like to place on the First Nations in order for them to take up a right that they assert is already theirs. That's not what we should do. It's not what was done with the provinces. We trusted the provinces to come up with the right rules, regulations, schemes, wealth transfers and so on. We need to do the same with Indigenous governments if we believe this.

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Just really quickly, Senator Tannas, if you'll take another question. In the Standing Senate Committee on Indigenous Peoples, we've heard extensively of the infrastructure deficit on First Nations communities. I believe it was told to us that it would take 32 years for the government to fund the current infrastructure needs on First Nations. Also, First Nations don't all have revenue streams, and because they don't have revenue streams, they can't borrow money and can't build the infrastructure they need.

• (1750)

Can you help us understand how this money could alleviate some of the infrastructure issues on-reserve?

Senator Tannas: Yes. Certainly for the host reserves, this would be a large revenue generator. Chief Roy Whitney of the Tsuut'ina estimates that over the history of the Grey Eagle casino, that community has given the province of Alberta a half of a billion dollars that would otherwise have gone into their community for that kind of infrastructure. It would help with all the programs we are busy giving them and downloading to them.

There's no question — we're talking hundreds of millions of dollars a year that would go into those communities for economic activities that are on their reserve where they have invested the capital to make it happen.

Hon. Pat Duncan: Will Senator Tannas take a question?

Senator Tannas: Until six o'clock, I'm open.

Senator Duncan: Thank you. I'm going to ask this question without being incredibly familiar with your bill.

In this discussion, I have not heard the situation in the North referenced at all, and the three territories are completely different. In the Yukon, Diamond Tooth Gerties in Dawson City was — to the best of my knowledge — the first gambling hall

licensed in Canada. The restrictions on their licence are that a certain percentage of the money raised has to go to improvements, restoration and work in the community.

I've also heard you mention this as referencing on-reserve. We don't have reserves in the Yukon. We have government-to-government relationships. How on earth would this bill fit into the Yukon situation? I have no idea about Nunavut or the Northwest Territories. To the best of my knowledge, they don't have gambling situations like Diamond Tooth Gerties.

How would you see the North fitting in — in particular, the Yukon — to this legislation?

Senator Tannas: I mentioned this in my speech, and we didn't spend a lot of time on the North because there isn't much going on up there in the gambling world, right? It's not something, and it doesn't appear in the Criminal Code — territories are not mentioned. It says "provinces." It doesn't say "territories."

The objectives here are to deal with First Nations gaming on-reserve where there are, in fact, 30-odd casinos operating today.

To the extent that if there is language we can find that the Northwest Territories, the Yukon or somebody else wants to propose, we would definitely welcome that. However, from what we could tell, it would require something completely different than what is in the Criminal Code and what we're proposing to do, which is specific to reserves.

Senator Duncan: Senator Tannas, in light of the fact that Diamond Tooth Gerties has been licensed since long before I was legal to be drinking or gambling there — I was, honest — do you not think that because these special provisions were licensed by Canada and they have worked all these years as tourism and as an economic generator, and because the Yukon also has government-to-government relationships with First Nations, perhaps it would be worthy of study by your committee or by the group studying this legislation? To that effect, I would not consider proposing an amendment without substantial consultation — to Senator Batters' point — with the territory and the First Nation governments. It needs to be all three at least.

Senator Tannas: We are not looking to complicate things any further. I won't presume whether you could or couldn't drink in 1985, but these agreements and this devolution happened in 1985. So Diamond Tooth Gerties was likely licensed before things were devolved to the provinces. Is that right?

Either way, it is not part of what is happening in the South with First Nations gaming. There is obviously a federal licence that has been granted somehow, and that's what's being operated on. It's a one-off, and we're not looking to solve that problem. I'm not even hearing it's a problem. I'm hearing it's working wonderfully, so I don't know why we would want to chase it if there isn't a problem to fix.

However, what we're hearing and what we've been told is that there is a big problem in the First Nations with the 30 communities that are involved in gaming today. There is a problem with revenue sharing and with one-sided agreements decided by one party, which is the province, with a First Nation who has no choice but to say yes to whatever the deal is.

Hon. Mary Jane McCallum: I wanted to go back to Bill C-218. With C-218 and the changes made to gaming and how the province manages it, the inherent right to gaming of the Mohawk, other Ontario chiefs and the Assembly of Manitoba Chiefs was impacted. When we talked to the Mohawks, they were unable to now practise this inherent right. There is a legal challenge to Ontario, which will go to court in February 2024.

So now we have C-218, and we have your bill. Will those two coexist together? How are the First Nations going to manage those two bills together?

Senator Tannas: It is technologically neutral. It doesn't speak to whether or not a First Nation has the right to make book in Ontario. It doesn't say it can't. It doesn't say it can.

It's the same problem that the provinces have with each other. It's the same problem that we have with the Bahamas. It is sovereign governments that don't know how to protect their own gaming in a world that is the way it is.

Court is probably the best way to go, but this bill will not impact it, positively or negatively — in my opinion and in the opinion of the counsel for drafting — one way or another.

(On motion of Senator Martin, debate adjourned.)

The Hon. the Speaker: Honourable senators, it is now six o'clock, and pursuant to rule 3-3(1), I am obliged to leave the chair until eight o'clock, when we will resume, unless it is your wish, honourable senators, to not see the clock. Is it agreed to not see the clock?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Honourable senators, leave was not granted. The sitting is, therefore, suspended, and I will leave the chair until 8 p.m.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (2000)

SPECIAL ECONOMIC MEASURES ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Ratna Omidvar moved second reading of Bill S-278, An Act to amend the Special Economic Measures Act (disposal of foreign state assets).

She said: Honourable senators, I rise today to speak on Bill S-278, An Act to amend the Special Economic Measures Act, also known as SEMA. The bill before you seeks to amend SEMA to allow for a legal mechanism to seize and repurpose the state assets of perpetrators who breach international peace and security and to redirect those assets to the victims whose lives have been shattered.

The invasion of Ukraine by Russia provides a clear context for this proposal. Russia has launched an unnecessary, illegal and brutal war. It has destroyed the lives and livelihoods of hundreds of thousands of people — fathers, brothers, mothers, sisters and children have been lost. Cities have been reduced to rubble, and infrastructure has been bombed. People have been captured and tortured, and, still, there is no end in sight.

But perhaps the worst crime of all is the wilful kidnapping of thousands of children. As per *The Globe and Mail*:

In the summer of 2022, Russia began a co-ordinated program to bring children — particularly those living in orphanages and foster homes — from across the occupied areas of Ukraine to summer camps in Russia, hundreds of kilometres away.

These children have not been returned to their parents in Ukraine, but instead have been put up for adoption in Russia. This is so heinous a crime that the International Criminal Court has subsequently issued arrest warrants for Mr. Putin and for his Commissioner for Children's Rights, Ms. Lvova-Belova.

Just this past week, we have seen with horror the brutal attack of Hamas in Israel. Although there is no proof that Russia supplied weapons to Hamas, we know that Russia supports it. Just last March, for instance, Russia hosted in Moscow a delegation of Hamas leadership, and, further, Russia has yet to condemn Hamas for its brutality. So we see, yet again, that Russia desires chaos. It desires to destabilize the world and the rules-based order as we know it.

For these and many other reasons, we must hold rogue actors like Russia to account, but we must do so by carving out a legal pathway. It is difficult to quantify the misery of Ukraine in dollars and cents, but the World Bank has estimated the cost of war at US\$600 billion.

Ukraine itself estimates that it requires \$7 billion a month in aid, and these figures keep growing exponentially as Russia refuses to end its military operations and continues to target both

the civilian population and the civilian infrastructure in breach of the orders of the International Court of Justice and the European Court of Human Rights decisions made in March of 2022.

Whilst the war is ongoing, the international community is mostly united in its condemnation of Russia's aggression and support for rebuilding Ukraine. On November 14, 2022, the United Nations General Assembly passed Resolution ES-11/5, recognizing that under international law, Russia will owe Ukraine reparations at the end of the war.

However, given Russia's total failure to comply with any international court orders so far, it is unlikely that Russia will comply with any future judgments that award reparations to Ukraine, and even if these payments were negotiated at some point in the future, Ukraine needs the money now. This is why timing matters. Funds to repair ongoing damage must be found now, before the damage to Ukraine's economy and its people becomes irreversible, meaning that Russia wins even if it loses the war.

I remind senators of my previous bill, the frozen assets repurposing act. The spirit of that bill was adopted by the government in its Budget Implementation Act, 2022.

Its principles and the principles of this legislation are the same. They are, first, that this is an illegal war that Russia has waged, and, therefore, Russia must be held accountable. Second, Russia must pay for the misery and damage it has wilfully wrought. Third, Russia must pay now and not at some vague point in the future.

As a result of the previous legislation, which was adopted by Canada, Canada is now legally able to seize the frozen assets of corrupt foreign officials and non-state entities and repurpose them to alleviate the suffering of the people who have been harmed. The government is using this power now to seize the assets of Russian oligarchs. In December of last year, as per the new authority granted to it by law, the Minister of Foreign Affairs moved to seize and pursue the forfeiture of \$26 million from Granite Capital Holdings Ltd, a corporation belonging to Roman Abramovich, and is pursuing the forfeiture of his assets through the sanctions outlined in SEMA.

In February of this year, the federal government moved to confiscate the Antonov-124 aircraft, the Russian cargo aircraft owned by a subsidiary of the Volga-Dnepr Airlines and Volga-Dnepr Group. This aircraft was grounded at Toronto Pearson international airport at the start of the war and is currently still parked on the runway.

As the law intended, these cases are now before the courts to provide for due process to these private assets. If forfeited, these assets can be used to provide necessary funds to help the victims of Russian aggression and to hold the perpetrators to account.

However, as we all well know in this chamber, the devil is always in the details of legislation. So whilst the new law applies and is being applied to oligarch assets, it gets ensnared in other legislation when it comes to the confiscation, seizure and forfeiture of state assets located in Canada.

State assets, particularly central bank assets, are where the big money lies, the big money that is required to rebuild Ukraine. Since the war, roughly \$300 billion of Russian state assets have been frozen by various G7 jurisdictions. You will want to know the value of Russian state assets held in Canada today. At the end of 2021, just before Russia launched its war, the sum value of its assets in Canada was \$16 billion, which far outstrips, by the way, the sum value of Russian oligarch assets in Canada. But in a pre-emptive move, I imagine, Russia removed \$16 billion of its assets from Canada to Belgium, where they now lie frozen.

I am not able to say with certainty what the remaining value of Russian state assets in Canada now is. I have heard that it is likely negligible, and you may well ask, “Why bother, then?” Whether it is \$1 or \$16 billion, the principles and objective of my bill still apply, and they are as follows: to create a legal avenue for Canada to seize state assets and, more importantly, to create a legal precedent that can be followed by other like-minded jurisdictions.

This move is urgent. As you likely know, the biggest supporter of Ukraine in absolute dollar terms — the United States — is facing a political challenge in continuing its support of Ukraine through tax dollars. Opposition to Ukraine aid appears to have become a litmus test for some on the far right. *The New York Times* states that the isolationist views of hard-line Republicans argue that:

... sending tens of billions of dollars to Kyiv [in Ukraine] risks dragging the United States into a head-on conflict with Russia and siphons money away from domestic challenges. . . .

• (2010)

The presidential election in the U.S. at the end of 2024 will be a watershed moment — not just for the U.S. or us, but especially for Ukraine.

As we also know, this sentiment may not just be confined to the U.S. as populist nationalism is witnessing a resurgence in many parts of the world. Therefore, the passage of this bill, which has the rich state assets of Russia as its target, will be watched carefully by others who would wish to continue their support for Ukraine, but may be challenged by domestic realities to find new sources of funding for it.

The \$300 billion of frozen state assets of Russia is a source for such funding, but frozen assets are technically not good to anyone because they are frozen. They are immobilized. In June of this year, the British government announced that it will keep Russian funds immobilized until Russia compensates Ukraine. The European Union, or EU, has also announced that it will do the same, but might transfer the profits earned on Russian funds to Ukraine.

But, at best, these are mere half measures. They simply leave these assets in permanent limbo — useless to all. Unless a nation is bold enough, or courageous enough, to take the first step of asset seizure, these assets will likely remain frozen long after the war is over.

Because Canada likely only has a small amount of Russian state assets, we also have a unique opportunity to reach for a low-risk yet high-impact opportunity to set the pace so that others follow. Being the first nation to do so puts us in an extraordinary position of global leadership by explaining the international rationale and the domestic pathway to do so.

That was the intent of the first seizure and forfeiture law I proposed, which has since been adopted into law. Since Canada’s bold move, others have gathered around it.

Obviously, Ukraine has its own legislation covering Russian state assets, but legislation has been proposed in the U.K. in both houses of Parliament. The EU has set up a freeze and seize task force, and the European Parliament has passed a resolution that calls on Russia to provide war reparations to Ukraine, arguing that frozen Russian assets should be legally confiscated in accordance with international law.

In the U.S., Congress has passed amendments to allow for the sale and process of assets from sanctioned Russian oligarchs and entities supporting Putin to be used for the benefit of the Ukrainian people. Estonia is the first member of the EU to table domestic legislation to seize and repurpose Russian oligarch assets for the benefit of Ukraine.

As I had hoped, this Canadian rolling stone is gathering much moss. This is a unique and timely example of middle power Canada charting the way forward so that others follow.

But the way forward has thrown up a challenge; let me call it a mechanical challenge of a legal kind. As we know, there are limitations that impact how Canada and any other state can treat the property of another state, whether that property is assets in banks, real estate or others. The principle of sovereign immunity is a precedent under international law, which stipulates that “. . . one sovereign state cannot be sued before the courts of another sovereign state without its consent.”

Specifically in Canada, the State Immunity Act governs this principle. It states that “. . . a foreign state is immune from the jurisdiction of any court in Canada.” This means that if the Canadian government were to commence judicial proceedings to confiscate a foreign state’s asset, the relevant foreign state would be able to claim its immunity from such proceedings on the basis that no Canadian court has any jurisdiction to adjudicate in any proceedings involving a foreign state, thereby blocking any attempt by the court to make an order as regards its state property.

On the surface, it would appear that this prevents the implementation of the seizure and repurposing of Russian state assets because they are of a sovereign nature.

The current regime under the Special Economic Measures Act, or SEMA, allows for the seizure and repurposing of assets through the courts. I think we all agree that assets owned by individuals or non-state entities must have due process before the state takes them away. This is a fundamental principle in Canada.

However, because this process goes through the courts, Russian state assets are excluded from seizure and repurposing because of sovereign immunity laws.

Recognizing this hurdle, legal experts in Canada, including former Attorney General Allan Rock and noted academic Rob Currie, as well as legal experts outside of Canada, including Jamison Firestone, Tetyana Nesterchuk, Laurence Tribe and Yuliya Ziskina, pointed to a different route, which is presented in this proposal.

Whilst the State Immunity Act limits court action against another state, its reach does not extend to executive actions, such as cabinet orders. As such, state assets are shielded from legal proceedings in court, but they are not shielded from executive actions. The bill before you amends SEMA to allow for the confiscation of state assets by executive action, thereby creating two paths for seizure: one through the courts for individual assets, and another through executive action by the Governor-in-Council. Think of it as two highways with the same destination, but different routes.

Clause 5.41 of the bill says the Governor-in-Council may, by order, have any property that is the subject of an order made under paragraph 4(1)(b) and that is owned — or that is held or controlled directly or indirectly — by a foreign state to be forfeited to His Majesty in right of Canada.

Inserting this language specifically gives the authority of the government to seize and forfeit assets held by a foreign state. To ensure that SEMA follows actions that don't infringe on the State Immunity Act, the act is amended by adding the following after subsection 5.4(1):

(1.1) An order made under subsection (1) cannot relate to property that is owned, held or controlled, directly or indirectly, by a foreign state.

Colleagues, this clause would take the court process out of the seizing and forfeiture of state assets and leave it to executive action if, and only if, the underlying conditions under SEMA have been met. In other words, there must be a breach of international peace and security and/or gross human rights violations.

To be clear, SEMA already provides for the seizure of state assets, but the mechanism is flawed. This bill simply provides for amending the legal mechanism so that the law can fulfill its stated purposes, should Canada choose to seize and repurpose sovereign state assets.

Some will argue that this is a breach of international conventions — that one state cannot simply seize the assets of another state in its jurisdiction — and yet there is no real dispute that Russia has breached international law by its illegal invasion of Ukraine. Authors Allan Rock, Rob Currie and Fen Hampson — in their paper titled “Leading by Example” — argue that state-on-state armed attacks tops the list of breaches of

pre-emptory norms, and are a direct violation of international law. Refraining from aggressive war is a core rule of international law. They go on to say:

... given that we are asking questions about international law breaches, it is essential to focus on the direct violation of international law that gives rise to all of this: Russia's invasion of Ukraine. . . .

The United Nations General Assembly in its Resolution ES-11/1 in March 2022 deplored “. . . in the strongest terms the aggression by the Russian Federation against Ukraine in violation of Article 2(4) of the Charter” — it's the article which is said to be the cornerstone of the UN Charter. That resolution was supported by 141 nations, with only 5 voting against it, and you will guess right: Russia, Belarus, North Korea, Syria and Eritrea.

• (2020)

In a *Washington Post* opinion piece, three prominent U.S. thought leaders — Lawrence Summers, former Secretary of the Treasury and former president of Harvard University; Philip Zelickow; and Robert Zoellick, former president of the World Bank — argue that the roughly \$300 billion of Russian central bank assets could legitimately be repurposed for the reconstruction of Ukraine because:

Those who hold Russian assets are entitled, under the international law of state countermeasures for a grave breach of international law, to cancel their obligations to the Russian state and apply Russian state funds to what Russia owes.

Given this, they go further and suggest that Canada and other like-minded states are not only permitted to act against Russian aggression but are, in fact, obliged to do so.

In addition, Article 41 of the articles on *Responsibility of States for Internationally Wrongful Acts* confirms that Canada and others can invoke countermeasures as provided for in Chapter 11 of this agreement.

The principle behind countermeasures is that a state, in this case Canada, can suspend an obligation it has under international law in a way that is intended to bring the offending state back into compliance with international legal obligation. In this case, it is Russia's breach with the invasion of Ukraine and its failure to compensate for the devastation it has caused. If it is a valid countermeasure, then seizure of state assets in itself is not a breach of international law. Quite the opposite: It is a valid and lawful response to Russia's breach of fundamental norms of forbidding one state from mounting an armed attack on another.

There is precedent for this kind of action. As lawyers Jamison Firestone, Tetyana Nesterchuk and Yuliya Ziskina argue:

... the most applicable countermeasures precedent is the transfer of Iraqi state funds during the Gulf War in 1992. After Iraq invaded Kuwait in 1990, former U.S. President

George Bush issued an October 1992 executive order “directing and compelling” every U.S. bank holding Iraqi state funds to transfer them to the Federal Reserve Bank of New York in compliance with a U.N. resolution that called for the compensation of the victims of that aggression. The executive order “authorized, directed, and compelled” the Federal Reserve Bank of New York to receive these funds and to “hold, invest, or transfer” them to serve the purposes of the U.N. resolution.

Countermeasures have been used by Canada. For example, after the invasion of Afghanistan by the U.S.S.R., Canada suspended Soviet fishing rights in its exclusive economic zone. Canada again suspended landing rights for the Soviet Aeroflot after the shooting down of a Korean Air Lines passenger plane in 1983. Canada again used countermeasures against the apartheid regime of South Africa, and used them again in the 1990s in the conflict in Serbia.

No doubt this proposal sets a precedent, but, if it does so, then it sets a positive one. The norms against aggression, war crimes and genocide are currently being tested to a degree the world has rarely seen. If states considering similar acts of aggression see that their conduct would be met with swift and severe consequences, such as the seizure of their sovereign assets, then they are far more likely to think once, twice and many more times before taking a step.

In short, if Canada and other Western states want to face fewer crises like the one facing Ukraine, then we should send the unmistakable message to the international community that Russia’s conduct will not be tolerated. Hesitation and appeasement only send aggression-encouraging signals. I believe that the world’s appeasement of Russia after its invasion of Crimea in 2014 was misplaced, as we all know now.

I grant that seizing state assets, including central bank assets, is an extraordinary move. These are, however, extraordinary times. If we do not demonstrate resolve, if we fail to act in legal ways to hold Russia accountable, then we will likely open the door for other rogue nations with territorial ambitions to act with impunity.

This proposal, therefore, uses domestic law in accordance with international law mechanisms as a deterrent. It upholds the rule of law in the international legal order.

Russia cannot hide behind international law because it has broken every tenet of it. Laurence Tribe, who is likely the foremost constitutional scholar in the U.S., writes:

It would be a cruel irony to deny Ukraine the funds it needs by invoking respect for Russia’s “sovereignty” and “property rights” when Russia has chosen to trample on [those] of the Ukrainian people.

Now to turn to what Russia is doing in this sphere, in April of 2023 Putin signed a decree allowing Russia to expropriate property from unfriendly countries — basically any country that has placed sanctions against it, of course, including Canada, the U.S., the U.K., all EU countries, Japan and South Korea.

On September 23, when President Zelenskyy was visiting Canada, Canada and Ukraine agreed to create a G7 task force on the seizure and forfeiture of Russian state assets. The bill before you today will provide a way forward for those efforts. The government of Ukraine supports this measure.

Iryna Mudra, the Deputy Minister of Justice for Ukraine, writes:

The Ukrainian government sees Russian sovereign assets as the key source of compensation for victims of Russia’s illegal war and we are very grateful to Canada for taking the lead on this important issue and setting a clear precedent for other nations to follow.

Colleagues, the bill before you today holds Russia to account. It creates a legal pathway for Canada and others who will follow us to use Russian state assets to compensate Ukraine. It does so in a manner that is sensitive to the needs of Ukraine today and not at some future time. It gives expression to the sentiments of President Zelenskyy in our Parliament last month when he stated that Canada stands out as a “bright” light to the rest of the world. Let us be that light and shine not just through our aspirations but through our actions.

It is also a warning light to other bad actors. Although I have spoken primarily in the context of Russia and Ukraine, the proposal will amend SEMA in general, which would allow for similar actions against other bad state actors that perpetuate mass crimes. I hope that is clear. It does not mention Russia or Ukraine in the amendments.

Before I close, I wish to thank my many advisers who have helped me in navigating these tricky waters. They are academics, foreign policy experts, international lawyers from Canada, the U.S., the U.K. and Ukraine. I call them my brain trust, because I know it takes a village to raise a legislative child, especially when that child is a private bill.

On their behalf, and on behalf of the many victims of the Russian war in Ukraine, I ask for your support. Thank you.

Hon. Denise Batters: Senator Omidvar, I have a couple of questions for you. First of all, as one of 1.4 million Ukrainian Canadians, I want these Russian assets to be quickly and properly seized so that those assets cannot be used to finance Putin’s illegal and brutal war against Ukraine. Could you briefly explain what this bill does that the government legislation you referenced, that was passed in the recent Budget Implementation Act, does not do?

Senator Omidvar: Thank you, Senator Batters, for that question. The bill creates a legal mechanism that would allow the Government of Canada to seize Russian state assets. As I said, there are technically now two rules: one through the court for

individual assets and one through executive action. The existing State Immunity Act provides immunity from Canadian courts to all foreign states.

It's a clarification, I would say, to the proposal that has already been accepted by the Government of Canada.

Senator Batters: In your speech tonight you referenced that Russian assets in Canada were thought to be "negligible." I'm just wondering what basis you have to say that, because I thought that that wasn't the case. It seems like every so often, when we hear about potential oligarch assets in Canada, we hear that there have been, thus far, relatively limited real results produced by actions taken by Canada's government.

• (2030)

I actually thought that very little had been seized thus far in Canada. Why do you think that there is just a negligible amount left?

Senator Omidvar: Thank you, Senator Batters. In December of 2021, just before Russia invaded Ukraine, according to the public accounts of Russia, state bank assets totalling \$16 billion were located in Canada. Russia subsequently removed \$16 billion to Belgium in, as I said, likely a pre-emptive move. This is all public information that I had gleaned.

What I don't know is if they've got anything left outside of, maybe, their embassy here.

Hon. Yuen Pau Woo: Senator Omidvar, would you take a question?

Senator Omidvar: Definitely. Thank you, senator.

Senator Woo: Your speech is very timely given that we've just received the response from the foreign minister on the sanctions from the Magnitsky study, one of the findings of which you may recall is that the efficacy of our sanctions regime, particularly autonomous sanctions, including Magnitsky and some of the others you have described, have not been proven. We're not clear that sanctions actually make a difference, based on the objectives that were set for sanctions — changing behaviour and so on.

I'm very supportive of the idea of war reparations along the lines of what happened after the Second World War. I'm not so sure about your proposal.

I'll give you a preamble before I ask my question, but it sounds to me that while we talk about the importance of upholding international law, what you're proposing essentially is executive power to override accepted international law, which strikes me as undermining a principled stand on the importance of upholding international law.

The reality of central bank assets is that most of them — about 70% — are held in U.S. dollars, maybe 20% to 30% in euros, the balance in Japanese yen and perhaps a few other small

currencies, and a small amount in gold, which means that most of the foreign assets of any central bank will be held in the United States.

That gives me pause when you talk about how we should set the example. Not for us, because there really are very few central bank assets held in Canada. It gives me pause as to what kind of message and lesson, to use your term, we are passing to the United States, which has used its power to seize central bank assets in ways that are perhaps less edifying than you would present.

The Iraq example is not particularly encouraging when you think about how subsequent events in Iraq have unfolded and how the money could have been used for reconstruction. The example of Afghanistan is particularly discouraging, because the assets of the bank have been seized essentially to pay Americans off for the World Trade Center.

What leads you to think that this example, which really will be mostly for the Americans, will be used in a way that, in fact, respects international law and which promotes peace and comity in our world rather than more conflict?

Senator Omidvar: Thank you, Senator Woo. I'm trying to locate the question. Forgive me for trying to locate it.

Your first question is whether this is against international norms. I'm simply going to repeat what people far wiser than me have said. Again, Laurence Tribe, a well-known U.S. constitutional lawyer, said that Russia cannot hide behind international norms when it is breaking every one of them itself.

On the question that we are doing this so that the U.S. will follow, we all know that the U.S. system is "executive-order-happy," if I may use that term. They tend to use it at many times.

Our proposal is different because even if it is executive action that generates the seizure of assets, it has to be grounded in the conditions of SEMA — the Special Economic Measures Act; those two conditions have to be met. There has to be a breach of international peace and security, and there have to be gross human rights violations.

The proposal that is being considered in the U.S. actually mirrors this proposal and anchors executive action — seizure of state assets — in domestic law. We're a step ahead of them, if I may say, because that is precisely what we are doing. It is not cowboy, willy-nilly executive action. It is executive action based on certain conditions and criteria.

I hope I located your question.

Senator Woo: If I could then ask the question more specifically, which I think I did at the very end, what gives you the confidence that our American friends, who will be the principal users of this example you've set, will, in fact, use this tool with Canada as the cover, as setting the example? Because we're not going to use this; this is not principally for Canada.

What gives you the confidence that they will not use it in a way that, in fact, violates international law and harms the prospects of countries simply because they have a political disagreement with those countries?

I hope that question is very clear this time.

Senator Omidvar: It is very clear. If the U.S. follows our example and anchors their legislation on state asset seizure in domestic law, as we are doing, then we will have set the right path.

Senator Woo: How would you imagine that the Americans will follow our example in setting a law when they are the pre-eminent power in the world?

Senator Omidvar: The U.S. will be part of this task force that the Deputy Prime Minister has created. Legal scholars, academics and former officials will be on it. I'm not going to pre-empt what the U.S. is going to do.

By the way, Senator Woo, I think this bill is not just aimed at the U.S. There are other nations that have frozen Russian state bank assets, including the U.K. and Japan. Europe is definitely not low-hanging fruit because of their position in the region and their dependency on Russia for all kinds of things. I don't really believe it's just the U.S. It is others as well.

As I said, a Canadian rolling stone can gather moss.

Hon. Stan Kutcher: Honourable senators, I rise today to speak in support of Bill S-278, An Act to amend the Special Economic Measures Act (disposal of foreign state assets). Since Senator Omidvar has done a great job of addressing the legal issues, including answering interesting questions related to this legislation, I will focus my remarks on some of the costs of Russia's illegal, unprovoked and genocidal war on Ukraine and how Russian state assets currently frozen and available can now be used to help offset these costs.

On February 24, 2022, Russia invaded Ukraine, an unprovoked, illegal act of genocidal violence upon a sovereign nation that was the biggest attack on a European country since World War II. This was followed by immediate and heroic resistance from the Ukrainian people. Against all odds and to the surprise of many nations, the offence of the much-vaunted Russian army ground to a halt, stopped by the Ukrainian people who would not accept defeat and who used all they had to mobilize and defend themselves. We all remember the iconic images of Ukrainian tractors pulling captured Russian tanks.

Canada immediately condemned this unprovoked and egregious attack by Russia on Ukraine as a violation of Ukraine's sovereignty and territorial integrity and a violation of Russia's obligations under international law and the Charter of the United Nations. Other nations for whom the upholding of the international rule of law was paramount also issued their own condemnations of this illegal attack.

As Senator Omidvar has pointed out, human rights and international law are cornerstones for the anchoring of her bill, so let's turn to human rights.

The United Nations, with Resolution ES-11/3 on April 7, 2022, removed the membership of Russia in the UN Human Rights Council over:

. . . grave concern at the ongoing human rights and humanitarian crisis in Ukraine . . . including gross and systematic violations and abuses of human rights . . .

And it demanded that Russia withdraw its forces from Ukraine. On the human rights, on the international law, the UN General Assembly Resolution ES-11/4 was passed on October 12, 2022. It noted that the annexation of Donetsk, Kherson, Luhansk and Zaporizhzhia oblasts by Russia were “. . . invalid and illegal under international law” and demanded that Russia “. . . immediately, completely and unconditionally withdraw . . .” from Ukraine as it is violating its territorial integrity and sovereignty.

• (2040)

As part of the Western world's response to the Russian genocidal invasion and the ongoing war of Ukrainian resistance that followed and still continues, the G7 countries initiated numerous sanctions against Russia and, consistent with international law, decided to freeze Russian assets held within their jurisdictions. On October of this year, the G7 announced that these assets — so far estimated at around US\$300 billion — will remain frozen until Moscow pays war reparations to Ukraine.

This announcement came soon after Belgium announced that it will collect around 2.3 billion euros in taxes on frozen Russian state assets in 2023 and 2024 held within its jurisdiction and will use that money to help aid Ukraine with both military and humanitarian support. Belgium moved independently of the European Union to undertake this initiative since it is applying its own national tax code to the frozen assets.

According to the *Bloomberg* story on this situation:

. . . the EU, along with Group of Seven nations, are still discussing a plan to tax the profits generated from immobilized Russian sovereign assets and funnel the revenue to Kyiv.

On Wednesday, US Treasury Secretary Janet Yellen backed the idea, calling it a “reasonable proposal” that is distinct from actually seizing the cash.

Commenting on this action, President Zelenskyy noted that “Belgium has become the first country to start using frozen Russian assets to support protection from Russian terror.”

On October 12, soon after the Belgian announcement, the Estonian government approved a draft law that, if passed by parliament, would allow many immobilized Russian assets to be transferred to Ukraine.

Colleagues, the Western world is being reminded of the horrific global costs of terror and the need to move vigorously to defend the values that underlie the international rule of law. In Ukraine, we have witnessed an imperialistic power — Russia — launch an unprovoked, illegal and genocidal war on a peaceful, sovereign state.

More recently, we have watched in horror as a terrorist organization slaughtered hundreds of innocent civilians and then used its own people as human shields against retaliation. History has often noted that evil, when left unaddressed, ends in tragedy. We have a responsibility to do our part to respond vigorously and to do our best to avert the tragic consequences of inaction.

I thank Senator Omidvar for, through this legislation, providing us with an opportunity to do our part.

Honourable senators, the human, social and financial costs of this war on Ukraine and its peoples are huge. They include costs incurred fighting the war as well as the social, humanitarian and critical infrastructure costs needed to maintain life and an ongoing economy now. In addition, there will be the future costs for rebuilding.

Rebuilding Ukraine and helping its people recover is expected to cost hundreds of billions of dollars, potentially exceeding US \$1 trillion, depending on how long the war lasts, its intensity and its geographic spread.

There is also the cost to the mental health of children, families and combatants that may never be properly calculated. Colleagues, how do we cost an amount of money needed to compensate innocent people for the human losses that they have suffered and will continue to suffer, even after the war is over?

The phrase “when the war is over” means that Ukraine will have prevailed since if Ukraine wins the war, there will be no more war, but if Russia wins the war, there will be no more Ukraine. There is an immediate need for more arms for Ukraine — not just to fight to a stalemate, but to achieve victory. Additionally, there is also an immediate need to rebuild critical infrastructure destroyed by Russia — hospitals, roads, bridges, schools, housing, energy supply, water supply and much more. The Ukrainian government says it needs some \$14 billion to fund critical infrastructure rebuilding projects in this year alone.

There are other costs to war. Environmental costs, for example. A *Washington Post* article of March 13, 2023, noted that, so far, the war on Ukraine has led to more than \$51 billion worth of environmental damage. As far as I can understand the numbers, this environmental damage cost is in addition to the almost unfathomable sums I have just shared with you.

We know that extraordinary amounts of money have been pledged from many countries to assist Ukraine. The Council on Foreign Relations, in September 2023, reported that since the war began, the Biden administration and the U.S. Congress have directed more than US\$75 billion in assistance to Ukraine.

Europe has in total given a similar amount as has the U.S., about US\$72 billion.

On July 11, 2023, the CBC reported that Canada has committed more than \$8 billion to Ukraine since Russia's February invasion, including over \$1.5 billion in military aid.

Where is this money, so desperately needed to fend off a force that threatens the very existence of any international rule of law, coming from? From the taxpayers of the countries invested in maintaining the rule of law and the values that underpin the international order. While this is not an unreasonable ask, it does promote the kind of negative, anti-Ukraine sentiment that we have recently seen on full display in some sections of our society, in our cousins to the south and, sadly, emerging here in Canada as well.

Is it not reasonable to ask that Russia, the aggressor in this conflict, pay? And why should it not start paying now?

The governments of the United States, Australia, Canada, France, Germany, Italy, Japan, the United Kingdom and the European Commission have seized roughly \$300 billion in Russian central bank assets not long after Russia's invasion of Ukraine. Most of this money, more than \$200 billion, is frozen in European accounts. These governments have also seized tens of billions of dollars in assets belonging to Russian oligarchs and private entities.

The G7 governments agree with the UN that Russia is perpetuating an illegal war of aggression and that Moscow should be held responsible for footing the reconstruction bill. Experts in international law and international relations also agree.

Writing in *Foreign Affairs*, former U.S. treasury secretary Lawrence Summers, former U.S. diplomat Philip Zelikow and former World Bank president Robert Zoellick note:

Because the [United Nations] has established that Russia gravely breached the norms of international law and that this breach is a matter of common international concern, it has given member states standing to act. And it has established that Russia has a duty to compensate the states injured by its aggression.

Lloyd Axworthy, a name known to all in this chamber, recently put it quite simply. I'll quote from an article in *The Globe and Mail* where he said:

It's a Robin Hood proposition. . . . You take from the Sheriff of Nottingham who was putting people in jail, and you give it to the people who were affected by this.

The same article in *The Globe and Mail* in June 2023 noted that according to the RCMP, as of February, about \$135 million of assets in Canada has been frozen as a result of sanctions imposed on Russia. Should that money now not be made available to augment the \$8 billion that Canada has already pledged? Should that money not be made available now to help Ukraine's military fight and its people have access to hospitals, clean water, heat and light?

Colleagues, I, for one, think it should.

With the passage of Bill S-278, Canada will go one better than Belgium. Canada will go one better than the suggestion of using the interest from these funds to support Ukraine. Instead of just taking the profits from these Russian assets, why not take the principal as well?

The entire principal amounts currently frozen are already owed to Ukraine under international law. Not using this money now deprives Ukraine of the funds that they need to survive the upcoming winter, which will likely see furious Russian attacks on the infrastructure needed to support civilian life.

• (2050)

Ukraine also needs the funds to purchase the armaments it so desperately needs to end this war as quickly as possible, thus saving the lives and livelihoods of countless of its citizens.

Colleagues, let's not forget that helping Ukraine goes well beyond investing in its freedom and repairing the ravages of war. It is also a statement and an investment in the necessity of maintaining the international rule of law, for the fight in Ukraine is not just about Ukraine. It is about how this world will evolve: into a place of freedom and justice or a place of unfettered violence and fear.

That is why I will support Senator Omidvar's bill, and I urge you to do the same as well. Let's get it to committee and well studied and over to the other place as soon as possible. *D'akuju*. Thank you. *Wela'liog*.

Hon. Donna Dasko: Honourable senators, I rise today in support of Senator Omidvar's timely bill, Bill S-278, An Act to amend the Special Economic Measures Act (disposal of foreign state assets).

This important bill would amend SEMA to allow for a legal pathway to seize and repurpose the state assets, including central bank reserves, of perpetrators that breach international peace and security and, specifically, to seize these assets without a judicial order. These assets can then be redirected to the victims who have suffered at the hands of these perpetrators.

I commend Senator Omidvar for her far-sighted leadership in advancing this legislation. This bill rests on the belief that foreign leaders and nations who violate international human rights through violence or oppression or corruption or war must be held accountable for their actions, and that asset forfeiture can be a powerful option to help achieve this and to assist the victims of these terrible actions.

In 2021, Senator Omidvar's Senate public bill, Bill S-217, achieved all-party support and passed the Senate committee stage. In June of 2022, in response to Russia's invasion of Ukraine, the government essentially incorporated her initiative into its own legislation as part of the budget bill. Bill C-19 thus allowed the government to go beyond freezing the assets of corrupt foreign officials by permitting them to be seized and redirected to the victims of persecution and oppression.

As currently drafted, SEMA can permit the seizure of individual assets through a process involving the courts, but not state assets. Senator Omidvar's new bill, debated here today, extends this by creating a legal path for state assets to be seized.

Colleagues, why are we contemplating such extraordinary actions as the seizing of state assets of a foreign country? We are contemplating extraordinary actions because we are faced with extraordinary circumstances, and, in particular, here today, we are discussing the illegal and immoral invasion by Russia of the free, independent and democratic nation of Ukraine.

As a matter of justice and based on our values and our interests, we must take action. The funds seized under this act and similar actions by other Western nations can assist Ukraine in rebuilding after the devastation of war.

Let's think about the destruction that Russia has perpetrated with its illegal invasion of Ukraine, first, the lives lost. According to *The New York Times* and based on American government sources, as of August of this year, approximately 70,000 Ukrainians have died, and between 100,000 and 120,000 have been wounded. Russia's military casualties, these officials said, are approaching 300,000, including 120,000 deaths and 170,000 to 180,000 injured troops.

There is evidence of multiple crimes and violations committed by Russia and Russian troops. A paper recently prepared by investigator Rodrigue Demeuse for the NATO Parliamentary Assembly examined these violations and presented evidence in three areas.

First, there are violations of international humanitarian law, the so-called laws of war, established by the Geneva Conventions, the Hague Convention and others. Russia has violated these laws. It has deliberately killed civilians and used arbitrary detentions, torture, forced disappearances, human shields. It has used sexual violence, especially against women, but also against men. Russia has targeted and destroyed civilian infrastructure, for example, by bombing a maternity hospital in Mariupol in 2022. Russia has denied humanitarian assistance and perpetrated the forced deportation of civilians, including children.

Second, Russia has also violated international human rights law, based on several international treaties and covenants. These include violations of the right to life, freedom, security, expression, assembly, as well as economic, social and cultural rights such as the right to education, the right to health care, food and water rights, environmental rights and many others.

Third, there are breaches of international criminal law. Here, there is the crime of aggression committed when Russia invaded the sovereign and independent nation of Ukraine with no justification, which is a clear violation of the UN Charter. There are also war crimes, crimes against humanity, and there is even evidence of genocide.

It is clear that the destruction brought by Russia in Ukraine has been massive. The humanitarian losses, including deaths, injuries and displacements, will deeply affect the physical and mental health of the Ukrainian people for years to come. And the physical damage done to the country poses a huge

economic challenge. One study from the Kyiv School of Economics estimated infrastructure losses as of March 2023 to be US\$143 billion or 70% of Ukraine's GDP. Housing damages were estimated to be US\$54 billion. Damage to roads, bridges and airports accounted for US\$36 billion in losses. In March, the World Bank estimated the cost of the country's future reconstruction at roughly €380 billion.

Of course, Western allies and friends of Ukraine, including Canada, have provided enormous military, financial and humanitarian support to Ukraine since the February 2022 invasion by Russia. This support, I believe, will continue into the future.

Last week, I was a member of the Canadian delegation to the NATO Parliamentary Assembly in Copenhagen, where the topic of Ukraine was absolutely top of mind, not least because Ukraine's President Zelenskyy addressed our plenary session via video. I sensed strong and continuing support for Ukraine among these parliamentarians from NATO countries, and this reassured me greatly. However, there was also a disquieting sense that this terrible war could continue well into the future. In that scenario, nobody really knows what will happen.

Still, colleagues, the bill before us aims to make Russia accountable and to pay for its crimes and its destruction. The seizure of state assets is the core principle of this bill, which provides for our Governor-in-Council to seize these assets if any of the conditions outlined in SEMA have been met. The conditions involve the violation of international law and conventions, such as serious breaches of international peace and security or gross human rights violations, which clearly describe Russia's actions.

After the Russian invasion, the United States and other Western nations moved quickly to freeze Russian assets held abroad, including the property of Russian oligarchs and Russia's central bank assets held in foreign accounts. These assets are currently valued at approximately US\$350 billion, including US \$300 billion of Russian state assets and about US\$58 billion of privately held Russian assets, this according to papers by Zelikow, Anderson and Keitner from 2022. An international debate is now under way concerning the viability and legality of seizing and transferring these assets to Ukraine, either to fund current needs, which is considered to be very important, and/or to fund post-war reconstruction. This is according to a paper written by Michal Szczerba in 2023.

• (2100)

On October 4, just a couple of weeks ago, Secretary of State Antony Blinken weighed in on this debate to confirm that Americans are indeed examining the legal issues. Secretary Blinken urged European countries to move forward and seize and transfer Russian assets. As he said:

My own view is you broke it, you bought it. And so the Russians having broken it, they ought to pay for it. . . .

Certainly, Canadians are on side with this important initiative. In a national public opinion survey commissioned by myself and Senator Omidvar and conducted by Nanos Research just two

weeks ago, we found that a strong majority of Canadians support Canada seizing the Canadian assets of foreign states that are violating human rights and using these assets to help victims.

The survey shows that 81% of Canadians support Canada seizing the state assets of the Russian government that are held in Canada and using those assets to help victims of the war against Ukraine. Similarly, 78% of Canadians support Canada seizing the state assets of the Iranian government that are held in Canada and using those assets to help the victims in Iran whose human rights are violated.

The poll shows that support for these actions is high in all regions of the country, among both men and women and across all age groups. It's true that Canadians may have few Russian state assets, as we have heard, but by moving ahead with this legislation, this country can help create the momentum that is needed in the world, and we can lead by example.

As a third-generation Ukrainian Canadian, I'm especially motivated to support this bill. I'm especially pleased that my friend and esteemed colleague Senator Omidvar has devoted her efforts to this worthy and important cause, and since she's had success before, I'm confident she will have success this time as well.

Finally, I'm especially proud of Canada's and Canadians' vast and steadfast embrace of Ukraine in its time of need, however long it takes. Thank you, colleagues.

(On motion of Senator Martin, debate adjourned.)

THE SENATE

MOTION TO CALL UPON THE GOVERNMENT TO IMPLEMENT THE EIGHTH RECOMMENDATION OF THE FIRST REPORT OF THE SPECIAL SENATE COMMITTEE ON THE CHARITABLE SECTOR— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Omidvar, seconded by the Honourable Senator Dasko:

That the Senate call upon the Government of Canada to implement the eighth recommendation of the first report of the Special Senate Committee on the Charitable Sector, entitled *Catalyst for Change: A Roadmap to a Stronger Charitable Sector*, adopted by the Senate on November 3, 2020, during the Second Session of the Forty-third Parliament, which proposed that the Canada Revenue Agency include questions on both the T3010 (for registered charities) and the T1044 (for federally incorporated not-for-profit corporations) on diversity representation on boards of directors based on existing employment equity guidelines.

Hon. Judith G. Seidman: Honourable senators, I move that further debate be adjourned until the next sitting of the Senate for the balance of my time.

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

Hon. Senators: Agreed.

(On motion of Senator Seidman, debate adjourned.)

[Translation]

MOTION TO CALL ON THE GOVERNMENT TO ADOPT ANTI-RACISM
AS THE SIXTH PILLAR OF THE CANADA HEALTH ACT—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator LaBoucane-Benson:

That the Senate of Canada call on the federal government to adopt anti-racism as the sixth pillar of the *Canada Health Act*, prohibiting discrimination based on race and affording everyone the equal right to the protection and benefit of the law.

(On motion of Senator Clement, debate adjourned.)

[English]

NET-ZERO EMISSIONS FUTURE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Coyle, calling the attention of the Senate to the importance of finding solutions to transition Canada's society, economy and resource use in pursuit of a fair, prosperous, sustainable and peaceful net-zero emissions future for our country and the planet.

Hon. Marty Klyne: Honourable senators, this item is adjourned in the name of Senator Clement, and I ask for leave of the Senate that, following my intervention, the balance of her time to speak to this item be reserved.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: So ordered.

Senator Klyne: Honourable senators, I rise to add my voice to Senator Coyle's inquiry on Canada's transition to a net-zero emissions future. Thank you to our colleague for initiating this urgent conversation. The transition must include, to quote Senator Coyle:

... finding innovative and effective ways to ensure the people, communities and regions most closely impacted by the transition to a net-zero economy are considered, have a voice and are supported.

Coming from Saskatchewan and Treaty 4 territory, I agree. Our federation must prioritize the inclusion of Western Canada, Indigenous nations and all regions in net-zero solutions and economic opportunities. A fair transition must be a whole-of-nation priority and effort with no one left behind, tailored to the unique advantages and challenges of every region, all towards economic benefits across the country. By working together, our federation can achieve a successful green transition, supporting the prosperity of Canadian workers and their families, the well-being of our grandchildren and future generations and Canada being all it can be.

Today I'll add to this climate inquiry my view on three topics. The first is Canada's path to net-zero emissions, the second will be Saskatchewan's unique contributions and challenges and the third is Indigenous environmental leadership and stewardship.

Senators, I begin with Canada's path to net zero. On climate action, we must succeed. Science requires limiting global warming to 1.5 degrees Celsius above pre-industrial levels to avoid the worst consequences of climate change. This is the goal of the 2015 Paris Agreement.

To put the 1.5-degree target in perspective, 2023 was likely the warmest year in the last 120,000 years based on scientific evidence. This past summer, Canada experienced terrible wildfires, floods and drought, all worsened by climate change. As of September, 44 million acres of forest burned across Canada, negating the carbon stored in the trees and the soil. That's 8.5 times the normal rate. Fire forced the evacuation of Yellowknife, flash floods hit Nova Scotia and droughts struck the Prairies. Climate disasters also struck globally, including extreme heat and fires in Europe, forcing evacuations in Greece; the deadliest U.S. wildfire in over a century in Hawaii, with drier conditions due to climate change; and floods in Libya, with nearly 4,000 people killed and over 9,000 missing.

• (2110)

Such events will worsen, even if we meet our goal. To save a livable earth, humanity must achieve net-zero emissions by 2050. Canadians must do our part by meeting this goal domestically, and by supporting international efforts to fulfill the Paris Agreement. We are making progress. Canada's 2022 overall

emissions were 6.3% below 2005 levels, despite a population increase of 24% in the same period. Reductions are, therefore, evident and achievable.

However, our country's target for 2030 is to reduce emissions 40% to 45% below 2005 levels. On that, we have a long way to go, and we've seen some setbacks. Canada's 2022 emissions increased 2.1% compared to the previous year, mostly due to a cold winter, increased oil and gas production emissions and increased building heating requirements.

Looking ahead, Parliament has passed laws designed to deliver results over time. Two planks of the country's federal climate plan are the Greenhouse Gas Pollution Pricing Act adopted by Parliament in 2018, and the Canadian Net-Zero Emissions Accountability Act adopted in 2021.

Of course, all targets and policies must consider factors unique to each region. With the first plank, carbon pricing incentivizes economic decisions to reduce emissions against an escalating cost of such pollution. It's basic economics: When the price goes up, demand goes down.

We, therefore, can expect improved results over time if existing laws remain in place. The 2021 statute brings transparency and accountability to the plan to meet our targets. This is the sensible approach to a problem we must solve, while concurrently providing certainty for businesses and consumers investing to reduce emissions.

Notably, federal carbon pricing was preceded by our country's first output-based carbon pricing in Alberta in 2007 for large emitters, followed by Quebec introducing the first carbon tax later that year. I encourage Parliament's focus on climate action. In 2021, I voted for the Canadian Net-Zero Emissions Accountability Act, along with three quarters of this Senate.

Of course, the details of carbon pricing must remain subject to periodic evaluation and potential adjustments. Together, our federation must deliver fair outcomes, sector-specific strategies and overall results.

I note that the federal government plans to engage the provinces, territories and Indigenous organizations in an interim review of federal carbon pricing by 2026. The review will ensure alignment of pricing stringency across Canada, as well as evaluating impacts on interjurisdictional and international competitiveness. This is a responsible approach if outcomes are based on meaningful consultation with all partners.

We need to set goals and policies from the outside in if we want everyone throwing their collective shoulder behind the wheel and pushing in the same direction.

I trust that all members of the federation will engage to represent the voices of their people, nations and regions. Let's not forget this country was built largely on compromise and cooperation. The next lift needs to include meaningful advance consultation.

Senators, I turn to Saskatchewan's unique contributions and challenges around climate action. Our areas of strength include the world's first clean coal power station at the Boundary Dam, preventing 5 million tonnes of CO₂ from entering the atmosphere since operations began — the equivalent of removing over 1 million vehicles from the road for a year.

Carbon capture, utilization and storage technologies, including the Petroleum Technology Research Centre's award-winning Aqstore, demonstrate effective carbon storage in the world's first CO₂ storage site in a deep saline aquifer.

Flood and drought mitigation and water management through the proposed expansion of Lake Diefenbaker irrigation support sustainable agriculture, food processing and food security.

Protein Industries Canada is our plant protein supercluster, which is a great segue to another strength: the refinement of biofuels, including diesel and aviation fuel, at new refinery assets under way.

Soileos is a new, sustainable, non-polluting and climate-positive micronutrient fertilizer that assists farmers in boosting their yield, while returning carbon to the soil and enhancing nutrient cycling.

There are critical minerals, including uranium from the world's largest high-grade deposits, to fuel regional and other reactors, and small modular reactors with Estevan and Elbow identified as potential sites in our province.

With its many climate change strengths, Saskatchewan also faces unique challenges in achieving a green economy.

Earlier this month, during Senate Question Period, I asked about the federal proposal to achieve a net-zero energy grid in Canada by 2035, with Minister Guilbeault having announced draft regulations in August. I raised the point that Saskatchewan has no access to large-scale hydropower to support intermittent renewables like wind and solar. In contrast, 80% of Canada's population is already served by clean hydropower. Ergo, not one size fits all, and it will be extremely difficult and costly for Saskatchewan to meet the deadlines of 2030 and 2035 on a comparative basis.

While Saskatchewan can meet the 2050 net-zero goal, some compromise and collaboration would be required and useful on the road ahead toward 2050.

I was pleased to hear Senator Gold indicate that the federal government is committed to working with its partners to address unique challenges. I interpret that to include Saskatchewan, a partner in this great federation, where we strive to have none left behind.

Collaboration must be the approach of any federal-provincial government of the day — based on a shared commitment to effective climate action.

We should also expect collaboration with Indigenous nations. This leads to my final topic: How Canada can benefit from Indigenous environmental leadership, including Indigenous values, jurisdiction and resources essential to clean technology.

On the land and waters that we now call Canada, Indigenous peoples have practised sustainability and respect for nature since time immemorial. Indigenous environmental leadership begins with traditional wisdom. The report of the Truth and Reconciliation Commission stated:

Reconciliation between Aboriginal and non-Aboriginal Canadians, from an Aboriginal perspective, also requires reconciliation with the natural world. If human beings resolve problems between themselves but continue to destroy the natural world, then reconciliation remains incomplete. . . . Reciprocity and mutual respect help sustain our survival. . . .

In 2021, Parliament upheld Indigenous inherent rights and jurisdiction by adopting the United Nations Declaration on the Rights of Indigenous Peoples into federal law. This shift unlocked huge opportunities for Indigenous leadership to contribute to effective climate action. As I noted in our debate on the Canadian Net-Zero Emissions Accountability Act, reconciliation and environmental stewardship are connected.

In 2020, *Mongabay*, an environmental science publication, reported that globally Indigenous people currently manage or have tenure on 40% of the world's protected areas and remaining intact ecosystems. With meaningful jurisdiction, Indigenous leadership can make a critical difference around the world in preserving biodiversity and vital ecosystems, and mitigating the effects of climate change.

Here are a few examples of Indigenous-led conservation efforts that contribute to Canada's nature-based climate solutions by sequestering carbon in soil and plant life.

In 2019, Thaidene Nëné came into existence as a 14,000-square-kilometre national park reserve in the Northwest Territories, co-managed by the Łutsël K'é Dene First Nation and the Canadian government.

Other examples include the 64,000-square-kilometre Great Bear Rainforest in B.C.; the 29,000-square-kilometre Pimachiowin Aki in Manitoba and Ontario, being the largest protected area in the North American Boreal Shield; and the 108,000-square-kilometre Tallurutiup Imanga National Marine Conservation Area in Nunavut.

Senators, many Indigenous nations are shifting to clean energy. For example, this year in Saskatchewan, the Meadow Lake Tribal Council opened Canada's first Indigenous-owned bioenergy facility to heat 5,000 homes using wood waste from a nearby sawmill.

In 2021, also in my province, the Cowessess First Nation unveiled a new solar project aiming to become Canada's greenest First Nation with 800 panels installed on five community buildings.

In northern B.C., the coastal nation of Kitasoo/Xai'xais owns and operates their own small storage hydroelectric plant, delivering clean energy to the community year-round, along with a solar installation on their school roof.

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Other nations in the region are also exploring similar projects to replace diesel generation.

According to the Indigenous-governed not-for-profit organization Indigenous Clean Energy, nearly 200 medium to large renewable energy projects with Indigenous involvement are now in operation, or in the final stages of planning or construction across Canada. In addition, 1,700 to 2,100 micro or small renewable systems are now in place with Indigenous leadership or partnerships.

Further opportunities exist for Indigenous-led climate action through responsible development of critical minerals required for clean technology, along with additional solar and wind sites.

Last year, the Royal Bank of Canada reported that Canadian Indigenous territories hold at least 56% of advanced critical minerals projects, 35% of top solar sites and 44% of better wind sites. As I said in May as the sponsor of a government bill advancing economic reconciliation, business leaders and investors should run, not walk, to consult Indigenous nations on such opportunities.

Senators, to conclude, climate action is the only path to a bright future for our grandchildren and future generations. Time is running out. Our generation must not fail young people and those yet to come, nor can we fail our fellow creatures.

Our chamber's influence can help foster collaboration in our federation on the net-zero mission. To that end, I thank Senator Coyle for helping to keep climate action top of mind, particularly in a time of war, unthinkable terrorism, inflation and many other geopolitical challenges.

Make no mistake: Progress is achievable. Canadians must press on together with our brothers and sisters around the world to save our only home, Mother Earth.

Thank you, *hiy kitatamîhin*.

Hon. Donald Neil Plett (Leader of the Opposition): I would like to ask the senator a question if he would take a brief one. I won't belabour this, as it's late.

Senator Klyne: Yes.

Senator Plett: Thank you, Senator Klyne.

At the start of your speech, I think I heard you talk about the worst forest fire season in history and the warmest temperatures in history. I don't want to get into a debate. I might take some time to speak about this at some later time —

The Hon. the Speaker: Senator Plett, the time for debate has expired.

(Debate adjourned.)

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORTS ON
STUDY OF ISSUES RELATING TO HUMAN RIGHTS GENERALLY
WITH CLERK DURING ADJOURNMENT OF THE SENATE—
DEBATE ADJOURNED

Hon. Salma Ataullahjan, pursuant to notice of September 28, 2023, moved:

That the Standing Senate Committee on Human Rights be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate its reports on issues relating to human rights generally, if the Senate is not then sitting, and that the reports be deemed to have been tabled in the Senate.

(On motion of Senator Clement, debate adjourned.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL
REPORT ON STUDY OF THE ASSISTED HUMAN REPRODUCTION
LEGISLATIVE AND REGULATORY FRAMEWORK—
DEBATE ADJOURNED

Hon. Ratna Omidvar, pursuant to notice of October 4, 2023, moved:

That, notwithstanding the order of the Senate adopted on Thursday, May 19, 2022, the date for the final report of the Standing Senate Committee on Social Affairs, Science and Technology in relation to its study on the Canadian assisted human reproduction legislative and regulatory framework be extended from October 31, 2023, to June 30, 2025.

(On motion of Senator Martin, debate adjourned.)

ONE HUNDRED AND TWENTY-FIFTH ANNIVERSARY OF THE YUKON ACT

INQUIRY—DEBATE ADJOURNED

Hon. Pat Duncan rose pursuant to notice of May 3, 2023:

That she will call the attention of the Senate to the one hundred and twenty-fifth anniversary of the *Yukon Act*, an Act of Parliament adopted on June 13, 1898.

(On motion of Senator Duncan, debate adjourned.)

(At 9:26 p.m., the Senate was continued until tomorrow at 2 p.m.)

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