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(HANSARD)

Tuesday, November 26, 2024

The Honourable RAYMONDE GAGNÉ,
Speaker

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THE SENATE

Tuesday, November 26, 2024

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

Prayers.

SENATORS' STATEMENTS

HALIFAX INTERNATIONAL SECURITY FORUM

Hon. Peter M. Boehm: Honourable senators, this past weekend, in the company of a few colleagues from this chamber, I again had the good fortune to participate in the Halifax International Security Forum.

Founded in 2009, this important annual conference brings together parliamentarians and defence, security and foreign policy experts from around the world.

The Honourable Peter MacKay, during his tenure as Minister of National Defence and as a proud Nova Scotian, was instrumental in the establishment of the forum as a venue for policy discussions on this side of the Atlantic to complement and augment similar efforts in Europe in particular.

The forum continues to enjoy the strong support of Canada's Minister of National Defence and his department, including the Canadian Armed Forces and the Chief of the Defence Staff. Indeed, both Minister Bill Blair and General Jennie Carignan were present and very active last weekend. They were joined this year by our Minister of Foreign Affairs, Mélanie Joly.

I have attended in various capacities over the years. This year, I was pleased to chair a discussion on Arctic security, an issue that was the subject of a comprehensive study released in June 2023 by the Standing Senate Committee on National Security, Defence and Veterans Affairs.

I was honoured to join our colleagues Senators Boniface, Kutcher and Patterson for a meeting with Ruslan Stefanchuk, Chairman of Ukraine's Parliament, the Verkhovna Rada. Joined by Senator David Wells, we also met with Ukraine's Deputy Minister of Defense for European Integration Sergiy Boyev.

My own most moving moment was to embrace my friend the recently freed Russian dissident Vladimir Kara-Murza and his devoted and courageous spouse, Evgenia, whom I had first met at a previous edition of the forum.

His release from a prison in Siberia, brokered by the United States in a multi-country effort prisoner exchange, not only liberated one of the most important and articulate Russian opposition voices but also reunited a brave man with his loving family.

Colleagues, the topics addressed at the forum this year included expectations regarding the incoming second Trump administration, how to achieve victory in Ukraine, the situation in the Middle East, reduction of tensions in the Taiwan Strait and the ongoing challenges presented by artificial intelligence.

The Halifax International Security Forum has become the premier forum and gathering for international security discussions in the western hemisphere. The participation of Canadian parliamentarians is therefore vital so we, too, can learn and make our mark.

I was honoured to participate again this year as a parliamentarian along with several of our colleagues. 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 His Excellency Ruslan Stefanchuk, Chairman of the Verkhovna Rada of Ukraine.

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

Hon. Senators: Hear, hear!

[*Translation*]

BATTLE OF KOWANG-SAN

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today to speak about one of the most important battles in the long and storied history of the Canadian Armed Forces. The Battle of Kowang-san, also known as the First Battle of Hill 355, took place from November 22 to 25, 1951.

[*English*]

The battle was a significant engagement during the Korean War and involved the Royal 22e Régiment, a Canadian infantry unit with a record of courage under fire affectionately nicknamed the "Van Doos."

The backdrop to the engagement occurred as part of the broader efforts by United Nations forces to defend their positions against Chinese and North Korean attacks. The battle was fought around a strategic hill, Mount Kowang, or Kowang-san, overlooking vital supply routes and communication lines.

The Van Doos had barely arrived at their position when the Chinese and North Korean offensive launched a series of assaults aimed at capturing the position held by the Van Doos. The attackers were well coordinated and used intense artillery bombardment followed by wave after wave of infantry in an attempt to overwhelm the Canadian defences.

The Van Doos knew what failure would mean for their allies along the UN defensive line and the South Korean civilians in Seoul just 40 kilometres behind them. For four days, fighting desperately in the snow and mud, crawling under barbed wire, through machine gun fire, grenades, mortar attacks and artillery bombardment, the tenacious Canadians fought bravely and without self-regard to repel the attackers.

By November 25, after four days of intense fighting, the Chinese forces were unable to capture Kowang-san and were forced to withdraw. The battle was a hard-fought victory for the Van Doos as they successfully held the hill in spite of being heavily outnumbered.

The first battle of Kowang-san demonstrated the effectiveness of the Canadian Forces in defending key positions under difficult conditions. It reinforced the Royal 22e Régiment's reputation for professionalism and resilience in combat. While the battle was costly in terms of casualties, it was a pivotal moment in the ongoing struggle for control of the Korean Peninsula.

[*Translation*]

Honourable senators, please join me in commemorating the seventy-third anniversary of the Battle of Hill 355 and honouring the service and sacrifices made by our brave Canadians and members of the Royal 22nd Regiment.

Thank you.

Hon. Senators: Hear, hear.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Georgina McGrath, a strong advocate for victims of intimate partner violence. She is accompanied by Kyron Power, Kim McGrath and Sarah Walters. They are the guests of the Honourable Senator Manning.

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

Hon. Senators: Hear, hear!

CHIEF DARCY BEAR, O.C., C.M., S.O.M.

Hon. Marty Klyne: Honourable senators, I rise to celebrate an extraordinary and historic leader of Whitecap Dakota Nation Chief Darcy Bear, who was invested into the Order of Canada on October 3. His vision, dedication and tireless efforts have transformed his community and left an indelible mark on our federation.

Chief Bear's journey of service began in 1991 when he was first elected to the Council of the Whitecap Dakota Nation. In 1994, he assumed the mantle of chief, a position he has held with distinction for 30 years as of this past October.

Under Chief Bear's leadership, the Whitecap Dakota Nation has become a beacon of economic development and good governance. Through his guidance, the community has attracted approximately $160 million in economic investment, creating 700 jobs in the region. The unemployment rate in Whitecap stands at a remarkable 6%, making it a recognized regional player.

• (1410)

But Chief Bear's vision complements these economic achievements. He has championed enhanced infrastructure, bringing paved streets, improved public services and fibre optic internet connectivity to every home and business in Whitecap. These advancements have significantly elevated quality of life for all community members.

Perhaps most significantly, Chief Bear has been at the forefront of the journey toward self-governance. His unwavering commitment culminated in the historic passing of Bill C-51, which was propelled from here to the House of Commons, the self-government treaty recognizing the Whitecap Dakota First Nation, including section 35 constitutional rights, which marks a new chapter of self-determination. Finally, this nation, the descendants of heroes for Canada in the War of 1812, has rightful recognition.

Chief Bear's achievements have not gone unnoticed. His numerous accolades, including the Saskatchewan Order of Merit and an honorary doctorate from the University of Saskatchewan, speak to the wide recognition of his contributions.

Now the Order of Canada stands as a testament to his national impact. Chief Darcy Bear's leadership serves as an inspiration to many First Nations and economic development organizations in Canada. This highest civilian honour represents the gratitude and respect of a nation for his lifelong commitment to public service and community development.

As we celebrate this well-deserved recognition, we look forward to the continued prosperity and national contributions of the Whitecap Dakota First Nation under his guidance. His legacy will undoubtedly inspire future generations of leaders across Canada.

Colleagues, many of you know Chief Bear, so please join me in applauding his contributions and achievements.

Thank you. *Hiy kitatamihin*.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of doctors working for humanitarian organizations in Gaza. They are accompanied by Peter Larson and Lorraine Farkas. They are the guests of the Honourable Senator Woo.

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

Hon. Senators: Hear, hear!

CONFERENCE OF THE PARTIES

Hon. Mary Coyle: Honourable senators, COP 29, the United Nations climate summit, which took place in Baku, Azerbaijan, concluded on the weekend.

The theme of this year's Conference of the Parties, or COP, was finance. The climate talks ended with a $300-billion deal but left many nations and groups unsatisfied. The most serious effects of climate change — in many cases devastating life and economy with, in some cases, nationhood-threatening effects — are being felt in developing countries, in particular, small island states such as Samoa, the Marshall Islands and our Caribbean neighbours. These countries have asked for $1.3 trillion from developed countries like Canada, the biggest historical emitters of greenhouse gases, whose economies have benefited from high-emitting industries. The money is meant to pay for the loss and damage caused by climate change's extreme weather, help those countries adapt to current and future climate impacts and, very importantly, support them in their transition away from coal, oil and gas to future green economies.

Former U.S. president Al Gore gave a powerful evidence-based presentation at COP, highlighting how in 2023 global air temperatures, sea surface temperatures, Antarctic sea ice extent, Canadian wildfires and coral bleaching were all way off the charts, with extreme weather disasters costing the global economy $3.28 trillion in the last decade and air pollution from fossil fuels killing 8.7 million people every year.

But, colleagues, COP 29 wasn't just about highlighting the dangers of the climate crisis. Al Gore also spoke of practical, smart solutions, and the majority of the 70,000 people from nearly 200 countries who came together in Baku were there to promote the urgently needed rapid adoption of climate solutions, be they technological, financial, economic or political.

I was thankful to the Canadian Senators Group for allowing me to have their place at COP, and it was good to have fellow Senators Kingston, Dalphond and Galvez in attendance. Other parliamentarians, Indigenous leaders were there, including Chief Willie Littlechild. Also, civil society, business, science, labour, youth, women, health — including the head of the Canadian Medical Association — and government leaders were there, including Canada's impressive and hard-working negotiating team.

Colleagues, the COP process may be imperfect, but global cooperation and climate diplomacy are critical. We heard hopes expressed for the upcoming G7 summit.

Honourable colleagues, in a panel of legislators at COP, a mayor from Ukraine reminded us that we don't inherit our planet from our ancestors; we borrow it from our children and grandchildren.

Colleagues, this is a wisdom I know we all appreciate.

Thank you. *Wela'lioq*.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Florian Eblenkamp, policy advisor, and Paulina Chan of the International Campaign to Abolish Nuclear Weapons (ICAN). They are the guests of the Honourable Senator McPhedran.

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

Hon. Senators: Hear, hear!

NUCLEAR DISARMAMENT

Hon. Marilou McPhedran: Honourable senators, thank you so much to the Canadian Senators Group for giving me this time. I greatly appreciate it.

Colleagues, earlier today, Senator Ravalia, Senator Moodie and I, in partnership with the International Physicians for the Prevention of Nuclear War Canada, or IPPNWC, and the International Campaign to Abolish Nuclear Weapons, or ICAN, hosted a parliamentarian seminar entitled "Nuclear Disarmament: A Public Health Imperative." The event brought together parliamentarians and leading experts for a frank exchange on the devastating health and humanitarian consequences of nuclear war.

I stand here to thank Senators Ravalia and Moodie for collaborating on this seminar and bringing their professional expertise as physicians to this important discussion. They, as well as our other panellist physicians, understand that the threat of nuclear conflict and devastation transcends multiple dimensions: It is not solely an international defence issue but also a pressing public health, humanitarian and climate crisis.

The United States has recently allocated $1.7 trillion to nuclear weapons modernization, and with ongoing threats from Russia and China, the risks of intentional or accidental nuclear conflict are mounting. Earlier last week, Russia adopted a new nuclear weapons doctrine that significantly lowered the threshold for the actual use of nuclear weapons and launched an intermediate-range ballistic missile, or IRBM, into Ukrainian territory.

This morning, parliamentarians heard that even a limited nuclear war using less than 3% of the world's nuclear arsenal would lead to cascading catastrophic effects on a global scale.

Key speakers include guests that we have recognized here today: Dr. John Guilfoyle, Dr. Ira Helfand, Dr. Nancy Covington, Lia Holla and Florian Eblenkamp, who has come from Geneva and is the representative of ICAN with us here today.

Of particular note, Aigerim Seitenova of Kazakhstan, a third-generation survivor of Soviet nuclear testing, shared poignant testimony on the intergenerational health impacts and morbidity of nuclear radiation exposure.

Colleagues, what could our parliamentary action look like? Over 40 senators have already signed on to the parliamentary pledge to commit to advancing nuclear disarmament. We can encourage the government to send an observer delegation to the third Meeting of States Parties, or MSP, to the Treaty on the Prohibition of Nuclear Weapons, or TPNW, in March 2025.

Senators can choose to attend the third MSP and the parliamentary conference on the TPNW as independent delegates. We can participate in the second Youth-Parliament Nuclear Summit from February 12 to 14, 2025, in Ottawa.

Please, senators, let's wake up to this crisis and work together. Thank you so much. *Meegwetch*.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. John Guilfoyle, President of International Physicians for the Prevention of Nuclear War Canada (IPPNWC) and former chief medical officer of Manitoba, and Dr. Nancy Covington, IPPNWC board member. They are the guests of the Honourable Senator Ravalia.

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

Hon. Senators: Hear, hear!

[*Translation*]

16 DAYS OF ACTIVISM AGAINST GENDER-BASED VIOLENCE

Hon. Julie Miville-Dechêne: Honourable senators, this week marks the beginning of 16 Days of Activism against Gender-Based Violence. Every 10 minutes, a woman in the world is killed by someone close to her, according to the United Nations. That is chilling.

Among the escalating forms of violence, the sexual exploitation of women has changed dramatically over the past 20 years. It is high time that governments did more to protect women online because the stories of abuse that are coming to light are alarming.

• (1420)

An explosive Reuters investigation has revealed the underbelly of what the very popular platform OnlyFans markets as a way for women to earn money by selling their own pornographic material. The reality is that sex traffickers are using these platforms to exploit these women.

According to state prosecutors, a young woman from Wisconsin was literally held captive by her boyfriend in their home for two years. Every night, he forced her to record sex acts on camera, which he mostly uploaded to OnlyFans. The woman tried to escape, but her aggressor poured burning grease on her body to stop her. When she finally got free, the victim stated the following, and I quote:

> The two years there felt like decades, and I was in pain and alone and ready to die. . . . I don't think I'll ever be fully healed.

Her abuser was sentenced to 20 years in prison, while OnlyFans came out unscathed.

OnlyFans claims that it empowers women to monetize sexually explicit images of their bodies in a safe environment. However, the Reuters investigation found a dozen women who were deceived, terrorized and even enslaved so that traffickers could make money on that site.

This is a global phenomenon. Influencer Andrew Tate, who has millions of followers on social media, has been accused of forcing women in Romania to produce pornography for OnlyFans and pocketing their earnings. Tate denies the allegations.

Why don't our public authorities force these all-powerful pornography platforms to obtain the consent of the people involved? OnlyFans says that it has been asking for proof of consent since 2022.

This is a legal industry only if the participants are of age and consenting. The current regulatory void creates opportunities for the worst abuses and destroys the lives of women and girls. Is it really freedom when profit-hungry businesses are allowed to exploit women and girls? I cannot fathom that.

I know this is a sordid reality. We would rather not see it. However, the people in this chamber are not only senators; we are parents and grandparents, too. As a society, we have a duty to enable young women to thrive, to have healthy intimate relationships and to avoid being exploited by individuals hiding behind screens.

Thank you.

[*English*]

ROUTINE PROCEEDINGS

MISCARRIAGE OF JUSTICE REVIEW COMMISSION BILL (DAVID AND JOYCE MILGAARD'S LAW)

BILL TO AMEND—THIRTIETH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

Hon. Brent Cotter, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Tuesday, November 26, 2024

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

THIRTIETH REPORT

Your committee, to which was referred Bill C-40, An Act to amend the Criminal Code, to make consequential amendments to other Acts and to repeal a regulation (miscarriage of justice reviews), has, in obedience to the order of reference of Thursday, October 10, 2024, examined the said bill and now reports the same without amendment but with certain observations, which are appended to this report.

Respectfully submitted,

BRENT COTTER

Chair

(*For text of observations, see today's* Journals of the Senate*, p. 3317.*)

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

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

BUSINESS OF THE SENATE

The Hon. the Speaker: Pursuant to the order adopted by the Senate on December 7, 2021, Question Period will begin at 4:45 p.m.

ORDERS OF THE DAY

BILL TO AMEND THE INTERPRETATION ACT AND TO MAKE RELATED AMENDMENTS TO OTHER ACTS

MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-13, An Act to amend the Interpretation Act and to make related amendments to other Acts, and acquainting the Senate that they had passed this bill without amendment.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gold, P.C., seconded by the Honourable Senator LaBoucane-Benson:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Mary May Simon, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Charles S. Adler: Honourable senators, this item stands adjourned in the name of the Honourable Senator Plett, and after my intervention today I ask for leave that it remain adjourned in his name.

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

Hon. Senators: Agreed.

The Hon. the Speaker: So ordered.

Senator Adler: Honourable senators, I am honoured to stand for the first time to speak to you. Because I'm 70 and the mandatory retirement rule could not be clearer, I will be in this Senate Chamber for a maximum of four more years and nine months. By the standards of this institution, that's not much time to achieve one's goals, and, therefore, it would be unrealistic for me to offer you a long list. Key among the ones I have are the

advancement and protection of democracy and human rights in Canada and around the world. The truth is I didn't pick those goals; they picked me.

• (1430)

The story starts 102 years ago in a tiny Hungarian village sandwiched between Ukraine and Romania, where my father, Miklosz Mike Adler, was born to two Orthodox Jewish parents who owned the village general store. They sold food, clothing, a lot of soda water. The Adler family's relationship with its customers could not have been better. There was a barter system in those early days of the 20th century. Farmers brought their crops to the store, and it was the job of my dad and his brothers to take those crops to a town where they could sell them for hard currency. It was not an easy life. Roads to the town were in a flood zone. At times, the dirt roads got so muddy there were many days when only an ox could pull the Adler wagon. While it would sometimes take hours, when those roads got muddy, it took several days to get the goods to market.

While that life was burdensome, it was a beautiful life, indeed, considering the black glove of brutality that was lurking just around the corner. Before my dad turned 17, Adolf Hitler turned his eyes on all of Europe, putting a target on the back and a yellow star on the chest of every single Jew. They would not be permitted to own general stores. Their businesses were to be looted, synagogues destroyed, lives extinguished. My father's parents, brothers, sisters, nephews, cousins, nieces had their lives ended in the ovens of Auschwitz.

I need to give you some cold, hard facts about the Hungarian Holocaust. More than 840,000 Jews were living in Hungary before the Holocaust. Only one out of five survived; four out of five were exterminated by the enemies of democracy and human rights.

My dad survived the Holocaust because of the generosity of a righteous Gentile, a friend of my father's who would not allow him to show up at the train station for deportation to Auschwitz. He threw my dad in his wagon and headed for the Romanian border, crossed that border and told one of the farmers that my dad was a good man, a hard-working man who would work in the field all day and sleep in the barn at night.

And he did that for three months until Russian soldiers marched through Romania on their road to take Europe away from Hitler. They knocked on the door of the barn where Miklosz Adler was hiding. My father was arrested by the Russian Communists, taken to the Siberian gulag, where he was kept for three years under conditions that I cannot describe. I honestly don't know how he managed to survive. The odds against my father were high, and he beat them. And while his mind was damaged, his heart was intact. My father survived.

My mother, Rosza — Rose — was born 90 years ago in another Hungarian village. She was born to a family of one — no siblings — and her mom was a young widow. Her husband, my mother's dad, died while baby Rosza was still in the womb. That made my maternal grandmother a single mom without any way to raise her child in the village. She took her baby daughter to the big city of Budapest.

Another cold, hard fact of the Holocaust in Hungary is this: Had my mother's father not died in his twenties, had my grandmother remained in that village, she and her husband and her daughter, my mom, would have shared a chimney in Auschwitz. You see, every single Jew in that village was deported and murdered. My family's history is my compass when I support, in this Senate chamber, an order of reference addressing the intergenerational effects of deportation.

I've never been to Auschwitz, but Auschwitz has always been in me. The nightmares that haunt so many sleeps also stalk so many days. The legacy of history apparently does not care whether the eyes are open or shut. Periods of celebration are always followed by periods of solitude in silence. It is the same survivor's guilt that haunted my mom and dad. It is part of a phenomenon known as intergenerational trauma.

The same trauma is suffered by so many people in this great country who are descendants of the First Peoples, the First Nations of this country. I will never know enough about their stories, but I will always feel their pain. And because empathy is not unavailable to me, I need to apologize now, without qualification, for the unnecessary pain caused by my words, for which I take responsibility in this hallowed chamber.

This has to do with remarks I made during a radio broadcast 25 years ago. They garnered no media attention at the time because at the time there was nothing about my remarks that appeared newsworthy or controversial. But some of those words, which were republished at the time of my appointment three months ago, simply do not fit with the times we are living in. I would never use those words today, and I won't repeat them here. Three months ago, when they were exhumed from history, they looked ugly and obscene to my eyes and, without any doubt, to the eyes of Indigenous people.

It doesn't matter that my motivation was love for my listeners, including some of my most loyal listeners, Indigenous people. It doesn't matter that I was trying to be helpful when I was being critical of some First Nations' leadership. I permitted myself to use language that in the light of this day is excessive and offensive and hurtful.

Those words are on the record, and there is nothing I can do to remove them. The only thing I can do for the record now for Indigenous Manitobans, for Indigenous Canadians and for this Canadian Senate is to add three more words to the record: I am sorry.

While I take the opportunity here to apologize for some language used 25 years ago, I want you to know that I take a great deal of pride in a half-century of media work, which has always had my heart in it all the way and has always been a great, big thank-you card to Canada.

My broadcasting career gave me the privilege for several decades to get to know Canadians from coast to coast to coast, to talk to them about the things that mattered to them — most especially Manitobans, whom I am so proud to represent. I have hosted many years of national radio and TV shows reaching a very diverse group of Canadians, and this experience has given

me a unique perspective on this country, which is not just theoretical, and a better understanding of the aspirations and concerns of people living in various parts of the country.

My work here in the Senate will reflect my love for Canada and for the people who make this country not just grand, not just great, but good. Canada is a good country.

Earlier, I shared with you that a righteous Gentile saved my father's life by stopping him from boarding a train bound for Auschwitz. It was another righteous Gentile who spared my 10-year-old mother from boarding a train to the same destination. My mom was living in the Jewish ghetto of Budapest in 1944 when the Nazis had rounded up more than half a million Hungarian Jews. She escaped their dragnet with the help of a Swedish diplomat to Hungary. His name was Raoul Wallenberg. He and his team were able to smuggle thousands of Swedish passports into the hands of many of the Jewish people living in the ghetto. My mother was one of them. I can never thank him enough for saving her life, and I want to publicly thank the Government of Canada for giving the late Raoul Wallenberg honorary citizenship in 1985.

• (1440)

I should add that, as the war was coming to an end, the Nazis no longer wished to honour those Swedish diplomatic documents. They devised a plan to massacre everyone in that Jewish ghetto. Wallenberg told the Nazi commanders in Budapest that he would ensure that all of them would be tried for war crimes after the war ended. Wallenberg did not just have diplomatic authority; he had moral authority. The 70,000-plus Jews in that Budapest ghetto, including my 10-year-old mom, were spared.

When I think more deeply of my mother's and father's survival of World War II, my mind always takes me to the heroism of the Canadian Armed Forces members who sacrificed themselves to save democracy from fascism. Canada was among the very first countries in September 1939 to declare war on Adolf Hitler. Without Canada and its allies, there would have been absolutely no chance of my father and mother remaining alive. What the Nazis called "the Jewish Question" would have been answered with 100% finality had the Allies lost.

It is the greatest honour of my life to be able to stand in this house of Canadian democracy and be able to publicly say thank you to the Canadian military and to the children and grandchildren of those who fought so bravely and heroically to end and destroy the regime that was dedicated to murdering every single Jew in Europe and, eventually, around the planet. Thank you to the Canadian Armed Forces for the lives of my parents and, indeed, my own life. Thank you from the bottom of my Canadian heart for your sacrifices, your valour and your honour.

My Hungarian parents, scarred and traumatized by the Holocaust, were married in 1951, seven years after the end of the war in Europe. I was born three years after they were wed. Two years after I was born, Hungarians revolted against their Soviet communist masters. While the uprising was a failure, crushed by Soviet tanks, torture and murder, there was, for a very brief period, porous border enforcement and 200,000 Hungarians managed to escape communism. My parents put me in a backpack, and my father strapped it to his back and carried me to freedom. Our first destination was Austria where we spent months in a refugee camp waiting for a country to allow us to have freedom, humanity and dignity. That country, my fellow senators, was Canada. My mother, father and I were among 37,500 Hungarians allowed into Canada.

Now, 85 years after the Government of Canada on Parliament Hill — only a short walk from where I am standing right now — committed itself to defeating Adolf Hitler in order to free the world from fascism, I am here to say "Thank you, Canada" for my life, for my freedom and for granting me the privilege to serve the country I love.

(Debate adjourned.)

CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—THIRD READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Boehm, for the third reading of Bill S-230, An Act to amend the Corrections and Conditional Release Act.

Hon. Kim Pate: Honourable senators, we and the Senate as a whole have long worked to uphold the human rights of federal prisoners. This is closely tied to our role as representatives and protectors of so-called minority groups, the people too often at risk of being left behind or abandoned by the legislation we pass. Bill S-230, An Act to amend the Corrections and Conditional Release Act, reflects this work.

In 2021, the Senate Human Rights Committee issued a report on the human rights of federally sentenced persons, endorsed by the Senate, whose recommendations on isolation and structured intervention units, or SIUs, Bill S-230 aims to implement. As part of its study, committee members in 2018 visited the East Coast Forensic Hospital in Burnside, Nova Scotia, and had the privilege of speaking with Tona Mills, whose name this legislation bears and who had hoped to be here in the chamber with us today.

An Indigenous woman and survivor of the so-called Sixties Scoop, Tona was imprisoned for a decade in federal penitentiaries, including in segregated units in prisons for men. She spent all that time in solitary confinement.

For those who have never been imprisoned under such conditions, it is impossible to find the words to describe what she experienced. For more than 10 years, she spent almost every hour of every day locked in a cell the size of a parking space or a small bathroom, barely more than a concrete closet. In addition to sometimes being chained to the floor and often put in restraints, tied to her bunk and having extremely limited time outdoors, a cell-sized metal cage was built for her at the back of the Prison for Women in Kingston. It remains there to this day, a

reminder of how Tona was caged and of the horrific reality that her time in those metal bars was meant to be a respite from the even more restrictive confinement indoors.

When Tona was finally admitted into the mental health system, she was diagnosed with isolation-induced schizophrenia. Tona implored senators to do whatever we could to end solitary confinement and get others out of prisons and into appropriate mental health services so that what happened to her would not happen to anyone else ever again. She does not want anyone else to be driven crazy. She asked if we might consider calling it "Tona's Law."

Tona exited the forensic unit one year ago. She was recently diagnosed with terminal cancer. As she has for decades, including three years of Bill S-230's halting progress through procedural delays and challenges at committee and in the chamber, Tona is continuing her incredible advocacy. In the time she has remaining, I believe we owe her and far too many others subjected to solitary confinement the timely consideration of and strong decision making with respect to this bill.

In 2018-19, the federal government committed to ending the use of segregation, or solitary confinement, in federal prisons. That promise responded to a series of court cases ruling the existing system of segregation unconstitutional and acknowledging its horrific physical, psychological and neurological harms. Irreversible consequences can begin within 48 hours of isolation. By seven days, brain function can be permanently altered. Segregation of 15 days or more violates the Charter prohibition against cruel and unusual punishment, and is recognized internationally as torture.

Bill C-83 purported to replace segregation with structured intervention units. Experts and advocates quickly raised concerns that this bill would fall short of its laudable goal of eliminating the conditions of solitary confinement. In 2019, the Senate Social Affairs Committee amended the bill to include several minimum safeguards necessary if the bill were to meet its stated purpose. The Senate endorsed those amendments and sent them to the House of Commons. When they were rejected by the government, we very nearly bounced the message back to the other place.

• (1450)

Within minutes of the bill passing, senators — including our dearly missed colleague Senator Josée Forest-Niesing, Senator Colin Deacon and Senator Marty Klyne, the sponsor of Bill C-83 — began to work together on plans to monitor the implementation of Bill C-83 through visits and assessments of the conditions of confinement in federal prisons.

In addition to these colleagues who led the way, I thank the 37 of you who have visited federal prisons to meet with prisoners and staff. Out of this initiative, Senator Forest-Niesing and I worked together to develop Bill S-230 which, prior to her passing, she planned to sponsor.

During the study of Bill S-230 by the Legal Committee, witness testimony echoed what senators have observed and documented in our 2022 *Senators Go to Jail* report.

Witnesses referred us repeatedly to the work of Dr. Anthony Doob, the former chair of the minister's advisory panel on the implementation of SIUs. His publications with Dr. Jane Sprott, as well as his advisory panel colleagues, highlighted that more than one out of three prisoners in SIUs have experienced the very conditions of solitary confinement that the government promised to eliminate. For 1 out of 10 prisoners, the conditions last for more than 15 days, which is defined as torture according to international human rights standards.

Those most marginalized disproportionately end up in conditions of isolation. Despite being only 4% of the Canadian population, 10% of federal prisoners and 16% of those in SIUs are of African descent. Indigenous peoples are 5% of the general population, but they're 33% of those in prison and 44% of those in SIUs. Worse yet, Indigenous women are more than half of the women in prison and 96% of the women in SIUs.

Indeed, last month, the UN Committee on the Elimination of Discrimination against Women issued its latest periodic report on Canada, noting concerns about the overrepresentation of Indigenous women in the penitentiary system and their increased likelihood to experience discrimination in the criminal and penitentiary system, including solitary confinement.

In response, the committee called for effective accountability mechanisms to investigate, prosecute and sanction human rights violations against women in the penitentiary system, as well as provide comprehensive reparations to affected women and strengthen existing accountability mechanisms, including through independent oversight.

Bill S-230 would not only respond to these recommendations by providing meaningful external court oversight, remedies and alternatives to solitary confinement, but it also has the potential to proactively prevent future breaches of human rights.

Furthermore, despite international obligations and Canadian case law prohibiting isolation of people with disabling mental health issues, two in five people in SIUs are identified by Correctional Service Canada, or CSC, as having a mental health flag. More than half of those segregated in SIUs have these flags five or more times. Corrections most often characterizes such time in SIUs as warranted "for [that person's] own safety," despite complete failure to transfer them to appropriate health care settings.

Despite legislative requirements that stays in SIUs be as short as possible, the rates of people kept in SIUs for more than 60 days and more than 120 days are indistinguishable from the old administrative segregation system.

Research by Dr. Anthony Doob, Dr. Jane Sprott and the ministerial advisory panel also illuminate the systemic inabilities of independent external decision makers, or IEDMs — the review system created in place of the court-based oversight suggested by the Senate — to effectively hold CSC to account.

IEDMs are left to rely on CSC to provide most of the information they use to review CSC's decisions to keep people in SIUs. It is not mandatory for IEDMs to visit or speak with prisoners. There is no clear mechanism for a prisoner with a complaint to contact them.

IEDM reviews are only guaranteed by law after a prisoner has spent 90 days in an SIU, which is six times longer than the 15-day period of isolation deemed as torturous by the UN. CSC has failed to refer cases to IEDMs within 90 days for at least 30% of the time those placements have been made.

Where IEDMs order that prisoners be released from SIUs, CSC takes longer on average to release them compared to people whose releases were not ordered. Last week, the contracts of several of the IEDMs were terminated, with the most senior receiving only seven days' notice without reasons being provided.

Internal sources advise that those whose contracts have ended are the IEDMs who generally refused to rubber-stamp CSC decisions. Before this most recent development, IEDMs were already describing themselves as overwhelmed. Additionally, the one Indigenous IEDM and the one Black IEDM were among those pushed out.

How will the system function with barely half — only 7 of its 12 — of the IEDM positions currently staffed? This trend toward eliminating already inadequate external oversight of federal prisons is incredibly worrying.

The ministerial advisory panel on SIUs presented its final annual report this month. They note that their report:

> . . . comes to the same conclusions as the other six empirically based reports . . . released by the Panel. Structured Intervention Units . . . are not addressing the problems they were designed to address. . . . They are not working as intended, and . . . they are also not improving. The problems are fundamental, not peripheral.

The panel will shortly be disbanded, leaving a system whose lawless operation has been documented by the government's own advisory panel to persist with virtually no remaining oversight. The lack of government accountability for continued violations of human rights in federal prisons was brought home sharply to senators in recent weeks.

This fall, during Question Period, Senator Bernard, the Deputy Chair of the Standing Senate Committee on Human Rights, invited Minister LeBlanc, who is responsible for corrections, to come before the committee. Members wished to explore the inadequacy of the government's response to the committee's report on the human rights of federally sentenced persons, including failures to address ongoing conditions of isolation. The minister agreed to appear.

Days after the ministerial advisory panel released its damning report however, the Human Rights Committee received a letter from the minister stating he would not be attending the committee and stood by the government's response. We would be hard pressed to provide stronger evidence of the ineffectiveness of current accountability measures. Those established by Bill C-83 five years ago have completely and utterly failed, meaning that human rights and Charter rights of prisoners are being violated with impunity.

The oversight and remedial measures contained in Bill S-230 are urgently needed.

Regarding the provisions contained in Bill S-230, I underscore there is nothing in the bill that the Senate has not considered and endorsed before, either as proposed amendments to Bill C-83 in 2019 or in the 2021 recommendations of the Human Rights Committee in its report on the *Human Rights of Federally-Sentenced Persons*.

The first of four key measures contained in Bill S-230 is court oversight of decisions by CSC to place people in isolation. For more than 25 years, legal, constitutional and human rights experts — including former Supreme Court Justice the Honourable Louise Arbour — have identified a culture of systemic violations of human rights of federal prisoners within federal prisons, and they recommended court oversight in response.

At committee, experts and advocates urging support for this measure included the following: the Canadian Prison Law Association, British Columbia Civil Liberties Association, the John Howard Society of Canada, the Canadian Association of Elizabeth Fry Societies, the Criminal Lawyers' Association, Dr. Adelina Iftene, Professor Michael Jackson, the West Coast Prison Justice Society, Michael Spratt, the Native Women's Association of Canada, the Canadian Association of Black Lawyers and the Mental Health Commission of Canada.

Bill S-230 seeks to implement two key recommendations for court oversight made by Justice Arbour in the 1996 Commission of Inquiry into Certain Events at the Prison for Women in Kingston.

The first is a cap on the time a person can spend in isolation, beyond which correctional authorities must apply to a superior court for authority to continue that prisoner's isolation. Bill S-230 sets this cap at 48 hours to reflect the latest data acknowledged by both the Ontario Superior Court of Justice and Court of Appeal for Ontario about when irreparable physical, psychological and neurological harms can begin.

At our Legal Committee, Professor Michael Jackson, often recognized as one of Canada's foremost prison law experts, emphasized the necessity of involving courts. He discussed his decades of attempting to achieve non-judicial independent

adjudication through other means, only to eventually conclude that anything short of judicial oversight would never suffice. He stated:

• (1500)

> . . . CSC has fiercely resisted any independent adjudication of segregation. . . .
>
> . . . in light of the collective experiences — almost 50 years of reports — in which CSC has expressed its resistance, at this point judicial review is the appropriate remedial measure.

Regarding the choice of a 48-hour time frame, prison law and health law expert Dr. Adelina Iftene testified:

> For people with mental health illnesses, there is a lot of research, including United Nations research, showing that . . . negative consequences start a lot earlier than the 48 hours . . . . That should worry us in terms of using isolation of any kind . . . .

She added:

> Yes, it's going to be challenging because . . . other alternatives . . . will need to be in place. . . . There will be a reallocation of resources. There will be a lot of need to rethink the things that have been done, but I think it is that very important step toward saying that . . . . Isolation is not a solution; it's just a momentary point in time when you get that 48 hours to think of what it is that's best for the person in that situation.

The Canadian Prison Law Association and the West Coast Prison Justice Society put the 48-hour time frame in context, noting that a bill before the U.S. Congress would place a much shorter 4-hour limit on isolation, while New York City currently prohibits isolation longer than 2 hours during the day except in extraordinary circumstances.

Criminal law expert Michael Spratt emphasized that concerns about potential strains on the court system should not prevent us from moving forward with this provision. The requirement for a court application on a tight timeline will help deter CSC from keeping people in isolation beyond that timeline unreasonably. Mechanisms like bail reviews already require courts to manage high-volume and time-sensitive applications as part of their role in upholding individuals' human and Charter rights. Courts will be able to rise to this challenge.

The second court oversight measure recommended by Justice Arbour and contained in Bill S-230 allows a person to apply to the court that sentenced them for a reduced sentence or parole ineligibility period if correctional mismanagement has made their sentence more punitive, for example, due to time spent in isolation. As noted by Justice Arbour — and reiterated by the Correctional Investigator, prison law experts and the architect of the Youth Criminal Justice Act — this remedy operates similarly to provisions in the Criminal Code that permit judges, at sentencing, to reduce the length of a sentence in recognition of time served under harsh conditions in pretrial detention. It reflects the constitutional principle of habeas corpus that just as prison authorities do not have the power to make a sentence longer than what was imposed by a court, nor can they make it harsher or more punitive.

Legal Committee witnesses noted that several northern countries and Western European countries have provided similar remedies for decades, as has Canada's own youth criminal justice system. This fall, an Ontario sentencing decision reduced a teenage girl's sentence for a manslaughter conviction after she was subjected to unlawful strip-searching during pretrial detention, a stark reminder of the ways correctional abuse and intransigence result in unfairly harsh sentences. Also, a 2020 case presumptively reduced a person's sentence to account for systemic anti-Black racism that would render his sentence harsher. By allowing courts to consider and remedy injustices occurring while a person is serving their sentence, Bill S-230 will ensure that such carceral breaches of the law are treated with equal seriousness as those that occur pre-sentencing.

Given the questions raised by some colleagues about the cost of Bill S-230, including its judicial oversight measures, it is important to highlight that these measures will save money by preventing both the financial and human costs of isolation in federal prisons. As acknowledged by the Parliamentary Budget Officer, these measures will result in fewer people in SIUs, saving hundreds of thousands of dollars per person per year. Furthermore, the government recently paid out tens of millions of dollars to those whose rights were violated by its former segregation system and, on the same grounds, is now facing a class-action challenge to isolation in its new SIU system. Bill S-230 could prevent future further costly litigation, settlements and damages awards.

Experts, including the minister's own Structured Intervention Unit Implementation Advisory Panel and the Office of the Correctional Investigator, have documented that with the implementation of Bill C-83, conditions of isolation not only continued within SIUs; they persisted and expanded outside SIUs as well. Shockingly, despite this clear record from multiple authoritative sources, CSC testified to the Legal Committee, without offering any substantiation, that there are no such hidden cells where isolation is taking place outside SIUs, blaming any isolation that may have previously occurred on the COVID-19 pandemic. By contrast, at least six witnesses pointed to well-documented forms of isolation akin to segregation outside SIUs that predated and persisted following the pandemic, including "dry cells," secure units for women, therapeutic ranges, temporary detention, voluntary limited association ranges, lockdowns, medical observation and restrictive movement regimes.

Colleagues, a number of you have also witnessed these isolating conditions of confinement. This lack of monitoring and accountability of conditions of isolation by corrections only reinforces the vital need for Bill S-230's measures to ensure that isolation occurring outside SIUs is equally subject to safeguards and oversight.

In placing limitations on the use of isolation in federal prisons, Bill S-230 also proposes crucial alternatives for those most at risk of being placed in SIUs. As a third key measure, the bill would add to current provisions authorizing CSC to transfer prisoners to provincial or territorial health care systems,

including for mental health reasons, a requirement to authorize such a transfer for purposes of treatment where a person has a disabling mental health issue or for the purposes of assessment where a mental health professional is not available in the prison to carry out a required mental health assessment.

While these opportunities to transfer people out of prison to hospital have long existed in the law, they have rarely been used, with CSC instead choosing to invest its resources in attempting to provide mental health treatment within prisons. The shockingly inhumane outcome is that isolation — conditions known to generate and exacerbate mental health issues — is used as a default for managing people who need health care.

The government's own data, generated by the ministerial advisory panel, highlights that the SIU system has failed to uphold international and Canadian legal standards that prohibit the isolation of those with disabling mental health issues. Indeed, while too many mental health issues remain undiagnosed or unacknowledged by CSC, even people that prison authorities recognize as having mental health issues are more likely to be isolated repeatedly in SIUs and subjected to conditions of prolonged solitary confinement.

The need for Bill S-230's measure for transfers to provincial and territorial hospitals was emphasized in June of this year when an Ontario Superior Court decision by Justice Pomerance — now on the Ontario Court of Appeal — ordered the type of measure contained in Bill S-230 in the case of Patrick Warren, an Indigenous man with disabling mental health issues. Mr. Warren was labelled a dangerous offender as a result of arson convictions that mental health experts have testified are responses to his lived experience of horrific abuse as a child.

In reaching this decision, Justice Pomerance considered ongoing materials from CSC, the Office of the Correctional Investigator and experts on structured intervention units, isolation and mental health, as well as the particular history of Mr. Warren, highlighting that responses to mental health within federal prisons, including regional treatment centres, were focused primarily on maintaining security and managing behaviour instead of providing Mr. Warren with individualized treatment and therapy. His so-called treatment by CSC during previous sentences involved him being placed in isolation, first in administrative segregation and later in SIUs.

Justice Pomerance recognized that the indefinite sentence that generally accompanies a dangerous offender designation, if served in a federal prison, would condemn Mr. Warren to lifelong isolation with no hope of receiving adequate treatment to provide any chance for community integration. She ruled this a violation of his Charter rights and sentenced him to a hospital in Ontario. Section 29 of the Corrections and Conditional Release Act currently contemplates exactly this sort of measure, allowing CSC to authorize transfers of prisoners to hospital.

Knowing the wholly ineffective and inhumane reality awaiting Mr. Warren in federal prison, Justice Pomerance rendered the most just decision she could envision. Correctional Service Canada, or CSC, has appealed her decision, and we await a final decision in that case. Mr. Warren, meanwhile, sits languishing — along with too many others — in isolation in the Millhaven Regional Treatment Centre, which prisoners and staff alike describe as providing conditions of confinement akin to the structured intervention unit, or SIU. In fact, I was previously advised by his lawyer and advocates that Mr. Warren was actually in the SIU.

• (1510)

Justice Pomerance's decision is a narrow one, applying just to Mr. Warren, but it sends a clear message — that judges recognize the need for the provisions like those in Bill S-230.

It is also important to underscore, given Correctional Service Canada's continued insistence on investing resources into prison-based mental health, that transfers out of federal prison to the health system save money. The Parliamentary Budget Officer, or PBO, estimates that the annual cost of maintaining someone in a provincial forensic hospital is expensive — approximately $380,000 per year. According to the PBO's own data, however, this is still less than what it costs to keep a person in isolation in a federal prison.

Each person transferred to an external mental health bed on a contract would represent a saving of around at least $100,000 per year. On top of this, preventing isolation will create significant downstream savings by avoiding the need for additional costly litigation resulting from breaches of human and Charter rights as well as through improved mental health and fewer community-based mental health expenditures.

Since Bill C-83 was enacted, Correctional Service Canada has received significant funding — at least $74 million per year — for improving mental health, which could be devoted to contracting with provinces and territories for mental health beds. In fact, CSC testified to the Human Rights Committee that some $9.2 million of this funding was earmarked for external mental health beds but has been unable to account for how this funding has been spent.

At committee, we heard that the number of beds has remained the same as before Bill C-83 — 20 beds, all at Pinel Institution in Montreal. Worse yet, when asked to account for how these funds were spent if not on securing access to new external mental health beds, CSC testified that all $74 million per year of funding for mental health services was invested in internal, prison-based mental health services despite commitments to the contrary and despite clear evidence that adequate mental health treatment cannot be and is not being provided in prison settings.

CSC is doubling down on its ineffective, prison-based mental health strategies that put at risk the lives and health of the people inside prisons for whom CSC is responsible. Bill S-230 would help lay the groundwork for a much-needed shift toward accessing mental health in the community, so that all can receive the treatment they need.

A fourth and final key measure in Bill S-230 aims to breathe life into existing alternatives to isolation for Indigenous peoples and other marginalized groups, recognizing that, as a result of systemic discrimination and colonialism, Indigenous women and others most in need of community support and connection too often end up incarcerated, labelled as "risks" and locked in SIUs. As notably documented by the Office of the Correctional Investigator and the Canadian Human Rights Commission, systemic discrimination in how the prison system assesses "risk" has resulted in the overrepresentation of Indigenous peoples, those of African descent and those with mental health issues in the most harsh and restrictive conditions of confinement, including isolation.

Bill S-230 seeks to expand access to sections 81 and 84 of the Corrections and Conditional Release Act, or CCRA, permitting prisoners to be transferred and released to the care and custody of Indigenous communities as called for by the National Inquiry into Missing and Murdered Indigenous Women, the Truth and Reconciliation Commission, the Native Women's Association of Canada, the Senate Human Rights Committee, the Senate Social Affairs Committee, the House of Commons committees, the Office of the Correctional Investigator and the Canadian Human Rights Commission. Countless experts have now documented the underuse and underfunding of these key measures intended to help redress the colonial legacy of Canada's prison system.

Bill S-230 aims to expand use of these provisions, in particular, by allowing CSC to make agreements for community-based care and custody with additional kinds of community groups serving others who are overrepresented in federal prisons as a result of systemic inequality, for example, Black Canadians and 2SLGBTQ+ folks.

The bill also requires CSC to take proactive steps to seek out and provide information to Indigenous and non-Indigenous communities and prisoners about opportunities to enter agreements for community-based custody and care as well as requiring CSC to obtain permission from a court if they wish to object to a prisoner being transferred to a community that has this type of agreement in place.

At the heart of Bill S-230 is the reality that some of those most marginalized in Canada are being subjected to unthinkable, draconian conditions as a result of legislation that this chamber helped pass. The human and Charter rights being trampled and eroded in federal prisons belong to those inside — but also to each of us. These are the fundamental guarantees of rights and freedoms that all of us rely on. Everyone benefits when they are upheld and protected. Everyone's humanity is diminished when we allow human rights to be discarded.

I recently spent a weekend in Mi'kma'ki with Tona Mills at a conference advocating justice for Indigenous women. I want to share her unwavering and clear message to senators, imploring us to end the impunity and refuse to allow what happened to her to happen to others. I quote, "Please stop it. Please stop it now."

Tona is one of twelve Indigenous women whose exoneration we are also pursuing, but she will not live long enough to see justice done for herself. My hope is that you will join me in supporting this bill and sending it to the House of Commons to provide, at long last, some small steps toward justice for too many others currently trapped in isolation.

Meegwetch, thank you.

Hon. Wanda Thomas Bernard: Honourable senators, I am grateful to be here on the unceded and unsurrendered Algonquin Anishinaabeg territory. I am speaking today in support of Bill S-230, An Act to amend the Corrections and Conditional Release Act. Thank you to Senator Pate for dedicating your career to advocacy for humane treatment of people in Canadian prisons and identifying this as one of the most serious violations of human rights we see in Canada, and thank you for your speech today.

This cruel punishment is happening in institutions across the country as we speak. Whether under the name "segregation," "structured intervention units," "dry cells" or "secure units," the impact is the same: undeniable harm to mental, physical and spiritual well-being.

I had the privilege of meeting with and talking to hundreds of prisoners on the fact-finding missions during the Human Rights Committee's study on the human rights of federally sentenced persons. We heard similar stories in every institution, stories of the deplorable experience of being placed in segregation: an unthinkable experience no one — and I repeat, no one — should have to live through. Colleagues, I firmly insist the punishment for a crime is the sentence itself, not repeated unlawful inhumane treatment while you are serving your sentence.

Some of the most troubling stories we heard were from Indigenous and Black incarcerated women and their advocates.

We have just heard Senator Pate speak of Tona. Tona was one of the people the committee met with, and her story has stayed with us. Tona was a survivor of the Sixties Scoop, and it was so disturbing to hear stories of irreparable harm to her health and well-being. We heard many other women's stories that followed a similar trajectory to hers.

Indigenous and Black children are overrepresented in the child welfare system, which directly feeds into the disproportionate representation of Indigenous and Black adults in prisons in Canada.

• (1520)

This is what we sometimes refer to as the child-welfare-to-prison pipeline. The child-welfare-to-prison pipeline is an important context when imagining what kinds of treatment we find acceptable as lawmakers. The Human Rights Committee study found that Indigenous and Black prisoners were overrepresented in segregation as well.

Honourable senators, this is a direct child-welfare-to-prison and prison-to-segregation pipeline. These systems have repeatedly failed this group of vulnerable people over and over. The harms of segregation, including negative psychological impacts, are felt after only 48 hours of segregation. But the committee also heard about longer-term impacts, as Senator Pate just outlined for us, like the irreversible psychological harm that can occur after only 15 days in solitary confinement.

Colleagues, I'm going to repeat what Senator Pate has reminded us today — that Tona spent 10 years in segregation. Imagine.

I would like to emphasize two of the recommendations from our report *Human Rights of Federally-Sentenced Persons*:

> Recommendation 33
>
> That the Correctional Service of Canada ensure that Structured Intervention Units adhere to the most recent court decisions and respect Canada's human rights obligations and international commitments, including by:
>
> eliminating the use of solitary confinement for all federally-sentenced persons;
>
> taking into account the different needs and experiences of particular groups, including LGBTQI2-S persons and women;
>
> eliminating solitary confinement in excess of 15 days;
>
> providing meaningful human contact and continued access to programming as well as 24-hour access to health and mental health services; and
>
> establishing judicial oversight to review all Structured Intervention Unit placements and decisions.
>
> Recommendation 34
>
> That the Correctional Service of Canada immediately end the use of separation by any name with youth, women and those with disabling mental health issues, and implement mental health assessments and judicial oversight to eliminate the overrepresentation of federally-sentenced Indigenous Peoples, Black persons, other racialized persons and persons with mental health issues in Structured Intervention Units.

Colleagues, I remind you of these recommendations from our committee, which were tabled in 2021. I encourage you to revisit the study's findings and recommendations to understand the critical nature of Bill S-230.

I fully support this bill because I believe that no one deserves to experience the inhumanity of time spent in segregation. I believe we can and should legislate meaningful alternatives. Thank you. *Asante*.

Hon. Mary Jane McCallum: Honourable senators, I rise today to speak in support of Bill S-230, An Act to amend the Corrections and Conditional Release Act.

Colleagues, we all know Senator Pate has done extraordinary work in bringing forward the critical need for this bill and the reasons behind its advent. I would like to reiterate and reaffirm some of the most salient points and the benefits this bill would represent, a bill that is especially critical for First Nations, Inuit, Métis and non-status women.

Bill S-230 seeks to fulfill a promise made by the federal government. In 2018-19, the government made a commitment toward ending segregation in federal prisons. This ending of segregation was to include the ending of solitary confinement and isolation, treatments which have been demonstrably proven to have had severely negative consequences for those who face such punishment. However, this government commitment has not come to fruition.

The government's commitment on this matter at that time was not only laudable but necessary. The necessity of this commitment is rooted in upholding the human and Charter rights that are the very cornerstone of Canada's society. However, we are continuing to learn of the myriad ways in which the government has fallen short of their promise to end this horrific and damaging practice.

Despite the changes ushered in through the government's previous Bill C-83, we find that one in three people in these structured intervention units, or SIUs, meet the definition of existing in solitary confinement, as they are spending 22 hours a day in a cell with no meaningful human contact. For 10% of these individuals, the length of their solitary confinement is so extensive, lasting over 15 days, that it is recognized by law as constituting torture.

Based on our visit as senators to the Stony Mountain Institution in Manitoba on January 17, 2024, to see these SIUs, I can confirm that they are the very same units as they had been previously, with just the name being changed.

I want you to ask yourself this question: How did these people end up where they are? When I was working with the Indigenous workers in Stony Mountain Institution, I saw the racism they were going through, and I understood. Someone in the psych unit told me that 75% of the people there had mental health problems and should not have been there.

That was in 2018. When I went back in 2024, we asked the workers questions like, "What do you do when you meet with the prisoners?" They said, "We get them to accept their behaviour and that they're responsible for it."

I asked, "If they're here because they stole because they were hungry or homeless, what do you do in that situation?" They couldn't respond.

When I attended the police meeting about remand, one of the panellists said that, in her study, one man had taken a bottle of liquor from a liquor store and was sent to jail. He was a hardened criminal 10 years later. That is the reality.

This is so close to me because if I hadn't had support, I could very easily have ended up in prison. When you come out of institutions that have taken everything away, you come out with rage. How could you not?

When I found out about the unmarked graves at my residential school, that rage came out. That was just this year. I was so shocked that I still had that rage within me. I know and have always known that I could have ended up in prison. Because of the support I had, I didn't. That's why I ask you to think about why these people are there.

Colleagues, we are seeing that the length of time people are forced to endure periods of such isolation is increasing when compared to the previous segregation regimes that were in place. We are seeing that prisoners are being precluded from being empowered to initiate complaints and trigger reviews by the independent external decision makers, or IEDMs, who are in place to provide independent external oversight. Instead, these IEDMs only review cases that are referred to them by Correctional Service Canada, or CSC, thereby further silencing and marginalizing the rights and voices of prisoners.

• (1530)

Moreover, it has been found that in those instances where IEDMs have ordered the release of prisoners from structured intervention units, or SIUs, CSC officials are taking a longer than average time to comply with that directive compared to the time it takes them to release other prisoners whose release was not ordered by an IEDM.

As such, colleagues, we are not only seeing a failure on the part of the government as it pertains to shutting down the horrific, unacceptable and inhumane practice of segregation: We are seeing a cheapening and disrespect of the role of the independent external decision makers as CSC officials and new policy formulation have served to water down their role and their clout in this process.

Honourable senators, in response to the shortcomings of the government on this matter, Bill S-230 would implement two critical forms of court oversight to correct the systemic overuse of segregation in federal prisons. These two court oversight mechanisms are: prison authorities seeking to isolate someone for longer than 48 hours must seek court approval, reflecting the time frame during which irreversible harm can begin to occur; and prisoners may ask a court for a reduced sentence or reduced parole ineligibility period where conditions such as segregation make their sentence harsher than the sentence they were ordered to serve.

Colleagues, these forms of court oversight are not arbitrarily founded, nor are they created out of thin air. These are based on thoughtful and vital recommendations made by Justice Louise Arbour in 1996 via the *Commission of Inquiry into certain events at the Prison for Women in Kingston*. As Justice Arbour reflected at that time:

> I see no alternative to the current overuse of prolonged segregation but to recommend that it be placed under the control and supervision of the courts.

In light of the government's inadequate attempt to rectify this heinous issue, it is long overdue for us to dutifully heed the wise and prudent words of Justice Arbour.

Honourable senators, it will come as no surprise to any of you that Indigenous peoples represent a staggeringly high percentage of Canada's prison population when compared to their percentage of Canada's general population. This overrepresentation is worse when considering Indigenous women and, worse yet, when considering the makeup of those most impacted by the use of SIUs.

Indigenous women make up half of the women in federal prisons. They also make up a shocking 96% of those women isolated in SIUs. Given this reality, I ask each of you, my fellow senators, to consider some of the profound documents we have collectively championed over recent years in this chamber. We have extolled the virtues of the Truth and Reconciliation Commission's final report and Calls to Action. We have underscored the importance of the National Inquiry into Missing and Murdered Indigenous Women and Girls, or MMIWG, and their resulting Calls for Justice. We have endorsed and legislated an action plan to implement the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP.

That is all well and fine, but that simply represents words on paper. What are we actually doing to rectify the issues touted in these important documents?

Article 7.1 of UNDRIP states that "Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person."

However, we are seeing Indigenous peoples largely being the ones falling victim to the impacts of SIUs wreaking mental and physical warfare on their person and resulting in cases of schizophrenia and worse. Remember that these are women who are in the most vulnerable state.

The Truth and Reconciliation Commission of Canada, or TRC, Call to Action number 30 calls upon ". . . federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody . . . ."

Call to Action number 41 calls upon:

> . . . the federal government, in consultation with Aboriginal organizations, to appoint a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls.

However, we see that the number of Indigenous prisoners remains sky-high, and Indigenous women are overrepresented in victimizing situations within our very correctional system by forcing them into these SIUs, despite the known and well-documented deleterious impacts they have on those who face this treatment.

The MMIWG Call for Justice 5.21 calls on the federal government ". . . to reduce the gross overrepresentation of Indigenous women and girls in the criminal justice system." However, instead, we again see these numbers continue to balloon.

Colleagues, this is the uncomfortable question we must ask ourselves: Are we doing enough? Moreover, are we doing enough to ensure a meaningful, positive change in outcomes for our First Peoples in practice as opposed to simply in theory? We are all very keen and self-congratulatory in passing frameworks and speaking about the need for change; however, Bill S-230 actually actions and moves the needle forward on that change in a real and tangible way.

We often hear of the overrepresentation of Indigenous peoples, and particularly Indigenous women in our prisons. We often hear of the critical importance of those three aforementioned instruments: the TRC's Calls to Action, the MMIWG Calls for Justice and the many articles of UNDRIP. However, these guiding documents simply provide a road map to solutions; they do not actually provide solutions themselves. These issues will never resolve until we have strong and decisive political will and political action to change the status quo.

We decry the treatment of Indigenous women and agree with how horrific the findings of the MMIWG national inquiry were. Let us take steps toward correcting this issue. Bill S-230 represents one such step. Through its passage, we can stop subjecting Indigenous people and Indigenous women to the cruel and unusual punishment that we see represented within these SIUs.

Make no mistake about it: Indigenous peoples — and Indigenous women in particular — are most impacted by this form of alleged justice. We have a solemn duty to uphold, do the right thing and pass Bill S-230.

Thank you.

Senator Martin: I move the adjournment of the debate.

The Hon. the Speaker: It is moved by the Honourable Senator Martin, seconded by the Honourable Senator Seidman, that further debate be adjourned until the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: No.

The Hon. the Speaker: All those in favour of the motion will please say "Yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "Nay."

Some Hon. Senators: Nay.

Hon. Donald Neil Plett (Leader of the Opposition): Your Honour, I'd like to speak on debate.

The Hon. the Speaker: On debate, Senator Plett.

Senator Plett: Your Honour, I am disappointed that an adjournment motion would be turned down on this particular piece of legislation at this point.

• (1540)

As all senators will recall, Senator Carignan, a while back, stood on a point of order, suggesting that this legislation needed a Royal Recommendation. We still believe that it does. You, Your Honour, in your ruling, ruled it did not, and we accept that and appreciate that.

You did this last week, Your Honour, at which time Senator Pate could have risen and spoken to her bill so that we would have all had time to listen to the arguments about her bill and get our critic ready to speak on this bill. Instead, she chose not to. This morning, Your Honour, I learned at our leaders' meeting, and later on our deputy leader learned at the scroll meeting, that today was the day that Senator Pate was going to speak.

Clearly, Your Honour, when a sponsor of a bill speaks, and two other honourable colleagues spoke after her — and we have a critic, who has been waiting to listen to the arguments about this legislation, and he has not been afforded that opportunity because Senator Pate sits down, and two honourable senators speak for 10 or 15 minutes each. In the meantime, our critic is supposed to try to stand up and put up reasonable arguments.

We believe, Your Honour and colleagues, that this is a bad bill. We believe that, but we would like to get our arguments ready. Bill S-230 poses a significant financial and operational risk for the Correctional Service Canada, or CSC, by mandating the transfer of federally incarcerated individuals with disabling mental health issues to provincial hospitals. The lack of a clear definition of this term could result in a substantial number of transfers, significantly increasing costs to the CSC.

According to the Parliamentary Budget Officer, assuming that 75% of incarcerated individuals suffer from mental disorders, and 50% of those are debilitating, approximately 5,000 inmates would qualify for psychiatric care. This is a significant cost.

Your Honour, we have tried, in collaboration with other senators, to get private members' legislation across the finish line. Since October, colleagues, we've had Bill S-235 by Senator Jaffer; Bill S-250 by Senator Boyer; Bill C-244, a Liberal private member's bill that came to us; and Bill C-291 and Bill C-294 — these two were Conservative bills. The other three were Liberal or coming from the Independent Senators Group, or ISG.

In November, we've had Bill S-269 by Senator Marty Deacon, ISG; Bill S-276 by Senator Kutcher, ISG; Bill C-284, a Liberal private member's bill, by the ISG. Yet last week, Your Honour and colleagues, you'll remember that we in the Conservative side called question on two ISG bills because we believed they were good bills, and they had gotten considerable debate, and they were good. So we moved them forward.

Now, we have other legislation before us later today that is very time-sensitive, and this morning we were told, "If this doesn't happen, that won't happen." That's not the way to negotiate good legislation. If it's good legislation, let's vote on it and let's vote for it. If it's bad legislation, let's not. This is bad legislation that we still agree that we will call question on, and there was an offer made, and it was turned down.

So, Your Honour, we are hoping that we can deal with this in a collaborative way, and we are hoping that we will be afforded the opportunity for our critic to properly read the arguments, look at the transcripts of what Senator Pate, Senator McCallum and Senator Bernard raised here today, and other arguments, and come forward with a proper critic's speech.

Again, Your Honour, I would implore honourable colleagues that we deal with this not based on who is doing it, not based on whether it's our best friend bringing this forward, but on whether it merits and what the time structure is for something like this. This bill is of no urgency right now, at third reading, if we vote on this today or next week or even the week after. This has to go to the House, which we suspect is probably a little inundated with other issues it is dealing with now. I don't think they are paying too much attention.

Nevertheless, Your Honour, we made a very reasonable offer, and so, in light of that, I will ask for the adjournment of this debate for the balance of my time.

The Hon. the Speaker: Senator Plett, I wanted to mention that the adjournment motion was rejected. So we cannot — you cannot adjourn. But you stood up saying that it was rejected, and so you debated. Senator Martin moved the adjournment.

Senator Plett: It was not ordered.

The Hon. the Speaker: But you rose on, what, a point of order?

Senator Plett: No, I rose on debate. Your Honour, I rose on debate. Hansard will bear that out. I rose on debate.

The Hon. the Speaker: Could you please wait just a second? So, we can't have two different motions on debate. So I just wanted to mention that Senator Martin did move the adjournment of the debate, and you rose. We can't have two motions to adjourn the debate simultaneously.

Senator Plett: Can I ask a question, Your Honour?

The Hon. the Speaker: Yes.

Senator Plett: Why did you allow me to get up on debate? I specifically said I was getting up on debate before the adjournment motion was voted on. Senator Martin made the motion. It was not voted on, and I got up to debate. That is not abnormal that when an adjournment motion gets introduced, somebody gets up on debate.

The Hon. the Speaker: So no two senators rose to ask for a bell or to call the — therefore, we can't have two motions, adjournment motions, being voted on.

Hon. Raymonde Saint-Germain: If I may, I would like to take this opportunity because we have missed some time and some issues. I know that Senator Plett is right when he says that a critic needs some time to fully speak after the sponsor of a bill has spoken. We were still negotiating, Senator Plett and I, and I didn't have enough time to debrief my group on what was happening.

In a nutshell, if we agree to adjourn the debate on Bill S-230 today, we would also agree that by next Thursday, December 5, we will have a vote at third reading on this.

Senator Plett: You can't negotiate in the chamber.

Senator Saint-Germain: Yes, but this is the situation that we are in, senator. I'm trying to help to find a solution.

Senator Plett: Call the question.

Senator Saint-Germain: If you don't want to do this in the chamber, I cannot do more to help you. So thank you.

• (1550)

The Hon. the Speaker: Senator Martin moved the adjournment. That was rejected. I recognized Senator Plett to speak, so we can't have two successive motions to adjourn. Therefore — yes, Senator Moncion?

Hon. Lucie Moncion: Call the question again.

The Hon. the Speaker: Senator Moncion, which question?

Senator Moncion: The question on the adjournment by Senator Martin.

The Hon. the Speaker: Is leave granted?

Some Hon. Senators: No.

The Hon. the Speaker: I hear a no. Therefore, we're on debate for this motion.

Senator Plett: I was on debate, Your Honour, so that means we opened the debate — is that okay?

The Hon. the Speaker: You are not going to be adjourning the debate, is that it?

Senator Plett: You said —

The Hon. the Speaker: You proposed the adjournment of the motion.

Senator Plett: You said we were on debate, so let's continue the debate. Is that what I heard you say now, Your Honour?

The Hon. the Speaker: Yes.

Senator Plett: Let me just conclude my debate by saying that I would like to adjourn for the balance of my time.

The Hon. the Speaker: You cannot adjourn a second time because there is an adjournment motion, which is Senator Martin's motion. Yes, Senator Wells?

Hon. David M. Wells: Your Honour, I may not know the Rules as well as you do, but after the adjournment motion was made — from what I understand — there was no decision rendered on that, and then Senator Plett spoke on debate which nullified any previous adjournment motion if there was no debate on it, especially if debate continued.

The Hon. the Speaker: I would like to suspend the Senate for a couple of minutes because I'm not agreeing with what is being said. Thank you.

(The sitting of the Senate was suspended.)

• (1630)

(The sitting of the Senate was resumed.)

Hon. Donald Neil Plett (Leader of the Opposition): Your Honour, that was indeed a suspension worthy of good conversation and some camaraderie coming up to Christmas. I think we have reached an agreement, Your Honour, that leave would be granted if I were to ask for the adjournment at this point. So, with leave, I move that the debate be adjourned until the next sitting of the Senate.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: So ordered.

(Debate adjourned.)

NATIONAL STRATEGY FOR THE PREVENTION OF INTIMATE PARTNER VIOLENCE BILL

THIRD READING—DEBATE

Hon. Fabian Manning moved third reading of Bill S-249, An Act respecting national action for the prevention of intimate partner violence, as amended.

He said: Honourable senators, this day has been a long time coming, but I am extremely happy that we are finally here discussing and debating the third reading of my private member's bill, Bill S-249.

As I was leaving my office in East Block last night, I was delighted to find the Peace Tower lit up in the colour purple. This was because, yesterday, the 16 Days of Activism Against Gender-based Violence campaign began. November 25 is the International Day for the Elimination of Violence against Women. It will conclude on December 10, which is the international Human Rights Day. The 16 days of activism campaign calls for action against one of the world's most persistent violations of human rights: violence against women.

The theme for the 2024 campaign is "Come Together, Act Now." The 16 days of activism emphasize how crucial it is to involve everyone in Canada, particularly men and boys, in changing social norms, attitudes and behaviours that contribute to gender-based violence. It is also a call to action, urging all of us to recognize the signs of gender-based violence and to reach out for support for ourselves and our loved ones.

For the next 15 days, the Peace Tower will be lit by the colour purple. I would suggest that you take a picture and send it out on your social media to remind people of the epidemic that we are facing in this country today.

Before I continue with my remarks on the bill, I would like to take this opportunity to thank several people and groups that have played a major role in getting us to this stage in the process of making Bill S-249 the law of the land here in Canada.

The Chinese philosopher Lao Tzu once said, "The journey of a thousand miles begins with a single step."

There is no doubt in my mind that the road that Bill S-249 has been on has been quite the journey, but that all-important first step began way back in January 2017 when I received a call from Georgina McGrath of the beautiful and picturesque town of Branch in St. Mary's Bay, Newfoundland and Labrador.

Ms. McGrath was requesting a meeting to discuss the issue of what we then referred to as domestic violence. A short time later, I visited her home, and she told me in excruciating detail her story of what we now refer to as intimate partner violence, or IPV.

From that day on, I made a commitment to Ms. McGrath that I would work with her and others to see what we could do collectively to address this very real and important issue.

I'm delighted beyond words that she could join us here in the Senate of Canada today, along with her husband, Karen, her sister Kim and her niece Sarah as we discuss, debate and hear from others on Bill S-249 and hopefully get the opportunity to vote on third reading before we finish here today.

All the victims of intimate partner violence are not women, but a large percentage is. Therefore, during my remarks, I will reference women and girls many times, but it does not take away from the fact that there are many other individuals from every walk of life who are victims of intimate partner violence such as men, boys, members of the LGBTQIA+ community, members of the Aboriginal community and many others.

Throughout the past several years, I have met with in excess of 130 individual victims of intimate partner violence. I have held several round-table discussions with victims, family of victims, representatives of the federal and provincial governments, members of law enforcement, members of the justice community and many others.

I have visited women's shelters in several different places in our country. I have had many discussions with many of you in this room and worked closely with the office of Minister Marci Ien to move this vital and important bill through our legislative process.

During those discussions with the minister's office, it was agreed that Bill S-249 will carry the name of Georgina's Law, and I was overwhelmed and delighted with this progress. It puts a personal touch onto this law. It gives the opportunity to others to learn about Georgina's story, but also for them to find the courage to bring forward their own stories.

Similar to Clare's Law, Georgina's Law will hopefully make it across the finish line and become the law of the land.

I want to take this opportunity to thank each and every person who has been part of this, at times, frustrating process, but I am very grateful for where we are today.

We still have a long way to go to see it through the House of Commons process, but I sincerely believe that we will cross the finish line. While this piece of legislation will not stop intimate partner violence in its tracks, my hope is that at least one life will be saved and that, through our continued conversations on intimate partner violence, victims across our country will know that there is help out there, that there are people and services available to assist and that education is the key to success.

Throughout the past few years, many of you have spoken here in this chamber on my bill, whether it was the initial version, which I introduced in April 2018 — yes, I did say April 2018 — or the latest version of the bill, which had its first reading in our chamber on June 8, 2022. I look forward to hearing from several of you later this evening on third reading.

[Senator Manning]

• (1640)

All of those who have spoken have added so much to the formation of the bill as it stands today and more so to the process of educating others on the very serious situation, serious crisis, the very serious epidemic our country and the world are facing today as it relates to intimate partner violence.

Intimate partner violence is behaviour used by one person in relation to control the other. Partners may be married or not married, heterosexual, LGBTQIA+, living together, separated or dating. Examples of abuse include name-calling or put-downs, keeping a partner from contacting their family or friends, withholding money, stopping a partner from getting or keeping a job, actual or threatened physical harm, sexual assault, stalking, intimidation. Violence can be criminal and includes physical assault, hitting, pushing, shoving, et cetera, sexual abuse, unwanted or forced sexual activity and stalking. Although emotional, psychological and financial abuse are not criminal behaviours, they are definitely forms of abuse and can lead to criminal violence.

Whether you were speaking on my bill or to the inquiry into intimate partner violence spearheaded by Senator Boniface, I have listened intently and learned so much and am very grateful to all of you for your continued support.

According to the World Health Organization:

> Intimate partner violence has been identified as a major global public health concern, linked to intergenerational violence and detrimental physical, emotional and economic impacts on victims, witnesses and society as a whole.

More than 7 out of 10 victims — 71% — of police-reported intimate partner violence experienced physical force. Physical assault was the most common experience by victims of police-reported intimate partner violence, at 77%, followed by uttering threats, at 8%, and criminal harassment, at 6%. Police-reported data shows that spouses, current or former, and other intimate partners committed approximately 42% of violent crimes involving female victims; other family members and acquaintances accounted for another 43%. Police-reported family violence is defined as all types of violent crime perpetrated by a family member that was reported to the police.

Colleagues, while it may be difficult for some people to understand, studies have shown that 70% of any type of spousal violence is not reported to police. Many victims of spousal violence — and I have talked to many — experience severe forms of violence. Specifically, 25% of all spousal violence victims were sexually assaulted, beaten, choked or threatened with a gun or a knife; 24% of all spousal violence victims were kicked, beaten, hit or hit with something.

The 2017 StatCan information site on its *Women in Canada: A Gender-based Statistical Report* states that:

> Females were over-represented among victims of sexual assault (88% of total incidents) and victims of "other sexual violations" (83% of total incidents) . . . . Other offences reported to police that were committed primarily against females included forcible confinement and related offences (79%), criminal harassment (76%), and making threatening and harassing phone calls (71%). All of the victims (100%) of offences under the "commodification of sexual activity" category were female. . . .

Rates of almost "all types of violent victimizations" were "higher for Aboriginal people." Specifically, the sexual assault rate of Aboriginal people — 58 incidents per 1,000 people — was almost three times that of non-Aboriginal people, at 20 per 1,000, while the physical assault rate of Aboriginal people, at 87 incidents per 1,000, was nearly double that of non-Aboriginal people, 47 incidents per 1,000. Additionally:

> Aboriginal females reported experiencing violent victimizations at a rate . . . 2.7 times higher than that reported by non-Aboriginal females . . . .

And then, we can never forget that 1,181 Indigenous women went missing or were murdered between 1980 and 2012.

The Hon. the Speaker: Senator Manning, I regret that I have to interrupt you. You will have the balance of your time when debate resumes at the end of Question Period.

[*Translation*]

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it is now 4:45 p.m. Before proceeding to Question Period with the minister, I would like to remind you of the time limits the Senate established for questions and answers in the order of October 3, 2023.

When the Senate receives a minister for Question Period, as is the case today, the length of a main question is limited to one minute, and the answer to one minute and thirty seconds. The supplementary question and answer are each limited to 45 seconds. In all these cases the reading clerk stands 10 seconds before the time expires.

I will now ask the minister to enter and take his seat.

[*English*]

QUESTION PERIOD

(Pursuant to the order adopted by the Senate on December 7, 2021, to receive a Minister of the Crown, the Honourable Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations, appeared before honourable senators during Question Period.)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, today we have with us for Question Period the Honourable Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations to respond to questions concerning his ministerial responsibilities. On behalf of all senators, I welcome the minister.

Minister, as I have noted to the Senate, a main question is limited to one minute and your response to one minute thirty seconds. The question and answer for a supplementary question are both limited to 45 seconds. The reading clerk stands 10 seconds before these times expire. I ask everyone to respect these times. Question Period will last 64 minutes.

MINISTRY OF CROWN-INDIGENOUS RELATIONS AND NORTHERN AFFAIRS

MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS

Hon. Donald Neil Plett (Leader of the Opposition): Welcome, minister. Minister, it has been over five years since the release of *The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*. Each year since I became the Leader of the Opposition in the Senate, I have asked your government what progress has been made on bringing justice to the families of these missing and murdered mothers, daughters and sisters. There has never been an adequate response to any of my questions. These families want to know what happened to their loved ones, minister, and they deserve answers.

Minister, how many of these cases have been resolved by the RCMP? How many arrests have been made? How many charges have been laid and how many convictions?

Hon. Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations: Thank you, senator, for the question. Let me preface my answer by saying that the issues around missing and murdered Indigenous women and girls, or MMIWG, and Two-Spirit individuals are a national crisis. Since taking office in 2015, we have been working toward addressing the underlying issues around MMIWG. As you know, we called for a national inquiry, and the 231 Calls for Justice were received, and we have been implementing those Calls for Justice.

We have been working towards a proactive manner in order to ensure that future cases involving missing women, girls and Two-Spirit individuals don't continue; as a result, we have built shelters specifically focused on Indigenous women. We are

supporting front-line Indigenous victim services. Thirty-six Indigenous-led policing services have been implemented, and 12 new cell towers have been installed along the "Highway of Tears" in B.C.

Earlier this year, we have initiated a pilot project on what is called a Red Dress Alert that is meant to alert local communities when someone goes missing — an Indigenous woman, girl or a Two-Spirit individual. We are implementing this in Manitoba, and we hope to expand this across the country.

• (1650)

Senator Plett: Last year, when I asked this very same question to former Minister of Public Safety Marco Mendicino, I was told and assured your government would provide the latest update to my questions. As of today, I have received no response to those questions, similar to what I just received today. Sadly, this is no surprise from this soft-on-crime government.

Minister, why can't the NDP-Liberals treat victims of crime and their families with respect?

Mr. Anandasangaree: Thank you, senator. I wish to highlight that this should be a non-partisan issue. The issue around missing and murdered Indigenous women, girls and Two-Spirit individuals is a deeply troubling issue across Canada, and one that I think should have non-partisan support.

I would like to highlight that, as a government, we did call for a national inquiry. We are implementing the MMIWG report. We have received it. There are 231 specific Calls for Justice that we're working on. Some of them are quite complex, but at the end of the day, it is about ensuring that the conditions are there for Indigenous women to be safe in their communities. That is the work that we will continue to do.

[*Translation*]

AWARDING OF CONTRACTS

Hon. Claude Carignan: Minister, your colleague, Randy Boissonnault, assumed a false Indigenous identity, and his company tried to get contracts from your government that were intended for Indigenous-owned businesses.

Even so, the Prime Minister defended him tooth and nail, and Randy Boissonnault is still in the Liberal caucus.

Minister, how does defending a "pretendian" contribute to reconciliation, and why keep him in government when he should have been kicked out, especially considering that your leader booted the first Indigenous justice minister just because she stood up to him?

How do you explain this double standard to the Indigenous people you work with day after day?

Hon. Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations: Thank you for the question, senator.

[*English*]

Randy Boissonnault has removed himself from cabinet with the agreement of the Prime Minister. He is working to defend his name.

The issues around Indigenous identity are deeply complex. As a government, we have been working to ensure that issues around identity, especially with respect to second-generation cut-off and sexual discrimination within the Indian Act, are addressed.

At the end of the day, senator, the issues of identity and recognition of citizenship need to be at the level of each and every community and nation. It's not up to the federal government to dictate what those identities look like. For us, in the broader sense, the work we need to do is around ensuring the space is there for communities to get out of the Indian Act and define who their citizens are. It's really not up to the federal government to do that.

[*Translation*]

Senator Carignan: I'm surprised, minister. Your government is doing nothing to fight fraud in Indigenous procurement. We saw it earlier this year with the ArriveCAN scandal, and we're seeing it again now with former minister Boissonnault. If it's not shell companies redirecting work to others, it's lies about the identity of the owners. Meanwhile, Indigenous people are not benefiting from these programs, minister.

As usual, when it comes to First Nations, Inuit and Métis, your government is all talk and no action. As we say back home, it's just talk, no walk.

Why aren't the rules being enforced? Do you find this acceptable, minister? How are you going to ensure that these programs benefit Indigenous people, and not fraudsters?

[*English*]

Mr. Anandasangaree: Thank you, senator. The issues around representation are crucial for us. They are very important for us as a government. Yes, they are complex and difficult. I will note that, as a government, we have moved toward ensuring that there is diversity and, in particular, inclusion within our institutions, including the employment of the first Governor General who is Indigenous and the appointment of the first Indigenous Supreme Court Justice. We will continue to ensure representation of Indigenous people at every level of government. That is a commitment that we made in 2015, and that's a commitment that we will continue to adhere to and address.

TRUTH AND RECONCILIATION COMMISSION CALLS TO ACTION

Hon. Kim Pate: Welcome, Minister Anandasangaree. It is lovely to see you. Your mandate letter sets out the expectation that you will lead the work of all ministers to accelerate the implementation of the TRC Calls to Action and the MMIWG Federal Pathway. Particularly, as we approach the 2025 deadline

established by the TRC for eliminating the overrepresentation of Indigenous peoples in federal prisons, and as this overrepresentation unfortunately continues to increase, what concrete steps are you taking to ensure accountability among ministers and departments for the timely implementation of the Calls to Action and the Calls for Justice as well as to assess the adequacy of implementation?

Hon. Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations: Thank you, Senator Pate. Thank you for your leadership and work in addressing issues of over-incarceration and overrepresentation of Indigenous people, particularly within the criminal justice system. Let me focus on that for my response.

We have taken unprecedented steps toward addressing some of the issues around over-incarceration. I think Bill C-5 is probably the most concrete example we can provide because, for the first time in Canadian history, it undoes some of the mandatory minimum penalties that have resulted in the over-incarceration of Indigenous people, particularly Indigenous women.

The reports that we get from the Correctional Investigator, Mr. Zinger, each year really highlight the need for us to double down on the work. I can assure you that I'm preoccupied with ensuring that both Corrections and Justice are working toward addressing the underlying issues.

I will note that we have an Indigenous Justice Strategy that is now in the co-development stage. We have done extensive consultation. You would have seen the *What We Learned Report*. We look forward to its implementation.

Senator Pate: Thank you. The 2021 National Action Plan on Missing and Murdered Indigenous Women and Girls identified among its short-term priorities — as part of a means of including the missing and murdered but also incarceration rates — that a national guaranteed livable income be implemented and that work on that start by 2024. Can you please clarify how short-term priorities were identified and what concrete next steps we can expect on this and other short-term priorities?

Mr. Anandasangaree: The action plan is a co-development process. We have it on an annual basis. I will also note that we have the UNDA Action Plan that is now part of the Minister of Justice's work in bringing together the different departments.

The issues around universal basic income are a bit more complex. I believe that is something that has been the subject of some discussion here in this place as well as in the House of Commons. I wish to assure you that we have Indigenous-provincial-federal meetings. We'll have the third —

The Hon. the Speaker: Thank you, minister.

MINISTERIAL PRIORITIES

Hon. Paulette Senior: Welcome, Minister Anandasangaree, and thank you for joining us. It's good to see you in this house.

I would especially like to welcome you as a neighbour from Scarborough-Rouge Park, where we hail from. I listened keenly to the apology you gave on the weekend to the people of Inuit Nunavik for the mass killing of sleigh dogs, an incredibly cruel act on the part of the Canadian government that took place 60 to 70-plus years ago. Can you share with us the most pressing and timely priority for you as minister following this long-overdue apology? What are the next steps that you'll be taking?

Hon. Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations: Thank you for the question, senator. I too wish to express our solidarity as Scarborough folks. I notice one of the pages who brought me here is also from Scarborough, so I want to give a shout-out.

The work around reconciliation is complex and multifold. I think the work that we did this weekend was on addressing some past wrongs and correcting the record to find a path where we can rebuild trust, this time with those from Nunavik. It was a very important and deeply emotional experience for me, and I'm still reflecting on it. I don't think I have fully caught up with real life after coming back this weekend.

• (1700)

The other more pressing issue that we deal with — and this is not one over the other; it's a parallel stream — is ensuring that we are setting a long-term path to self-determination. This is about establishing modern treaties and ensuring there's self-determination over aspects of people's lives. This summer, we initialled three modern treaties in British Columbia — one with Kitsumkalum First Nation, one with Kitselas First Nation and one with K'ómoks First Nation — and we're on track to do more of that in the next few months as well.

Senator Senior: In your mandate letter, you're called on to accelerate the implementation of the Truth and Reconciliation Commission Calls to Action and the implementation of the 2021 Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People. Can you speak to the progress on these two initiatives?

Mr. Anandasangaree: Thank you, senator. I did speak to some of it earlier. Let me just talk about the Truth and Reconciliation Commission Calls to Action. There are 94 Calls to Action, and I know we have made significant progress. Of those items that are exclusive to federal jurisdiction or mixed jurisdiction, 85% are in progress, and some of them have been completed, but it is going to take time. It is going to be an intergenerational effort.

One of the inspirations I have is I was at — and many of you were there as well — Senator Sinclair's memorial. It was deeply inspiring to me that he, too, had the same thoughts.

We have a lot of work to do, and it's something we need to do collectively, senator. It's not something that I think we'll be able to complete in our lifetime, but it's one that we're all committed to.

FIRST NATIONS FINANCE AUTHORITY

Hon. Paul (PJ) Prosper: Welcome, minister. The First Nations Finance Authority seeks to monetize federal transfers for infrastructure. Monetization of major capital projects gives First Nations the ability to build projects, avoiding delays and inflated costs. With long-term boil water advisories, inadequate waste water systems, as well as crowded, mould-damaged houses and unsafe roads, monetization would support First Nations goals based on the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP, and self-determination. It would also advance mandates from the Prime Minister to close the infrastructure gap by 2030.

Minister, is the government intending to bring monetization forward in 2025? If not, can you tell us why?

Hon. Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations: Thank you, senator, and it's good to see you again.

We have been meeting. I have had a number of meetings with the First Nations Finance Authority and their leadership, and we've heard from a number of communities. As you know, the Assembly of First Nations assembly will be next week, and we're also anticipating many conversations that will surround the issues of monetization.

Ultimately, it comes down to self-determination. That's the path that we've committed to. We don't have a particular path yet for monetization through the First Nations Finance Authority. I believe it will require further conversations in terms of how that will be co-developed with partners, but it is an idea that we are very much looking toward in order to expand the infrastructure supports that the federal government can provide.

I can assure you that it is work that is in progress, but I don't have a commitment at this point.

Senator Prosper: Thank you, minister. First Nations Fiscal Management Act institutions see the need for monetization. They support at least 60% of First Nations in Canada and help build many tools for self-determination and economic growth. This chamber unanimously supported their expansion in a bill last year.

Minister, can you tell us how important Indigenous-led institutions are to supporting First Nations to build capacity?

Mr. Anandasangaree: Thank you, senator. There are a number of great examples of the work that First Nations financial institutions have undertaken over the years. The tax authority would be one solid example where we have made some significant progress and enabled local revenue generation that ultimately leads to self-determination. That is the path that we're on.

We've had a number of discussions. I know Minister Hajdu has convened a round table with the major financial institutions in Canada: insurance companies and banks, as well as the Canada Infrastructure Bank and so on. There is a lot of work taking place to ensure and expand these authorities, and we look forward to that expansion so that we can have greater self-determination.

RESIDENTIAL SCHOOL DOCUMENTS ADVISORY COMMITTEE

Hon. Brian Francis: Welcome, minister. It's nice to see you again.

On August 23, the independent chairperson and members of the Residential School Documents Advisory Committee suspended their roles, citing over a year of ignored requests for additional federal funding to contract experts to audit and retrieve uncatalogued records and other activities.

Given your government's stated commitment to releasing potentially millions of documents containing information about the lives and deaths of residential schoolchildren, what steps have you and your department taken to ensure the advisory committee receives the necessary funding to resume and complete its mandate?

Hon. Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations: Thank you, senator. First of all, I appreciate the work of the advisory committee. A lot of work has gone in, and I know some 24 million documents have been subject to their work since they were established.

Currently, they have the resources until the end of this fiscal year, which is March 31. Like any program that we have as a federal government, this is the cycle that we work on. I can assure this house that we will find resources as these resources expire.

Currently, I am very confident in saying that the resources are available until the end of this fiscal year. Unfortunately, the nature of the way that government operates is cyclical, and I am certain that we will have additional resources when the time comes due.

Senator Francis: Minister, it is deeply concerning that the committee lacks the independent Indigenous representation to hold the federal government accountable for its disclosure obligations. Again, will you commit to taking immediate action to ensure it resumes its critical work and to provide a transparent public update before year-end?

Mr. Anandasangaree: Senator, I will undertake to advocate for additional resources in the next fiscal year, but I do want to confirm that resources are available, and I do encourage the work to continue until March 31. My undertaking is to make sure that I advocate for additional funding for next year.

OPIOID CRISIS

Hon. Yonah Martin (Deputy Leader of the Opposition): Hello, minister. On September 19, the tribal council representing 14 First Nations on Vancouver Island declared a state of emergency due to the ongoing opioid crisis. The tribal council noted that First Nations people make up less than 4% of B.C.'s population but almost 20% of toxic drug deaths in the province. They also stated:

> Generational trauma and the impacts of the residential school system continue to fracture First Nations communities. The need is great, and the barriers are many. The cries of mothers who have lost their children echo through these communities. . . .

Minister, since September 19, what specific actions has your government taken to provide meaningful and culturally appropriate help to these B.C. communities?

Hon. Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations: Thank you, senator. At the outset, let me just say that one of the most difficult conversations I have as I travel across the country, particularly in British Columbia, is about the opioid crisis and the drug crisis that we see in communities, which is disproportionately impacting First Nations in rural communities. It is just heartbreaking to see. As we speak, I know it is impacting people across the country.

In terms of the federal response — and I do note it is outside of my portfolio — as a whole-of-government approach, there is specific funding that is available to communities. I think there is $150 million through the Ministry of Mental Health and Addictions.

• (1710)

Just this weekend, I was in Kuujjuaq, and I visited a healing lodge where there are up to 32 beds for a full-service program to help people with additions. Across Canada, we know that there are limited spaces that are available, but I am seeing progress in terms of the availability of resources. There is no doubt that we need to continue the work.

Senator Martin: Yes, minister. You're part of a government that has flooded B.C. communities with dangerous opioids. This disastrous policy has done nothing to reduce overdose deaths, and the high numbers are quite alarming.

Why do you believe your so-called safe supply of hard drugs is helping First Nations communities in my province? It certainly is not doing that.

Mr. Anandasangaree: Senator, I have a great deal of respect for you, and I know we worked together on a number of issues, but I do want to take issue with the position that we flooded the province with drugs. I think that is categorically false.

What we're doing is taking multiple approaches based on what each jurisdiction has asked for. With respect to British Columbia, it is a response to what the Province of British Columbia had sought from the federal government.

We are here as partners for provinces because we're not the ones providing the services nor the front-line work, so I do want to just set the record straight, senator.

INDIAN STATUS CARDS

Hon. Patrick Brazeau: Minister, it's you and your department that decides who is a status Indian in this country and who is not. This card is issued, a certificate of Indian status. We're not supposed to use props in the Senate, but I'm figuring if this is labelled a prop, then we'll have to question the department.

Having said this, over the last couple of years, I've been garnishing a list of stores, branches and car dealerships across the country, more particularly in Quebec, that do not accept this Indian status card. My question is, and I'm speaking on behalf of many First Nations people in this country because they're ashamed to ask the question: Why aren't merchants across the country accepting Indian status cards that your department issues to them?

Hon. Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations: Thank you, senator. It is Indigenous Services Canada that I believe issues the cards, not Crown-Indigenous Relations, but that's neither here nor there.

Look, the federal government should not be in the business of issuing these cards. It is not up to the federal government to recognize who is or is not a citizen of your nation. Unfortunately, the nature of the Indian Act is such that it happens and that is the way it is structured.

One of the things that we're trying to do, senator, is to work with nations to get out of the confines of the Indian Act. We've done that in British Columbia quite successfully this year. As I indicated earlier, this particular bill, Bill S-16, was initiated here, and we are going to lead toward, at some point, being able to work with the Haida Nation as well so this is no longer a reality.

Ultimately, my position is we need to get out of this business. This is not up to the federal government. It is a deeply colonial and racist form of administration that needs to transition into something that is self-determined by your nations.

Senator Brazeau: Thank you for that. Just so you know, I've been asking the same question to every Indian Affairs minister since Jean Chrétien. I can tell you that they have said exactly the same thing that you have said today.

I'm not looking for an "aha" moment. I'm not that type of person, but these questions need to be asked. Why is it that your government continues to fund organizations in Canada that have questionable definitions of their membership, and so we have in this country a fourteenth, sixteenth or eighteenth generation Indigenous person having access to funding? Why is that when cards are being issued by your department for the real, recognized First Nations people?

Mr. Anandasangaree: The funding that is available is for section 35 rights holders, those who are recognized as section 35 rights holders, and in some cases, where they're asserting section 35 rights. That is where the funding comes from or goes to.

Look, this is not a perfect science, senator. There are challenges within —

Senator Brazeau: It's shameful.

Mr. Anandasangaree: I would agree. What I would tell you is that we're in the process of decolonizing, and it is not going to happen overnight, but it is something that we're deeply committed to.

WHITECAP DAKOTA NATION / WAPAHA SKA DAKOTA OYATE

Hon. Scott Tannas: Minister, welcome. In June 2023, the House of Commons and the Senate accepted to speed up the process in approving Bill C-51, the self-government treaty recognizing the Whitecap Dakota Nation.

We bent over backward to make it happen because we were told this was time-sensitive legislation. Since then, the government has not begun negotiations with the Whitecap Dakota First Nation to redress the denial of their rights.

Minister, I'll ask you the same request I asked Senator Gold: Does the government understand that its obligation under the agreement to negotiate with the Whitecap Dakota Nation is an urgent matter, and can you explain this disconnect?

Hon. Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations: Thank you, Senator Tannas, and thank you to the house for the passage of Bill C-51.

Many of the Saskatchewan senators were in attendance when we did the formal signing back in 2023. I believe it was July 31 or around that time. Then, as you know, earlier this year, in the summer, we did a formal apology to the Dakota-Lakota acknowledging the hurt that was caused to them.

In the interim, we've had a number of conversations, senator, with the Whitecap, and as late as about a month ago, I had instructed the department to commence discussions on the nature and scope of what going forward looks like. We hope to co-develop a path that will enable us to have a very concise discussion on the issues around treaties, and I look forward to its completion.

Our resources have also been stretched this year with the number of treaties we've completed in British Columbia, but we do look forward to working with the Whitecap toward a treaty.

Senator Tannas: Thank you for that. It's specifically resources that I want to ask about. Parliament has adopted the Whitecap treaty and the Haida Nation Recognition Act as well as recent changes to the First Nations Fiscal Management Act, and we're not sure that any of those have received any kind of funding authorizations to go with the negotiation since Royal Assent.

When will these approved legislations receive the needed financial attention and negotiation?

Mr. Anandasangaree: Thank you, senator. With the Haida, in short order, I believe you will get good news on where we are at. With Whitecap, we will continue to do the work. There are other treaties in the process of being concluded as we speak.

What I can say categorically is that the resources are available. They are scarce, but they are available, and we have closed more treaties this year than I would say any other year in the last three decades. I think that's very significant, and we will continue that work next year.

Hon. Marty Klyne: Welcome, Minister Anandasangaree. Last year, this chamber expedited passage of Bill C-51 to give effect to the long overdue self-government treaty between Canada and the Whitecap Dakota Nation. The ancestors of this proud Dakota community located near Saskatoon were crucial allies of the British during the War of 1812, sometimes called The Fight for Canada. Yet Whitecap Dakota was treated as a second-class First Nation, deprived of equitable lands and benefits while subjected to the same attempted assimilation.

Minister, in fulfilling the promise of Bill C-51, actions speak louder than words. Do you agree that the honour of the Crown is engaged in delivering equitable lands and benefits to breathe life into the treaty in a timely way?

• (1720)

Hon. Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations: Thank you, senator. I think I answered a very similar question that was just posed by Senator Tannas. However, let me reaffirm our commitment to the Whitecap Dakota and that we will continue to work with them.

I have had many conversations with Chief Bear and have visited him a number of times. The assurance that my deputy minister, Val Gideon, and I have is to work toward giving life to the act that was passed here last year.

Senator Klyne: Minister, in July of last year, Senators Cotter and Arnot and I were honoured to attend your apology to Dakota and Lakota First Nations in Canada for past harms relating to the long-standing denial of their rights. We're well aware of the discussions, correspondence and negotiations, or lack thereof. Further to correspondence on this matter, can you please confirm that you will direct your representatives to deliver a treaty parity model as the starting point and principle for reconciliation?

Mr. Anandasangaree: Thank you, senator. It would be inappropriate for me to negotiate in this house. This is something that we need to negotiate and discuss with the Whitecap, and this is certainly something that I'm alive to.

I do wish to assure you that we will get to an equitable solution that will live up to the aspirations of the Whitecap Dakota.

Hon. Brent Cotter: Thank you, Minister Anandasangaree, for being with us. I don't want you to think that this is ganging up on you regarding the issues of the Dakota and the Lakota, but in your response to Senator Tannas, you didn't use the word "negotiations." You used the word "discussions" that you authorized. Words have meaning. That concerns me a little bit.

I think you might anticipate where this question is going because you and I have discussed it informally.

Land and inadequate provisions for the Dakota and Lakota in that regard is an obvious place to start, as you yourself noted, with respect to, in Saskatchewan, the Treaty Land Entitlement Framework Agreement as a model, time-tested and used in the past to resolve Treaty Land Entitlement shortfall for 33 First Nations. I think, as you would agree, one of the points here is that First Nations were shorted.

Will you commit to negotiating treaty land and title agreements with those long-overlooked First Nations?

Mr. Anandasangaree: Thank you, senator. Let me be as clear as I can be in terms of the language.

I have a mandate to negotiate elements of what must be negotiated. I don't have the full mandate. The initial discussions through which we will co-develop the negotiating mandate will require me to get approval for further discussions. That is the path that I'm outlining here, and that's the discussion that we've offered and that took place initially. It hasn't gone far yet, and I can assure you that my commitment is to have that conversation through our negotiators and ensure that there is a co-developed path that will have the authorities for us to work on negotiations with the Whitecap.

Senator Cotter: I guess you would understand that the enthusiasm we had 18 months ago, which Senator Tannas spoke to, and the enthusiasm twice at Whitecap Dakota raised expectations for a lot of people. When will you have that mandate?

Mr. Anandasangaree: Senator, we have moved in an unprecedented time frame with the Whitecap Dakota, and, unfortunately, that may seem difficult for this house to recognize, but we have moved at an unprecedented rate. The apology we offered this summer — some of you were there for that — was also an important element of the work we're doing with the Dakota and Lakota overall. Our commitment is to ensure that we have a proper self-government agreement with the Whitecap, which I will undertake to continue.

Hon. David M. Arnot: Welcome, minister. Three days ago, an article in the *Toronto Star* stated, "He —" meaning you, minister "— is the embodiment of the crown." Some readers might brush that off as hyperbole. It is not. Particularly in relation to your sincere, heartfelt apology to the nine Dakota First Nations at Whitecap this summer, words matter.

However, what matters now is that the Crown move beyond words and create a parity with other treaty First Nations.

Three of my colleagues here today are advancing using a Treaty Land Entitlement framework process, a well-established and definitive tool that can fulfill the treaty covenant between the Crown, the Dakota First Nations and the Creator.

Minister, would you please describe what you gleaned about — or your understanding of — the Whitecap Dakota First Nation's views on the treaty?

Mr. Anandasangaree: Sir, let me just distinguish the Whitecap from other Lakota and Dakota First Nations that were the subject of the apology. When we were at the apology this past summer, I had a chance to meet with every one of the Dakota and Lakota First Nations that were the subject of the apology. There is definitely no consensus in terms of what the next steps are from all of them.

However, we have moved forward with the Whitecap, given that there is recognition of their government, and, as I indicated earlier, we are working toward discussions that will lead toward a treaty that could incorporate some of the things that you're talking about. However, I don't want to presuppose what those discussions will be. I have a generally good idea what the issues are, including, potentially, agriculture benefits and issues around other elements of the treaty in order to attain parity, but I don't think it's appropriate for me to presuppose that before those discussions take place.

Senator Arnot: Thank you, minister. Can you please assure the chamber that you, as an embodiment of the Crown, are willing to consider the Treaty Land Entitlement process as a model for parity? It's a ready-made model for implementation of the treaty in a modern context. If not, why not?

Mr. Anandasangaree: Senator, our department will undertake to co-develop a framework with the Whitecap Dakota, based on their wishes and aspirations, and that is the framework that we would follow.

TREATY LAND ENTITLEMENTS

Hon. Mary Jane McCallum: Welcome, minister. Minister, in 2023, following two court decisions, both decided in favour of 14 Manitoba First Nations, negotiators for Canada proposed a comprehensive $3.5-billion settlement of the nations' long-outstanding collective Treaty Land Entitlement claim. The First Nations accepted.

First Nations were advised that cabinet approval would be secured in early 2024. Minister, these First Nations are still waiting.

Will the minister today confirm that this government is committed to the proposed settlement and that it will immediately be put before cabinet for approval? I will ask for your brief response here today and a more fulsome response, including a status update from the government on the conclusion of this claim, in writing at your earliest convenience.

Hon. Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations: Thank you, senator, for that question. Let me confirm that we have had a number of discussions that are without prejudice, and I don't want to, at this point, confirm or deny any formal offer that was made because I believe it was all on a without-prejudice basis, senator.

I would be more than glad to offer a briefing to you in terms of where we are. Given discussions have not concluded, I don't think it's appropriate for me to comment further.

Senator McCallum: Minister, your Fifth Annual Statutory Report (2024) touts the updated self-government agreements Canada signed in 2023 with the Métis nations of Alberta, Saskatchewan and Ontario.

It also references the stalled and highly contentious Bill C-53 on giving effect to treaties with those governments.

Minister, why is Canada implementing such agreements with these Métis nations when the government has failed to do due diligence on verifying and fundamentally understanding the identity of these Métis, especially when identity standards are so strict for First Nations that my own grandson is precluded from gaining his status?

• (1730)

Mr. Anandasangaree: Thank you, Senator McCallum, for that question. Bill C-53, as many of you are aware, is legislation that was introduced in the House of Commons, and, due to a number of reasons, including the Métis Nation — Saskatchewan pulling out as well as a court ruling in Alberta, the bill, essentially, is frustrated. So, we are back to the drawing board on that.

If I may comment on the issue of identity with respect to your grandson and many others who are impacted, I want to reiterate that we need to get to a point where the federal government no longer defines citizenship. It should be up to the nation to be able to define.

GENDER-BASED DISCRIMINATION

Hon. Marilou McPhedran: Thank you to the Conservatives for this time to be able to ask a question.

Minister, less than a month ago, the UN-elected experts who monitor progress as states parties to the Convention on the Elimination of All Forms of Discrimination against Women, or CEDAW, responded to Canada's review, noting deep concern that despite amendments to the Indian Act, gender-based discrimination against Indigenous women and girls persists, in particular:

> (a) The provisions of the Indian Act setting forth that after two generations of "out-parenting", Indian status cannot be transmitted to a child (second generation cut-off), as well as those requiring that there be two Indian parents to transmit status to a child (two-parent rule);
>
> (b) The ongoing lack of action to reinstate membership . . . (natal and other) to women and their descendants who were automatically removed from their Indian Band membership . . . .

Minister, what are you going to do about this now? It's not good enough to talk about what you hope for the future. You have the authority. What are you going to do now?

Hon. Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations: Thank you, Senator McPhedran. First off, this is a matter that is in Minister Hajdu's portfolio. Notwithstanding that, let me attempt to answer this question.

Bill C-38 is before the House of Commons right now. As you're aware, that addresses some of the issues around the second-generation cut-off. We attempted to deal with this by way of Bill S-3, I believe, a number of years ago, and it didn't quite do the trick, and I recognized that shortly after its passage.

We're at a point where there are serious consultations taking place on what we need to do beyond Bill C-38. Those consultations are being undertaken by Minister Hajdu. I believe that should lead towards additional measures that the federal government will take towards citizenship.

But, ultimately, it is still within this colonial model, and that is the troubling part for me. I think at some point the work that I do is about ensuring that we have self-determination over issues such as citizenship, which is where I believe we need to get to.

Senator McPhedran: Will this government, appreciating that there is more than one portfolio that is relevant, commit to repealing all domestic legal provisions restricting access to comprehensive reparations for the violation of human rights of First Nations women and their descendants, including those stemming from the Indian Act, and develop a mechanism to address reparation claims in coordination with the First Nations women and their descendants?

Mr. Anandasangaree: I believe the consultations that are currently being undertaken by Minister Hajdu with respect to Bill C-38 should lead towards changes that will hopefully eliminate the discrimination. With respect to reparations, I believe there are a number of cases that are before the courts, so I won't comment on that, but I do think that with respect to changes that are required, that will be the subject for the work that Minister Hajdu does.

TREATY NEGOTIATIONS

Hon. Yvonne Boyer: Thank you, minister, for appearing here today.

Métis governments like the Métis Nation — Saskatchewan and the Manitoba Métis Federation have been actively engaged in treaty negotiations with the federal government. Could you provide an update on when the federal government intends to fulfill its promises to these Métis governments and finalize these treaties?

Hon. Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations: With respect to the recognition of Métis rights within the framework of recognition of their governments, there has been a separate path taken by Métis Nations of Ontario, Alberta, Saskatchewan and Manitoba. As is, we are in active negotiations with both Manitoba and Saskatchewan. They are on a different track; they are not at the same table. We are hoping to conclude one of them within days, the other one within weeks.

Senator Boyer: Thank you. What have the main challenges been when reaching an agreement? I'm glad to hear that the treaties will be finalized very soon, but what main challenges have there been?

Mr. Anandasangaree: I think the Bill C-53 process was one of the difficulties we had where that was a path that Métis Nations chose. I think that was one of the issues that may have delayed the work.

Treaty making is not that easy. It is a lot of work. It is a lot of consultation and a lot of engagement. Ultimately, we need to do it right, and it is not just about a tick mark. It is about ensuring that we do it right.

CANADA'S COAT OF ARMS

Hon. Mary Coyle: Welcome, minister. Canada's coat of arms, adopted by a royal proclamation in 1921, is a prominent symbol of our national identity, appearing on passports, government buildings and federal communications. The coat of arms reflects our colonial history, featuring symbols representing England, Scotland, Ireland and France, naturally. Former MPs Pat Martin and Robert-Falcon Ouellette and, more recently, Nunavut MP Lori Idlout have called for the addition of Indigenous symbols to the coat of arms to reflect our diverse identity and serve as a meaningful act of reconciliation, recognizing First Nations, Métis and Inuit as integral to our country's origins, history, present and future. Such an update would be inclusive and respectful.

Minister, would you commit to bringing up this matter of incorporating Indigenous elements into Canada's coat of arms with your cabinet colleagues and initiate a process to make that happen?

Hon. Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations: Thank you, Senator Coyle. I will take this opportunity to thank the students of Thomas L. Wells Public School in my constituency, who brought this to my attention, I would say, five or six years ago. They, in fact, have a variety of models of the coat of arms that they presented to me, which I ended up presenting to Her Excellency the Governor General last year. It really speaks to the need to modernize and to re-evaluate some of the institutions that are not representative, and I think the coat of arms is such.

I will undertake to look at it, senator. I am not sure what kind of process is required. I will certainly undertake to look at it and maybe report back to you.

SENATE APPOINTMENTS

Hon. Mary Coyle: Thank you. My next question is actually about the appointment of a senator from Nunavut. It has been almost a year since our colleague Senator Dennis Patterson retired. The territory, as you know, is 84.3% Inuit, and it needs appropriate representation. We know there are many qualified candidates. Minister, when will the government appoint a senator from Nunavut?

Hon. Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations: Thank you, senator. It is one of those matters that are above my pay grade, so I will pass it to the Prime Minister's Office.

INDIGENOUS HEALTH

Hon. Flordeliz (Gigi) Osler: Thank you, minister. Your mandate letter specifies that you continue to lead and coordinate the work required of all ministers to accelerate the implementation of the Truth and Reconciliation Commission's Calls to Action. Call to Action 18 calls upon the federal, provincial, territorial and Aboriginal governments:

> . . . to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies . . . and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.

Since then, the federal government has committed to support Indigenous self-determination over health, including distinctions-based Indigenous health legislation. Despite information being shared with First Nations in Manitoba earlier this year, nothing further has come forward, and the bill is supposed to be tabled this winter.

Minister, where is the long-promised Indigenous health legislation?

Hon. Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations: Thank you, senator. It's a very important question. I want to just confirm that this is part of Minister Hajdu's mandate, and I will express your sentiments and your concerns to her.

• (1740)

Senator Osler: The Assembly of Manitoba Chiefs is recommending transformation of funding relations between Canada and First Nations in Manitoba stating that Canada must dismantle colonial approaches and work with First Nations on a nation-to-nation basis.

For Indigenous self-determination in health, the federal government has acknowledged that current funding models and arrangements are viewed as colonial, paternalistic and burdensome.

Minister, when will the federal government meaningfully reimagine funding relations given that fiscal self-determination is considered a necessary start to a renewed relationship between Canada and First Nations?

Mr. Anandasangaree: Thank you, senator. I won't be able to address the health aspect of it, but let me speak broadly in terms of funding and how we have evolved in terms of how funding is allocated.

First, it is a more predictable, longer-term model than one-off funding. That is something we have done from the outset, including funding for national Indigenous organizations, for example, which are crucial, including supports for regional components of those organizations. That is work we have done to decolonize.

There is still a long way to go, but there is a difference in the way we think and act with respect to funding.

INDIGENOUS CONSULTATION

Hon. Judy A. White: Welcome, minister. It is good to see you again.

Minister, we have heard from witnesses over and over again at numerous Senate committees, in the context of different bills and studies, that Indigenous communities are not being consulted in a meaningful way. In some cases, they are not being consulted at all. There are serious concerns about the consultation process and how it is undertaken by government departments.

In your view, what should meaningful consultation specifically entail? More importantly, how can the Government of Canada ensure meaningful consultation with Indigenous communities?

Hon. Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations: Thank you, Senator White. It's really good to see you again. I even got your name right this time. First, let me thank you for the question.

We are using a number of terms interchangeably, sometimes without context. The notion of consultation has a specific meaning, especially in a UNDRIP-implementation era. I don't think the consistency is there. There are inconsistencies in the way we define what "consultation" means.

I will concede that there are disparities in the manner in which consultations are taking place. We are trying to have more of a uniform sense of what that looks like.

Generally speaking, if it involves Indigenous people in general, it should be distinctions-based and regional. There should be components when it involves a particular area of the country so that people from the area are consulted. This is the case for any of the resource projects that take place and so on.

The second aspect is co-development. You would have heard this term on a number of occasions. What does co-development mean? Co-development for Bill C-51 would be different from co-development for something like a waterline station — as in Bill C-61, which is a co-development with many First Nations across Canada.

Again, it's impossible to have everyone as part of the co-development process.

Senator White: Can you speak to why this is such a challenge? Has your department been able to identify what the main barriers are to effective implementation?

Mr. Anandasangaree: What I can confirm is that we are getting better at it. We are getting better at what co-development looks like.

For example, when we passed the Indigenous languages legislation or Bill C-92 regarding child welfare, that was the first iteration of what co-development looks like. That was vastly different from what you are seeing now in some of the legislation that is coming through that is more co-developed because we are getting better at this and learning from previous iterations.

We are getting to a better place. My assurance is that it is something we are alive to, and we're always conscious about who is being consulted.

SECURITY AND STORAGE OF CLASSIFIED DOCUMENTS

Hon. Salma Ataullahjan: Good evening, minister.

Minister, an answer was recently tabled in the Senate to a written question which looked into the mishandling of sensitive documents across your government.

The response from your department:

> From January 1, 2020 to date, 279 physical documents were reported as not handled or stored in the office environment in a manner that meets the requirements of the document's security level. Of these, 102 were Classified and 177 were Protected.

Minister, this was one of the worst records across the entire government. How are you ensuring documents in your department are handled properly?

Hon. Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations: Thank you for the question, senator.

We are reviewing the processes in order to ensure that documents are handled in a manner that respects the secrecy and security levels of those documents.

Senator Ataullahjan: Minister, the written answer from your department tabled in the Senate last month also shows that no security clearances were revoked as a result of the mishandling of sensitive documents. Can you tell us why?

Mr. Anandasangaree: Senator, I will get back to you on this.

INDIGENOUS CONSULTATION

Hon. Margo Greenwood: Thank you, minister, for appearing before the Senate today.

When a government bill arrives in the Senate for us to debate and review that impacts First Nations, Inuit and Métis peoples, there are often questions regarding whether the government has fulfilled its duty to consult — similar to a previous speaker.

The Senate has a sacred responsibility to speak for the various groups that are under-represented, including Indigenous peoples, as articulated by the Supreme Court of Canada in its reference on Senate reform.

Minister, how do we as parliamentarians know that when reviewing government bills the government has upheld its duty to consult?

Hon. Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations: Thank you, senator, and thank you for being the sponsor of Bill S-16. It is highly appreciated by the Haida Nation as well as everyone else.

With every bill that comes before you, the notion of consultation is a question that is annexed to most things that go through cabinet and whether Indigenous people are consulted or not.

It is impossible to consult every party to every bill that will impact Indigenous people. It is virtually impossible. We have 634 bands, 29 modern treaties and 4 regional Inuit governments, a number of Métis organizations and representatives — I can keep adding on — and specific women's organizations and so on.

Ultimately, it comes down to how deep have they gone, whether decisions have been distinctions based or if there is a regional component to it. For example, if a bill is about the Atlantic, have the major Atlantic organizations and representatives who are rights holders been consulted? Again, it is difficult. There is no formula for this.

What I do want to say is that when it is specifically about Indigenous people, whether it's Indigenous languages —

The Hon. the Speaker: Thank you, minister.

Senator Greenwood: On a similar train of thought, during the Forty-second Parliament, Parliament adopted legislation to amend the Department of Justice Act creating a new duty for the Minister of Justice to ensure a Charter Statement is tabled in Parliament for every government bill. This transparency measure is intended to inform Parliament of specific Charter implications.

Minister, would the government support introducing a section 35 statement for each bill similar in purpose to the Charter Statement that would assure senators that the government has fulfilled its duty to consult?

Mr. Anandasangaree: I have thought about this, and I think this is something the Minister of Justice needs to weigh in on. I will have a conversation with you, as well as the Minister of Justice, to see how we can move on it.

I suspect this will be part of an UNDRIP-implementation measure that we will need to work on together.

[*Translation*]

CHILD WELFARE AGREEMENT

Hon. Jean-Guy Dagenais: Minister, I have to say that I was surprised when the First Nations rejected the negotiated agreement that would allocate $47.8 billion to a long-term reform of First Nations Child and Family Services. That is $40,000 per child. There seems to be some disagreement between the chiefs, some of whom believe it's unlikely that they will get a more generous agreement, particularly if there's a change of government.

• (1750)

Can you tell us what the next steps will be on this file?

Hon. Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations: Thank you for the question, Senator Dagenais.

[*English*]

This is, again, something that is led by Minister Hajdu, but I can assure you that a lot of work has gone in by all parties to come to a conclusion. Ultimately, this is about the children to make sure the children are kept in their communities. The government will continue to do the work in order to see if we can have a resolution on this matter.

[*Translation*]

Senator Dagenais: Do you really know what First Nations are asking for? How much are they asking for and how much is your government prepared to add to the proposed amount of $47 billion?

[*English*]

Mr. Anandasangaree: Senator, I want to take away the financial aspect of this conversation and move to what I think we need to do as a country. The failures of the child welfare system on Indigenous children cannot be underscored enough. This is the residential school issue of our era. Last year, at the Special Chiefs Assembly, the national chief said it was the highest rate of Indigenous children apprehended in Canadian history, and I think that should sink in. It's an urgency. It's one that we need to address. We are all trying to get there, and I sincerely hope we will get to the right place.

[*Translation*]

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

[*English*]

I'm certain that you will want to join me in thanking Minister Anandasangaree for joining us today.

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

NATIONAL STRATEGY FOR THE PREVENTION OF INTIMATE PARTNER VIOLENCE BILL

THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Manning, seconded by the Honourable Senator Seidman, for the third reading of Bill S-249, An Act respecting national action for the prevention of intimate partner violence, as amended.

Hon. Fabian Manning: A few moments ago, I touched on the fact that we can never forget that 1,181 Indigenous women went missing or were murdered between 1980 and 2012. Half of Aboriginal victims of spousal violence reported experiencing among the more severe forms of spousal violence, such as having been sexually assaulted, beaten, choked or threatened with a gun or knife. That is compared with just one quarter, or 23%, of non-Aboriginal victims of spousal violence.

I believe I would be remiss if I did not take this opportunity today to talk about and promote the Moose Hide Campaign. For those of you who may not be aware of this campaign, its inspiration came to the co-founders, Paul Lacerte and his daughter Raven, in 2011 during a moose hunting trip on their traditional territory along the Highway of Tears in British Columbia where so many women have gone missing or have been murdered.

The Moose Hide Campaign is a grassroots movement of Indigenous and non-Indigenous men and boys who are standing up against violence toward women and children. Wearing the moose hide pin, such as I am doing today, signifies your commitment to honour, respect and protect the women and children in your life and to speak out against gender-based domestic and intimate partner violence.

Since the start of the campaign, an excess of 5 million moosehide pins have been distributed throughout Canada, which has generated many conversations about ending the violence against our women and children. I encourage all of you to support the campaign and to take a strong stand against the violence.

Another disturbing statistic is that 60% of women with a disability experienced some form of violence. Given that only approximately 10% of assaults are reported, the actual number is much higher. Almost two thirds, or 63%, of spousal violence victims said they have been victimized more than once before they contacted the police. Nearly 3 in 10, or 28%, stated they had been victimized more than 10 times before contacting the police.

The total cost of intimate partner violence in Canada is estimated at $7.4 billion per year, accounting for $220 per capita. The most direct economic impact is borne by primary victims. Of the total estimated cost, $6 billion is incurred by victims as a direct result of spousal violence for items such as medical attention, hospitalization, lost wages, missed school days and stolen and damaged property. The justice system bore 7.3%, or $545 million, of the total economic impact.

While family violence is a concern for all Canadians, women report intimate partner violence to police nearly four times more than men and are almost three times more likely than men to be killed by a current or former spouse. Almost half, or 48%, of women reported fearing for their life as a result of post-separation violence.

Numerous intimate partner violence death reviews, inquiries and coroners' reports have cited the lack of coordination among officials operating in the family law, child protection and criminal justice systems as a contributing factor in tragic family homicides.

As I mentioned earlier, whether you were speaking on my bill or to the inquiry into intimate partner violence spearheaded by Senator Boniface, I have listened intently and learned so much. I am very grateful to all of you for your continued support.

One of the speeches that really resonated with me was the one given by my friend Senator Brent Cotter on May 21 of this year. It was the day of my sixtieth birthday, so I consider his speech that day as an unexpected gift. I have taken the liberty to repeat some of Senator Cotter's comments today because I truly believe they are worth repeating and repeating again. I am confident that Senator Cotter will not mind me doing so.

The vast majority of victims of intimate partner violence are women and the vast majority of perpetrators are men. Victim services are often too lacking, distant and inaccessible, and privacy is a concern in small rural communities. Despite the important work of advocates throughout this country, there is a noted lack of safe shelters, transportation and timely service provision.

Senator Cotter spoke of his own personal experience as a young lawyer in Saskatoon when he represented a woman seeking an uncontested divorce. The ground for the divorce was physical cruelty. When the woman told her then-husband that she was planning to move out, he punched her in the face and knocked her off her feet. In summing up the case, the judge asked Senator Cotter what the evidence was of the physical cruelty to justify the divorce. When Senator Cotter referenced the punch that knocked her to the ground, the judge replied, "That's not cruelty. She deserved that."

It was very disturbing to hear that story.

Up until 1983, the Criminal Code of Canada defined rape in the following way: A male person commits rape when he has sexual intercourse with a female person who is not his wife without consent.

That was the law in Canada from 1892 to 1983 — it's not that long ago, colleagues. It was not just a culture but a legal sanction, almost an invitation, for sexual assault of one's spouse.

I totally agree with Senator Cotter that it is not surprising that the culture that tolerates intimate partner violence today lives on and that a crucial route to change that culture is through education. We need education modules addressing intimate partner violence matters from kindergarten to high school.

Last evening, I was delighted to hear from 16-year-old Sarah Walters of Trenton, Ontario, who told me that one of her courses at school teaches her and her classmates about healthy relationships. I was very pleased to hear that.

With this in mind, we must all work together to educate ourselves and others. We must become more proactive. In the words of the RESOLVE Network:

> For far too long, the burden of protecting and supporting women and their children has fallen squarely on the shoulders of shelter workers and women's advocates, and indeed women themselves. . . .

• (1800)

The Mass Casualty Commission in Nova Scotia got this message loud and clear. Here is what it says:

> We recognize the critical need for more men and boys to become actively engaged in efforts to prevent and intervene in gender-based violence. Furthermore, it adds insult to injury to see that women, particularly survivors of gender-based violence, have also been forced to tirelessly lead this change. It is time for more men to be part of the solution. . . . "The bulk of the responsibility for this work over decades, maybe hundreds of years, has been on the shoulders of women. We need men to step up . . . ."

I have heard from many of you here and across the country who are pleased that I, as a man, am spearheading this piece of legislation. I am truly honoured to do so, and as you contemplate supporting this bill, I ask you to keep in mind the following facts — and believe me, I could go on for another hour with statistics and facts, but I will just touch on a few here this evening: Every six days, a woman is killed in Canada by her intimate partner; the most dangerous time for a woman to be a victim of intimate partner violence is when she is trying to leave the relationship; the support system, the justice system and current legislation are inadequate to address the epidemic of intimate partner violence that we face in Canada today; and throughout the world, according to the World Health Organization, a woman is killed by her intimate partner every 10 minutes, so by this time tomorrow, the world will have lost another 144 women to intimate partner violence.

Today is our call to action; it's time to act now.

Intimate partner violence can occur in both public and private spaces as well as online and in many other ways, but they all deal with the issue of one person gaining control over another individual. Intimate partner violence is all about control.

With that in mind, and on behalf victims and their families, I respectfully ask for your support of Bill S-249.

During our deliberations at committee, we accepted some amendments. I would just like to touch upon a few of those before I finish.

One of the amendments we accepted was a change that focused on the actions to prevent intimate partner violence and not necessarily the development of a formal duplicate of a national strategy for the prevention of intimate partner violence.

We also moved an amendment with a focus on actions to prevent intimate partner violence. This change underscored the need for ongoing engagement with federal, provincial and territorial partners while aligning this work with existing engagement mechanisms that are already in place to provide advice and guidance on the ongoing implementation of the National Action Plan to End Gender-Based Violence. It is critical that the full range of partners is reflected, not just the ones that were listed in the bill beforehand.

So the former wording was somewhat narrow and didn't recognize other key partnerships that can help prevent intimate partner violence. The amendment will expand the scope of the partnerships beyond those that are currently listed, including ways to hear from health professionals who support intimate partner violence victims in health care settings. This amendment will also recognize their engagements are continuing as part of the ongoing implementation of the national action plan.

One of the amendments we put forward is that two years from the day this bill becomes law, a report must be presented in both the House of Commons and here in the Senate on the progress of dealing with intimate partner violence in this country, and every two years after that, a report will have to be tabled in both houses. At least we will have accountability regarding where the government will be at the time of the bill.

When I presented the first version of the bill in April 2018, I chose to begin my speech with a quote that I want to end my speech with tonight. First, I want to thank you all for listening and supporting Bill S-249. I want to once again thank Georgina McGrath, who is in our gallery here tonight. In closing, I will conclude my remarks with the words of Kofi Annan, the former UN Secretary-General:

> . . . Violence against women is perhaps the most shameful human rights violation. And, it is perhaps the most pervasive. It knows no boundaries of geography, culture or wealth. As long as it continues, we cannot claim to be making real progress towards equality, development and peace.

Senators, it is time to act now.

Hon. Salma Ataullahjan: Senator Manning, will you take a question?

Senator Manning: Yes, I will.

Senator Ataullahjan: Senator Manning, I know you went and met with people in the Greater Toronto Area, so you are aware that, in certain communities, there still exists a stigma around intimate partner violence in that they're not willing to speak

about it. They tend to hesitate. I know that, in my extended family, I've had people who wouldn't speak about it and wouldn't seek help.

Do you feel that we should pass this bill without delay in the hope that it will encourage those who hesitate to report this form of violence to come out and seek help?

Also, I want to acknowledge Georgina's strength for speaking out.

Senator Manning: Thank you, Senator Ataullahjan, and thank you for your support of the bill from day one.

It is not only in the communities that you talked about; throughout the country, there is a stigma. People are afraid to come forward for whatever reasons — embarrassment, fear, the control factor, whatever the case may be.

As I said in my comments, I don't believe that my bill is going to solve all the problems of intimate partner violence, but I do believe that the more we discuss it, debate it and bring forward other pieces of legislation here, we will take the cloak off of intimate partner violence and create a space where people will feel comfortable talking about it and coming forward.

It will help educate people, Senator Ataullahjan, that there is help out there. There are shelters out there, although a lot are full to capacity. There is 911 if there are immediate concerns. There are support mechanisms out there.

We certainly need to improve and build upon them, but I think through the process of this bill and other pieces of legislation, of the many things that were stigmatic 20, 30, 40 and 50 years ago that we didn't talk about, we are now more comfortably talking about them. I feel my bill is part of that process, and I certainly hope at the end of the day people will feel more comfortable talking about it and seeking the help that so many need.

Hon. Iris G. Petten: Honourable senators, I'm pleased to rise today as the Government Liaison in the Senate to speak to Bill S-249, An Act respecting the development of a national strategy for the prevention of intimate partner violence.

I want to begin by thanking Senator Manning for introducing such an important piece of legislation. This is not just a policy issue; it is a moral imperative and a call to action to protect the rights, dignity and safety of Canadians across the country who have been impacted by intimate partner violence.

In Canada, an alarming 44% of women who have ever been in an intimate relationship — roughly 6.2 million women — have experienced some form of psychological, physical or sexual violence at the hands of a partner. The number is even greater for Indigenous women, LGBTQ2+ women and women living with disabilities. Those are staggering statistics.

According to the World Health Organization, on behalf of the United Nations Inter-Agency Working Group on Violence Against Women Estimation and Data, violence by a husband or a male intimate partner is the most widespread form of violence against women. Globally, 852 million women aged 15 and older are estimated to have experienced physical and/or sexual intimate partner violence, non-partner sexual violence or both.

• (1810)

The working group affirmed that addressing violence against women requires concerted action, funding and investment.

Earlier this year, I participated in a day-long round table in St. John's, Newfoundland and Labrador, on intimate partner violence, where I was able to listen and learn. It was a highly valuable experience and helped inform my subsequent attendance at our Social Affairs, Science and Technology Committee, where Bill S-249 was discussed.

I'd like to take a moment or two to talk about the Social Affairs Committee meeting, because it's where we heard from Georgina McGrath, a woman whose story — and bravery in telling it — instigated the creation of this bill. Georgina appeared to speak about her experience as a survivor of intimate partner violence.

Please note that some of these details may be distressing to some listeners. I want to use Georgina's words as much as possible, because, as she herself stated, she is speaking for thousands of women who stand behind her and cannot speak for themselves.

She said:

> When I speak, it is from my experiences.
>
> I am 54 years old, and I grew up in Labrador City, Newfoundland and Labrador. I am the mother of two beautiful children . . . I am a grandmother to our precious grandson . . . I am a daughter, a sister, a mother-in-law, an aunt and a friend. Today, I am the proud wife of one of the most gentle, kindest, understanding men one could ever have the pleasure of knowing. . . . We live in . . . St. Mary's Bay, Newfoundland and Labrador, in a house in front of the Atlantic Ocean with a little hobby farm. Today, I am safe.

She continued, saying:

> In 2012, I wasn't looking for a relationship, just someone to have a mature friendship. That's when I met the biggest manipulator of my life. He was from Ireland and had come to live in Labrador City. . . . I actually gave him a job. We were friends initially. He treated me quite well. Although he was younger, I thought he was intriguing and a lot of fun to be around. He had befriended my children, especially my son. We all spent a lot of time together, and we became more than friends. That was against all my business morals, as I didn't believe in dating an employee. Although I couldn't see any red flags at the time, they were there. I allowed myself to become blind once again. I let go all my insecurities and was willing to spend the rest of my life with this person. The red flag I missed initially was money — not financial abuse on his part but him using me for every cent I had, and I allowed this.

> About a year later, in September 2013, we went to Las Vegas. The very first night, I received my first punch, but this time I fought back. This was the start of the same cycle continuing within myself and allowing someone else to take control. . . .

Georgina's full testimony is, of course, available on the Senate's website, and I encourage all my colleagues to watch it.

I asked her about support or resources she received or wished she would have received, and she replied:

> I want you all to know that I didn't get here today just by the click of a finger. I went through a lot of counselling. . . .
>
> Resources that I wish that I had received — I felt I was so let down by our local police detachment. I was always under the understanding that zero tolerance policy was right across our country. It certainly wasn't there for me in Labrador City during that time. . . .

The committee, as we heard from Senator Manning last Tuesday, amended the short title of Bill S-249 from "National Strategy for the Prevention of Intimate Partner Violence Act" to "Georgina's Law." I applaud this change, as I do Georgina's courage to appear in front of the Social Affairs Committee to share her experiences.

As Senator Manning stated, passing this bill would be a step in the right direction. The federal government put in place the National Action Plan to End Gender-Based Violence. This 10-year plan is backed by a $525-million investment to support provinces and territories in addressing this critical issue. Agreements are in place with each province and territory to help them tackle their specific challenges and priorities, based on the five key areas of the national action plan. This bill would enshrine that action plan into law.

Our colleague Senator Dasko gave a statement last year on the signal for help created by the Canadian Women's Foundation, which I believe bears repeating, as it is one way we can all support women in distress. It is palm up, thumb in, fingers over.

The Canadian Women's Foundation also has a free Signal for Help Responder Mini Course, through which you can learn the basics of supporting someone who is experiencing abuse. A national framework would support efforts such as these undertaken by organizations and individuals by ensuring that a roadmap for change and a collective vision for addressing intimate partner violence is understood and shared by all.

Earlier, I shared some distressing statistics with you that reflect a harsh reality. It's important to remember that crimes like intimate partner violence often go unreported, so these figures only offer a glimpse of what is truly happening. They likely represent a fraction of the broader and often hidden experience.

Why is there a need for a national framework on intimate partner violence? The answer is simple: because fragmented solutions are not enough. Through the government's National Action Plan to End Gender-Based Violence, there is accountability for all provinces and territories to report annual progress on addressing gender-based violence. This plan allows for a cohesive response to gender-based violence, guided by five key principles: first, support for survivors and their families; second, prevention; third, promotion of responsive legal and justice systems; fourth, support for Indigenous-led approaches and informed responses; and fifth, social infrastructure and enabling environment.

Bill S-249 signals to all survivors that no matter the government of the day, there will be a plan in place to address intimate partner violence, and a progress report must be tabled in the House of Commons every two years to show what the government is doing to address this issue. The government will now always be held accountable on making this a priority.

Moreover, a national strategy would allow us to begin to address the root causes of domestic violence. We cannot simply treat the symptoms; we must tackle the underlying issues. Colleagues, intimate partner violence has long been dismissed as a private matter between couples, something that happens behind closed doors and often goes unnoticed, but addressing the perpetuation of this violent crime is a responsibility that each one of us bears.

With recent troubling trends on social media targeting and threatening violence against women, we need to take a stand and say that no matter who it is or where it happens, we, as a country, will not accept such behaviour.

I want to quote Georgina one last time to conclude my remarks. She said:

> Senators . . . I beg you to pass this bill expeditiously. There is a lot of work to be done. This is now on your shoulders. I want you to remember that you are the only people in our country who can give those thousands of voiceless women who stand behind me a chance at life and a chance at survival.

• (1820)

Please join me in voting in favour of Bill S-249 at third reading. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Wanda Thomas Bernard: Honourable senators, I rise today to also speak in support of Bill S-249, An Act respecting the development of a national strategy for the prevention of intimate partner violence, also known as Georgina's Law.

Georgina, I want to thank you and your family for being here. I remember very intently your speech, and our colleague has just highlighted some of the key messages.

Senator Manning, thank you for championing such an important issue.

Colleagues, tomorrow I am participating in a panel discussion as part of the 16 Days of Activism Against Gender-based Violence. This year's theme, as you have heard, is "Come Together, Act Now." As I was preparing for this panel, I was reflecting more and more on Senator Manning's bill on intimate

partner violence. The panel I am speaking on is called "Beyond the Silence: Black Women's Leadership in Addressing Gender-based Violence."

I found much of the testimony at our Social Affairs Committee's study of the bill very difficult to listen to. In fact, it was triggering. Being triggered resulted in my reluctance to speak on this bill, but after some exploration and deeper reflection about this, I realized that I have both personal and professional reasons for being triggered. Hence, I decided to speak to Bill S-249 to add my voice to the debates to amplify the voice of Black Canadian women. I have decided to emphasize both perspectives, adding to our collective study of this bill.

First, the personal connection: I know the impact of witnessing violence as a child. I grew up in a home where my mother was a survivor of intimate partner violence. My father was killed in a very tragic car accident when I was 12, and for years I had a hard time remembering anything positive about my father because the memories of the violence left such deep scars. I am feeling them even now.

The impact of such scars can be such a heavy weight, a weight you carry with you for the rest of your life. This heavy weight can fuel long-lasting hurt, trauma, anger, bitterness, maybe even rage. I have felt all of those. But it can also fuel a passion to make the world a safer place for women. I have personally found a way to use my family's experience to fuel my passion and my deep commitment to breaking the silence around violence in our families and our communities.

So imagine, colleagues, over 60 years later, the topic is still triggering for me. Ultimately, though, this is what pushed me to stand up for those who are not able to express their experiences related to intimate partner violence, so I am here to advocate for those women and families. As Senator Manning reminded us a few minutes ago, children are also silent victims of intimate partner violence.

This leads me to my professional journey, the professional work I have done in this area. As a social worker in mental health, as a travelling counsellor who travelled the County of Halifax, as a professor of social work and as a private practice practitioner, I have worked with hundreds and hundreds of women survivors of intimate partner violence, women who came forward about the violence they experienced and women who were not able to come forward with their reality. And I have also worked with a few men who have been victims of intimate partner violence.

One of the things I love about this bill is the fact that it has a focus on prevention through education. Back in the 1980s, as a very young social worker, I met with the then Minister of Education, the Honourable Tom McInnis, now a retired senator, with a proposal to bring an educational program around healthy relationships to the public school system in Nova Scotia. This was the early 1980s. Unfortunately, the proposal was not accepted, but I think that now there is more of an appetite to do this. There is more awareness of the need for education to start early, as Senator Manning has reminded us repeatedly. I believe that a focus on education around healthy relationships and the impacts of misogyny and sexism are essential to prevention.

While our language and terminology have changed over these past four decades that I have been involved in this work, the impact has not. My interest, in particular, is in breaking the silence around violence in African Nova Scotian communities. That is where I have spent a lot of my time. During my time as a leader in the Nova Scotia Association of Black Social Workers over the past 45 years, we have organized conferences, workshops, seminars and educational programs, engaging young girls and women and seniors and even men and boys to bring awareness to communities to end gender-based violence and intimate partner violence. We have also engaged in youth education programs to focus more on prevention.

Yet, dear colleagues, the violence continues. At times, the impact of the work on the ground can feel minuscule when looking at the high rates of intimate partner violence across Canada in general and in Black communities in particular.

A Statistics Canada report in 2021 highlighted that 42% of Black women disclosed having experienced intimate partner violence or domestic violence. Yet, we know from research that colleagues at Dalhousie University have done that many of these women suffer in silence. I was involved in a research project called "The Culturally Responsive Healthcare to Address Gender-Based Violence Within African Nova Scotian Communities." This project, led by Dr. Nancy Ross, explored Black women's experiences with gender-based violence during COVID. We learned that the majority of the women interviewed were more concerned about the violence of racism they experienced than about the intimate partner violence they were experiencing. They feared coming forward about intimate partner violence because of the lack of culturally responsive care in health, social services and policing.

There is such a stigma associated with violence in Black families and communities, and we have worked to find ways to break through the stigma and to break through the silence. And, as I shared earlier, when you have experienced or witnessed intimate partner violence, it can be retraumatizing to talk about it. It should not fall on the shoulders of survivors to describe their experiences in order for change to happen.

I support this bill, and I hope that it is supported by our colleagues in the other place because this ongoing national epidemic needs a systemic approach. As the minister engages with a full range of partners in leading national action, I would encourage the specific attention to an intersectional lens looking at intimate partner violence, particularly the inclusion of Black women and communities, in order to recognize the historic silence of intimate partner violence in these particular communities that face more stigma and truly fear coming forward.

Colleagues, to conclude, I encourage you to support Bill S-249 so we can see a more significant change in the pervasive issue of intimate partner violence in Canada. It is time to "Come Together, Act Now." *Asante*.

• (1830)

[*Translation*]

Hon. René Cormier: Honourable senators, one day after the International Day for the Elimination of Violence Against Women, I'm rising at third reading of Bill S-249, An Act respecting national action for the prevention of intimate partner violence. I want to thank Senator Manning for introducing this very important bill and I want to acknowledge that I'm speaking from the unceded territory of the Algonquin Anishinaabe people.

Intimate partner violence has reached absolutely unacceptable proportions in Canada. That is a fact. Whether psychological, verbal, economic, physical or sexual, domestic violence is far too prevalent in our society and it demands urgent, meaningful action.

Colleagues, did you know that, around the world, one woman is killed every 10 minutes as a result of domestic violence? According to Statistics Canada, between 2014 and 2019, 3.5% of Canadians with a spouse or common-law partner reported that they had been the victims of domestic violence, which is a form of violence that more often affects women. In 2019, 4.2% of women in Canada reported experiencing this type of violence compared to 2.7% of men. Between 2014 and 2019, 80% of the 500 Canadians who were killed by their intimate partner were women.

[*English*]

From adolescence, women are more likely to experience severe forms of intimate partner violence including sexual assaults, threats and acts directed against their loved ones. They are also far more likely to lose their lives in femicides related to domestic violence. As Senator Manning mentioned in his speech on the committee's report, since he first introduced this bill in the Senate in April 2018, over 1,000 women have been killed by their intimate partner in Canada.

[*Translation*]

To tackle this extremely disturbing reality, the new version of Bill S-249 following a study in committee provides that, and I quote, "The Minister must continue to lead national action to prevent and address intimate partner violence." In leading such national action, and I quote:

> . . . the Minister must engage annually with other federal ministers and with provincial ministers responsible for the status of women and regularly with Indigenous partners, victims and survivors, and stakeholders.

The bill specifies that discussions between the minister and stakeholders must focus on the following:

> . . . the adequacy of current programs and strategies aimed at preventing intimate partner violence and at protecting and assisting victims of intimate partner violence;

[*English*]

However, colleagues, without minimizing the horror of the violence perpetrated against women — remembering that my own mother was a victim of intimate partner violence — and that I am so honoured to speak on this bill in the presence of Georgina McGrath, we must admit that the current strategies and programs are not always adequate as they have several significant blind spots such as addressing intimate partner violence against men, violence between same-sex partners and the impact of domestic violence on children.

[*Translation*]

Indeed, although women are the most frequent victims of the more serious types of such partner violence, violence against men also needs to be called out and forcefully condemned. For whether they're involved in a heterosexual or homosexual relationship, some men, sadly, are also victims. Although this reality is often ignored, the statistics show that 2.7% of men, or approximately 280,000 men in Canada, were subjected to partner violence between 2014 and 2019. Some studies report that men account for up to one-third of intimate partner violence victims.

Between 1999 and 2019, Statistics Canada reports that 5.92% of women and 5.12% of men were victims of partner violence. Although women are seven times more likely to be murdered by their partners, men were also represented among these statistical losses. In 2021, nearly one-quarter of the 90 spousal murder victims were men.

[*English*]

During our committee's study, we heard powerful testimonies relating the experiences of some men who have been victims of intimate partner violence and suffered severe physical and psychological consequences such as partial loss of vision, head trauma, suicide attempts and substance dependency to cope with their suffering.

In an article published on November 7 in the *National Post* dedicated to the hidden world of male victims of domestic abuse, Matt, a victim, recounts the physical abuse he endured. He admits that he hesitated to call the police, fearing he wouldn't be taken seriously because of his gender. Eventually, it was a family member, alarmed by his confessions, who took the initiative to contact the authorities.

Just like women, colleagues, some men often find themselves trapped in situations where they must choose between their own safety and that of their children. They fear leaving them with a violent partner but often have no alternative. Thus, out of concern for their children and due to a lack of shelters, they remain in abusive relationships. The fear of losing custody of their children weighs heavily on their decision to stay with their partner.

[*Translation*]

Also, when they turn to law enforcement, health professionals or aid agencies, men often face suspicion. They aren't always taken seriously and, sometimes, are even falsely accused of being the abusers.

A 2012 study by Professor Don Dutton of the University of British Columbia reveals that more than half of men who reported violence to the police were treated as abusers rather than victims. These realities help explain the reluctance many men have about seeking help. They often fear not being believed, being ridiculed or falsely accused.

Appearing before the committee, Dr. Rob Whitley recounted some disturbing testimony on this issue. A male victim of violence who had contacted the police was asked what he had done to "deserve" the beating he had received. This kind of reaction illustrates why so many men are reluctant to file a report.

Also, despite the seriousness of the domestic violence they've experienced, men report them to the police far less frequently than women. The same witness told the committee that less than 20% of male victims of domestic violence report their experience to the police or health care professionals.

We must recognize that when a man is the victim of domestic violence, whether he's in a heterosexual relationship or a same-sex relationship, it doesn't line up with our perception of victims of this type of violence.

[*English*]

The difficulty men have in coming forward, colleagues, contributes to the significant gap between official police data, which primarily identifies women as victims, and self-reported data, which shows that men experience intimate partner violence also. The stigma associated with being a male victim of domestic violence largely explains the under-reporting of the violence they endure. This is why police statistics show a majority of male perpetrators and female victims while self-reported data presents a much more balanced ratio. As a result, male victims often become invisible in official data. This under-reporting erases their existence from the statistics, which limits recognition of their situation and contributes to the lack of services available to them.

[*Translation*]

Colleagues, currently in Canada, services created specifically for male victims of domestic violence are practically non-existent. When they exist, the professionals who provide these services aren't always well equipped to provide help to male victims. There is a clear gap between the reality experienced by male victims of domestic violence and the services they are offered.

Among the 600 shelters for victims of domestic violence in Canada, only 4% accept men, and it is rare for them to be able to welcome men and their children. Organizations such as the Canadian Centre for Men and Families, run by Justin Trottier, try to fill these gaps by providing shelters for men in Toronto and Calgary, but these efforts are too few to fully meet the need that exists across Canada.

Colleagues, it is clear that intimate partner violence impacts everyone, regardless of gender or sexual orientation. It may be that men are far too often perceived only as the abusers, but they can also be the victims, a reality that is essential to recognize.

[*English*]

Another troubling reality, colleagues, is that intimate partner violence — whether it targets men, women, heterosexual or queer individuals — has profound repercussions on the children exposed to it. These children may directly witness acts of violence by seeing them, hearing them or even trying to intervene. Children can also suffer negative effects without being direct witnesses. For example, they may observe the physical injuries of a parent, notice changes in their behaviour or be affected by the intervention of law enforcement or child protection services.

• (1840)

According to a study published by the Department of Justice:

> In 2014, 70% of adults who reported having witnessed parental violence in their homes as children also reported having been a victim of childhood physical or sexual abuse.

This shows that intimate partner violence is often correlated with direct violence against children.

[*Translation*]

Intimate partner violence has a profound and lasting impact on the development of children who witness it, whether they are directly or indirectly exposed to it. In toddlers, it can cause attachment disorders and hinder cognitive development.

In school-aged children, intimate partner violence often results in behavioural and emotional difficulties. In adolescents, it affects their mental health and distorts their understanding of relationships. In adulthood, the long-term effects can lead to chronic physical and mental illness and an increased risk of perpetuating or being a victim of violence.

Colleagues, although many children who have been exposed to intimate partner violence go on to develop healthy, harmonious relationships as adults, research shows that boys brought up in violent homes are more likely to behave violently in their intimate relationships, while girls are at greater risk of becoming victims.

Unfortunately, I, like many Canadians, was born and raised in a family where domestic violence was present. I remember all too well the nights when, as a child, I lay petrified in bed, listening as my father assaulted my mother.

I remember that eight-year-old child's distress as he trembled in his bed, powerless to defend his mother.

I remember the enormous psychological distress, caught between love for his mother, love for his father and the wish that the violence would stop. Not to minimize my father's actions, but I also remember how depressed he was when he woke up in the morning and realized the senseless things he'd done to my mother.

As kind and caring as my father could be to his wife and 10 children, he nevertheless became violent and controlling towards my mother and our family when he drank. Colleagues, I often wonder whether he would have done such awful things if he had received the help he so desperately needed at the time.

For a long time, as a young adult, I was plagued by fear and anxiety at the thought that I or someone close to me might be subjected to such violence, or even worse, that I might inflict it on others.

I feel very strongly, and always have, that we won't solve the problem of violence against women and other victims if we don't do something about the root of that violence, which this bill could do.

[*English*]

Bill S-249 provides that the minister must continue to lead national action to prevent and address intimate partner violence. It is crucial that this national action takes into account all the factors mentioned above and is inclusive of all victims, whether they are women, men or people who identify outside these categories. This means that discussions with stakeholders must include male survivors of intimate partner violence, whether they are heterosexual or queer.

The purpose of the consultations provided for in the bill is to assess the adequacy of current programs and strategies aimed at preventing intimate partner violence and at protecting and assisting victims of intimate partner violence.

This effort must ensure that these programs and strategies are evaluated based on their ability to protect and support all victims of domestic violence, including women, men and people outside the binary gender categories.

[*Translation*]

Honourable Senators, for our policies to be effective, they have to reflect the full complexity of the reality of spousal violence in our society. They have to protect and help every victim, regardless of their gender, gender identity or sexual orientation.

Of course, I will vote to adopt Bill S-249 at third reading. Once again, I thank Senator Manning and Ms. McGrath.

I hope that the minister responsible will take full account of the reality affecting all these categories of victims in our society. This is the only way that we can effectively prevent and fight intimate partner violence in Canada.

Thank you for your attention. *Meegwetch.*

[*English*]

Hon. Joan Kingston: Honourable senators, I rise today to speak in support of Bill S-249, the national strategy for the prevention of intimate partner violence act.

I would like to commend Senator Manning for his work and advocacy on this bill. I would also like to say how touched I am that Georgina is here and that Senator Petten has told her story, yet again. To my colleagues who have talked about their personal experiences: That takes heart. Thank you for that.

In developing a national strategy for the prevention of intimate partner violence, the act mandates the minister to consult with other federal ministers; representatives of provincial governments who are responsible for social development, families and public safety; and representatives of groups who provide services to or advocate on behalf of victims of intimate partner violence with respect to the adequacy of current programs and strategies aimed at preventing intimate partner violence and at protecting and assisting victims of intimate partner violence.

In particular, it's the availability of timely assistance for victims that I will give focus to today.

More than 40% of Canadian women experience intimate partner violence, or IPV, from a current or former partner in their lifetime, and IPV is an epidemic whose victims are primarily women. Violence affects women's safety, health, finances and relationships, often for a long time, yet most supports are short-term and crisis-oriented. Health impacts, in particular, have a high social and economic cost, affecting women's parenting, work productivity and long-term well-being.

Children who experience IPV in the home can have their mental health and development affected. They are also more likely to experience unhealthy and violent relationships as adults. Up to 80% of women never seek formal supports for IPV, especially if they live in places without a lot of services, as Senator Manning has pointed out, or with long wait-lists for help. Many women also cite barriers such as shame, stigma, fear over privacy, fear of the abuser finding out or just not knowing where to start or what to expect.

In short, women experiencing IPV face a wide range of challenges in making the decision to leave an abusive relationship and in the transition of separation from an abusive partner, challenges that often persist over a long time. Although women have been shown to seek help for many types of services, including health care, few interventions address the breadth and complexity of women's needs and priorities or have been shown to produce multiple benefits.

To address existing gaps, I am proud to say that there is a program that research has shown to have had positive results for women who are victims of IPV. The program called iHEAL is funded by the Public Health Agency of Canada and is currently available at three sites: the Middlesex-London Health Unit in London, Ontario; Fredericton Downtown Community Health Centre; and the Kilala Lelum Urban Indigenous Health and Healing Cooperative in Vancouver, B.C.

The examples of coercive control that I shared during my remarks supporting Bill C-332 were from women who are participating at the New Brunswick site of the iHEAL program.

The iHEAL research is led by Dr. Marilyn Ford-Gilboe, from Western University's School of Nursing in Ontario; Dr. Kelly Scott-Storey, from the University of New Brunswick's Faculty of Nursing; and Dr. Annette Browne, from the University of British Columbia School of Nursing. They developed the Intervention for Health Enhancement and Living, or iHEAL, as an evidence-based health promotion intervention designed to support women in the transition of separating from an abusive partner to identify and manage health and other concerns.

iHEAL is informed by the qualitative grounded theory "Strengthening Capacity to Limit Intrusion," which describes the multiple priorities of women who are separating from an abusive partner and the concurrent "intrusive" challenges they face as they work to create a different life for themselves and their children.

• (1850)

This theory gave rise to the six components of the intervention, each of which focuses on an issue known to affect women's well-being. The breadth of iHEAL — where nurses focus concurrently on women's physical and emotional safety, health and well-being, relationships and connections with others, and basic needs over time as they negotiate the transition of separation and its trauma- and violence-informed and equity-oriented approach — is novel among intimate partner violence interventions. In particular, iHEAL addresses an important gap in interventions for women experiencing intimate partner violence by taking a long-term perspective on women's needs for support since many interventions and services focus on the crisis period around leaving and less on the longer-term issues and needs of women across the process of separation, including while trying to create a life separate from their partner.

Based on its theoretical grounding and research base, they designed iHEAL to be appropriate for women who have named their relationship as abusive and are taking steps to address this in some way. This does not have to be by separating, although the majority of women who experience intimate partner violence in the Canadian context do eventually separate from their abusive partner.

The research findings show that tailored, trauma- and violence-informed and women-led support from a trained registered nurse has important sustained benefits for women experiencing violence and its health effects. Registered nurses are ideally suited to offer iHEAL but require additional education and clinical and organizational supports to do so in a way that retains benefits for women. Given that nurses are the largest group of health care providers in Canada and are present in almost every community, both large and small, the potential for scale-up of iHEAL into existing services is high.

Researchers have also developed an app to complement the program. The iHEAL app helps women take control of their lives. It's free, private and confidential and available in French and English. Activities and topics related to health, relationships, finances and safety are introduced based on what we know from research about women's needs and priorities. There are interactive activities — such as danger assessment, safety action checklist, symptom checklist, healthy partner relationships and shaping your family — and information topics that help women think about their situation and their options. Women indicate their province or territory so that the app can provide tailored links to resources, with a brief description of each, appropriate for that location, and women can search for resources. Information, activities and resources can be saved, allowing women to customize the app for their own needs over time.

The app is trauma- and violence-informed. It's designed to work with women where they are and provide practical information to help women plan next steps without judgment. It emphasizes her strengths and her successes, taking the complexities of life and her options into account and putting control in women's hands. I also know from having used the app a little bit that it has safety measures built in so that women will not be caught using the app, if that's a problem.

The app is in demand, with more than 6,000 active users across Canada in its first year. A growing number of service providers — for instance, police, nurses and settlement services — are referring women to the app or using it within the services they provide, expanding supports offered to women, as the iHEAL program is also doing that.

As witnesses at the Senate committee meeting on Bill S-249, the Registered Nurses' Association of Ontario advocated that nurses in particular are central to intimate partner violence prevention and intervention in all health settings because they are frequently the first member of the health team to interface with patients experiencing intimate partner violence, and they are a common point of contact with clients during times of stress and illness as well as during developmental transitions such as adolescence, pregnancy, parenthood and lifelong trajectories.

Survey data shows that nursing is one of the most respected occupations in Canada. The trustworthiness of nurses and nursing is an intangible asset in building trusting relationships essential to facilitate disclosure and impacting outcomes. Nurses are accessible and work in all settings across the health care system, and their specific knowledge and skills are valuable assets in screening, recognizing and addressing intimate partner violence.

Finally, nurses do not impose potentially intimidating relationships of coercion or control. They rely instead on holistic health promotion frameworks that incorporate empowerment and advocacy strategies, which research suggests is especially important when intervening with abused women.

Results demonstrate that iHEAL — a health promotion intervention that provides broad, women-led, tailored support across a range of issues — has initial and longer-term benefits for women's quality of life, health, well-being and safety that are sustained over time. It provides novel evidence about the role of specially trained registered nurses in offering effective supports to women. These promising results provide a solid foundation for broader implementation and scale-up of iHEAL in Canada, with the potential to adapt and test this effective intervention in other countries.

The iHEAL team is actively seeking scale-up opportunities. I look forward to the scaling up of iHEAL as part of the national strategy for the prevention of intimate partner violence. Thank you. *Woliwon*.

Hon. Marilou McPhedran: To Georgina McGrath and family and to Senator Manning, back in 2018, you will recall that I was not supportive of your bill and that I had concerns that much of what was in it was already in process and would duplicate. I wanted to stand very briefly this evening to say that I missed the most important fact about your bill, Senator Manning, and I'm sorry that I didn't understand it better.

You quoted a statistic about women dying every 10 minutes. That's a UN Women statistic. It's not about an epidemic. It's about a global pandemic that we, as human civilization, have completely failed to address and redress and to prevent the growth of this violence that we're seeing.

We often talk — in feminist circles, at least — about calling men out. But really, this bill is about calling men in. This is about connecting all of us, regardless of gender and regardless of affiliations, and it is a very important bill.

Through the heartfelt stories that people have been prepared to tell, the examples tonight largely demonstrate the sense of safety that they can do this and the fact that you, as a man, led this on, and other men came in on it. This is truly a joint effort of everybody in this chamber. I hope very much that we will pass this bill very quickly. Thank you. *Meegwetch*.

The Hon. the Speaker pro tempore: Honourable senators, it is now seven o'clock. 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: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: I hear a "no."

Honourable senators, leave was not granted. The sitting is, therefore, suspended, and I will leave the chair until eight o'clock.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (2000)

Hon. Kim Pate: Honourable senators, I rise to speak as the critic, albeit a friendly one, to Bill S-249. I would like to once again thank Senator Manning for his commitment to advancing this bill for the purpose of redressing the pandemic of violence against women and intimate partner violence in this country.

I also want to thank you, colleagues. Bill S-249 is an important bill, but so is Bill S-230, and I want to thank you for the fact that in addition to considering this bill, we will be completing debate and having a third-reading vote on Bill S-230 on December 10.

Georgina's Law and Tona's Law are linked in fundamental ways. Tona was criminalized as a result of her attempts to escape violence and incestuous rape, to escape violence. So this bill is aimed at more prevention.

I also want to thank so many millions of women whose experiences directly informed mine and your understanding of the urgent need to address these issues. I extend a special gratitude to the many women and girls, including Georgina McGrath, for their incredible courage and strength in sharing experiences and insisting that we all shed light on the shamefully pervasive yet often hidden terror visited and blamed on the women who are most victimized. These realities are the horrific backdrop to this legislation.

Ms. McGrath's tenacious advocacy was instrumental in inspiring Senator Manning to develop this bill and, therefore, reminds us all of the importance of demanding meaningful action to prevent and redress the circumstances that exacerbate and give rise to patriarchal and misogynist violence and abuse.

As amended by the Social Affairs Committee, Bill S-249 calls upon the federal government, through regular engagement with a variety of groups — federal ministers, representatives of provincial and territorial governments, Indigenous peoples as well as victims, survivors and other stakeholders — to continue to lead action to prevent and address intimate partner violence. We know that intimate partner violence impacts people of all genders and ages and all socio-economic, racial, educational, ethnic, religious and cultural backgrounds. We also know, however, that women account for the vast majority of people who experience this form of gender-based violence and that it is most often perpetrated by men.

Senator Manning quoted the words of former UN secretary-general Kofi Annan, and I don't need to reiterate, but I would add that in addition to the fact that violence knows no boundaries of geography, culture or wealth, it certainly remains most denied, and perpetrators are less likely to be held accountable for their behaviour, when perpetrators hold positions of privilege and power. Just look at the realities unfolding around the world, including the recent election of a known sexually abusive predator to the presidency of the United States.

For too long we have talked about the need to redress violence against women and intimate partner violence without adequate action. The unprecedented spine-chilling and emboldening message that the U.S. election sends to both victims and, especially, perpetrators cannot be ignored. For decades, the reflexive response has been to create harsher and longer punishments for those convicted of violence. These measures have not kept women safe. Barely any cases are ever reported; even fewer result in charges, let alone convictions. Those who are convicted are usually those easiest to "catch," people who are marginalized by poverty, race, disability or their own previous experiences of violence.

When they have served their time, taken responsibility for their actions and are ready to contribute positively to their communities, they are not granted the opportunities for relief from the stigma of a criminal record that measures like Bill S-212 could offer, largely due to the types of "tough on crime" rhetoric that the next U.S. president has espoused. That he has done so despite his own criminal conviction for hiding payments made to gag a sex worker, despite having been found civilly liable by a jury for sexual abuse and despite bragging repeatedly about committing sexual assault, this all reinforces the travesty that we must act together to challenge:

Too many men, especially those who are rich, powerful and privileged, are able to prey on women with seeming impunity. We should be horrified but not surprised that trending on social media in the hours following the election was the phrase "your body, my choice," among other misogynist threats of forced pregnancy and rape. Nor should we be surprised that the White nationalist podcaster who appears to claim credit for this phrase going viral previously was welcomed as a dinner guest by the incoming president.

Other popular messages online include calls for women to "get back to the kitchen" and for the repeal of the 19th, referring to the amendment to the U.S. Constitution that protects the rights of women to vote. Exit polls incidentally suggest that votes cast by men preferred the next U.S. president by 13%. Women, especially young, Black and Latina women, voted against him by a margin of 8%. Among those who swung most in his favour compared to the last election were men under 34, the demographic also most likely to follow influencers and podcasters promoting violent messages targeting women.

In recent days, the use of these messages with the goal of dominating, silencing and punishing women and girls has moved beyond the online world and particularly into schools. The Institute for Strategic Dialogue has catalogued reports of young boys in classrooms chanting "your body, my choice" to the girls in their schools. Harassment on university campuses has also ramped up, and groups of men in MAGA gear are reportedly telling women students to go home, where they belong.

November 25 was the International Day for the Elimination of Violence against Women. On December 6, Canada will mark the thirty-fifth anniversary of the massacre at École Polytechnique, 14 women killed simply because they were women in an engineering classroom. The urgency of working together to ensure that women are safe at home, at school, at work and in the community has never been clearer.

As girls and women faced harassment at school this month, the next U.S. president was attempting to appoint as his attorney general — the head of the Department of Justice — his chief legal adviser and his chief law enforcement officer, a man who was investigated by that very same Department of Justice and by his colleagues in Congress in connection with child sex trafficking. The Department of Justice declined to charge him, including for reasons that will be all too familiar for victims and survivors of violence, their allies and their advocates: Authorities were concerned about whether a jury would believe the testimony of a then 17-year-old child, now a young woman, who had accused him.

The Congressional investigation was blocked when the would-be attorney general resigned from Congress before a final report on his conduct could be published. Testimony to the Congressional committee carrying out the investigation suggested, however, that he had paid a child for sex. While this man was ultimately unable to garner support from enough senators to confirm his appointment, at least one remaining would-be cabinet member, the nominee for secretary of defense, was also investigated by police in connection with sexual violence. Ultimately, he was not charged and made a settlement payment to the complainant, who is now subject to a non-disclosure agreement.

We are witnessing a rise of political actors who, at best, are complicit in and, at worst, promote harassment and violence against women and intimate partners for political gain. In this climate, men, including in this chamber, the other place and beyond, must step up, redouble efforts and model the behaviour needed from our leaders, our role models in order to uphold equality for all.

This includes more insidious forms of sexism and misogyny, many of which are baked into the ways in which our institutions operate, not just overt acts of violence but the more difficult to discern and too often more hidden forms of coercion and control.

As Kofi Annan reminded us, as long as violence against women continues, ". . . we cannot claim to be making real progress towards equality, development, and peace."

• (2010)

A new report from UN Women on global femicide has emphasized that of 85,000 women known to have been killed by men in 2023 alone, 60% were killed by a partner or family member. The report concluded that for women, the most dangerous place to be is home.

This year, the story of Gisèle Pelicot reminded people around the world of this truth and of the collusion by others that keeps women at risk. Dominique Pelicot admitted to raping his spouse, a 72-year-old grandmother and former business manager from France, and organizing her rape by others while she was unconscious in their home. He took thousands of photos and videos to document her repeated sexual assault over a period of 10 years.

For participating in this horrendous number of rapes, 50 men stand trial. Most have tried to claim that they believed Ms. Pelicot had consented despite being unconscious or that they

were participating in a so-called sex game — imagine. Not one of the dozens whom Mr. Pelicot invited to his home for this purpose appeared to have notified authorities or taken any other steps to prevent these violent acts.

Ms. Pelicot has garnered strong and heartfelt support from women around the world for courageously waiving her right to privacy and anonymity and insisting on public court hearings. Her goal has been to flip the script on victim blaming and insist on changes to societal condoning of rape culture and the perception that sexual violence is committed by someone else, not spouses, friends, neighbours and sometimes colleagues.

So what must we do? As media and expert commentators have underscored, legislative efforts aimed at redressing intimate partner violence have fallen short, amounting in practice to nothing more than mere symbols of our desire to combat violence against women in this country. Criminal law measures based on ever-more-punitive and mandatory sentencing laws absent crucial funding, infrastructure and resources to prevent, respond to and otherwise address violence amount to little more than lip service.

Worse yet, when women and girls witness men getting away with abusive and bullying behaviour, they are likely not inspired to have faith that they will be believed or supported when they try to call out abusive behaviour. Indeed, following her August 2022 study for British Columbia's Office of the Human Rights Commissioner, Myrna Dawson said, ". . . the social change impact of existing laws has been weak . . ."

Honourable senators, if Bill S-249 is to do anything more than raise awareness, we must hold each other and all governments to account and insist on the implementation of proactive, systemic and sustainable long-term measures to combat inequality and injustice. Proactive measures must address the root causes of intimate partner violence and the inequality that underpins and reinforces existing power and socio-economic structures and systems within which we operate. These are the factors that are most detrimental and, all too often, fatal for women, all the more so if they also belong to intersectional marginalized populations, namely Indigenous women, Black women and others who are racially marginalized; those living in poverty or with disabilities; members of 2SLGBTQQIA+ communities; and those who are otherwise oppressed primarily through the use and abuse of power by men.

As journalist Dean Beeby underscores in his books regarding the Mass Casualty Commission and femicide in Renfrew County, ". . . intimate-partner femicides were long ago shown to be one of the few crimes that are predictable and preventable." We have a responsibility to implement measures aimed at preventing women who are abused from being subjected to rapes, assaults and death.

To understand just how usual and entrenched the threat of male violence is in the collective experience of women, one need only scan social media. The threats witnessed in the wake of the U.S. election brought to mind a viral debate on TikTok from last spring as the Senate's Social Affairs Committee began its study of Bill S-249. Women responded to the question of whether they would rather be left alone in the woods with a man or a bear. Most chose the bear. Many chimed in with jarring arguments to the effect of ". . . the worst thing the bear can do is kill me . . ." ". . . at least people would believe me if I said I was attacked by a bear . . ." and ". . . no one would ask me what I was wearing . . ." These types of responses reveal what too many women experience: the dehumanizing, costly and psychologically irreparable effects of sexualized violence.

What's more, several men's reactions exhibited their rather tone-deaf ignorance, privilege and confusion at women's responses. Some took offence and retaliated. It was particularly chilling to read responses that not only utterly failed to comprehend just how pervasive physical and sexual violence is in the lived experiences of women but also piled on with their own threats. We must end the experience by women of such threats to their day-to-day lives and decisions.

This dichotomy underscores the need to dismantle the pillars of patriarchy, privilege and power that have long served to perpetuate and maintain the subordinate social standing of women to that of men in our country and around the world.

In 1993, now more than 30 years ago, the National Action Committee on the Status of Women, or NAC, the largest national feminist organization of its time, comprised of over 700 affiliated groups, formulated the 99 Federal Steps to End Violence Against Women. The committee recognized that violence against women is fundamentally and inextricably rooted in women's substantive inequality. Their strategy recognized that:

> . . . poor women, women with disabilities, women of colour and [Indigenous] women are more likely to be victim of assault, we seem to have difficulty seeing the advantage men have over these women and how those legal, social and economic advantages become part of the weaponry of violent attacks. Every kind of entrenched advantage (whether because he is of the dominant race or because he is a professional) is too often used to harm women. No program to end violence against women can be effective if it does not disrupt and transform those power relations toward equality. . . .

Indeed, as has been acknowledged and reaffirmed in several reports in the decades since — including the National Action Plan to End Gender-Based Violence, the National Inquiry into Missing and Murdered Indigenous Women and Girls, the 2019 report of the Special Rapporteur on Violence against Women, Its Causes and Consequences and the 2022 report of the United Nations Special Rapporteur on violence against Indigenous women and girls — ending intimate partner violence requires its contextualization within broader social and economic systems and structures. This includes collaboration across sectors — legal, social and economic — to dismantle the patriarchal norms that disadvantage women and prevent them from achieving the same levels of legal protection, social standing and financial stability as those afforded to men.

Why do so many feminists — like this one — bang on about the need for guaranteed livable income? Economic disadvantage is rife. Women earn on average 89 cents for every dollar made by their male counterparts, with an even larger gap experienced by women who face compounding barriers to reaching substantive equality on the basis of their intersecting identities, particularly Indigenous women, other racially marginalized women and women with disabilities.

More than 1.5 million women in Canada are living in poverty, and 10 times more women than men have "fallen" out of the workforce since 2020. More women than men in Canada are experiencing financially vulnerable and precarious positions, a troubling finding alone but even more so in the context of the detrimental financial consequences often experienced by survivors of intimate partner violence.

A 2012 study reported that over 80% of the costs of intimate partner violence in Canada, an estimated $6 billion per year, are borne by survivors themselves in the forms of medical expenses, lost wages, lost education, stolen or damaged property and pain and suffering. According to a 2021 study by the Canadian Centre for Women's Empowerment, 80% of the survivors of intimate partner violence in the National Capital Region alone reported that their partner displayed more controlling and coercive behaviours related to their finances and economic stability during the pandemic, and 1 in 10 were driven back under the control of their abusers due to financial dependence constraints. The ability to escape abuse is a privilege that poverty too often does not afford.

In the 1970s, Manitoba's basic annual income experiment, or Mincome, led to 17.5% reduction in crime, including 350 fewer violent crimes per 100,000 people compared to similar towns. Researchers attributed this reduction to the fact that Mincome reduced financial stress, which decreased the likelihood of a violent incident, and also improved the bargaining power and empowerment of women, in turn reducing the incidence of partner assault.

• (2020)

Recent research echoes these findings: Cash transfers sent directly to women can help address gender inequalities and empower women and girls by enhancing their bargaining position, mobility and economic and social status, thereby reducing the risk of intimate partner violence. Guaranteed livable basic income can also support women and other marginalized individuals fleeing abusive situations by providing the necessary financial resources to secure safe housing and food for themselves and their children.

Facts like these reveal precisely why the National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice 4.5 and 16.20 were for national guaranteed livable income and why the Federal Ombudsperson for Victims of Crime recently testified to the National Finance Committee, "There's a whole science of crime prevention that would align well with the principles of guaranteed livable income . . ."

[Senator Pate]

As Professor Isabel Grant testified before the Mass Casualty Commission:

> . . . economic self-sufficiency for every woman in this country is a really big part of facilitating women's abilities to escape both physical and sexual violence.

If Bill S-249 is to have a positive impact on women's liberation, it must not merely acknowledge but redress the inadequacies of existing social and economic supports and ensure truly accessible and effective health care, safe and adequate housing options, food security and universal child care.

Senator Manning reminded us of the statistics, and I won't go through them again, but women are often condemned for what is characterized as their "choice to stay." The statistics tell us the opposite story. Women don't choose to stay in abusive relationships. Instead, though, why don't we demand to know why the men won't let women go — or a meaningful examination of exactly where and how we suggest they go?

As Ms. McGrath and several other witnesses emphasized at committee, women experiencing intimate partner violence are expected to bear the burden of locating a safe haven for themselves and their children as well as gaining financial independence free of influence or control from their abusive partners — all of this despite the lack of supportive attitudes, much less infrastructure, to assist them in getting there.

Some organizations and service providers whose efforts are dedicated to redressing violence against women have implemented response measures with women's well-being and convenience in mind — we've heard about some from Senator Kingston and others — approaches such as Indigenous women's circles as well as the WomanACT of Toronto's Safe at Home housing model, "where women fleeing violence are enabled to remain safely in their existing home or move directly to independent housing" while the perpetrator is removed from the home and the risk of harm to women and children is effectively reduced.

We must ensure that strategies are sustainable long-term and prioritize the safety and well-being of women. Women should not continue to be forced to endure additional hardship as a result of their efforts to escape violence and abuse.

With this in mind, I want to acknowledge the work of Senator Manning and the Social Affairs Committee to heed the concerns raised by several witnesses and delete provisions of the bill that would have required engagement with respect to:

> . . . the requirements for health professionals to make a report to the police if they suspect that a patient is a victim of intimate partner violence.

As we have heard, implementing a duty to report can unintentionally hinder access to necessary support and health care for those experiencing intimate partner violence.

Survivors of intimate partner violence access their health care providers and places of worship more than any other services in their communities, and it is in these settings that many survivors are most likely to build rapport and foster relationships that reach the stage of comfort that enables and empowers them to disclose their circumstances. A duty to report without requisite supports and education could unintentionally deter some from accessing these spaces and services altogether. Due to the long-standing effects of colonialism, racism and patriarchy, which are embedded in the operations of our social institutions, including the health care system, policing forces, corrections and so many other components, Black and Indigenous women have received even less protection, respect and care than their counterparts who are not racially marginalized, let alone men.

It is imperative to note that only an estimated 1 in 10 cases of intimate partner violence is even reported in the first place. If we are to encourage survivors to report and to seek help, they must be confident that adequate social, financial and legal supports are available to them.

Canada's disturbing history of violence against Indigenous women, in particular, contributes to their having to commonly confront ". . . racist, sexist, and other discriminatory attitudes in their encounters with institutions . . . ." The National Inquiry into Missing and Murdered Indigenous Women and Girls report includes far too many accounts of dismissive and combative encounters with police following experiences of gender-based violence.

Many witnesses at the national inquiry said:

> . . . that they no longer felt safe to reach out to the police when they were in danger, fearing that the police themselves might also inflict further violence. These experiences of violence – predation with impunity – were a chief contributor in the reluctance of Indigenous women, girls, and 2SLGBTQQIA people to trust institutions —

— following their encounters. Not only are Indigenous women continually dismissed when they report violence, but they are also often portrayed as the aggressors, treated as if the violence is their own fault and seen as less worthy victims by many, starting with the police and sometimes working through to their lawyers, judges and the entire criminal legal system.

The harassment and violence at the hands of legal authorities — with which Indigenous peoples are all too familiar — coupled with the disregard, hyper-responsibilization and deputization experienced by Indigenous women and girls when reporting their experiences of gender-based violence results in their reluctance to report at all to anyone.

As troubling as their lack of response to Indigenous women's experiences of gender-based violence is the too often punitive response of legal authorities to and criminalization of women like Tona who rise to their deputization by trying to protect themselves or others from abuse. As expressed by the National Inquiry into Missing and Murdered Indigenous Women and Girls, the Canadian legal system:

> . . . criminalizes acts that are a direct result of survival for many Indigenous women. This entrenches and exacerbates colonialism by blaming and responsibilizing Indigenous women and their choices, while simultaneously ignoring the systemic injustices that they experience, which often lead them to commit crimes.

The recent periodic review of Canada by the UN Committee on the Elimination of Discrimination against Women has noted concerns about overrepresentation of Indigenous women in prisons. The committee highlighted as well ". . . the criminalization of the actions of Indigenous women human rights defenders . . ."

It should be noted that the expansion of section 34 of the Criminal Code, the provision that permits the use of self-defence, was enacted under the Harper government in 2012 — not for the purpose of protecting women but for the purposes of providing property owners with the legal strength to protect their land with the necessary use of force to the extent and amount deemed reasonable. The former prime minister's justification for this expansion was not the protection of women forced to use lethal force to defend themselves and their children. Rather, it was to privilege property owners. The expansion of self-defence was not aimed at assisting survivors of gender-based violence.

The National Inquiry into Missing and Murdered Indigenous Women and Girls revealed that Indigenous women are too often criminalized and imprisoned in response to violence being perpetrated against them or others for whom they are responsible — and that the incarceration rates of Indigenous women continue to skyrocket. In 2018, for example, Statistics Canada documented that 50% of those who reported being victims of intimate partner violence were charged themselves. Self-defence has been inconsistently applied by the Canadian legal system to survivors of gender-based violence.

Rather than problematizing the unreasonable violence inflicted upon women, our legal system is notorious for instead problematizing women's reasonable responses to unreasonable and unlawful violence. Rather than perceiving a woman's use of force to combat her perpetrator's violence as reasonable, our legal system often attempts to justify her force by characterizing it as a symptom of battered woman syndrome, effectively pathologizing women for attempting to protect themselves and others from harm.

The Legal Committee recently witnessed the impact of the discriminatory systemic biases against women in the criminal legal system as part of its review of Bill C-40. We heard clear and cogent evidence, especially from Indigenous women like Rheana Worme, about the inability of even seasoned and well-respected criminal lawyers to contextualize the violence experienced by women, especially Indigenous women. Worse yet, even when such context is subsequently identified, most men are unwilling to own their previous failures. Think of what that behaviour models for others.

It is no wonder, therefore, that despite the reality that most women convicted of violent offences are criminalized and imprisoned for their responses to violence perpetrated against them or someone in their care, to date, the current conviction review process has not resulted in a single conviction review remedy for a woman, much less an Indigenous woman.

• (2030)

As Senator Manning has previously noted, those unfamiliar with power dynamics and the element of control that underpin the perpetuation of gender-based violence may similarly be unfamiliar with the legal, social and economic constraints posed to survivors born of racism, immigration insecurity and poverty. As a result, they may be especially ill-equipped to appreciate the negative ramifications of an attempt to escape abuse.

Survivors without the financial means to live on their own or who fear the response they will receive from the legal system and broader society cannot be said to have an unqualified choice to leave their abusive partners, leaving them with no option but to retaliate against the abuse they are experiencing with physical force instead.

Legal authorities at all stages of a survivor's experience with the system must respond to her report and conduct from a trauma-informed lens with an educated understanding of the complexity of her situation as a whole.

To make reporting a safe and trusted option for survivors will entail that the federal government invest in long-term, sustainable measures and infrastructure that support the ability of survivors to access adequate safety plans including financial stability, safe long-term housing and accessible social support services. We must ensure the environment they are seeking is safe or, at the very least, safer than the environment they are escaping.

The impact of Bill S-249 should be measured in terms of the real consequences this bill will have for the victims and survivors it is intended to serve.

Progress on redressing and preventing intimate partner violence can only be realized with a society-wide response, supported by epidemic-level funding for gender-based violence prevention and interventions.

These measures must be aimed at uprooting and "unrooting" the legal, social and financial disadvantages that have maintained men's advantage and control over women in our country and which have effectively barred women from achieving the substantive equality they deserve.

A national strategy must also equip survivors, service providers and society at large with the education necessary to access response measures available to those experiencing violence, providing them with the direction and support to safely reach shelters, access health care, build financial stability independent of their partner and develop a life free from abuse for themselves and anyone for whom they are responsible.

Let us be clear, colleagues. Perpetrators of intimate partner violence and abuse against women are not social outliers. Rather, they are examples of an extreme and all too frequent outcome of the patriarchal and misogynistic social norms and structures in which they and we are raised, structures that focus on the exertion of dominance over women and which enable abuse without consequence.

Over 30 years ago, women's groups recognized that ending violence against women required disrupting the power relations that maintain women's subordinate social standing compared to that of men.

Today, especially, the consequences of the U.S. election continue to ripple through Canadian politics. This legislation should compel us as decision makers to face that still unmet challenge.

Thirty years from now, hopefully our successors will look back on this moment as the beginning of a monumental shift in how we address and respond to violence against women and intimate partner violence, beginning with dismantling the structural and systemic status quo in order to ensure women achieve the substantive equality for which we have long fought and to which we are entitled. We owe it to women everywhere. They deserve no less.

As we come together in support of this bill, let's not forget that it is, as Senator Bernard pointed out, the focus of this year's 16 days to end violence. Let's act now. *Meegwetch*. Thank you.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill, as amended, read third time and passed.)

ARAB HERITAGE MONTH BILL

THIRD READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Klyne, seconded by the Honourable Senator Bernard, for the third reading of Bill C-232, An Act respecting Arab Heritage Month.

Hon. Yuen Pau Woo: Honourable senators, I arrived in Canada in 1979 to attend an international school named after Lester Pearson. One of my roommates was Karim from Egypt. He taught me the only Arabic words I know, *ya habibi*, which means "my love." He used it as an affectionate term for his roomies — and his girlfriends.

I also met Anees and Nasir, two of the first Palestinian-Arab refugees who received scholarships to study in Canada. Their families had been displaced by the Nakba or the "catastrophe" of 1948.

I vividly remember having passionate discussions with them and with fellow students from Israel on the question of Palestinian statehood. It seemed to me at the time the establishment of a Palestinian state was both just and inevitable, and very likely something I would see in my lifetime.

Forty-four years on, not only do we not have a Palestinian state, but we are witnessing before our very eyes the slaughter of Palestinians in Gaza and the forced relocation of civilians from their places of residence, presumably to make way for Israeli settlements — in effect, a continuation of Nakba.

You may already know the official figures: more than 43,000 killed, including upwards of 17,000 children. What you perhaps don't know is that a July 2024 paper in *The Lancet* estimates that 186,000 Palestinians have been killed in Gaza alone since October 7 either from direct military action or from starvation, malnutrition, disease, exposure and lack of access to medical facilities. This much larger number of casualties is an account of Israel's policy of restricting humanitarian aid such that essential medicines and food are not getting to civilians in Gaza.

For the record, the Government of Canada's position as articulated by its representative in the Senate, and cheered on by the Conservatives, is that civilian casualties in war are unfortunate, humanitarian aid to Gaza is not being impeded and it is all the fault of Hamas anyway.

In December 2023, the government launched a temporary residence visa program for Gazans with Canadian family ties. It is unclear whether the program has facilitated the exit of any Palestinians from Gaza.

The Canadian government has the capacity and ability to expedite approvals for the immediate exits of Palestinians from Gaza, as they did rightly with Ukrainians fleeing the Russian invasion. But the government, instead, is choosing to abandon Palestinians in Gaza including Canadians who have Palestinian families. Here is what over 40 civil society groups have said about the program, "Anti-Arab, and specifically anti-Palestinian racism, saturates every aspect of the Special Measures program."

The world is looking with horror at the situation in Gaza. We have had multiple UN General Assembly resolutions in support of Palestine. Canada has been on the wrong side of most of these votes, but I would note that on November 20, Canada supported a resolution to condemn illegal Israeli settlements in occupied Palestinian territories. That we would vote to condemn illegal settlements should be a no-brainer, but we have failed to do so on the same motion for 13 years.

For all our rhetorical commitment to a two-state solution, our actions suggest we are offering lip service and often working at cross purposes.

• (2040)

Last month, the Canadian government refused to meet Francesca Albanese, the UN Special Rapporteur on the situation of human rights in Palestine when she was in Ottawa. The official excuse is that she is anti-Semitic, a claim that has been rejected by many Jewish leaders and anti-Semitism experts.

I suspect the real reason is that our political leaders cannot bear to listen to the fact of war crimes in Gaza that expose the hypocrisy, duplicity and, dare I say, the complicity of Canadian foreign policy in violations of international humanitarian law.

It is not just that Arabs in Palestine and Lebanon are suffering at the hands of the Israelis. Arab Canadians, especially Palestinian Canadians, are also being shunned in silence for expressing their views on Israel's occupation of Palestinian territory, and the weapon of choice increasingly is the charge of anti-Semitism.

I do not dispute that there has been a rise in anti-Semitic acts across Canada, and I reject all forms of hatred towards Jews as individuals, groups or as a collective. But it is not anti-Semitic to argue that Germans and Italians should be at the forefront of the opposition to the assault on Gaza or that our collective obliviousness to what led 100 years ago to the Third Reich's genocide of people not in conformity with the "pure race" is leading to the commission of yet another genocide.

I am paraphrasing Special Rapporteur Albanese's remarks, but these are the ideas that our government has labelled as anti-Semitic and used as the reason for not meeting with her when she was in Ottawa.

The so-called working definition of anti-Semitism that has been endorsed by the government means that Palestinians, indeed all Canadians, including Jewish Canadians, who make deep criticisms of Zionism in Israel can be accused of anti-Semitism. For example, calling for boycotts, divestment and sanctions directed at Israel or at supporters of Israel's assault on Gaza and the West Bank could be labelled anti-Semitic.

This weaponization of language represents an assault on free speech, legitimate political debate and political activism. It suppresses the views and rights of a minority — especially Palestinian Arabs — who have a particular stake in that debate. It is, colleagues, the antithesis of celebrating Arab heritage.

Take the recent uproar over the singing of an Arabic song during a Remembrance Day ceremony at an Ontario high school. Provincial and federal politicians, including members of Parliament who voted in support of this bill, expressed outrage over the use of Arabic during the ceremony. Imagine that — the use of Arabic in a Canadian school! Well, honourable colleagues, if we truly respect and celebrate Arab heritage, we can surely welcome an Arabic song at a ceremony to remember Canadian veterans whose ranks, of course, include Arab Canadians.

After all, we have welcomed expressions of Ukrainian culture at recent Remembrance Day ceremonies, and in my hometown of Vancouver, there is always a special Remembrance Day ceremony in Chinatown for Chinese-Canadian veterans. For the

record, the song "Haza Salam" is a lament for peace. If there was any potential harm to students from this incident, it is in the graffiti that appeared outside the school labelling it as "Hamas High." Where is the outrage against the threat to Canadian students of Palestinian and Arab ancestry?

Here we are, colleagues, on the cusp of passing a bill to mark April as the month to celebrate Arab heritage seemingly oblivious to the fact that the single biggest threat to Arab heritage is the callousness with which we regard Arab lives in the Israeli war on Palestine and Lebanon as well as the suppression of Palestinian views on Gaza right here in Canada. Are we seriously thinking of passing a bill to celebrate Arab heritage without any reflection of how Canadian policy is aiding and abetting the slaughter of Arabs in the Middle East?

Doing so would make April, in the words of T.S. Eliot, "the cruellest month." In the aftermath of World War I, Eliot cast April not in its usual role as a harbinger of better times but as a moment of bitterness and painful memories. The title of his poem is *The Waste Land*, which pretty much sums up the way Israel has rendered Gaza since its response to the reprehensible Hamas attack of October 7.

To be clear, I take no issue with the examples of Arab-Canadian accomplishment in Canada that have been highlighted by colleagues in this chamber and in the other place. There is much to celebrate about the Arab presence in Canada, which dates to the late 19th century.

The first Lebanese migrants to British Columbia, brothers Abraham and Farris Ray, arrived in 1888. They worked as itinerant peddlers in Victoria. Many early Lebanese immigrants also worked in Vancouver Island's forestry industry. In 2023, the Lebanese Emigration Plaza was inaugurated at Centennial Park on the southern shore of Victoria Harbour. I had a chance to visit the plaza earlier this year and view The Lebanese Emigrant statue, which is a replica of statues in Halifax and several other cities that have prominent, historical connections to the Lebanese diaspora.

We should indeed celebrate Arab-Canadian heritage and the contributions of Arab Canadians to this country in April and every other month. But let's not do Arabs the dishonour of passing a bill in haste that wilfully ignores the suffering of Arabs in Palestine and Lebanon and the silencing of Arab Canadians because of their views on the situation in Palestine.

I hope other honourable colleagues will join the debate and that we will take the time to reflect on what it means to celebrate Arab heritage in the face of Canada's stance towards Palestinian Arabs and the blatant anti-Palestinian racism that pervades society.

We can start by observing International Day of Solidarity with the Palestinian People this Friday, an observance that was passed by the UN General Assembly in 1977. Canada, by the way, voted against that resolution. It was, of course, November 29, 1947, that the UN General Assembly adopted Resolution 181 on the partition of Palestine.

When the time comes for us to call the question, I will vote in favour of the bill not just to celebrate and honour Arab heritage, but to protest our collective complacency about genocide and crimes against humanity in Palestine and to express the lament for peace that is captured in "Haza Salam" — that *ya habibi* is what it should mean to declare April as Arab heritage month. Not as in *The Waste Land* of T.S. Eliot, but *The Canterbury Tales* of Geoffrey Chaucer, who wrote:

> When in April the sweet showers fall
> That pierce March's drought to the root and all
> And bathed every vein in liquor that has power
> To generate therein and sire the flower . . .

Thank you for your attention.

(On motion of Senator Ataullahjan, debate adjourned.)

[*Translation*]

HEALTH OF ANIMALS ACT

BILL TO AMEND—FOURTEENTH REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Black, seconded by the Honourable Senator Downe, for the adoption of the fourteenth report of the Standing Senate Committee on Agriculture and Forestry (*Bill C-275, An Act to amend the Health of Animals Act (biosecurity on farms), with an amendment and observations*), presented in the Senate on October 29, 2024.

Hon. Pierre J. Dalphond: Honourable senators, I'm rising in support of the Agriculture Committee's report on Bill C-275. You won't be surprised to hear that I won't be saying the same things as Senator Plett, who strongly criticized this report.

• (2050)

[*English*]

To summarize, Bill C-275 has been presented as biosecurity legislation, proposing a federal offence to deter trespassers on farms under the premise that they expose livestock to diseases. It also proposes to punish animal rights organizations that encourage or support these trespassers.

As I will explain, the bill as originally drafted is, in fact, an "agricultural gag" bill or an "ag gag" bill. It targets people who want to reveal and draw public attention, and sometimes law enforcement, to various kinds of animal mistreatment.

From the outset, I want to emphasize that when strangers enter onto the property of somebody else, they should be liable to punishment under provincial trespass laws and/or the Criminal Code provisions, including those on malfeasance to which some previous speakers referred to in their speeches. Equally, however, it is crucial to acknowledge the public interest in knowing about how animals are treated.

In this regard, a recent decision of the Ontario Superior Court of Justice released on April 2 of this year — after Bill C-275 arrived in the Senate — is on point. This judgment struck down a part of the regulations adopted pursuant to the Ontario Security from Trespass and Protecting Food Safety Act, 2020, designed to prevent undercover investigations of animal cruelty at farms due to Charter violations as regards freedom of expression. The judge wrote:

> Publicizing the way in which animals are treated is an issue of interest to at least some members of the public. It is an issue about which the public is entitled to be informed if they want to be. It will then be for the public to determine whether they find the conditions acceptable when balanced against the consequences, if any, of changing those conditions.

In other words, provisions of the Ontario regime preventing undercover investigations were found to be in breach of section 2 of the Canadian Charter of Rights and Freedoms and were also found not to be reasonable and could not be saved under section 1.

Unfortunately, the bill before us, Bill C-275, is also aiming to prevent animal rights activists from gathering information on farming practices and to prevent undercover operations on farms.

My speech will proceed in four parts: first, the evidence in committee about the bill's purpose and effects; second, the legal concerns raised at committee; third, the impact of the amendment, which responds to the evidence and reduces the risk of a legal challenge; and, finally, the observations, which also respond to the evidence.

First, as stated in the bill's title, Bill C-275 claims to be related to biosecurity on farms. As Senator Plett referenced, my father's loss of thousands of chickens from a very contagious disease, when I was much younger, convinced me long ago that biosecurity is extremely important. Therefore, I am very supportive of measures that could meaningfully advance biosecurity.

Unfortunately, the bill that our committee received — after zero debate at second reading in this chamber — is not about biosecurity but, instead, an attempt to prevent public reporting about some practices on farms by animal rights activists and undercover investigators.

I say this because of the evidence that was adduced before the Agriculture and Forestry Committee and the House of Commons. In her testimony before our committee, the Chief Veterinary Officer for Canada, Dr. Mary Jane Ireland, said this regarding the Canadian Food Inspection Agency, or CFIA: "The CFIA is not aware of any confirmed cases of animal disease in Canada due to trespassers."

We also heard from experts that trespassers actually pose a very small risk of spreading disease compared to lawful visitors and employees. For example, cases of illness have been associated with employees' non-compliance with voluntary biosecurity protocols, such as avian influenza on their shoes. In other words, what we heard was that the bill as drafted will fail to address genuine sources of biosecurity risks on farms.

Of note, the Ontario judgment to which I just referred paints a similar picture. The judge noted that expert evidence before him is to the effect that the greatest risk to biosecurity comes from an infected animal being brought to a facility or being moved from one contained area in a facility to another area in the same facility.

The experts also agreed that some of the abuses shown on undercover videos amounted to biosecurity hazards, such as bodies of dead animals lying exposed next to living animals, feeding mouldy food to animals or employees leaving a facility during a break and re-entering without sanitizing themselves.

We also learned from 20 infectious disease experts in their letter to the committee that as compared to trespassers, the introduction of a disease to a farm is the following:

> . . . simply orders of magnitude more likely to occur as a result of workers who have daily close interactions with the animals.

On this point, the committee heard from Dr. Jan Hajek, who is a clinical assistant professor and an infectious disease expert at the University of British Columbia. He testified about an illustrative incident in 2019 at a Quebec pig farm. Trespassers who wanted to bring attention to the conditions on the farm were arrested, prosecuted and sentenced for various offences, including under the Criminal Code.

Contrary to the Crown's allegation, the judge concluded that there was no evidence that the trespassers brought any disease or infection to the pigs, despite claims by the owner. He rather attributed that to the poor conditions on the farm.

Incidentally, the judge in the sentencing decision wrote this about the trespassers: "On-site, before entering the piggery, the offenders donned protective clothing: coveralls, shoe covers, gloves and hair covers."

In other words, the trespassers were mindful of the animals.

Colleagues, such precautionary practices do not appear to be isolated. For example, the Ontario judgment that I mentioned earlier noted evidence in the record suggesting that animal rights activists are more likely to be attentive to livestock health because of their concern for animals. In fact, in the Quebec pig farm case, a subsequent investigation by the Quebec Ministère de l'Agriculture, des Pêcheries et de l'Alimentation documented multiple biosecurity and welfare breaches that had nothing to do with the trespassers. They found a sick animal in need of medical attention, the accumulation of manure, overcrowding, a fly infestation and inadequate ventilation.

• (2100)

Dr. Hajek also testified that peer-reviewed studies show that adherence to biosecurity measures is variable and often incomplete on farms. He gave the example of fur farming as an illustrative case where minks can be fed raw ground-up pig lungs or chicken entrails, even though that has led to influenza transmission to the minks and was not recommended by the

CFIA. He observed cases where COVID-19 spread from workers to minks, acquired mutations and spread back to workers again. Indeed, Senator Simons referred to that in her excellent speech.

In other words, Bill C-275 appears to be a colourable attempt not to achieve biosecurity on farms but to instead provide harsher punishment to the rare acts of trespass by persons whom Senator Plett called "animal rights activists." He likes the word "activists"; he called me an activist in the committee.

In reality, the sponsor and the various lobbies behind this bill consider that provincial laws on trespass do not provide serious enough deterrents for animal rights activists trespassing on farms to document the potential mistreatment of animals.

That is the reason why the new offence defined by this bill provides that a trespasser can be punished on summary conviction with a fine of up to $25,000 or imprisonment for a term of up to 3 months or both. If prosecuted as an indictable offence, which is another option for the Crown, the person found guilty could be exposed to a fine of up to $100,000 or imprisonment for a term of up to 1 year or both. Moreover, any organization found to have been an accomplice to the activists could be charged and exposed to a fine of up to $500,000.

In their testimony, the sponsor of the bill and some other witnesses in support of the bill said these activist groups are collecting millions of dollars and are able to pay $500,000 in fines. When they were told that they were referring to American numbers and not to Canadian organizations, they were more or less speechless.

I move to my second point, which is the legal concerns about Bill C-275 as drafted.

Before the House of Commons committee, Dr. Mary Jane Ireland, the Chief Veterinary Officer for Canada, said that the wording proposed in the bill poses legal risks. She said:

> There is a risk the prohibition may not be a valid exercise of federal agricultural power, which is understood to be limited to agricultural operations that are inside the farm gate.

Before the Senate Agriculture Committee, I asked Dr. Ireland if she received legal advice from the Department of Justice Canada before making that statement. Her answer was "yes." She added that she stood by what she said in the other place.

In fact, the federal agricultural power is found in section 95 of the Constitution Act, 1867. Senator Cotter referred to it in his speech as a potential basis to justify the validity of the bill. Section 95 states:

> In each Province the Legislature may make Laws in relation to Agriculture in the Province, and to Immigration into the Province; and it is hereby declared that the Parliament of Canada may from Time to Time make Laws in relation to Agriculture in all or any of the Provinces, and to Immigration into all or any of the Provinces . . . .

From my office's research, it appears that resort to section 95 nowadays is rare. Nonetheless, we have some guidance on what can and cannot be accomplished under section 95. For example, a recent article in the *UBC Law Review* by Professor Andrew Leach states:

> Agriculture is shared jurisdiction between the provinces and the federal government, per section 95 of the *Constitution Act, 1867*. The shared jurisdiction relates strictly to production and not to transactions beyond the farm gate. . . .

The second edition of *Agriculture Law in Canada*, published in 2019, says this about section 95: "The prevailing judicial wisdom is that the section should be interpreted very narrowly."

However, it's clear that Bill C-275 proposes to apply to more than activities inside the farm gate. It will apply to any "enclosed place in which animals are kept." This could include slaughterhouses, temporary holding sites, agricultural fairs, trucks and other means of transportation, puppy mills, pet stores, animal shelters, zoos, private residences and so forth.

Colleagues, with this context, the case for supporting some provisions of Bill C-275 under section 95 of the Constitution Act, 1867 seems shaky or, at the very least, highly debatable, inviting further scrutiny. That was not done in the committee.

Notably, I would also like to mention that on October 24 of this year, the government of Alberta stated that section 95 ". . . sets agriculture within the exclusive jurisdiction of the province." They did so in a document entitled "Standing up for Alberta's livestock industry," which criticized Bill C-293, An Act respecting pandemic prevention and preparedness, currently before us at second reading.

I do not entirely agree with Alberta's statement. Like Senator Cotter, I believe that section 95 grants Parliament certain power to enact laws in relation to agriculture, including biosecurity, within the gates of the farm. Thus, the Alberta government's statement appears inaccurate, at least to me.

Nevertheless, from the Government of Alberta's position I draw two conclusions. First, the extent to which Parliament can act under section 95 can be subject to arguments and court challenges. After all, I would assume that the Alberta government consulted with its Attorney General before asserting that section 95 places agriculture within the exclusive jurisdiction of the province. Second, I gather from Alberta's position that the agriculture industry in that province is not too keen on being regulated by Parliament acting under section 95.

In any event, from the comments of the sponsor of the bill in the other place and some other supporters of the bill, the bill appears to rely more on the power of Parliament over criminal laws, found in subsection 91(27) of the Constitution Act, 1867.

However, the Supreme Court of Canada reminds Parliament that the exercise of such power requires a criminal law purpose. The most recent Supreme Court decision about the exercise of the federal power on criminal law is the adoption by this chamber and later by the other place of the Genetic Non-Discrimination Act in 2017, whose constitutionality was later challenged by the Government of Quebec, a challenge that was supported by the Attorney General of Canada. Both lost at the Supreme Court.

The Supreme Court gave its decision in 2020. Although all nine justices of the Supreme Court agreed that the law appears to address a criminal law purpose — that is, public health — the justices were split 5 to 4 on the constitutionality of the act.

• (2110)

Commenting on this judgment, one of our greatest constitutional experts the late Peter Hogg wrote:

> The Court split once again on the role that harm should play in determining the scope of the criminal law power. Justice Karakatsanis (for three judges) endorsed an approach to the criminal law purpose that requires a "reasoned apprehension of harm" to a public interest . . . . She said that "no degree of seriousness of harm need be proved before [Parliament] can make criminal law." Parliament's apprehension of harm must merely be "reasoned," and its "legislative action . . . a response to that apprehended harm."
>
> In contrast, Kasirer J. (for four judges) endorsed (…) an approach that understands harm to play an important role in limiting the reach of the criminal law power. He set out a three-stage test to be used in determining whether a federal law satisfies the criminal law purpose requirement [under the Constitution]. Under this three-stage test, a court must determine whether: (1) the federal law relates "to a 'public purpose', such as public peace, order, security, health or morality"; (2) the federal law seeks to suppress or prevent a "well-defined threat" to the specific public purpose; and (3) the threat to the specific public purpose is "'real', in the sense that Parliament had a concrete basis and a reasoned apprehension of harm when enacting the" federal law.

If Bill C-275 as initially drafted were to be adopted, I venture to say that challengers would argue, based on the evidence given at committee, that Parliament had no concrete basis to support even a reasoned apprehension of harm when enacting a bill that targeted only some vague and unproven biosecurity risks associated with occasional trespassers but not the more serious sources of risks, such as employees and visitors who do not comply daily with suggested protocols.

In sum, as originally drafted, Bill C-275 proposes the creation of an offence in relation to infinitesimal biosecurity risks while, in the same breath, excluding proven serious ones. I think that's a good way to challenge a bill.

That is why — referring to the bill's exclusion of on-farm workers from prohibitions regarding the risk of spreading disease — law professors Angela Fernandez of the University of Toronto and Jodi Lazare of Dalhousie University indicated that this mismatch of the bill's stated purpose and its effects may, as drafted, raise issues of constitutional compliance respecting federal jurisdiction over criminal law.

Professor Jodi Lazare said:

> From a constitutional perspective, in my view and as has been repeated here, this is a trespass bill that may or may not, based on the evidence, have incidental or secondary effects on biosecurity. It is quite clear that this bill is about shutting down activism and trespass, about protecting animal agriculture. In fact, it has been explicitly stated a few times now that this bill is about the protection of private property.

Despite these concerns, why are the supporters of the bill so adamant to limit it to trespassers? The answer was made obvious through various witnesses. It is to protect the meat producers from negative reports about their farming practices by animal rights activists because these reports are damaging to the business. Indeed, the Ontario Security from Trespass and Protecting Food Safety Act, 2020 and its counterparts in some other provinces pursue the same goal by stating that being employed under false premises makes you a trespasser by removing the authorization to be on the farm. Because of these provincial laws, somebody who is seeking a job and hides the fact that they are an animal rights activist or a journalist or someone who wants to create an undercover report will be considered a trespasser.

The Ontario act and some regulations adopted pursuant to it were challenged before the Ontario Superior Court of Justice, which, as I said, found a breach of the freedom of expression Charter right which was unjustified under section 1. Despite that decision and the concerns it raised in relation to Bill C-275, no Charter analysis was provided to the committee nor a Charter Statement tabled in this chamber. As a matter of fact, Senator Gold hinted last week that there might not be such a statement.

The intended chilling effects of Bill C-275 as initially drafted can not be denied. As we know, undercover efforts have sometimes reported evidence of illegal animal abuse on farms in Canada. Video footage from a whistle-blower at Paragon Farms in Ontario led to their corporate entities pleading guilty to animal cruelty and a $20,000 fine in 2023. The guilty pleas related to an illegal C-section performed on a live mother pig, and for castrating and cutting off the tails of piglets without any pain relief.

In 2021, an Ontario mink farm was convicted and fined for violating Ontario's animal protection laws following an undercover report. The footage showed filthy conditions, minks being confined in tiny cages and minks suffering from untreated and festering wounds. Animals regularly exhibited repetitive behaviours associated with poor psychological health, such as pacing back and forth and rapidly circling in their cages.

Furthermore, there is no biosecurity rationale for punishing undercover employees. Returning to the Ontario judgment I mentioned earlier, the judge said:

> The person could in fact be a model employee who has adhered to all biosecurity protocols, treated animals with the highest degree of care and ensured the safety of their co-workers.

In fact, it is wrong to label undercover employees as trespassers. As the Ontario judge wrote:

> . . . while people are not "otherwise free to engage in" trespass, they *are* otherwise free to gain entry to other premises by using false pretences without punishment by the state. The state does not penalize or brand as trespassers people who exaggerate their passion for a particular industry in a job interview or who get into a bar by claiming to be 19 when they are not.

Colleagues, in relation to undercover employees, it is indeed the freedom of expression that is at bar. Of course, in relation to the Ontario act, the province argued the opposite. The province submitted that the political goal of some of the interveners is not to improve animal welfare but to eliminate the use of animals in the service of humans for any purpose. Ontario sought to argue that it is not legal to obtain employment with one employer to spy on that employer on behalf of a different person or group. It argued that the legislation in question prohibited unlawful trespass rather than being targeted at speech. However, as the judge noted, this was a somewhat circular argument. It is easy to see why. There is very little difference between an undercover employee and an actual employee.

To quote again from the decision:

> In the scenario under discussion, the employee is on the property with the owner's consent. The employer wants the employee to be there every day to carry out their job duties. Except for surreptitious recordings or other communications about what the employee sees, everything the employee does, including interaction with animals, is with the employer's consent. Indeed it is at the employer's direction. The employee only becomes a trespasser because they have denied . . . affiliation with an animal rights group. It is that expression that makes them a trespasser.

Such denials, it should be noted, is consistent with the values underlying freedom of expression.

• (2120)

As the judge observed:

> While one may agree or disagree with the [animal rights activists], their goal in pursuing undercover exposés is consistent with the principles that underlie freedom of expression. They seek to tell the public about the conditions in which animals are raised and slaughtered. They do so to bring about social and political change. They do so in the pursuit of self-fulfillment.

Furthermore, the judge said:

> . . . for a potential employee to deny any association with animal-rights groups in a job interview does not threaten biosecurity, the food supply chain or animal safety. Nor does the follow-up act of such an activist communicating what they see in an agricultural facility.

I regret that we have not had a chance to properly examine these legal issues and developments, including the potential interaction of Bill C-275 with provincial legislation like the one in Ontario prohibiting undercover operations. Certainly, we did not look at them in committee. In fact, these aspects would have been more suitable for the Legal Committee. It also would have been helpful to have a second reading debate on this bill to canvass such issues before the work of the committee.

In conclusion, Bill C-275, like the Ontario legislation, deserves to be called an "ag gag" bill, targeting animal rights activists and journalists to prevent adverse publicity. Instead, I believe that our society should take a different approach.

To echo the words of the Ontario judge:

> Rather than punishing the expression, the more proportionate response is counter speech that explains the practices at issue and why they are necessary. It will then be up to social consensus to determine whether the practice should continue or be modified.

I now turn to my third point: the amendment added in committee now contested by the Conservative leader in the Senate and his followers.

At committee, Senator Plett actually suggested amendments after hearing the testimony of Professor Lazare and Professor Fernandez questioning the constitutionality of the bill. Senator Plett said, "Don't say it's unconstitutional and throw out the baby out with the bathwater. Let's improve it."

However, in this chamber, Senator Plett is now telling you that he opposes any amendment to the bill. I agree with Senator Plett number one; an amendment is the way to go, and a true biosecurity bill is what we should do instead of a colourable attempt to silence people.

In this respect, I emphasize that Professor Lazare suggested that the bill's biosecurity measures should apply to everyone on the farm so that the purpose and effects will match the title of the bill. In answer to a question from Senator Plett, Professor Lazare said:

> If I may answer a question from earlier about how we might amend the bill instead of throwing the baby out with the bathwater, if the bill applied to anyone who entered onto a farm, if anyone who was at risk of bringing a contaminant or disease onto a farm could be liable, that would be a biosecurity bill. That would be something that the federal government could do under its jurisdiction over the criminal law, which covers public health and security. As the bill currently stands, it is a trespass bill; it doesn't target biosecurity. . . .

It is also worth noting that in the recent Ontario judgment to which I referred, the Ontario government's affiant agreed on cross-examination that any concern about biosecurity would:

> . . . be at least as well addressed as it is under the Act if all individuals in Animal Protection Zones were required to follow biosecurity protocols.

Colleagues, this is what the amendment adopted by the committee does by simply deleting the words "without lawful authority or excuse" — five words that give considerable reason for pause, as I've shown so far. This mitigates constitutional concerns by addressing all those situations that represent real or potential threats to biosecurity. It also gives us something better resembling a biosecurity bill.

To be clear, with the amendment, trespassers remain captured by the prohibition, even though they have never caused a confirmed case of animal disease. With the amendment, it brings a rational and evidence-based approach to the intent of the bill and makes it real biosecurity legislation rather than an "agricultural gag" law.

It has been suggested that the removal of these words would deprive workers and visitors of any protection and expose them to charges under the newly created offence further to a complaint to the police by the farm owner. However, I respectfully submit to you that the protection of farm workers, visitors, delivery persons and so on is found not in these words, but rather in one of the essential elements of the offence, namely, that the prohibited conduct — entering a building or other enclosed place in which animals are kept — can do the following:

> . . . reasonably be expected to result in the exposure of the animals to a disease or toxic substance that is capable of affecting or contaminating them.

First, you need to enter, and, second, you have to be a risk.

In other words, only persons who intentionally, negligently or recklessly disregard biosecurity risks could be found liable. As long as farm workers, visitors, delivery persons and trespassers comply with relevant protocols or practices, they cannot be convicted under the proposed legislation.

Incidentally, that essential element of the proposed offence raised many questions and comments at committee by Senator Marshall. Let me quote what she said at committee in one of her interventions:

> To clarify, the amendment itself isn't focused on all trespassing. When I read the amendment —

— she is referring to the fact that the bill amends the Health of Animals Act —

> — it's focused on trespassing if it ". . . could reasonably be expected to result in the exposure of the animals to a disease or toxic substance . . . ."
>
> To me, reading the amendment, you are not focusing on all trespassing; it's a specific kind of trespassing. It's a narrower focus. . . .

I will say that Senator Marshall is not a lawyer by training, but she has good legal reasoning.

Colleagues, why should an employee who wilfully or recklessly ignores biosecurity protocols be protected by the fact that they are lawfully on the premises? Why should an employee wilfully spreading a disease not be covered by a true biosecurity act?

[*Translation*]

I'll now move on to my final point, which is an observation. This observation simply calls on the government to implement regulations to protect biosecurity on farms under section 64 of the Health of Animals Act, which this bill proposes to amend. This would make protocols that are currently optional on farms mandatory, as prescribed by the regulations.

I understand that Senator Plett doesn't support this invitation to the government, because, in his view, biosecurity should be left to the discretion of each farmer, even if failure to follow the suggested protocols could lead to an epidemic that could have ramifications far beyond that farm.

In short, the observation adopted by a majority of the members of the Standing Senate Committee on Agriculture and Forestry stems from the evidence presented to the committee illustrating just how inadequate the voluntary protocols are, as they are often not respected.

[*English*]

Honourable senators, the Agriculture and Forestry Committee's amendment means that Bill C-275 now has the potential to meaningfully improve biosecurity on farms and not constitute an "agricultural gag" bill destined to be challenged before the courts. I invite you to adopt the report and, if necessary, send this bill back to the House of Commons for further reflection.

Thank you. *Meegwetch*.

The Hon. the Speaker: I see that Senator Batters has a question.

Senator Dalphond, will you take a question?

[*Translation*]

Senator Dalphond: Gladly.

[*English*]

Hon. Denise Batters: Thank you. Senator Dalphond, in your speech you described this particular Bill C-275 as not having a Charter Statement with it. Of course, as you'll, I'm sure, remember, this is a private member's bill, and Charter Statements are prepared by the government. As far as I can remember, I don't think that they are prepared for private members' bills but generally only for government bills.

• (2130)

You have a private member's bill in the sense that you have introduced as a Senate public bill to this chamber Bill S-256, and I'm wondering if you have a Charter Statement for that bill. Maybe you have prepared one yourself, but is there one for that? Wouldn't you agree that they are generally only prepared for government bills?

Senator Dalphond: Thank you, Senator Batters, for that question. That gives me an opportunity to clarify what I said. Maybe I was speaking too fast to make sure I covered everything. What I said is that Senator Gold, in his speech on behalf of the government, said the government was supportive of the bill before the amendment and was opposed to the amendment. And I asked him if the Charter issue was considered and if the government was of the opinion that it was a valid bill that had no constitutional aspects to it, that they probably have received an analysis, a Charter analysis, and then I went on to say, "And maybe a Charter Statement, so could we have a copy of it?"

I didn't say that private bills need a Charter Statement. I just said that when the government says, "We support that bill," they have to make sure that they support a bill that is constitutional and complies with the Charter of Rights and Freedoms, because this government has always been committed to respecting the Charter of Rights and Freedoms and to never using the "notwithstanding" clause.

Senator Batters: I will look back at what you said exactly on that. I did make a note that you had referred to the fact that there was not a Charter Statement for this bill. I'm just asking you to confirm that, in general, for private members' bills, the government does not prepare a Charter Statement for that and that you don't have one for your private member's bill.

Senator Dalphond: I will repeat my answer in French to make sure it's well understood.

[*Translation*]

Senator Batters, I'm pleased to repeat what I said earlier. My comment follows up on the question that I asked Senator Gold when he gave his speech on Bill C-275 last week. In that speech, he said that, with all due respect for me, the government didn't agree with what I'd done, which negated what Senator Plett had said about me just following the Prime Minister's instructions. Later, he said that the government agreed with this bill and fully supported it without amendment.

I rose and respectfully asked Senator Gold the following question: "Senator Gold, since you are saying that the government supports this bill and cabinet has examined it, do you have a constitutional opinion before the government makes a decision? Did the government obtain a Charter compliance statement? If so, could you provide us with a copy?"

I never said that the bill to amend the Criminal Code that you recently got passed required a statement of compliance or that you should get one. I never said that, and I'm not saying that today either. I hope that I'm making myself more clear in French that I did in English. Thank you.

[Senator Batters]

[*English*]

Hon. David Richards: Honourable senators, I will speak briefly, more briefly than Senator Dalphond. Senator Dalphond, I enjoyed your speech. You are a judge, and, as you mentioned to me, I am not. But, you know, I was concerned about this long before this bill ever came up. I was concerned since I was a kid, arguing about this with friends who let horses loose on the road down by Tracadie and got them hit by trucks, and they all thought they were doing a good job. They all thought they were acting in the benefit of the animals they believed they were protecting. And so I went to this committee with a bit of an idea of how — I know you don't like the word — animal rights activists operate.

This bill is not so much about investigative reporters — because they will always find their way through, and you know that — but about wilful damage to the property and animals and the threat, even if it is a future threat, of disease, which is not in any way justified, because of the presence of people who have no responsibility to the farm they invade, and that's where the problem lies.

George Orwell said about Mahatma Gandhi — and there is much about Mahatma Gandhi to revere — that all saints should be considered guilty until they are proven innocent. And, in a way, we are in the throes of a kind of new theocracy here with the animal rights activists. I do believe the most important phrase in this clause is "without lawful authority or excuse" to be on the farm. And I think ownership is sacrosanct. I think these are the problems with this amendment. I think you give far too much credit to the animal rights activists. I'm not talking about investigative reporters. They are totally different than the animal rights activists. I think you're mixing apples and oranges.

I wonder if the amendment to this bill does not give animal rights activists a credit they do not deserve. I wonder if this amendment reduces the farmer to the very same cynical position as those who wish to destroy his livelihood.

I wonder if the amendment allows an endorsement the trespassers do not warrant, that their acts of disruption into a barn in the middle of the night demonstrate a biological transference that should never be permitted, that their DNA should not be permitted in a place where they wish to create mayhem, for — you know what — they do create mayhem willingly, and they do create crimes, and the crimes do include cruelty to animals.

What's worse for me, I do not believe their concern is not marred by narcissism, the kind that will always kill concern. You see, it is entirely to the investigative reporter's benefit to be hired and wait a month to get a photo and a story about an animal suffering abuse, and I know an investigative reporter who did so. But any investigative reporter could find suffering and abuse willingly perpetrated, even unintentionally, by the animal rights activists on any given night, for they are the ones releasing the animals into a world the animals do not know and cannot navigate without terror. I think of the horses that were killed on the road, on Highway 11.

So often our animal rights activists are never monitored in what they do. We take them at their word that at 3 a.m., when they do cause animals to be let loose, if they do — and many times they do — they are acting with restraint and jurisprudence and cleanliness and decorum. Some may say these activists are conscientious enough never to bring biological contaminants into the places they invade, and perhaps they are elaborately outfitted not to do so. But I am saying the trespassing itself is a biological interference that should not be tolerated by an amendment that gives a complicit approval to their jaundiced mayhem by putting equal onus on those people they invade.

Is it true that they ever care as much for the animals' welfare as does the farmer who relies on that welfare? Or do they exploit the animals and the farmer for their vanity? If I am cynical, it is only against those who are cynical.

Worse than this, the very idea that their invasion is non-violent and beneficial shows how corrupt the idea of non-violence has become in our society. Their passive resistance is filled with the tyranny of both supposition and conceit. Like so much passive resistance, it carries within its soul the very germ of hatred. I have watched it for years, and, like Orwell, whom I mentioned, I have realized it to be so.

No, not every farmer is good. I have seen many who weren't. Not every farm hand is just. I have seen many who weren't. I have been around horse and cattle farms enough to know. Still, many are, and many, many try to be. But I know there are many who are distrustful of the farmer, and this amendment applauds this cynicism at its very core. They are placed in the same position as those who wish to destroy them. It must be a horrendous penalty to pay for a farmer who has worked all his life to be hanged alongside those who wish to destroy what his family spent a lifetime trying to safeguard.

But this amendment, in at least a symbolic way — and I'm saying in a symbolic way — allows it. We know this amendment will cause this bill to fail. The farmer and his destroyer will both be suspect in the same way, but for some reason, I believe the farmer will be more so and that your speech already proves that.

• (2140)

One thing is very certain: Those thieves who come in the middle of the night do not come in clandestine fashion to save the farm but to sabotage it. By this act, they themselves are the very biological factor that should not be allowed. I am asking this question: Would they mind if the animals took sick and died and, by that, reduced the farm to insolvency?

To have this amendment contributes to the skepticism and distrust toward the farmer that animal rights activists wish for an urban population to share. It allows them a victory they don't deserve.

A bad farmer will be known for it. An investigative reporter will sooner or later find out if no one else does. A good farmer will be known for it as well. But I wonder if many animal rights activists keep cows, sheep and fowl and maintain them through backbreaking work, not to have them for slaughter but to keep them safe. Do they keep barns and properties to foster animals and maintain them? What animal rights activist have I ever known to show such concern and altruism? How many animal rights advocates have spoken in alarm over avian flu in the past two months? I know most farmers out West have done so.

If they really cared, they would maintain properties to aid those animals they wish to protect. You would not see the animal activists dressed in hoods and balaclavas, breaking into barns with all the limited vision of our contemporary revolutionaries; instead, you might see them unloading hay for horses and giving cattle their grain. We might see lambs and ewes in their yards and ducks in their wash basins. They would be veterinarians and study diseases and hope for cures. You may say that what I am saying is frivolous and that some are veterinarians; however, it is too few.

Many of these activists are the foster children of those I grew up with, those of my youth who were going to cleanse the world and yet, with unchecked egos, ended up hating everyone in it. I would much rather have the little child who feeds her chickens and collects the morning eggs than any of them. She who does so has a firmer and fitter hand on the nature of love. It is reasonable to assume she is closer to the truth than they will ever be.

The self-regulation most farmers go through to keep their farms safe and the people on them perspicacious will no longer be accepted — and it no longer is — yet the benefit of the doubt will always be given to those who break in and scatter livestock.

I know we take animals to slaughter, but until we all become vegetarians of our own accord, this is a price paid. As I stated in an essay long ago, until we all become vegetarians of our own accord, we should be morally obligated to kill that which we eat at least once in our lifetime. Then we might understand what the farmer does for us every day. We should celebrate them at their best and not have them hounded in the dark.

This amendment in itself allows, by its transposition, a coercive form of violence that shows disregard to the overt violence coercive violence always causes those it targets. In fact, the animal rights activists should be the last to claim any moral higher ground as they break down the doors of people they do not know. Sooner or later, overt violence will occur.

This small amendment is a blight on 10,000 farms and a celebratory victory for those who would burn them to the ground. For these reasons, I will vote against this amendment. Thank you.

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

DEPARTMENT OF FOREIGN AFFAIRS, TRADE AND DEVELOPMENT ACT

BILL TO AMEND—FIFTEENTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Boehm, seconded by the Honourable Senator Moodie, for the adoption of the fifteenth report of the Standing Senate Committee on Foreign Affairs and International Trade (*Bill C-282, An Act to amend the Department of Foreign Affairs, Trade and Development Act (supply management), with an amendment and observations*), presented in the Senate on November 7, 2024.

Hon. Yuen Pau Woo: Honourable senators, I would like to add my voice in support of Bill C-282, as amended, and to ask you to vote in favour of the committee's report on this bill. I hope the clock will change so that I have requisite time.

I am a member of the Standing Senate Committee on Foreign Affairs and International Trade and was an active participant in the Bill C-282 hearings. I have worked on trade policy issues for more than 30 years and have never seen such a boneheaded trade policy idea as in the bill before us in its original form.

My speech will focus on a letter that was sent to us last week from the heads of Canada's supply-managed industries. I salute the associations representing dairy farmers, chicken farmers, egg farmers, turkey farmers and hatching egg producers for the single-minded dedication they have shown to their members, and I thank them for sharing their views with us. Since they represent a tiny slice of our economy that has received special protection for over 50 years, I will, for ease of reference, call them "the Favoured Five."

The letter from the Favoured Five seeks to debunk claims that were allegedly made during committee hearings. I will address the most salient arguments raised in that letter, starting with the assertion that this bill, unamended, will not make it more difficult for Canada to renegotiate trade deals or negotiate new agreements. To quote the letter:

> A trade negotiation implies a wide range of topics, including a culture, industrial goods services, intellectual property, investment rules and many others. With such a range, it is clear that a mutual agreement can be found without jeopardizing Canada's supply-managed sectors.

Let me translate that last sentence for you into plain English. What they are saying is that they don't really care what harm may be done to other sectors of the Canadian economy as long as there is no harm done to them.

The Favoured Five go on to argue, "Our farmers want all Canadian agriculture to prosper and do not support sacrificing one sector at the expense of others." They conveniently ignore the fact that 40 other agricultural bodies are against Bill C-282 and will make the same argument, except that they represent a much larger share of Canadian agriculture in terms of incomes, jobs and, yes, family farms, as well as contribution to rural economies.

The Favoured Five also claim that other countries have restrictive import policies for sensitive agricultural products and that this justifies the codification of protection for their industries in the act governing the Department of Foreign Affairs and International Trade. Setting aside whether the extreme protection of agricultural products is good for a given economy, this argument ignores the fact that it is already Canadian policy to not make further market access concessions in supply-managed industries. This was confirmed by officials who testified at the committee's hearings.

In other words, we are already doing what the Favoured Five say we should to emulate other countries.

What the Favoured Five are asking for is that Canada go beyond what any country has done. Doing so, however, would represent a protectionist escalation that would prompt retaliation and pose significant risk for the negotiation and renegotiation of trade treaties. The issue here, colleagues, is what our former representative to the WTO Johnathan Fried calls "instrument choice."

For a given policy objective, there are different instruments that can be deployed. When it comes to protecting the Favoured Five, we have already chosen a very powerful instrument in the form of a policy directive. In the current political climate, there is little disagreement on the current policy choice of protecting supply management. That is why the vote on this bill in the House was so strongly in favour of the bill.

What that means for how the Senate should respond is up to individual senators to decide. But in no way, shape or form can it be said that the bill, as amended, changes the current policy objective of the government on supply-managed industries.

Now that I have invoked a former top Canadian trade negotiator, I'm sure some of you will be wondering about Steve Verheul, the legendary negotiator of the Canada-European Union Comprehensive Economic and Trade Agreement, or CETA, and the Canada-United States-Mexico Agreement, or CUSMA. Senator Cardozo intoned Verheul's name twice in his speech last week, including in his answer to Senator Boehm on why this bill is necessary.

Well, Mr. Verheul, who deserves all the praise that he received for his service to Canada, is not only legendary but also enigmatic. Since his comments on Bill C-282 in February 2024, he has not been heard from again in public on that subject. I desperately wanted to hear from him, and our committee, of course, invited him to testify, but he declined.

• (2150)

I don't know what personal or professional factors stood in the way of his appearance before the committee, but at least half a dozen other former trade negotiators and trade policy experts did show up at our committee, and all of them testified against the bill.

The good news is that Mr. Verheul has not become a hermit. He gave an interview to the *National Post* a few months ago in which he said that the U.S. continues to feel that they are not being given the access to the Canadian dairy market that was promised to them in the Canada-United States-Mexico Agreement, or CUSMA. Here is what he said:

> The biggest concern I would have at this point is that U.S. Trade Representative Katherine Tai has suggested that perhaps this issue needed to be addressed in the upcoming review of the agreement. And I think the notion that you might want to reverse or overturn dispute settlement decisions through a negotiating process is not a good signal to send at this stage . . . . That very much undermines confidence in, not only in dispute settlement, but in the agreement overall . . . .

Let me unpack this comment for you. U.S. Trade Representative Katherine Tai, who is on her way out and will be replaced by someone who is even more protectionist, is threatening to respond to what the U.S. sees as unfair treatment in dairy by blowing up the dispute settlement mechanism that Canada fought so hard to protect in the CUSMA negotiations.

That is why the hard red line to protect the Favoured Five, such as Bill C-282, could result not just in more punitive measures against a few other Canadian industries but against the entire economy through the removal of an impartial adjudication process for trade disputes.

Mr. Verheul did not raise the prospect of the Americans bailing from CUSMA altogether, but, given president-elect Trump's comments over the years we should not rule it out. The Favoured Five will say that this outcome is highly unlikely, and, in any case, Bill C-282 will not be the major reason for such an outcome. But my question for all honourable colleagues is this: Do we want to run that risk by passing a bill that is totally unnecessary?

Some of you may argue that the long-standing unhappiness of the United States over our dairy practices is precisely why we need this bill. In other words, we need more than a red line. We need to slam the door and bolt it shut by amending the Department of Foreign Affairs, Trade and Development Act. But here is the dirty little secret that slipped out from proponents of the bill: If we really need to do so, we can repeal the bill — all it would take is a decision of Parliament.

Senator Cardozo said as much in his speech last week. We have it now on the record in Hansard for the world to see: an admission that if the pressure gets too heavy we can reverse Bill C-282. How do you think this will be interpreted by U.S. trade negotiators?

Let me ask a different question for those of you who have kids. If you tell your children that the family rule is that there will be no use of devices during mealtime unless someone objects very strongly, what do you think will happen? Of course, the Americans will say to us, "You said you would change the law if the need is great enough. Change it. Or else." Need I remind you of the bombshell threat from president-elect Trump yesterday?

I don't want to presume what will happen in that situation, but do we really want to have a debate about national sovereignty over a bill on supply-managed industries? If we did end up repealing Bill C-282 in the face of American pressure, how do you think that will affect the overall bargaining strength of our trade negotiators, never mind national pride?

That is why, at the start of my speech, I said this bill is bone-headed. It is not only bone-headed from the point of view of trade negotiation strategy and the broad Canadian economic interest; it is also bone-headed from the point of view of supply-managed industries. In the words of some witnesses, notably former minister John Manley:

> C-282 puts a bull's eye on the favoured five. Or if you were thinking that the bull is our most important trading partner, imagine C-282 as a red flag in front of the charging beast.

With the greatest respect to the supporters of supply management, this bill is a massive strategic blunder that works against the very interests of the sector. It takes comfort in the blunt legislative fix, but ignores the quite predictable and likely devastating consequences of that action. Rather than building on the proven track record of a Canadian trade negotiating strategy that has protected supply management from rampant imports, the industry and its supporters are trying to force an outcome in all future negotiations that will backfire on them.

What is more, the uncompromising stand of the Favoured Five is alienating other agricultural sectors and non-agricultural industries that are trade dependent. This bill is so flawed that I would vote against it even if it were a government bill. The fact that the Government Representative in the Senate has belatedly come out so strongly in favour of the bill does not make it any better.

The amendment that was adopted in committee makes the bill more palatable, but it is still deeply flawed. I hope you will join me in voting for the report. Thank you.

(On motion of Senator Martin, debate adjourned.)

CANADIAN HUMAN RIGHTS ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Senator Ataullahjan moved second reading of Bill S-257, An Act to amend the Canadian Human Rights Act (protecting against discrimination based on political belief).

(On motion of Senator Ataullahjan, debate adjourned.)

[*Translation*]

CAN'T BUY SILENCE BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator McPhedran, seconded by the Honourable Senator McCallum, for the second reading of Bill S-261, An Act respecting non-disclosure agreements.

Hon. Marilou McPhedran: Honourable senators, I note that this item is at day 15, and I'm not ready to speak at this time. Therefore, with leave of the Senate and notwithstanding rule 4-15(3), I move the adjournment of the debate for the balance of my time.

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

Hon. Senators: Agreed.

(Debate adjourned.)

[*English*]

NATIONAL STRATEGY TO COMBAT HUMAN TRAFFICKING BILL

SECOND READING—DEBATE ADJOURNED

Hon. Salma Ataullahjan moved second reading of Bill S-263, An Act respecting the National Strategy to Combat Human Trafficking.

(On motion of Senator Ataullahjan, debate adjourned.)

• (2200)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

On Other Business, Commons Public Bills, Second Reading, Order No. 3:

> Second reading of Bill C-295, An Act to amend the Criminal Code (neglect of vulnerable adults).

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I note that this item is at day 15; therefore, with leave of the Senate, I ask that consideration of this item be postponed until the next sitting of the Senate.

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

Hon. Senators: Agreed.

(Debate postponed until the next sitting of the Senate.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Miville-Dechêne, seconded by the Honourable Senator Boehm, for the second reading of Bill C-332, An Act to amend the Criminal Code (coercive control of intimate partner).

Hon. Paulette Senior: Honourable senators, I rise on the unceded, unsurrendered territory of the great Anishinaabe Algonquin Nation to share some thoughts and reflections on Bill C-332. I am thankful to have this opportunity to engage in dialogue and discussion that raise awareness of all forms of gender-based violence, in this case coercive control, one of the least known and possibly most insidious aspects of abuse in the spectrum of gender-based violence, most often rendered invisible to those on the outside looking in.

I'd like to express my appreciation to Senator Miville-Dechêne for sponsoring and moving this bill forward.

Honourable colleagues, I rise because Bill C-332 supported by some research and limited experience in other jurisdictions is well intentioned and has the ability to make a difference in some situations and in some communities but not all. I say this not to oppose the bill but to highlight why a criminal justice response, despite meaningful amendments, will still fall short and, quite possibly, may not be the panacea we all long to see.

Gender-based violence is and has always been a pervasive and pernicious scourge that continues to tear apart lives, families and communities. In fact, it has been a deadly epidemic if not pandemic that has not declined for far too long, despite the current criminal justice regime.

Personally, I cannot tell you how many years I've repeated this refrain: Every six days in this country, a woman is killed by her intimate partner. I'm, quite frankly, tired of repeating this refrain, yet we cannot remain silent as this pandemic rages on.

As inferred, it's quite possible that an addition to the current legislative regime is what's needed, but I'm not wholly convinced this bill will be the solution we seek. And I say this from my decades-long experience as a leader in the gender-based violence sector, someone who has delivered front-line gender-based violence programs and services at the grassroots level and as a Black woman who has experienced gender-based violence inclusive of coercive control.

Now, although my personal experience is of some 40 years ago, as a young, married, 20-something-year-old mom, I learned very quickly and painfully that the criminal justice system was not the best option for my son and me. In fact, after being ignored and dutifully dismissed by police, I was fortunate to have the option of family, friends and community who sheltered and protected me from further harm and danger.

I share this not to evoke your sympathy but to demonstrate that like for the 44% of all women in Canada aged 15 and up, GBV, or gender-based violence, is not an uncommon occurrence, yet it persists and quite often with impunity, despite strengthened legislation over the years. Legislation has indeed improved, but Bill C-332 will be an additional legal tool that will hopefully save lives.

I worry, my colleagues, that the discriminatory, misogynist, racist and anti-Indigenous systems that have kept GBV in place for so long have not shifted much and will continue to only save some lives over others, particularly those who fit the image of the "ideal" victim and leave the most vulnerable Black, Indigenous, gender-diverse people, women with disabilities and others quite possibly at risk of high criminalization without addressing specifically the causes that have left the pervasive onslaught of all forms of gender-based violence and femicide intact.

Some 40 years ago, I didn't fit the ideal victim to be protected, and today, as evidenced by the statistics on gender-based violence and incarceration rates, many do not. Under the current legislative regime, adding yet another legal remedy without addressing key root causes and recognizing and investing in alternate critical community-based responses and issues will continue to result in the inequitable outcomes we have seen for decades.

I'm sure there isn't an honourable colleague in this chamber who would not support saving the lives of all women and children and preventing gender-based violence everywhere; however, we can, including through Bill C-332. The concerns I raise are to point out the historical and inequitable application of already existing legislation that women from Black, Indigenous, racialized, disabled, 2SLGBTQI+ and other vulnerable communities have endured. They and all of us are deserving of equal treatment under the law, but also the recognition that sole reliance on criminal justice tools is not a sufficient, effective remedy for the long, unyielding, persistent societal ill of gender-based violence, including coercive, controlling intimate partner violence.

So, there is much more to be said on this that I hope will be explored in committee. That's where we'll get to the meat of the matter, I believe. But suffice it to say from me, my concerns remain intact despite the thoughtful clarifying amendments made to date.

Earlier, you heard Senator Petten mention the signal for help — thanks for the plug — a simple non-digital tool developed by the Canadian Women's Foundation that captured global attention and has been used thousands of times around the world to signal to someone that a person needs help. I am proud of this initiative or innovative tool that was created under my leadership at the foundation at the outset of the pandemic, when we began to hear of escalating calls for help from shelters and women's support services.

Colleagues, it is not lost on me that it is the second day of the global 16 Days of Activism against Gender-Based Violence and that we're only days away from the thirty-fifth anniversary of December 6, Canada's National Day of Remembrance and Action on Violence Against Women.

• (2210)

I mentioned earlier that I'm tired. I'm tired of repeating the same statistics over and over again. At some point, though, it must dawn on all of us that the issue of gender-based violence is deeply systemic — and in the worst way for some. The pernicious systems of sexism, misogyny, racism, gendered inequality, poverty and so on intersect and work together to lock and bind the most vulnerable women in inescapable, vicious cycles that make it impossible to break through, thus resulting in robbing many of choice and options that they would otherwise have were it not for lack of access to meaningful interventions like safe, affordable housing, livable incomes and well-resourced grassroots community supports.

My concluding reflections, as I said, are not to speak against Bill C-332 but to lead to more thoughtful, comprehensive, holistic conversations exploring ways to question whether yet another legislative response — that further locks in already deeply systemic barriers without addressing the already known deeply historical barriers and inequities without also investing in grassroots initiatives — is what's needed at this time.

Thank you for listening.

[*Translation*]

Hon. Michèle Audette: [*Editor's Note: Senator Audette spoke in Innu-aimun*.]

Thank you very much to the Anishinaabe people. My dear friend, Senator Julie Miville-Dechêne, this is a message for you, but mostly I'm rising in this chamber to talk about a bill that is important to some, that scares others and that does all of that at the same time for me. My colleague Senator Senior did a great job of explaining that.

I come from an isolated community. We can only get in or out by plane. In the winter, we travel by skidoo, on the ice roads or by train. When a small initiative could help to save a woman or a man, I need to think carefully to ensure that this initiative will in fact support an individual or family.

For me, this bill is much more than a bill. It is a matter of justice, a matter of protecting children, families and communities. Every day, we realize that this type of violence often goes unseen. It is often hidden or invisible, even for me. It is thanks to you that I learned this word. Before that, I normalized this sort of behaviour or called it a form of harassment.

Where I come from, we like to take a holistic approach. We have to consider all aspects, all the parties involved, and our current context, in other words, our culture and our way of doing things. However, in my world, among the Innu, we've come to accept this repetitive behaviour, this form of manipulation, this harassment, this control, this humiliation. We tell ourselves that it's part of life and wonder why we should report it, when that's just the way it is. Thank you to the senators who explained it so well in their speeches so far.

Sometimes this violence will be physical, but we hear less about that. It's more a form of coercive control, but it can really affect a family. When I say "physical," it does has an effect on your self-esteem, on how you get up in the morning and say to yourself, "Do I deserve to live? Do I deserve everything that's happening to me? Is this normal?" You'll understand why I always say "normal."

Many of you have shared personal experiences from your youth. It's the same where I come from, when you see the person you love the most — for me, it was my mother — be controlled by someone from the outside who wants to change who she is and how she behaves with her own children and her environment, to the point where she ended up saying, "That's life, my girl." Yet I knew that deep down she was afraid. She was caught in a cycle of violence, but she knew it wasn't normal.

The community saw it too. People saw it. Collectively, we normalized it all. However, people knew that she deserved better, and today, we still believe that she deserves better. As I said, she was noticed, and at one point, we felt powerless. I was young. I didn't know that I could file a complaint, and even if I had, what response would there have been? We didn't even have real police in our community. They were supernumeraries, people we tapped on the shoulder — because the band council had that authority — and who were told, "You, you're a supernumerary." They had no training to respond to spousal or family violence, much less the kind of violence we call "coercive violence." The word didn't exist in my world.

When I looked at Bill C-332, I said to myself, we have an opportunity here. The world isn't perfect. People want to change the Criminal Code, not in bits and pieces, but with a major overhaul so that it is better adapted to who we are as women, as men, and as individuals in 2025. Alas, that is what we get as a society and as a democracy: precious little bits at a time.

Words are important to me. We need to give a voice to this invisible violence. That voice will protect my mother, these women, these girls, these little girls. It will break one form of the cycle of violence that I referred to as silent earlier. We have heard a man stand up, a brother, a colleague, a senator, who wants to join us in denouncing the many forms of violence that women and girls experience across Canada.

This feminism is seen in the Innu communities where the men are part of the problem, but also part of the solution. We carried them, we brought them into the world. We want these men to be our warriors, our protectors, for them to take care of us and to reclaim the place that they lost to colonialism. Remember that great National Inquiry into Missing and Murdered Indigenous Women and Girls and Call to Justice 5.3, which called on every government, including the federal government, to reexamine the issue and reform the legislation on sexual violence and intimate partner violence, utilizing feminist perspectives and the realities of indigenous women and girls.

I think I'm going to cry, but I'll be strong. A year ago, I had to leave you because I received a call that no mother ever wants to get. My son was on the other end of the phone. He'd been stabbed with a knife, thinking he'd been in love with the right person. We saw him change, grow smaller, become crushed and then extinguished. We thought, this isn't normal. "Stand up for yourself. You've got rights. There are organizations out there for you, there are things for you, you have the right to live." No, he wouldn't listen. He was stuck in a way of doing things. Again, I didn't know the term "coercive control" back then, but friends here — lawyers, experts, feminists and people who had lived through the same thing — they told me, "Here is what you can do as a mother." It was the same in my family. I kept my son on the other end of the line and I told him, "You'll survive, you can do it."

Today, he is holding together, standing tall and strong. He is healing, but it upset us a lot. At the same time, today, with his little daughter, we always say, "We're going to learn these words, we're going to change the laws together, we're going to amend them, we're going to shake them up and we're going to speak out. We're going to make sure of that, not just for you, Uapen, but for all the men and women who didn't have the capacity, courage or strength to make it this far." That's because it's tough to be courageous when you're caught up in such violence.

• (2220)

I'm sharing all this with you from the bottom of my heart as a passionate mother — I think you've seen that before — but also as someone who's convinced that we need to make every little bit of effort we can to save a life or several lives, to change mindsets. We could also give police officers the ability to say, "Yes, I can do something. Right now, I don't have a framework that allows me to act, to be able to support victims and say that we had noticed the coercive control within the family, because this isn't the first complaint to be made." I've often heard police officers say in a major investigation that they didn't have a legal framework, so they couldn't do anything. Even if you try to give them gender-based training, as police officers, they can't do anything because they don't have a legal framework.

The fact is the police aren't always welcome in Indigenous communities, and the justice system is definitely no better. The evidence is clear. There is overcrowding, incarceration. It's unbelievable. We beat all the statistics.

Once again, for me, it's zero tolerance. I say no to violence of any kind. I'm going to fight or motivate people to make sure that when we study this bill, we look for blind spots, places where we've been told to be careful, because if we head in that direction, it might have an impact on the larger community of women, of Indigenous women, and so on.

At the same time, we need to ensure that we're doing it all for the right reasons, and that we're going to talk about awareness, training and education; we can't just accept it like that. This bill requires a holistic approach.

As a mother and grandmother, I want to be part of this change. I therefore hope that we will study this bill in committee. Thank you.

(On motion of Senator Martin, debate adjourned.)

[*English*]

NATIONAL FINANCE

MOTION TO AUTHORIZE COMMITTEE TO STUDY A ROAD MAP FOR POST-PANDEMIC ECONOMIC AND SOCIAL POLICY TO ADDRESS HUMAN, SOCIAL AND FINANCIAL COSTS OF ECONOMIC MARGINALIZATION AND INEQUALITY—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Duncan:
>
> That the Standing Senate Committee on National Finance be authorized to examine and report on a road map for post-pandemic economic and social policy to address the human, social and financial costs of economic marginalization and inequality, when and if the committee is formed;
>
> That, given recent calls for action from Indigenous, provincial, territorial and municipal jurisdictions, the committee examine in particular potential national approaches to interjurisdictional collaboration to implement a guaranteed livable basic income; and
>
> That the committee submit its final report no later than December 31, 2022.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I note that this is at day 15. With leave, I move the adjournment of the debate for the balance of my time.

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

Hon. Senators: Agreed.

(Debate adjourned.)

[*Translation*]

FUTURE OF CBC/RADIO-CANADA

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Cardozo, calling the attention of the Senate to the future of the CBC/Radio-Canada.

Hon. Amina Gerba: Honourable senators, I'm pleased to be able to participate in the excellent debate initiated by our colleague Senator Cardozo on the future of CBC/Radio-Canada.

Those who have already spoken have made very valuable contributions. They have already made very relevant points about a lot of subjects. I want to address the issue of our public broadcaster's international network and how it should position itself globally given the changes in the world.

First, contrary to what we've heard from some people, I don't think that we should cut the funding for this key institution in our country. On the contrary, I think that its budget should be reassessed based on its national and international mandates.

As Senator Forest pointed out, Japan spends $68 per capita per year on its public broadcaster. France spends $79 and Germany spends $149. Canada spends $33 per capita, so one can hardly say that we overspend in this area.

As you will have gathered, I don't believe that doing away with CBC/Radio-Canada is an option. Putting an end to our public broadcaster as we know it would be a major political mistake and would mean the loss of one of the most essential means we have for staying up to date on what's happening in our continental country.

This position would create imbalance between the services offered in both official languages. In this case, as for all major Canadian institutions, this breach would be unbearable, as it is when French is ignored by these institutions.

What's more, I'm of the opinion that CBC/Radio-Canada's mandate requires our Crown corporation to give our cultures a tool that has become indispensable in this time of GAFA and social media. That is what's expected of our public broadcaster.

Is the expectation met by the current programming and the broadcast zones in the country and around the world? The question needs to be asked. Colleagues, you won't be surprised that I want to emphasize the international component of our public broadcaster's mandate.

• (2230)

It's both what it tells us about the world, and what it tells the world about who we are. Our national interests are at stake. I believe there should be a Canadian outlook on world events. I also believe that the world has a right to know our positions on peace and security, and the development of international institutions and their policies. More specifically, people need to know the nature of our environmental, social and cultural policies. In recent years, CBC/Radio-Canada has closed a large number of its offices around the world: Moscow and Beijing both closed in 2022 following decisions by local authorities, along with Mexico, Dakar, Nairobi and Rio de Janeiro, not to mention the significant downsizing in London and Paris. Someone, somewhere, has to take a responsible look at this drastic withdrawal, this quasi-abandonment of the Crown corporation's international dimension. Clearly, our public broadcaster's worldwide international network has become almost non-existent, and on the African continent, there is nothing left of it at all.

Worse still, some continents, such as Africa, have no permanent correspondents at all. A continent with a population of over 1.3 billion is no longer covered by our public broadcaster,

which, in French, simply repeats Agence France-Presse, or AFP, dispatches with its truncated, neo-colonial vision of news from that continent. This means that all we see on our screens is the Africa of war, famine and poverty. That's not just a simple a mistake. It's the systematic and intolerable spreading of disinformation. Who in this esteemed chamber has heard that Kenya is successfully generating 90% of its national electricity from renewable sources, right now, in 2024? Who has heard that the United Nations Development Program, the UNDP, plans to mobilize a billion dollars to establish technology hubs across Africa and support 10,000 innovative start-ups? Who has heard that, in a troubled global economic environment, the IMF is forecasting a growth rate of 3.8% in sub-Saharan Africa for 2024? The absence of local correspondents not only prevents us from having a full and complete understanding of the continent's reality, but it also makes it harder to effectively share Canada's vision in Africa.

[*English*]

Dear colleagues, the CBC/Radio-Canada presence in the African continent would have many advantages. It will undoubtedly be able to promote common values in terms of democratic governance rights and freedom, including gender equality, promote our economic and commercial ties and will contribute to the dissemination of our scientific and cultural productions.

[*Translation*]

Finally, a CBC/Radio-Canada presence in Africa would bring a Canadian dimension to the ideological debates that, as you know, now dominate all perspectives on the future of the continent. China has considerably strengthened its media presence on the continent. Its CGTN Africa — China Global Television Network Africa — channel is now broadcast in over thirty countries across the continent. Moreover, China now trains African journalists at home, and also has a headquarters in Kenya, as well as offices throughout Africa, notably in Nigeria, Egypt and South Africa. Russia is not to be outdone. Its Sputnik Africa and Russia Today networks are enjoying enormous and growing success, particularly in the francophone world.

[*English*]

CBC/Radio-Canada must learn how to speak to the world and broadcast the values dear to our country, the values which define us and which we wish to share with our African partners and throughout the world.

Today, let's be clear — in media terms, we have abandoned this formidable responsibility.

[*Translation*]

CBC/Radio-Canada must once again project itself into Africa, not only to reflect back an accurate image of the continent in Canada, but also to broadcast and promote Canada's values and view of the world to African listeners. CBC/Radio-Canada's future also depends on an increased presence on online platforms. That's where the new generations get their information today and that's where debates of opinion take place. The same goes for Africa. The United Nations stated the following:

> With Africa's youth population projected to reach over 830 million by 2050, their involvement is crucial for shaping a sustainable and inclusive future.
>
> The continent's median age is just 19.7 years, making it the youngest in the world.

According to the International Telecommunication Union, the rate of internet use in Africa has more than doubled in 10 years, now reaching nearly 40% of the African population. That's another piece of good news that you probably didn't hear from our media sources.

Honourable senators, I'd like to reaffirm the need for our country to benefit from a public broadcaster that completely fulfills of its mandates, including its mandate to connect us with the world. This issue deserves very careful consideration.

Thank you for your attention.

(On motion of Senator White, debate adjourned.)

[*English*]

ALARMING RISE IN SEXUALLY TRANSMITTED AND BLOOD-BORNE INFECTIONS

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Cormier, calling the attention of the Senate to the alarming rise in sexually transmitted and blood-borne infections in Canada, including HIV/AIDS.

Hon. Rosemary Moodie: Honourable senators, I stand between you and your beds. My apologies. However, I'm honoured today to contribute to this inquiry on the crucial public health issue of sexually transmitted and blood-borne infections — I will refer to these as "STBBIs" — in Canada.

As I begin, I want to thank Senator Cormier for his leadership on this issue. In his opening speech, Senator Cormier told us about the critical state we find ourselves with respect to the prevention, diagnosis and treatment of STBBIs, especially concerning HIV.

In my short time, I want to focus more specifically on the impact on children because, although it may surprise some of us here, STBBIs can have life-altering impacts on children and youth — an impact I have witnessed first-hand as a pediatrician and newborn specialist.

• (2240)

I would like to begin by countering the misconception that STBBIs only affect people who are sexually active. In fact, mother-to-child transmission can occur in utero before a child is born and with devastating consequences. Fetal demise, or stillbirth, occurs in about 30% to 40% of pregnancies with untreated syphilis, for example. Those who survive may go on to

experience neurological impairment, bone abnormalities and deafness. Even babies who are not born with congenital STBBIs but are at risk for infection must undergo extensive testing, which comes with risks and can be quite invasive.

This should concern us because between 2018 and 2022, the rate of congenital syphilis has risen by 599% — you heard me — according to a 2022 *Canada Communicable Disease Report*. Therefore, making sure prevention, screening and treatments are widely available should be an urgent priority for public health authorities.

There is some level of recognition of the need to address this issue. Senator Cormier mentioned in his speech both the Pan-Canadian STBBI Framework for Action and the STBBI action plan, which have outlined crucial goals for Canada, including zero new HIV infections, zero AIDS-related deaths and a 90% reduction in syphilis and gonorrhea incidence by 2030.

Evidently, the statistics shared earlier showed that despite policies and action plans, we're heading in the wrong direction. One reason is that we're failing to provide youth and young mothers the care they need. Despite the existence of screening guidelines and treatment recommendations, Canada is failing to provide sufficient prenatal care and STBBI treatment.

Among the 3,700 cases of babies born with syphilis in 2022, 40% were born to mothers who received no prenatal care.

Another potential reason is that, for decades, safer-sex messaging in Canada has been focused on preventing HIV, leaving diseases such as syphilis, chlamydia and gonorrhea largely overlooked. I would argue this has led to a public perception which has resulted in a decrease in safe-sex practices and in condom use, especially during the post-pandemic, as STBBI prevention efforts fell by the wayside.

This is a clear case where screening would have made a difference, and there is a significant cost to inaction.

According to a 2021 study conducted in Manitoba, the direct short-term cost of treating only one uncomplicated case of congenital syphilis was almost $20,000. In 2021, with 81 cases, this translated to approximately $1.5 million that year. This is the cost of the burden of this illness on Manitoba's health care system for that year. In comparison, the cost of applying thorough prenatal syphilis screening to all 16,800 yearly pregnancies in Manitoba would have equalled less than $140,000. There is quite a disparity between prevention and treatment.

From a cost perspective, the argument for increased preventative screening is clear. Canada has failed to eradicate or to blunt the spread of STBBIs, which leaves us with an important question: How will we ensure that mothers and children and youth across Canada are able to access the STBBI prevention and treatment services they need?

Canada's STBBI action plan for 2024-2030 outlines essential strategies, such as increasing access to testing and improving data surveillance. However, there is an opportunity to learn from our comparator countries. To be frank, we in Canada are not alone in facing these gaps in sexual health services.

The COVID-19 pandemic set back many countries. They reported decreases in prevention, testing and treatment services for sexually transmitted infections, or STIs. This has led to a resurgence of STIs globally. Countries which were previously good at STI surveillance, such as the U.K. and the U.S., are also reporting an increase in STBBIs. For example, a highly resistant strain of gonorrhea is increasingly reported in countries such as Australia, Denmark, France, Ireland and the U.K.

This highlights that the challenges we face are really not unique to Canada, but we can learn from both the successes and the failures of these nations. Germany has had one success. The *LIEBESLEBEN* campaign, which translates to "Love Life," has, for nearly 40 years, combined mass media and personal communication to target specific groups and raise awareness on the risks and impacts of STBBIs. Creative campaigns, such as cartoons in public spaces and efforts on social media, contribute to this program. This sort of intentional targeting in Canada could help in the obvious gaps in education and awareness among Canadians that have led to a rise in STBBIs in recent years here in Canada.

The conversation in Canada about sexually transmitted and blood-borne infections needs to evolve. We need to prioritize STBBIs in our education, much in the same manner we devote attention to nutrition, exercise and good mental health. As a country, we need more robust screening programs. We need to improve prenatal access to care, particularly for disadvantaged moms and in rural and remote areas.

I'd like to draw from an example from the U.K. In *A Framework for Sexual Health Improvement in England*, strategies mentioned include the use of technology to support self-care. For example, the online My Contraception Tool helps people to choose which contraception method is right for them, and the myHIV online resource helps people to manage aspects of their HIV.

To achieve success in lowering STBBI rates in Canada, sexual health services should be adapted to the needs of young people and should address the unique challenges they face when accessing care. I believe the way we reduce STBBIs in Canada is by supporting innovative strategies in sexual health education, anti-stigma efforts and preventative screening.

We have witnessed the importance of public health infrastructure and the need for investment in health care and education.

Honourable colleagues, I see value in the ongoing efforts nationwide to address the issue of STBBIs in Canada. There is still much to do to make sure that everyone in this country can have good access to the screening programs and treatments they need.

I'm mindful that certain populations are particularly vulnerable — Indigenous peoples, marginalized communities and people who face social barriers, including homelessness, substance use and incarceration. In this regard, I want to highlight the need for rapid and intense implementation of concrete policies and programs to support people who face difficulty in accessing care.

Now is the time for action. Let us not just be on track; let us lead the way in combatting STBBIs, learning from global experiences and ensuring a healthier future for all Canadians. Thank you.

(On motion of Senator Clement, debate adjourned.)

• (2250)

THE HONOURABLE JANE CORDY

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator White, calling the attention of the Senate to the career of the Honourable Jane Cordy.

Hon. Andrew Cardozo: Honourable senators, it turns out that Senator Moodie is not the only one who is delaying your bedtime. I have a short speech to make as well.

I want to take a moment to thank my friend Senator Woo for quoting me at length on my speech on C-282, even though some of it was accurate and some was inaccurate. I never advocated repealing that bill.

Senators, I rise today to pay tribute to a consequential parliamentarian, Senator Jane Cordy, marking her retirement from the Senate. After joining the upper chamber two years ago, I have been very fortunate to have received much invaluable guidance and support from her. She was the leader who recruited me to join the Progressive Senate Group, or PSG. She never did a hard sell or tried to negotiate a deal; she presented the PSG and herself just as it and she is: straightforward, progressive, cooperative and a big fan of this country. I have always appreciated her warm and welcoming style, her vast experience in Parliament, her dedication and love for Nova Scotia and the East Coast and her depth of knowledge on a broad range of issues.

Senator Cordy has been a constant and dependable presence to whom many of us have always been able to turn to seek help or advice.

She was the inaugural leader of the PSG. She led our group with grace, skill and generosity for five years. As the longest-sitting senator in the current phase, she has seen a lot. She was appointed by Governor General Adrienne Clarkson on the advice of Prime Minister Jean Chrétien amidst the debates of the Clarity Act, an event now being taught in history classes. Senator Cordy gave her maiden speech, a reply to the Throne Speech of January 31, 2001. That speech was concerned with the community of Glace Bay — "the first town in the British Commonwealth to be incorporated under the reign of King Edward VII," as she put it — and also with amendments to the Canada Health Act, which she rightly described as "more than simply a piece of legislation" but something that "defines who Canadian are and who they stand for."

Senator Cordy worked on all the reforms that brought us to this more efficient and independent Senate. Her experience will be sorely missed, not only by those of us in the PSG but I'm sure by senators across all groups. For 8,929 days, Senator Cordy has served this country reliably and with distinction, and after 24 years of dedicated service, I wish her the best as she steps into the next chapter of her career. Thank you.

(On motion of Senator White, debate adjourned.)

NEED FOR SAFE AND PRODUCTIVE DEVELOPMENT AND USE OF ARTIFICIAL INTELLIGENCE

INQUIRY—DEBATE ADJOURNED

Hon. Rosemary Moodie rose pursuant to notice of June 13, 2024:

> That she will call the attention of the Senate to the need for the safe and productive development and use of artificial intelligence in Canada.

She said: Honourable senators, I rise to begin this inquiry on the safe and productive development and use of artificial intelligence here in Canada.

Artificial intelligence, or AI, is the collection of technologies that allows machines to perform tasks that are usually associated with human intelligence — tasks such as learning, perceiving and creating. AI holds the potential to change our society and economy in many ways, unleashing productivity and innovation — for many, evoking excitement and promise for the future.

But there is a growing concern that we risk losing control of this very powerful tool, that people will soon be left behind and that some may even be harmed by the uncontrollable evolution of this emerging technology.

Colleagues, that is why I put forward this inquiry. Artificial intelligence is already having a wide and pervasive impact on every aspect of our lives. We cannot be marred down by inaction. We cannot let this technology move forward while standing on the sidelines and hoping for the best.

We, as senators, legislators and leaders, have the duty and the tools to actively examine, understand and have an impact on the development and use of AI, especially to ensure that it is safe and productive.

We must reflect upon the lessons of the past. We now know how dangerous the effects of social media have been. Despite some of the many good things that have come from it, social media has had extraordinary influences and, in some instances, negative impacts upon our culture, democracy, physical and mental health, economy and more.

What if there were efforts 20 years ago to understand how this technology could evolve and where there needed to be protections and cautions? What would governments and parliaments do if they had the opportunity to start over again? While we can't go back in time, we can focus on the future. We can all agree that artificial intelligence is a pivotal, transformative technology like electricity, antibiotics or the internet before it. It will change everything about our way of life.

While we work to unleash AI's potential for the economy and society, we must understand where the opportunities lie to protect Canadians from the harms of AI.

This inquiry is an important step in our dialogue in seeking our collective understanding of the impact we would seek to have as parliamentarians. I urge as many of you as possible to participate.

AI is impacting our health, culture, human rights, parliaments, democracies, health care, the arts, education, scientific research, economic growth, national defence and security, international relations and many more sectors. I trust that you will have much to say, honourable colleagues, about how AI is impacting those and other sectors as well as the benefits and risks that this landmark technology presents.

But for the remainder of my time, I will focus on the governance of AI. The rapid advancements in AI come with significant challenges related to ethical considerations, accountability and its disruptive impacts upon society. AI governance has emerged as a critical area of focus with the ultimate aim of mitigating the risks of AI while maximizing its benefits.

Governance related to the technology is the responsibility of everyone — governments, regulatory bodies, industry and developers themselves. Already, we have seen the emergence of existing governance mechanisms; for example, AI technologies may fall within the boundaries of existing laws and regulations. Legislation related to discrimination, data protection and privacy already exist. As well, AI is already governed by a regulatory compliance. Additionally, industry will look to govern AI themselves, to manage and mitigate risks, so that, with their products, they ensure their commercial interests are protected and that their core services function well.

Many have sought to apply an ethical lens to AI. For example, UNESCO has proposed a human rights approach to AI based on 10 principles such as transparency, "explainability," human oversight, multiple stakeholders and adaptive governance and collaboration. Also, some major technology firms, such as Microsoft, Lenovo and Salesforce, have adopted UNESCO's AI ethical framework. Yet core to any and every effective governance mechanism for AI must be transparency and accountability.

• (2300)

When considering AI technologies, it's important to understand the following: Where does the data that trains AI systems come from? How is it controlled and maintained to ensure accuracy, quality and privacy? Who is involved in the development and creation of AI systems? Is there diverse representation around their decision-making tables? Are there challenge functions embedded within the organizations? It is crucial to identify mechanisms to ensure true transparency and accountability in the development and deployment of AI.

By now, it must be increasingly obvious to all of us the enormous challenge before us. How do we govern a technology so complex, so ubiquitous and developing so rapidly, even as we speak? We can say without a doubt that doing nothing is really not an option, but it is clear that governance will be as complex as AI technology is.

What is Canada doing? The Canadian government has made a few moves to regulate AI both within its own operations and within Canadian society. The government introduced the Guide on the use of generative artificial intelligence, which serves as a crucial resource for federal public service organizations. This guide outlines key principles and practices that should be followed when implementing generative AI systems. It emphasizes the significance of ethical considerations and accountability. It focuses on the principles of fairness, security and relevance.

Another significant step taken by the Canadian government on AI governance is the introduction of Bill C-27. Officially known as the digital charter implementation act, 2022, it represents a significant legislative effort to address the complexities and challenges posed by digital and emerging technologies in Canada, aiming to enhance privacy protections for Canadians while promoting innovation in the digital economy. Bill C-27 proposes measures to ensure accountability and guidelines to mitigate risks. It addresses specific concerns on generative AI and seeks to safeguard individual rights and values while, at the same time, recognizing the need to foster innovation. This bill represents an important evolution in our governance environment.

The government also introduced the Voluntary Code of Conduct on the Responsible Development and Management of Advanced Generative AI Systems, which aims to serve as a guideline for organizations developing generative AI technologies and emphasizes the importance, again, of ethical principles and responsible innovation. Signatories to this code commit to working toward accountability, safety, fairness, equity, transparency, human oversight and monitoring, validity and robustness in AI systems. We're seeing a notable number of signatories to this code, including TELUS, Lenovo, the Council of Canadian Innovators and IBM.

Just this month, the Canadian government launched the Canadian Artificial Intelligence Safety Institute, a new research institute expected to advance our understanding of the risks associated with AI and to develop measures to address these risks. It will collaborate with other global safety institutes as part of the work that it undertakes.

Globally, the governance of AI is also an emerging priority. International organizations are increasingly involved in examining the ethical considerations that we've talked about. The Organisation for Economic Co-operation and Development, or OECD, has an AI Incidents Monitor that I encourage you all to visit. This monitor reports any event where an AI system produces a negative outcome, whether due to biases, errors or misalignments with human values. Such tools are valuable because tracking incidents allows organizations to learn from their experiences and to refine the AI policies and practices accordingly.

The World Economic Forum published a report on governance of generative AI earlier this year, outlining the best practices for managing this technology. In fact, they have done a significant amount of work on AI governance and have created tools to help those interested consider the complex impacts of AI on various sectors of society.

The UN High-level Advisory Body on Artificial Intelligence published its final report in September entitled *Governing AI for Humanity*. This report serves as a call to action for a balanced approach to harnessing AI's potential while addressing its challenges. Crafted by a diverse team — government, tech and human rights leaders, all of whom were engaged with more than 2,000 experts worldwide — it emphasizes the need for a global framework to ensure the responsible and ethical development of technologies.

Finally, various governments are working on AI regulations. The EU has an important example, as it recently passed the Artificial Intelligence Act, and it is probably the most significant legal development on AI regulations globally at this point in time. The act establishes a comprehensive framework on AI and includes the creation of an EU AI office, which will oversee the implementation and enforcement of this act, including the power to impose significant penalties when regulations are not respected.

Colleagues, to conclude, the governance of AI is an enormous but necessary enterprise. Today, I've given you a very high-level scan of some of the efforts currently ongoing, but I'd like to leave you with my greatest concerns.

First, AI's development is significantly exclusionary. Access to this technology and its benefits is so far reserved for significantly affluent countries within the Global North. This concerns me because it means that, almost certainly, AI will have unintended consequences that will hit those already impacted by systemic marginalization and racism. It also means that these people will not gain from the productive and innovative benefits of AI in an equitable way.

Second, I'm concerned about the lack of transparency within the industry. When given a peek through a 2022 *MIT Sloan Management Review* article, where over 1,000 managers responsible for the development and deployment of AI globally were surveyed, we were told that only 25% believe that they had fully mature governance processes in place. This reflects a troubling reality that private industry — the principal generators and users of these tools — have a lot to improve and a long way to go. We need to be able to see into these processes in a way that both respects and maintains the commercial interests of industry while, at the same time, ensuring they are challenged to ensure their work is responsible.

Finally, I'm concerned about the implementation of AI policies within Canada and globally. We need policies that are aligned, consistent and carry appropriate penalties for non-compliance. Without this, we risk stifling industry or allow it to run free to our own detriment.

• (2310)

Colleagues, it's almost bedtime. I thank you for your attention. The safe and productive development of AI is one of the most important issues of our time. I hope to hear from as many of you as possible on this inquiry and look forward to our ongoing debate.

(On motion of Senator Clement, debate adjourned.)

(*At 11:10 p.m., the Senate was continued until tomorrow at 2 p.m.*)

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