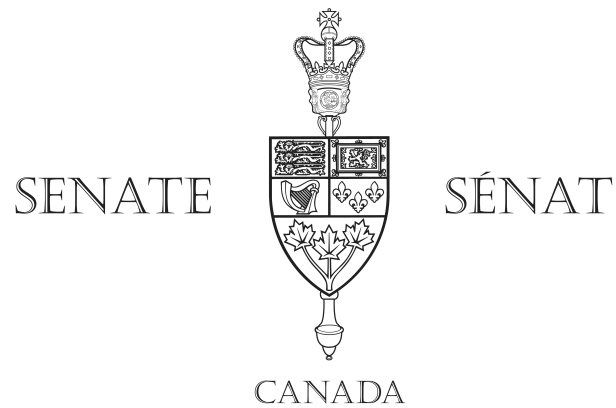




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(HANSARD)

Thursday, June 4, 2026

The Honourable RAYMONDE GAGNÉ,
Speaker

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THE SENATE

Thursday, June 4, 2026

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

Prayers.

[*Translation*]

THE SENATE

TRIBUTES TO PAGES

The Hon. the Speaker: Honourable senators, today we pay tribute to departing pages.

We begin with Philippe Nathan Crisafi of Pincourt, Quebec.

As he wraps up his time in the Senate Page Program, Philippe would like to thank the Office of the Usher of the Black Rod, his exceptional colleagues, and all senators for this wonderful year spent alongside them. He wishes to express his gratitude for this enriching opportunity, which was filled with learning, guidance and unique events that have left a lasting impression on him.

Having grown from this experience, he will continue his studies at the University of Ottawa this fall to earn his bachelor's degree in law and international development. Thank you, Philippe.

Hon. Senators: Hear, hear.

The Hon. the Speaker: Haïfa Zemni, from Ottawa, Ontario, would first like to thank the Office of the Usher of the Black Rod for this unforgettable experience and for supporting her throughout her two years in the program. She would also like to thank her colleagues, who made this experience even more memorable and enriching. This fall, Haïfa will begin her common law studies in French at the University of Ottawa and is very keen to see what the future holds. Thank you very much, Haïfa.

Hon. Senators: Hear, hear.

[*English*]

SENATORS' STATEMENTS

D-DAY AND THE BATTLE OF NORMANDY

Hon. Leo Housakos (Leader of the Opposition): Honourable senators, this weekend, we mark the anniversary of the historic landings at Normandy and celebrate the brave men and women of the Canadian Armed Forces. This year marks 82 years since 14,000 young Canadians stood on the edge of history. Most were

barely of adult age. They were Canadians from towns, farms and cities across our country, who left behind everything they knew to step into a literal hell on earth.

When the ramps dropped on Juno Beach, they faced down the Nazi regime — a machinery of absolute evil built on tyranny, hatred and the systematic erasure of human dignity. Those young men waded through cold water, direct gunfire and mortar shells because they knew what was at stake. They did not look for what was convenient. They did not choose what was politically expedient. They did what was right, and, in doing so, they bought our future with their blood.

[*Translation*]

Colleagues, our country is not the result of chance. It was built on a precious legacy.

We have been handed a sacred treasure — a country founded on freedom, democracy, the rule of law and human rights.

If our institutions still exist today, if we are able to sit in this chamber, it is solely because that generation refused to back down on our fundamental values. That tradition of service did not end on the beaches of Normandy. For decades, the men and women of our Armed Forces have carried that torch forward.

Whether in the cold of Korea, on United Nations peacekeeping missions, in the mountains of Afghanistan or even here at home responding to local crises, our military personnel have always answered the call.

[*English*]

But we must always remember, colleagues, that the peace we enjoy today is not the natural state of the world. It is an exception. It was built by sacrifice, and it can only be maintained by resolve.

Today, we look out at a shifting global landscape where the foundational pillars of our civilization — democracy, human rights and the rule of law — face new and complex challenges. In an era preoccupied with the immediate and the comfortable, it can be easy to lose sight of the long-term vigilance required to sustain a free society.

This weekend is our reminder that we are the custodians of what our courageous heroes have built and left behind. May we guard their inheritance with the same quiet resolve they showed on the beaches of Normandy and always ensure that the Canada they bled for remains the Canada we pass to our children.

Thank you, colleagues.

NATIONAL HEALTH AND FITNESS DAY

Hon. Marty Deacon: Honourable senators, it is that time of year again. Created through legislation and through the leadership of our retired colleague former senator Nancy Greene Raine over a decade ago, we nationally recognize the first Saturday in June as National Health and Fitness Day.

From parks and trails, recreation centres and neighbourhood streets, our communities are built for movement. You have received an email that advises you where, how and what you can post on your socials to celebrate and participate. Please share this with Canadians.

We want each of you, of course, healthy first, and then we want to ensure that your communities have what they need to ensure all Canadians are active.

I mentioned parks and trails, and I would like to use this opportunity to again highlight our beloved Trans Canada Trail, or TCT, system. Stretching more than 30,000 kilometres from coast to coast to coast, the Trans Canada Trail system is the longest multi-use trail system in the world.

There is no question: This trail system is nation-building infrastructure that unites Canadians and delivers lasting economic, social and environmental values. Much work has been done to make this trail system an accessible public space to exercise and experience nature. Tree bathing — the therapeutic practice of immersing yourself in a forest or natural environment to absorb its atmosphere through your senses — is quite abundant.

This past winter, I was able to enjoy time on this trail in both Whitehorse and Yellowknife. It connects 1,000 communities and facilitated 145 million visits in just 2025. Who knew that the parents of Senator Colin Deacon were critical leads in getting this trail linked and ready for Canada's one hundred and twenty-fifth anniversary? They are a legacy in this work, as is Valerie Pringle, former chair of the TCT Foundation, who has returned to the board to assist in ensuring trail work and upkeep can happen.

Colleagues, immersing yourself in the natural environment has been shown to restore your attention and ability to concentrate, which so important in the age of the smartphone. It boosts your mood, and there is even evidence that it can improve symptoms of depression and anxiety. All you need is 10 to 20 minutes to experience these benefits. For many of us, this trail is a short drive away. So, get out there and enjoy them, as we are so fortunate to have these trails.

• (1340)

Also, you will recall that I recently closed an inquiry on the vital role of physical activity and sport on behalf of Senators McBean, Petitclerc and myself. Your stories and reflections were incredible. I wanted to update you that we bound copies of this inquiry for those who participated in the speeches. We shared it with our athletes, partners and Olympians, and we are sending an e-copy to each of you. Take note of some of the incredible pictures of your colleagues in another time.

Lastly, colleagues, you will shortly receive an invitation to the annual Corporate Security Directorate golf tournament. I have the honour and privilege to serve as this year's honorary chair. It will be held on Friday, September 18, at The Meadows Golf & Country Club here in Ottawa. Our staff, friends and family are all welcome to attend to raise money for a worthy cause, while also showing our appreciation for the protection that these brave men and women give us day in and day out.

Thank you. *Meegwetch.*

Hon. Senators: Hear, hear.

INNOVATION IN HEALTH CARE

Hon. Colin Deacon: Honourable senators, every day, I get to meet Canadian innovators who are unlocking remarkable solutions to our most pressing public sector challenges. Nowhere is this more urgent than in health care. Canadians struggle to access care, and that's the cruel irony. Once they do, it's some of the best care in the world. The barrier isn't quality. It's the "system" surrounding it.

This was at the heart of my remarks yesterday at the twenty-fifth annual Research Money Conference. After more than three decades of meeting brilliant Canadian innovators, I've watched too many of them build world-class solutions, only to be blocked from deploying those solutions at home. At roughly \$11,000 in public funding per citizen spent annually on health care, Canada is one of the top spenders among universal-access countries. Yet stretched budgets and aging demographics mean that spending our way to better outcomes isn't an option. We need to innovate our way there.

Canada produces world-class health research, data and talent. This week's federal commitment to fund VITAL, an AI-powered health data program at Toronto's St. Michael's Hospital, shows real promise in turning anonymized data into cost savings and better patient outcomes. That's encouraging, but it's not enough. Canada's persistent failure isn't in generating ideas; it's in deploying them. We pour billions into health sciences research without a serious commercialization strategy. We invest billions in discovering intellectual property, or IP, without a plan or system needed to put it to work. We celebrate breakthroughs in Canadian labs that never reach Canadian bedsides.

Yesterday, another of the speakers was Dr. Dante Morra, CEO of the CAN Health Network. The highly successful CAN Health model cuts through federal, provincial and territorial red tape, connecting innovators directly with health care operators. They're demonstrating what's possible when we stop letting bureaucracy stand between a proven solution and the health care providers and patients who need it.

The path forward is clear: modernize procurement to deploy innovative Canadian solutions to Canadian problems for the benefit of Canadian patients. Expand legislation to interconnect data beyond medical equipment and devices, and build a robust commercialization strategy — not just a research one.

Our health care access crisis demands that we follow a new path. We have the critical ingredients. We have a government that repeatedly states their willingness to act boldly. Let's establish a major project in health care that will take bold steps before another generation of Canadian innovation gets lost in the system it was built to fix.

Thank you.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Nova Scotia's Moving Forward Together team and colleagues — a delegation of faculty, community storytellers and graduate students advancing Afrocentric social work education. They are the guests of the Honourable Senator Bernard.

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

Hon. Senators: Hear, hear!

D-DAY AND THE BATTLE OF NORMANDY

Hon. Marty Klyne: Honourable senators, Saturday marks the eighty-second anniversary of D-Day, the Allied landings in Normandy on June 6, 1944, one of the most momentous days in history and a turning point in the struggle against tyranny.

Each year, as we reflect on this day, I think about the young men who crossed the English Channel and landed on the beaches of Normandy under relentless enemy fire. Before them lay heavily defended positions. Around them, chaos, destruction and loss. Comrades fell, yet our troops pressed forward. In that moment, bravery meant taking another step.

Veterans who were present have told of the fear, duty and determination that carried them through. Supreme Allied Commander Eisenhower's order of the day stated, "We will accept nothing less than full Victory!" That day, Canadian courage delivered for us all. They were backed by sailors, airmen and families at home, who rationed, worked and sacrificed. The Canadians who landed at Juno Beach came from across the country, including Saskatchewan. Some had trained together for years. Some had known each other since childhood. They crossed the Atlantic together, prepared together and landed together.

Over 14,000 Canadians landed or parachuted into Normandy. By day's end, 359 Canadians had lost their lives, with over 700 more wounded. Their sacrifice helped gain the Allied foothold in Europe that liberated France and defeated Nazi Germany.

Historians often point to D-Day as the beginning of the end of the war in Europe. We view its success with the benefit of hindsight, but the result was far from certain. As we reflect, we are reminded that history is often shaped not by extraordinary people but by ordinary people called upon to face extraordinary circumstances. The young men who landed in Normandy were

sons, brothers, friends and fathers from all walks of life. Yet, when history demanded victory, they answered that call and changed the world.

On this anniversary of D-Day, let us honour those who fought for freedom, including those who never came home and those who carried the memories of that day all their lives. May we always remember their sacrifice. May we always honour their service. And may we never forget what they achieved for humanity.

Among them were the Royal Regina Rifles, nicknamed the Farmer Johns. As I did last year, and I will do this year, let me repeat their legendary battle cry, which was led by the battalion leader, who would yell out, "Rifles," and all the rifles would respond. They would go, "One, two, three. Up the Johns!"

Today, that is more of a tribute and cheers to their fallen comrades and their memories, a tribute to the fallen and the sacrifices they made. They would preferably cheer with a brandy — a Calvados brandy, for sure.

If you want to join me in the cheer, go ahead: One, two, three. Up the Johns!

Hon. Senators: Hear, hear.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Lonny McKague, Commissioner of the Canadian Grain Commission, and Grace Craig, graduate student of politics at Acadia University. They are the guests of the Honourable Senator Muggli.

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

Hon. Senators: Hear, hear!

CONGRATULATIONS TO GRADUATES

Hon. Mary Coyle: Honourable senators, as we redouble our efforts here in the Senate to move important legislation forward during this intensely full month of June, much of our country is operating in a parallel universe — one filled with celebration, elation and well-earned satisfaction. Colleagues, graduation and convocation season is in full swing across our country.

Yesterday, I had the absolute delight to attend the graduation ceremony of my grandson, Niko Brown, at Sir Robert Borden High School, the school from which I graduated 53 years ago. It was a high-octane, emotional event, and I am so proud of Niko, his girlfriend, Sage Wright, and all of their classmates.

I am looking forward with great pride to the graduation of my other grandson, Jack McCarthy, from Dr. John Hugh Gillis Regional High School at home in Antigonish, and — more family joy — my daughter Lindi Coyle graduated in May from Acadia University with a Master of Science in Applied Geomatics, measuring methane emissions from the melting permafrost in the N.W.T.

In my Senate office family, Asta Stalker, Anuja Purohit, Cameron Bailey and Rhiannon Szewczyk are graduating from the University of Ottawa's law school this month. Other senators also have family graduation celebrations, too. Among these are Senator Yussuff's daughter Sarah Yussuff Ahn, who is graduating from high school and heading to Toronto Metropolitan University.

• (1350)

[Translation]

Senator Boudreau's daughter Gabrielle Boudreau earned her bachelor's degree in social sciences, specializing in criminology, at the Université de Moncton.

[English]

Senator Francis's son John-Ryan received his Bachelor's Degree in Mi'kmaq and Wolastoqey Social Work from St. Thomas University, and his granddaughter Kate Coade is graduating from junior high.

Senator White's grandson Tyrone Gaudon graduated with a Bachelor of Business Administration from Memorial University.

Madison Pate-Green, daughter of Senator Pate, is receiving a Juris Doctor and a Juris Indigenarum Doctor from the University of Victoria Indigenous law program.

Senator MacAdam's grandson Grayson is graduating from junior high.

And, colleagues, we have three remarkable senators joining the class of 2026 that I know of.

On Monday, Senator Karen Sorensen will be receiving an honorary degree from the University of Guelph for her many contributions to public service and civic responsibility.

Our colleague Senator Marnie McBean will be receiving an honorary doctorate from the University of Toronto as a four-time Olympic medallist and for her advocacy on equity and inclusion.

Our former colleague the Honourable George Furey received an honorary degree from Memorial University for his public service and contributions to Newfoundland and Labrador.

Honourable senators, let's rise, applaud and congratulate all our colleagues, our family members and all the graduating class of 2026 from coast to coast to coast. We are all so very proud of you.

[Senator Coyle]

[Translation]

PROTECT OUR WINTERS CANADA

Hon. Rosa Galvez: Honourable senators, I wish to extend my congratulations to my colleagues.

Colleagues, I recently met with members of Protect Our Winters Canada, an organization that brings together outdoor communities to protect the places they love the most.

[English]

The delegation included some of Canada's accomplished Olympians and Paralympians. They shared inspiring stories, but also a deep concern: Climate change is already transforming the landscapes that shaped their careers. As glaciers retreat and snow seasons shorten, these athletes are watching their training grounds disappear.

Their message was clear. Nature is not a sector. Our economy and our society exist within it, and draw their value from it.

This week, the world marks World Environment Day with a global call for climate action, a reminder that the places we cherish are also the foundations of livelihoods and communities.

Protect Our Winters Canada recently released a very interesting report called *The Outdoor Recreation Economy in Canada*, a first-of-its-kind report from a University of Waterloo research team. The findings are striking.

Canada's outdoor recreation economy contributes an estimated \$101.6 billion every year and supports nearly 1.1 million full-time-equivalent jobs. That makes it larger than the pharmaceutical, fisheries, agricultural and even forestry sectors. It is especially important for rural and Indigenous communities seeking diversified, sustainable opportunities.

This is a clear example of what economists call double materiality. The impact runs in two directions. When glaciers vanish, forests burn, or snow becomes unreliable, the cost is felt not only in ecosystems but also by businesses, workers and communities. And our economic choices, in turn, shape the health of those same natural systems.

But we cannot manage what we do not measure. In the United States, the Bureau of Economic Analysis has accounted for this sector for years through a dedicated satellite account.

I therefore encourage Statistics Canada to explore the creation of an outdoor recreation satellite account so we can better measure, support but, mostly, protect this vibrant sector and the natural systems on which it depends.

Meegwetich. Thank you.

[Translation]

ROUTINE PROCEEDINGS

BUILD CANADA HOMES BILL

FIFTH REPORT OF BANKING, COMMERCE AND THE ECONOMY
COMMITTEE ON SUBJECT MATTER TABLED

Hon. Clément Gignac: Honourable senators, I have the honour to table, in both official languages, the fifth report of the Standing Senate Committee on Banking, Commerce and the Economy, which deals with the subject matter of Bill C-20, An Act respecting the establishment of Build Canada Homes, and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

(Pursuant to the order adopted May 7, 2026, the report was placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[English]

STRONG AND FREE ELECTIONS ACT

BILL TO AMEND—EIGHTH REPORT OF LEGAL
AND CONSTITUTIONAL AFFAIRS COMMITTEE
ON SUBJECT MATTER TABLED

Hon. David M. Arnot: Honourable senators, I have the honour to table, in both official languages, the eighth report of the Standing Senate Committee on Legal and Constitutional Affairs, which deals with the subject matter of Bill C-25, An Act to amend the Canada Elections Act and to enact An Act to change the names of certain electoral districts, 2026, and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

(Pursuant to the order adopted May 7, 2026, the report was placed on the Orders of the Day for consideration at the next sitting of the Senate.)

FEDERAL LAW—CIVIL LAW HARMONIZATION BILL, NO. 4

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

Hon. David M. Arnot, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, June 4, 2026

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

NINTH REPORT

Your committee, to which was referred Bill S-6, A fourth Act to harmonize federal law with the civil law of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law, has, in obedience to the order of reference of April 16, 2026, examined the said bill and now reports the same without amendment.

Respectfully submitted,

DAVID M. ARNOT

Chair

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

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

PROTECTING VICTIMS BILL

BILL TO AMEND—NOTICE OF MOTION TO AUTHORIZE
LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE
TO STUDY SUBJECT MATTER

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

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

1. pursuant to rule 10-11(1), the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine the subject matter of Bill C-16, An Act to amend certain Acts in relation to criminal and correctional matters (child protection, gender-based violence, delays and other measures), introduced in the House of Commons on December 9, 2025, in advance of the said bill coming before the Senate; and
2. for the purposes of its study, the committee be authorized to meet even though the Senate may then be sitting or adjourned, with the application of rules 12-18(1) and 12-18(2) being suspended in relation thereto.

• (1400)

[Translation]

**CANADA-CHINA LEGISLATIVE ASSOCIATION
CANADA-JAPAN INTER-PARLIAMENTARY GROUP**

GENERAL ASSEMBLY OF THE ASSOCIATION OF SOUTHEAST
ASIAN NATIONS INTER-PARLIAMENTARY ASSEMBLY,
SEPTEMBER 16-22, 2025—REPORT TABLED

Hon. Krista Ross: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-China Legislative Association and the Canada-Japan Inter-Parliamentary Group concerning the Forty-sixth General Assembly of the ASEAN Inter-Parliamentary Assembly, held in Kuala Lumpur, Malaysia, from September 16 to 22, 2025.

GENERAL ASSEMBLY OF THE ASSOCIATION OF SOUTHEAST
ASIAN NATIONS INTER-PARLIAMENTARY ASSEMBLY,
OCTOBER 17-22, 2024—REPORT TABLED

Hon. Krista Ross: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-China Legislative Association and the Canada-Japan Inter-Parliamentary Group concerning the Forty-fifth General Assembly of the ASEAN Inter-Parliamentary Assembly, held in Vientiane, Laos, from October 17 to 22, 2024.

CO-CHAIRS' ANNUAL VISIT TO JAPAN,
FEBRUARY 17-22, 2025—REPORT TABLED

Hon. Krista Ross: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-China Legislative Association and the Canada-Japan Inter-Parliamentary Group concerning the Co-Chairs' Annual Visit to Japan, held in Tokyo, Fukuoka and Kumamoto, Japan, from February 17 to 22, 2025.

BILATERAL MEETING, SEPTEMBER 1-6, 2025—REPORT TABLED

Hon. Krista Ross: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-China Legislative Association and the Canada-Japan Inter-Parliamentary Group concerning the Twenty-third Bilateral Meeting, held in Vancouver, British Columbia, and Whitehorse, Yukon, from September 1 to 6, 2025.

QUESTION PERIOD

CANADIAN HERITAGE

FRANCOPHONE MINORITY COMMUNITIES

Hon. Leo Housakos (Leader of the Opposition): Senator Moreau, francophone minority communities are facing major challenges as the demographic weight of French continues to decline in Canada. These communities were expecting real action. The Fédération des communautés francophones et acadienne du Canada, parliamentarians and even the Commissioner of Official Languages have expressed their disappointment and concern regarding a regulation proposed by your government.

Why does the government continue to offer hollow gestures and empty promises, while these communities are still waiting for the tangible results they were promised?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for the question.

Quite frankly, Senator Housakos, I believe that the Prime Minister's commitment to the francophonie is clear. We see it in the make-up of cabinet and in the commitments this government has made regarding the French language. I have had the opportunity to answer several questions about French and official languages in Canada.

The government has made an investment of \$4.1 billion that will directly contribute to protecting and promoting French and ensuring the vitality of official language minority communities. That amount includes \$304 million paid directly to community organizations and a 12.5% increase in the funding provided to over 300 groups working to promote official languages. By April 2025, more than \$800 million had been invested and all 82 initiatives in the five-year official languages strategy had been put in place.

Senator Housakos: Senator Moreau, with all due respect, francophone minority communities in Canada disagree with you. It's good that some symbols and a bit of money were included in this bill. However, I believe you would agree with me that French is declining, even here in the National Capital Region. Communities need robust regulations and political will to truly rise to the challenges they currently face.

How can the government reassure these communities and submit final regulations that will —

The Hon. the Speaker: Thank you, Senator Housakos.

Senator Moreau: I would reiterate the government's commitment to protect French in francophone minority communities across Canada. As a francophone myself, this matters to me.

I applaud the initiatives taken by of all my anglophone colleagues who choose to speak French at times. I remember Senator Wilson's excellent speech. We have to set an example. The whole of government is responsible for setting an example, and the Government of Canada is adequately doing so.

[English]

FINANCE

CANADA STRONG FUND

Hon. Leo Housakos (Leader of the Opposition): Government leader, Canadians were already skeptical about the government's so-called sovereign wealth fund. After all, even Bay Street experts questioned its feasibility given the massive deficits accumulated over 11 years of Liberal government.

According to a recent report from TVA Nouvelles, taxpayers could be on the hook for approximately \$750 million annually in interest payments because the fund's initial \$25-billion capitalization will be financed through borrowing.

At a time when Canadians are struggling with the worst affordability crisis in a generation, with growing concerns about a slowing economy, why does the government believe it is acceptable to saddle taxpayers with hundreds of millions of dollars in new interest costs to finance yet another debt-funded Liberal experiment?

Hon. Pierre Moreau (Government Representative in the Senate): You have to go back to what is fundamental about the creation of the sovereign wealth fund. Ultimately, the fund is about two things that matter to Canadians. First, there will be a partnership between citizens and investors; this is the first time that will be possible. Second, there will be solidarity among Canadians so that every Canadian can profit from what we build together. These are the main issues of the fund, and I think that Canadians agree.

Senator Housakos: Senator Moreau, if this initiative fails to generate returns that exceed the government's borrowing costs, Canadians will be left with nothing more than additional debt. In fact, the reality is that this government must borrow \$25 billion to create a wealth fund and has already disproven the very premise on which sovereign wealth funds are built. One that leaves taxpayers carrying more debt and more risk at a time of growing economic uncertainty is completely irresponsible. Wouldn't you agree with me?

Senator Moreau: Unfortunately, I don't agree with you.

The government is launching the fund, which will invest in large, ambitious Canadian projects in energy, infrastructure, mining, agriculture and technology alongside private investors, and individual investors will earn a share of the return. Talk to people in infrastructure, mining, agriculture and technology and tell them it's not a good idea.

CANADIAN HERITAGE

CANADIAN CONTENT

Hon. Donna Dasko: Senator Moreau, in November 2025, the CRTC updated the definition of "Canadian content," including a revised points system.

Senator, please inform us on the status of the implementation of this redefinition across the sector. Also, can you speak to the other outstanding items from former Bill C-11 that need to be implemented? Thank you.

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for the question.

As far as I am aware, the implementation of the Online Streaming Act continues through a number of ongoing CRTC regulatory proceedings. Those implementation decisions would be matters for the independent regulator.

Second, going forward, the government will develop new policy directions to ensure that the implementation of the Online Streaming Act protects a healthy and diverse cultural sector, keeps services affordable, provides flexibility for broadcasters and streamers and supports Canadian stories, local news, French-language content and Indigenous Storytelling. From the government's perspective, the focus is on ensuring that implementation supports a strong Canadian cultural sector while maintaining affordability and choice for Canadians.

ONLINE STREAMING

Hon. Donna Dasko: Thank you, senator.

On May 21, the CRTC announced an expansion of its contribution framework under the Broadcasting Act, requiring major online streaming services to contribute up to 15% of their Canadian revenues, up from the previous 5% requirement, which itself is subject to court challenge. Just yesterday, the government offered a critique of this 15% level after earlier declaring it had no role in these decisions.

• (1410)

Can the government share with us its thinking as to how it will approach this issue, given —

The Hon. the Speaker: Thank you, senator.

Hon. Pierre Moreau (Government Representative in the Senate): The government has asked the CRTC to reconsider its decision regarding online streaming contributions, and that is why the government is providing \$600 million annually in support of the Canadian cultural sector. It is about finding the right balance between fair competition, consumer choice and affordability.

That is why, as I previously mentioned, we asked the CRTC to review its decision.

OUTDOOR RECREATION

Hon. Marnie McBean: Senator Moreau, a recent report by Protect Our Winters Canada created one of the first national assessments of the economic impact of outdoor recreation. It found that the sector contributes more than \$101 billion annually to Canada's economy, supports over 1 million full-time equivalent jobs and engages approximately 78% of Canadians. Despite its significant economic and social contributions, Canada lacks annualized data to track the sector's performance over time.

Will the federal government direct Statistics Canada to collect annual data to regularly measure participation, employment, tourism and economic output associated with the outdoor recreation sector?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for the question.

I have no indication whatsoever if the government is willing to do that, but I will certainly raise the question with the appropriate minister and get back to you with an answer.

Senator McBean: I appreciate that. Thank you.

We know Canadians rely on the outdoors for physical activity and well-being, but as climate change reduces snowpack, shortens winter seasons and increases wildfire risks, what is the federal government doing to help the winter recreation sector adapt and ensure continued outdoor access for all Canadians?

Senator Moreau: As I am a skier, I consider it a very good question. I will certainly raise the question with the minister, as I mentioned earlier, and I will get back to you with an answer if there are any initiatives. I'm not aware of any at this moment.

PRIVY COUNCIL

COMPETITION POLICY

Hon. Colin Deacon: Senator Moreau, in last month's Spring Economic Update, I was thrilled to see a commitment from this government to launch a "whole-of-government competition plan" in the coming months:

The plan will focus on removing inefficient government policies that impede competition arising from regulation, procurement, and industrial support.

Canada's Competition Bureau has long advocated for a mandatory competition impact-assessment framework in Canada, in line with OECD recommendations and international best practices. In 2020, the Competition Bureau published a competition assessment toolkit, which includes a step-by-step plan to assess how government programs may impact economic competitiveness.

Could you inform us whether this existing toolkit will be part of the government's whole-of-government competition plan efforts?

Hon. Pierre Moreau (Government Representative in the Senate): The Spring Economic Update announced the government's intention to launch a whole-of-government competition plan to ensure that competition is prioritized across federal policies and institutions. The plan will focus on identifying and removing inefficient government policies that might inadvertently impede competition through regulations, procurement and industrial support. As you noted, the Competition Bureau has developed valuable tools and expertise in this area, including guidance on assessing the competitive impacts of public policies.

While the government has not yet announced the specific mechanism that will be used under the new plan, further details should be provided by the Minister of Finance in the coming months. If I learn more, I will certainly get back to you. More broadly, the government's objective is clear: We must strengthen productivity, affordability, innovation and economic growth by ensuring that competition considerations are embedded across government decision making.

Senator C. Deacon: Thank you for that. I look forward to help in whatever way possible, because it is such an important initiative.

This effort is being led by the Minister of Finance and National Revenue, but it will most likely reside within the Treasury Board's purview, ultimately, under the Red Tape Reduction Act efforts. The Competition Bureau is under Innovation, Science and Economic Development Canada, or ISED.

Could the government provide clarity on who will be leading the operationalization of this whole-of-government competition plan and make sure that —

The Hon. the Speaker: Thank you.

Senator Moreau: What has been announced is what you mentioned. The initiative will be led by the Minister of Finance, with additional details to be publicly announced in the coming months, as I said.

However, given the cross-government nature of the initiative, its success will likely require collaboration across departments and agencies, with responsibilities related to competition, regulation, procurement, economic policy and the Treasury Board, as well.

CANADIAN HERITAGE

ADVISORY COUNCIL ON RIGHTS, EQUALITY AND INCLUSION

Hon. Wanda Thomas Bernard: My question is for the Government Representative in the Senate.

Yesterday, Senator Senior raised a question regarding the lack of Black representation within the Ministerial Advisory Council on Rights, Equality and Inclusion. Today, The Honourable Jean Augustine, the first Black Canadian woman to be elected to the House of Commons, was joined by national leaders in a press

conference. She expressed deep concerns over the council's exclusion of Black voices and its failure to explicitly include anti-Black racism within its mandate.

At that press conference, Jean Augustine stated:

We cannot fight anti-Black racism unless we are able to name anti-Black racism.

Senator Moreau, anti-Black racism is an undeniable form of terror, even in 2026. Since 2020 —

The Hon. the Speaker: Senator, your time is up.

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for the important question you are raising. As I mentioned yesterday to your colleague Senator Senior, it is a very important question.

As soon as Question Period was over, I went to the Prime Minister's Office to mention Senator Senior's question about the fact that there is no Black representation on the committee. The Prime Minister's Office is taking that question very seriously, and we will probably have more to say in the near future.

Senator Bernard: Thank you for following up with Senator Senior's question.

I just want to note, Senator Moreau — and maybe this could be included in further conversations about this issue — to not be invited to join the council is a form of exclusion. Exclusion is a form of trauma when linked to the reality of rights, equality and inclusion.

Senator Moreau: I will take your remarks to the Prime Minister's Office, as well, and I can assure you that this was not the intention of the Prime Minister.

EMPLOYMENT AND SOCIAL DEVELOPMENT

UNEMPLOYED YOUTH

Hon. Yonah Martin (Deputy Leader of the Opposition): Government leader, with youth unemployment now at 14.3% and continuing to rise, many young Canadians are approaching the summer months with growing anxiety about their ability to find work. In British Columbia alone, there are 51,000 fewer young people employed today than there were in 2019. At the same time, Canada's food service industry, which provides one in six jobs held by young Canadians, is facing approximately 70,000 vacant positions.

Given these troubling realities, why has the government failed to bridge the gap between young Canadians seeking meaningful employment and an industry that is desperately searching for workers? Please help me understand.

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for the question.

The government is acting to answer the concerns of young Canadians — because the government is speaking with young Canadians through its engagement program — by having published 100,000 Canada Summer Jobs on the Job Bank as of April 20, expanding the Student Work Placement Program to 55,000 for work-integrated learning opportunities for post-secondary students, expanding the Youth Employment and Skills Strategy to 20,000 and facilitating careers in Red Seal trades with a \$75-million expansion of the Union Training and Innovation Program in Budget 2025.

• (1420)

The government is also increasing Canada Student Grants by 40% and the Canada Student Loan limit from \$2,000 to \$3,000 per week of study.

We are trying to solve the problem. It is one that the Government of Canada is facing, but it is also a worldwide problem.

Senator Martin: Yes. I appreciate the statistics that you have given before and those that you are giving today.

However, small businesses, particularly in rural and regional tourism communities, are struggling to grow because they cannot find enough workers to fill essential positions; yet, true economic resilience and dynamism rely on these communities to grow.

What concrete measures will the government take to connect young Canadians with these opportunities and help employers address the labour shortages that are holding back their communities and local economies?

Senator Moreau: The initiatives that I mentioned earlier are certainly helping small- and medium-sized businesses, but we are doing more than that to help them. Many times, I have spoken in this chamber about the fact that the government is well aware that small- and medium-sized businesses are the backbone of our economy.

We are reducing red tape, notably by the introduction of the new regulatory sandbox. We are increasing the financing cap for small- and medium-sized businesses to \$5 million through the Business Development Bank of Canada.

We are providing \$500 million to —

[Translation]

The Hon. the Speaker: Thank you, Senator Moreau.

CANADIAN HERITAGE

CANADIAN CONTENT

Hon. René Cormier: Senator Moreau, my question follows up on that of Senator Dasko, whom I congratulate and thank for her invaluable and remarkable work in the Senate.

As she pointed out, your government has asked the Canadian Radio-television and Telecommunications Commission, or CRTC, to review its decision requiring major online streaming services to spend 15% of their revenue on Canadian content. The Coalition for the Diversity of Cultural Expressions has condemned what it considers to be a major setback for our cultural sovereignty. The coalition points out that this CRTC decision is the culmination of many years of public consultation and regulatory work stemming directly from the Online Streaming Act, which Parliament passed to ensure that digital giants make a fair contribution to our cultural ecosystem.

Senator Moreau, how can the government claim to defend Canadian cultural sovereignty while at the same time wanting to weaken one of the most important measures adopted to ensure that very thing?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for the question, Senator Cormier. I want to reiterate that the government will always defend Canadian culture, our distinct identity and the vitality of our cultural sector, especially the unique character of Canada's francophonie.

The challenge was to strike a balance between fair competition, a strong and diverse cultural sector and affordability for consumers. That is why the government asked the CRTC to reconsider its decision.

At the same time, the Canadian cultural sector urgently needs support and stability, and that is why the government chose to invest \$600 million to support Canadian stories, local news, francophone content and Indigenous stories. We are striving to strike a balance here. The government has choices to make, and it believes that the choices that were made are consistent with the defence of cultural sovereignty.

Senator Cormier: Thank you, Senator Moreau.

I recently asked Minister LeBlanc about the importance of maintaining Canada's cultural exception during the Canada-United States-Mexico Agreement review, precisely because culture cannot be handled in the same way as a mere commercial product. Culture is central to our identity, our cultural sovereignty and the vitality of our francophone and Acadian communities.

If the government recognizes that culture deserves special protection in our international trade agreements, how can it reconcile its defence of the cultural exemption on the international stage with its decision to weaken, right here in Canada, a mechanism designed to protect and support our cultural sovereignty?

Senator Moreau: I think Minister LeBlanc made it quite clear that defending our cultural sovereignty while ensuring that our broadcasting system stays strong, stable and affordable here at home are two perfectly compatible objectives.

The government is also strengthening institutions that promote the French language and francophone culture, such as Radio-Canada, Telefilm Canada, the Canada Media Fund and the Canada Council for the Arts. The government is committed to defending our cultural sovereignty, and will do so in the context of CUSMA as well.

HOUSING, INFRASTRUCTURE AND COMMUNITIES

BUILD CANADA HOMES

Hon. Chantal Petitclerc: Senator Moreau, this is National Accessibility Week. I would like to applaud the Senate's progress, much of which is thanks to the Internal Economy Committee and our Accessibility Officer, Julia Zayed.

That said, groups of citizens have contacted me about Build Canada Homes. Their concern is whether these new federal housing units will really comply with universal accessibility standards.

Senator Moreau, can you tell us who will be responsible for enforcing these standards and what meaningful guarantees the government can offer?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for the question, senator. Through Canada's National Housing Strategy, the government is supporting the construction, repair and renewal of housing units that are accessible for people with disabilities.

The program ensures that housing units meet certain criteria, such as ensuring that people with disabilities can access measures the program is designed to support. It includes specific evaluation criteria that cover the adaptability of units built under this program using program funding.

ACCESSIBILITY

Hon. Chantal Petitclerc: Senator Moreau, as you will recall, with Bill C-81, the hope was that accessibility would become second nature or that there would be a snowball effect in the federal government's action, but that is clearly still not the case. When it comes to the rights recognized under Bill C-81, shouldn't the government take a firm stand and commit to saying that funding comes with an obligation to ensure accessibility?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for the question.

The program criteria includes accessibility requirements. The program also includes a catalogue of design measures that specifically provides for the approval of homes that are built in accordance with accessibility requirements. That catalogue is publicly available.

[English]

GLOBAL AFFAIRS

TRANSPORT

TRAIL REGIONAL AIRPORT

Hon. Duncan Wilson: My question is for Senator Moreau.

Senator Moreau, my question deals with the Trail Regional Airport, which serves the West Kootenay region of B.C. and roughly 30,000 passengers a year. This airport is served by Pacific Coastal Airlines and B.C. Health Services medevac flights.

Currently, the Trail Regional Airport has five runways; only one — from the south — is a straight-in approach. This approach is critical for aircraft during inclement weather in the fall and winter months.

However, recent changes made to Transport Canada's final approach protocols have resulted in that straight-in runway being shut down, as the new criteria have flagged a concern due to a mountain to the south of the airport in the United States. This change will severely impact Pacific Coastal Airlines and the region's medevac services, as their pilots will now be forced to circle during poor weather conditions.

Airport officials, along with its primary users, are seeking an exemption from Transport Canada to these protocol changes to assure uncompromised service for the region's population.

Senator Moreau, can you indicate if this exemption will be something supported by the government?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for the question. I have been told that Transport Canada is well aware of the concerns raised about the change in the final approach protocols at Trail Regional Airport.

As approach designs are a complex process, I can inform you that the department is working with NAV CANADA as part of its periodic review. During this review, one of five approaches to the Trail Airport is currently unavailable to operators — the one you mentioned earlier.

However, this is not a permanent runway closure. Transport Canada strictly regulates final approach protocols by defining clear stabilized approach criteria and mandatory approach bans to eliminate the loss of clearance.

I have been told that it is a temporary situation and that they are working on a solution for the straight approach.

CANADIAN OMBUDSPERSON FOR RESPONSIBLE ENTERPRISE

Hon. Marilou McPhedran: Senator Moreau, I have a question about the Canadian Ombudsperson for Responsible Enterprise, or CORE.

The All Party Parliamentary Group to End Modern Slavery and Human Trafficking notes that we have no CORE, whose job it is to cover the prevention and correction of maladministration and the protection and promotion of human rights and fundamental freedoms by Canadian companies abroad. We have had no CORE for more than a year.

This government has, three times so far, breached its own order-in-council requiring CORE annual reports to be tabled in both houses of Parliament.

• (1430)

CORE has investigated and reported on human rights abuse allegations. For example, Dynasty Gold, a Canadian company, was found to have contributed to Uyghur forced labour in China.

Senator Moreau, is this Carney corporatist government protecting rights-abusing Canadian companies abroad —

The Hon. the Speaker: Thank you, Senator McPhedran.

Hon. Pierre Moreau (Government Representative in the Senate): We have a rule here not to impute motives. I'm not sure that your question is in accordance with that rule, senator. I will gladly answer any question that is asked according to our rules.

Senator McPhedran: Thank you. As a supplementary, could you please cite for me the rules you think I have not followed?

Senator Moreau: It has to do with motive. If you reread your principal question, there was motive imputed at its conclusion. That's the rule I'm referring you to.

Senator McPhedran: Thank you. I would appreciate more specific information on that.

The last CORE report was in December 2024. Long months with no CORE reports are a gift to rights-abusing Canadian companies abroad. Why is appointing a CORE such a low priority for your government?

Senator Moreau: I disagree with you. It is not a low priority. I understand from your questions that you would like to know why or when the report will be tabled. I have no specific answer to that question. I will inquire and raise it with the minister and get back to you.

EMPLOYMENT AND SOCIAL DEVELOPMENT

ACCESS TO BENEFITS

Hon. Marilou McPhedran: Senator Moreau, the Accessible Canada Act promises a barrier-free Canada, but enforcement mechanisms needed to achieve that goal are weak, and many Canadians living with disabilities have yet to experience any improvements. For example, the Canada Disability Benefit provides only \$200 per month, insufficient for the many living below the poverty line. Eligibility is also tied to the Disability Tax Credit, which the government's own advisory committee has said excludes approximately one quarter of applicants; and 85% of dentists report frequent claim denials under the Canadian Dental Care Plan, while preauthorization delays discourage patients from getting the needed treatment.

We already know this government plans to destroy pharmacare and dental care. When will the Carney corporatist government implement the accountability and enforcement measures necessary to ensure that Canadians living with disabilities can actually eat —

The Hon. the Speaker: Thank you, Senator McPhedran.

Hon. Pierre Moreau (Government Representative in the Senate): Let me share a few things that the government has done for affordability. We are lowering taxes for 22 million Canadians. We are cutting the consumer carbon tax. We are protecting pharmacare, contrary to your assumption that the government wants to destroy it. I'm not sure where you got that from. It's quite the contrary; we are protecting it. Please stop asking questions based on incorrect facts. That is not the way we should work in this chamber.

We are lowering requirements to access the Disability Tax Credit. We are providing immediate relief on groceries. Tomorrow, June 5, families will receive their money. That is what the government is doing for affordability to help Canadians in all sectors of our economy, help create jobs and help grow our economy.

When the economy is doing well, it's possible to help people in need.

Senator McPhedran: I'm not sure the trickle-down effect actually works for people living so deeply in poverty. Can the government provide a clear timeline for implementing tangible, life-improving supports; tracking and reporting progress; and keeping promises to Canadians with disabilities who are living in poverty?

Senator Moreau: If you want a specific timeline, it's June 5 — tomorrow. People will receive money through bills that we have adopted here in this room, and the government is working on a daily basis to ensure that affordability is a main criterion of its actions.

We are acting on many aspects of the Canadian economy to create jobs and to ensure that our economy is resilient; and if our economy is resilient, we'll be in good shape to help people in need.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-12(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: third reading of Bill C-9, followed by third reading of Bill C-8, followed by all remaining items in the order that they appear on the Order Paper.

CRIMINAL CODE

BILL TO AMEND—THIRD READING—DEBATE

Hon. Kristopher Wells moved third reading of Bill C-9, An Act to amend the Criminal Code (hate propaganda, hate crime and access to religious or cultural places).

He said: Honourable senators, I rise today as the Senate sponsor of Bill C-9, the combatting hate act, to speak to the importance of Bill C-9 and why we need to pass this bill without any further delay.

As the Prime Minister said a few days ago, when he announced new measures to combat anti-Semitism, "Pluralism in Canada is not the exception to the framework. Pluralism is the framework."

He further said that, today, in Canada, pluralism is being tested, as our communities are "... being particularly and brutally targeted."

This is a moment for the kind of leadership that Canadians — and, indeed, people around the world who look to Canada as a beacon of pluralism, inclusion and human dignity — are expecting from us.

Let me begin by providing my own personal reasons why I believe we must move forward with Bill C-9.

My experience with hate crimes spans more than two decades, as a member of the 2SLGBTQ+ community in Alberta, an academic, a researcher and a target of hate myself.

I have helped support the Edmonton Police Service's Hate Crimes Unit and promote safe spaces for everyone in public spaces, like universities. I have engaged in police training for new recruits and supported restorative justice practices. I have also served as an elected co-chair of the Edmonton Police Service's Chief's Community Council, a body composed of representatives from Jewish, Muslim, Asian, Black, Indigenous and 2SLGBTQI+ communities. Through all of it, I have heard

one message consistently repeated by Edmontonians who have been targeted: They do not feel safe, do not feel seen and do not feel the law is there to help them at their time of greatest need.

Bill C-9 is our answer to those responses. It is an opportunity for Parliament to say, with unwavering moral clarity and with the strength of criminal law, that our country sees you, Canada will stand with you and hate will not be tolerated in this country.

Honourable colleagues, after hearing approximately 17 hours of testimony, meeting with 50 witnesses and reading over 40 written briefs, as my honourable colleague Senator Senior said in her speech yesterday, the Standing Senate Committee on Human Rights heard clearly that Canada must protect vulnerable communities from hate while also upholding the rights to freedom of expression and freedom of peaceful assembly. I believe Bill C-9 does just that.

Let us look directly at what is happening in Canada today. The data is stark and sobering, and this urgent situation demands our full attention.

According to Statistics Canada, police-reported hate crimes have now risen for six consecutive years. From 2018 to 2024, the number of hate crimes in Canada has more than doubled, an increase of 169%. In absolute terms, Canadian police services reported 4,882 hate crimes in 2024.

The rate of hate crime per 100,000 population more than doubled from 2018 to 2024, even as the overall crime rate increased by only 3% over that same period.

• (1440)

While overall crime has remained relatively stable, hate crime has exploded. The single sharpest spike came between 2022 and 2023, when police reported hate crimes increased by 34% in a single year, reaching 4,777 incidents. This was the third sharp increase in four years and demonstrated that the number of police-reported hate crimes has more than doubled since 2019.

These statistics were repeated by police associations and hate crime units whose representatives came to testify at the Human Rights Committee.

As Deputy Chief Robert Johnson said:

When it comes to addressing hate-motivated crimes, communities across Canada are telling us they've lost confidence in the criminal justice system's ability to address their concerns. It is our belief that the amendments proposed in Bill C-9 can assist in reassuring and restoring public confidence in the criminal justice system by strengthening the ability of police and Crown prosecutors to respond to hate-crime offences. . . .

We know from the testimony of victims, service providers and law enforcement professionals that hate crimes are amongst the most chronically under-reported offences in Canada. The Federal Ombudsperson for Victims of Crime noted that the clearance rate for non-violent hate crimes stands at just 13.8%, significantly lower than the 30.6% clearance rate for other non-violent crimes.

The RCMP reported that between January 2025 and April 2026 alone, it recorded 994 hate-motivated crimes, of which only 13% were cleared.

These are not merely statistics. Each number represents a person, a family or a community experiencing targeted hate, fear and intimidation.

In 2023, the most frequently reported hate crimes were directed at the Jewish community, the 2SLGBTQI+ community and Black Canadians, accounting for 19%, 18% and 16%, respectively, of all hate crimes reported to police.

Anti-Muslim hate crimes have also surged dramatically. Between 2022 and 2023, they increased by 94%. Hate crimes motivated by race and ethnicity have risen for five consecutive years. South Asian communities saw a 35% increase in 2023, and Arab and West Asian communities saw a 52% increase in that same year.

The 2SLGBTQI+ community has experienced an exponential rise in hatred. Since 2016, anti-2SLGBTQI+ hate crimes have grown by 274%. In 2023, police reported hate crimes targeting sexual orientation spiked to 889 incidents. Violence directed at transgender and gender-diverse Canadians has risen year after year.

Beyond violent crime, the atmosphere of intimidation and harassment is relentless. Drag storytimes are protested; pride flags are burned or removed from municipalities and schools; and 25% of adolescents in Canada have experienced at least one form of cyberbullying, with trans and non-binary adolescents almost twice as likely to be targeted.

While we celebrate the start of Pride Season this month in Canada, we are also reminded that 2SLGBTQI+ individuals are one of the most frequently targeted communities for hate. Pride should be about safety and celebration, not hate and fear.

Colleagues, I want to be direct with you. All of these statistics describe a problem that has fundamentally transformed the way in which people feel safe in this country. We must act now.

The question before us, then, is not whether hate is a serious and growing danger; on that I expect we all strongly agree. The question is whether our existing laws are sufficient to combat hate and whether Bill C-9 addresses these gaps responsibly. I believe it does; the government believes it does.

This legislation honours a commitment made to Canadians, and it responds to sustained calls from victims, affected communities and law enforcement for better, more robust and more flexible tools to address the pressing problem of hate in Canada.

You may be asking what Bill C-9 actually does to address these pressing challenges to both our society and our democracy. How does Bill C-9 address the gap that currently exists in Canada's criminal justice system?

Well, Bill C-9 would add four new offences to the Criminal Code, each addressing a specific and growing area of harm. First, Canada currently has no stand-alone hate crime offence in the Criminal Code. Hate motivation is addressed only as an aggravating factor at sentencing. This means it is considered as a factor only after a conviction, not as an integral element of the offence itself.

This matters enormously, both symbolically and practically. When hate motivation is treated as a sentencing afterthought rather than a core element of the crime, it sends the wrong message to victims, to perpetrators and to society. It says that the hatred that drove the crime is secondary and that hate in and of itself is not something that Canada's criminal justice system wants to target.

Bill C-9 corrects this by creating a dedicated hate crime offence, ensuring that when someone wilfully commits a criminal act motivated by hatred against an identifiable group, that motivation is recognized as the very essence of the wrongdoing.

Second, the process for prosecuting existing hate propaganda offences has been unnecessarily over-regulated. Until recently, charges under the hate propaganda provisions of the Criminal Code required the consent of the Attorney General — a gatekeeping requirement that, while designed as a safeguard, has also created significant practical barriers for police and prosecutors seeking to hold perpetrators accountable.

In response to concerns raised about possible obstructive or politically charged prosecutions, the bill was thoughtfully amended in the House of Commons to maintain the Attorney General's consent requirement and to also extend it to the new hate propaganda offence targeting the public display of hate and terrorism symbols. This represents a careful, measured and balanced approach.

Third, communities face a new and urgent form of hate-motivated conduct: the physical obstruction and intimidation of people seeking to access places of worship, community centres, schools and other institutions. Across Canada, synagogues, mosques, churches, community centres and schools serving identifiable groups have been targeted by harassment and intimidation campaigns. People have been physically prevented from dropping their children off at school, visiting elderly parents in care homes or attending religious services, all of which are not criminal offences currently in the law.

Bill C-9 therefore creates two new offences: intimidation to provoke a state of fear to impede access to certain buildings and obstruction or interference to impede access to certain buildings or structures.

Fourth, Bill C-9 codifies — for the first time in statute — a clear and workable definition of hatred, grounded in the Supreme Court of Canada's landmark decision in *R. v. Keegstra*, a case all of us from Alberta know all too well. By anchoring the definition

in established jurisprudence, the bill brings clarity and legal certainty to police, prosecutors and courts, while providing meaningful protection against overreach or overcharging.

There has been a lot of misinformation about what Bill C-9 does and does not do. I believe it is important to reiterate what hatred is already defined as in the Criminal Code: "Every one who, by communicating statements, other than in private conversation, wilfully promotes hatred against any identifiable group . . ." is liable for hatred.

• (1450)

The addition of a clear definition of a hate crime was a critical amendment made in committee in the other place. Along with the addition of the "for greater certainty" clauses, Bill C-9 now makes it clear that simply discrediting, humiliating, hurting or offending are not acts of hate but wilfully promoting acts of hate or hate propaganda against an identifiable group is.

Fifth, the bill prohibits the public display of certain hate and terrorism symbols, including the Nazi hakenkreuz and SS bolts, as well as symbols principally associated with listed terrorist entities where that display is intended to wilfully promote hatred. Defences are preserved for legitimate purposes, including journalism, education and art.

These symbols have been deployed with increasing brazenness in public spaces across Canada, with a devastating effect on the communities they target. The law must speak to this reality.

Colleagues, let me also be clear about what Bill C-9 does not do, as there has been so much mischaracterization in the media and among certain groups. Bill C-9 does not criminalize any religious or faith-based teaching practice or expression that is not motivated by the intentional and wilful promotion of hatred.

Let me be very clear. Bill C-9 does not ban the reading of the Bible, the Torah, the Quran or any other religious scripture. It does not ban or prevent any peaceful protest or peaceful assembly. It does not create blanket protest restrictions or bubble zones, and it does not criminalize mere opinions, disagreement or criticism. The legislation is drafted to be precisely targeted. It addresses criminal conduct, and it does so while respecting freedom of religion, freedom of speech and expression and the right to peaceful protest.

Colleagues, I'd also like to address the concerns I know all of us have heard from our constituents over the past few weeks. I understand that, for many Canadians of faith, this removal is a matter of deep concern, including for senators in this chamber. I fully agree that the government can do more to ensure that religious communities in Canada feel free to practise their religion without fear of harm or persecution.

However, the removal of the “good faith” religious opinion or belief defence from section 319(3)(b) does not criminalize faith, as some have been told, nor does it mean that preaching the Bible would be criminalized. To be convicted of wilfully promoting hatred under 319(2) of the Criminal Code, a person must communicate statements in a public place that, I underscore, wilfully promote hatred against an identifiable group.

The threshold is extraordinarily high. The Supreme Court of Canada has interpreted “wilfully” to require the intent to promote hatred, not a mere expression of a view, however controversial, but the active and deliberate incitement of extreme ill will that is meant to dehumanize others. So readings from religious texts, theological discussions, pastoral counselling and sincere expressions of faith-based views on social issues do not meet this high legal threshold.

This defence has existed in the Criminal Code for 56 years, even before the Charter was created, and has never been successfully used. Its intent, when it was introduced decades ago, was to protect sincere theological expression. In practice, however, this defence has created an anomaly — a category of speech that wilfully promotes hatred against identifiable groups but evades criminal accountability solely because it is framed in religious terms.

As the Minister of Justice told the Standing Senate Committee on Human Rights:

... the shift of the protections of the religious defence, instead, to a clarifying provision that clearly demonstrates that the good-faith practice of your religion is not a hate crime to begin with, rather than it operating as a defence to what would otherwise be a hate crime, is a more accurate reflection of what the law ought to be in Canada.

He reiterated this point in the Senate Chamber last week when stating clearly that the religious exemption defence suggests:

... that practising your faith is a hate crime that demands the protection of a defence, it recognizes that, by definition, the ordinary practice of faith is not a hate crime to begin with ... that is a more reflection of what the law should be in this country.

So the fundamental principle of equality before the law demands that the same conduct — the wilful promotion of hatred against an identifiable group of Canadians — carries the same legal consequences, regardless of whether it is motivated by religious conviction, political ideology or any other belief system. A person who wilfully promotes hatred against Jewish Canadians because of political extremism can be prosecuted. A person who does the same thing while claiming religious authority has been able to escape accountability entirely. This inconsistency is not a feature of a fair legal system. It is a flaw.

The government introduced a “for greater certainty” clause in the bill to make this explicit. This clause affirms that nothing in the hate propaganda provisions is intended to prohibit or has the effect of prohibiting statements made in good faith and based on a belief in a religious text. The definition of hatred that has been codified in this bill, drawn directly from *Keegstra*, further constrains prosecutorial overreach by requiring that statements

amount to the expressions of detestation and vilification of an identifiable group to a degree that is likely to cause discriminatory treatment.

Honourable colleagues, consider the practical reality. Canada’s existing hate propaganda laws are the most rarely prosecuted in the world. The Attorney General’s consent requirement provides a further layer of protection. These are not laws that are being wielded carelessly. They require a high threshold of conduct, multiple levels of prosecutorial oversight and the full weight of constitutional protections, including the Charter’s guarantee of freedom of religion and freedom of expression, which did not exist when this section was originally included in the Criminal Code of Canada.

For faith-based communities who have expressed concern, your right to read sacred texts, teach the tenets of your tradition, express sincerely held theological beliefs, counsel your congregations and advocate for your values in the public square are not threatened by this legislation. What is removed is a blanket shield that allowed the deliberate incitement of hatred against Canadians to evade prosecution simply because the speaker wrapped it in religious language. That shield was never intended to protect genuine faith. It was a loophole, and this bill closes it.

I acknowledge, as I did at second reading, that the way this amendment was introduced, which was at the committee stage in the other place, without prior witness testimony significantly directed at that clause, is a matter that the Human Rights Committee took seriously. The committee’s study of this bill has been thorough, inclusive and based on evidence, which this important issue deserved. And I believe that review reinforces rather than undermines the case for passing this bill.

Honourable senators, the breadth of the testimony we heard at the Human Rights Committee — from law enforcement, legal experts, community organizations, academics and faith communities — has only strengthened my conviction that this bill is ready for passage.

Let me briefly share some of what we heard.

From law enforcement, the Canadian Association of Chiefs of Police described Bill C-9 as a balanced and principled approach to strengthening public safety and ensuring hate crime laws are applied consistently and responsibly. Law enforcement witnesses testified that the creation of a stand-alone hate crime offence will meaningfully change how police investigate and Crown attorneys prosecute hate-motivated crimes.

• (1500)

When hate motivation is built into the offence itself — not merely as an aggravating factor after the fact — police can investigate from the outset with that lens, gather evidence purposefully and present a case that reflects the full nature of the crime. This is a significant and practical benefit for victims and vulnerable communities who want to see the hatred that motivated the crime against them recognized by the justice system.

Prosecution and civil liberties experts noted that the clarity provided by the codified definition of hatred, drawn from *R. v. Keegstra*, is critically important. Before this bill, the definition was scattered through case law, making it difficult for front-line officers and Crown prosecutors to assess whether conduct met the threshold for charging. A clear statutory definition creates consistency across Canada and reduces the risk of both undercharging and overcharging.

Before I speak to what we heard from representatives of the Black community, I would like to first thank Senators Bernard, Senior and Ince for their leadership in bringing forward thoughtful and meaningful perspectives and amendments to Bill C-9. The testimony we heard at committee from Deborah-Zita Somakoko, who is the President and Founder of the Black Manitobans Chamber of Commerce, and Craig Wellington from the Black Opportunity Fund reminded us all why the noose has such a deep and hurtful impact on the Black community. That symbol does not carry an abstract meaning. It carries a specific history of racial terror directed at Black Canadians and Black communities across this hemisphere. Its inclusion in this legislation is a statement that the Criminal Code acknowledges that history and refuses to ignore it.

From the Jewish community, the Centre for Israel and Jewish Affairs provided testimony that was both powerful and precise. Their witnesses noted that the bill's definition of hatred mirroring the exact language of *R. v. Keegstra* ensures both clarity and constitutional robustness. They described how Jewish institutions — schools, synagogues, community centres — have repeatedly been targeted by harassment and intimidation campaigns, and why the new intimidation and obstruction offences are urgently needed. As they said so movingly before the committee, "Nobody should fear dropping their children off at school, visiting an elderly parent or attending religious services."

Their testimony underscored that the bill has broad support from Jewish organizations across the country and that passing it would send a clear message that Canada will not tolerate hate-motivated violence, intimidation or support for terrorism.

In their words:

... while Jews may be the target today, what extremists are aiming at is something bigger, and that is our Canadian way of life.

Representatives of Muslim communities provided testimony, both in support of the core provisions of the bill and with specific concerns about particular aspects. The National Council of Canadian Muslims raised concerns about the specific symbols in the bill, noting that individuals bearing certain Islamic scripture symbols may be inadvertently captured if terrorist groups have appropriated those symbols. These are legitimate concerns and one reason why the "for greater certainty" clauses were designed to address these concerns.

From the 2SLGBTQI+ community, witnesses underscored the severity of the threat faced by our community. Since 2016, anti-2SLGBTQI+ hate crimes have grown by 274%. Trans and non-binary Canadians are facing increased levels of hate and targeted discrimination, both in person and online. Some

provincial governments across Canada have also taken actions that have harmed the trans and non-binary community. Community organizations described the effect of living under a constant threat of violence and harassment and what the cumulative effect this trauma has on the community. Bill C-9 signals, in the strongest possible terms, that Canadian society does not sanction this conduct, and we will not allow it to continue.

The new intimidation offence is of particular importance to 2SLGBTQI+ community centres, which have been targeted by organized protest activities designed to prevent members from accessing services and gathering safely. The bill proposes a legal mechanism to address these pressing issues.

The committee heard from First Nations and Métis witnesses who raised critical questions about the application of this legislation to Indigenous communities. The denial of the atrocities of residential schools and the dehumanization of Indigenous Peoples can constitute hate in its own right, and the committee heard calls for the bill's application to be interpreted and enforced with that history in mind.

Finally, the committee heard from multiple faith communities, and I want to acknowledge that testimony with the seriousness it deserves. The Anglican Church shared their belief that the repeal of the religious defence could create new uncertainty around religious teaching and discussion. Witnesses from the Christian faith community spoke about the effects that can arise from complaints, investigations and legal costs, especially for smaller faith-based communities. These are real concerns that the government has said they take seriously.

I would like to recognize and thank all my colleagues who served on the Human Rights Committee and who studied this bill with the intense scrutiny and dedication that it deserves. The work that our colleagues took on is not to be understated, and it represents the very essence of what Canadians expect of us in this chamber.

Honourable senators, we are at a pivotal moment. The communities that are being targeted by hate in this country are watching what we do in this chamber. They are counting on us. They need to know parliamentarians stand with them, that their safety is a priority and that Parliament will not allow hate to grow unchecked in our communities.

I have heard from parents who are afraid to send their children to school. I have heard from elderly Jewish Canadians who hesitate to attend synagogue. I have heard from transgender Canadians who fear leaving their homes. I have heard from Muslim Canadians who feel the hostile gaze of strangers and wonder whether they are safe. I have heard from Black Canadians who are exhausted by the relentlessness of hatred directed at them. These are not abstract concerns. This is their lived reality in 2026.

There are those who would argue that this bill goes too far. There are others who argue it does not go far enough. There are those who fear that some of its provisions will be misused, and those whose primary concern is that it will not be used enough. These debates are robust and healthy. They reflect the complexity of the issues at stake, and they are the reason that Parliament has spent months studying this legislation carefully.

Honourable senators, perfect cannot be the enemy of good. The communities being targeted by hate crimes in Canada have waited long enough. They have watched for years as hate crimes have doubled, as intimidation has grown bolder, as symbols of genocide and terror have been brandished in public with impunity. They have been told that the law will protect them, and they have seen the law fall short. This bill does not solve every problem. It is, as witnesses before the Human Rights Committee rightly noted, not a panacea. But it is a meaningful, principled, measured and constitutionally grounded step forward, and it is needed now.

Bill C-9 will not end hatred — no law can do that — hatred lives in the human heart and it is challenged ultimately by inclusive education, the recognition and celebration of culture, building welcoming and respectful communities and through the long, slow, yet unwavering work of building the kind of country where every person belongs. Every Canadian deserves acceptance and safety.

• (1510)

But the law matters. It matters because it sets the standard. It matters because it tells victims that their suffering is recognized and that the state stands beside them. It matters because it tells perpetrators that there are consequences for choosing to act on hatred. And it matters because it tells every Canadian, whatever their identity, faith or background, that they are equal in the eyes of the law and equally deserving of protection. This is the Canada we believe in.

This chamber has a proud tradition of protecting minority rights. The Senate was designed, in part, to be a check on the tyranny of the majority, to ensure that the rights and dignity of those who are outnumbered are not sacrificed for political convenience. Today, I am asking this chamber to fulfill that promise and that purpose.

Let us pass Bill C-9. Let us send a message to every Canadian who has been targeted for who they are that they are not alone, that this Parliament stands with them and that in Canada, hatred does not win. I urge all honourable senators to support this bill.

Thank you. *Meegwetch.*

Some Hon. Senators: Hear, hear.

Hon. Wanda Thomas Bernard: Honourable senators, I rise to speak to Bill C-9, the combatting hate act. I will start by asking you to join me for a walk. You have just had dinner with your family. After dinner, you go for a walk alone in your neighbourhood. You are walking down the street at dusk, and a group of young men pass you in a pickup truck. They yell

profanities at you and tell you to go back to Africa where you belong. You look at the vehicle as it drives away, and there is a noose hanging from the back of their pickup truck.

Honourable colleagues, you have now walked in the shoes of many Black people in Canada, including mine, because the story I have just shared with you happened to me in a neighbourhood where I used to live — and that I left because of racism I experienced there.

As Deputy Chair of the Standing Senate Committee on Human Rights, I urge my colleagues to recognize the evidence heard from witnesses who recommend adding the noose to the list of hate symbols because it represents anti-Black violence. The noose is a current, relevant symbol of White supremacy that is used to intimidate and invoke fear in Black people. Last week alone, we heard about two White nationalist demonstrations in the news, one in Bedford, Nova Scotia, and one in Shawinigan, Quebec. The relevance of adding the symbol, a tool of White supremacist intimidation, is very clear.

In testimony before both House and Senate committees that studied the bill, advocates established that the proposed amendment to include the noose inherently aligns with the core purpose of Bill C-9 while fully satisfying the strict Criminal Code criteria of the Department of Justice, or DOJ. Under the DOJ's freedom of expression framework, which requires a prohibited symbol to be clearly identifiable, actively harmful and of low value from a freedom of expression perspective — meaning public discourse — the noose stands as an undeniable, unambiguous emblem of anti-Black racial terror.

To align with the purpose of the bill, specifically, to address anti-Black racism and eliminate profound disparities in federal hate crime legislation, witnesses and civil rights advocates reviewing Bill C-9 have proposed structured, explicit amendments to modify section 319 of the Criminal Code.

Leading civil rights advocates and community organizations argue that omitting the noose as a prohibited hate symbol ignores the terror, harm and trauma inflicted on Black Canadians, leaving communities completely unprotected and stripped of their fundamental right to societal safety.

The UN International Decade for People of African Descent includes a pillar of justice, and one of their recommendations is as follows:

Adopting effective and appropriate measures, including legal measures as appropriate, to combat all acts of racism, in particular the dissemination of ideas based on racial superiority or hatred, incitement to racial hatred, violence or incitement to racial violence, as well as racist propaganda activities and participation in racist organizations. . . .

The Canadian government signed on to the decade in 2018, and this is an opportunity to fulfill the commitment made to address anti-Black racism in Canada.

The Black Opportunity Fund testified and filed formal briefs with the Human Rights Committee, emphasizing that, while lynching is often decoupled from Canadian history, the noose remains an active weapon of domestic terror.

CEO Craig Wellington said:

We are not asking this committee to silence difficult ideas. We are not asking you to shield Canadians from discomfort or important debate; however, there is a line between discourse that provokes thought and symbols that provoke terror. The noose is not a position in a debate. It is not an argument. It is a promise of violence. It is a threat. It is a tool that is being used to commit violence and acts of racial terror.

In its formal submission, the Black-Manitobans Chamber of Commerce, led by its president and founder, Deborah-Zita Somakoko, demonstrated that omitting these symbols invalidates the lived realities and safety of Black Canadians. Ms. Somakoko highlights that for Black entrepreneurs, workers and communities, the noose is a contemporary tool of severe racial trauma used to enforce racial hierarchies. Leaving this symbol unbanned compromises workplace safety and forces Black Canadians to navigate public and professional spheres under the weight of hypervigilance.

We heard about many experiences in committee. One story that stands out to me is one that a witness shared about her 15-year-old son living in Winnipeg, Manitoba. He was the only Black student on his sports team. A teammate placed a noose in his backpack. After practice one day, his teammates invited him to join them. They beat him up and videotaped the assault. The symbol of the noose, colleagues, is not just a historical reference. It is a current symbol of hate and threat of violence.

Honourable colleagues, I have named a few recent examples of anti-Black hate involving the noose in Canada. There are many more. They are all threats of violence that are intended to invoke fear. Adopting this exact amendment is not a matter of legislative housekeeping. It is an urgent human rights imperative necessary to instate equal protection, uphold human dignity and fulfill the Crown's basic obligation to protect all Canadians from racial discrimination.

• (1520)

MOTION IN AMENDMENT ADOPTED

Hon. Wanda Thomas Bernard: Therefore, honourable senators, in amendment, I move:

That Bill C-9 be not now read a third time, but that it be amended in clause 4, on page 2, by replacing lines 4 and 5 with the following:

“(b) the Nazi Hakenkreuz, the Nazi double Sig-Rune, also known as the SS bolts, or a noose; or”.

Some Hon. Senators: Hear, hear.

Hon. Kristopher Wells: Will Senator Bernard take a question?

Senator Bernard: Yes.

The Hon. the Speaker pro tempore: Senator Wells, because Senator Bernard moved the motion, her speaking time has expired. There is no place for questions, but, with leave, you could ask a question.

Is leave granted, senators?

Hon. Senators: Agreed.

Senator K. Wells: Thank you, colleagues.

Senator Bernard, first, thank you for your long-standing advocacy on behalf of Black Canadians and for championing this amendment.

As I previously expressed and as confirmed yesterday by the Government Representative in the Senate, the government is in agreement with this amendment, and I will be voting in favour of it.

The use of the noose as a symbol to intimidate and oppress Black Canadians is vile and should be seriously considered by this chamber. It carries a specific history of racial terror, directed at Black Canadians and Black communities across this hemisphere.

Personally, I'm deeply concerned by rising levels of hate directed toward Black communities and by some of the stories witnesses have brought forward to the Human Rights Committee, which you've shared.

My question to you is this: Can you confirm to this chamber that the noose as a hate symbol meets the three legislative criteria — one, it wilfully promotes hatred; two, it is targeted toward an identifiable group; and three, it is done in a public space — for its inclusion?

Senator Bernard: Thank you, Senator K. Wells, for your question, your work and your comments.

With regard to the first point, “wilfully promotes hatred,” I would say that community organizations like the Black Opportunity Fund, argue that a noose is not an ambiguous or benign historical fact; it is a literal tool of execution.

With regard to your second point, “targeted toward an identifiable group,” in modern contexts, when an individual manufactures or introduces a noose into a specific environment, such as a workplace, school or community, it is done with the clear, wilful purpose of inciting terror rather than as a causal or accidental expression.

With regard to racial terror, the noose is universally recognized as a primary symbol of White supremacy, anti-Black racism and the history of lynching in North America, including here in Canada.

With regard to identifiable harm, its deployment directly targets an identifiable group, specifically Black Canadians, protected under the Criminal Code. Submissions that we received emphasized that its psychological impact is equivalent to the Nazi symbols already targeted by Bill C-9.

With regard to the third point, “done in a public space,” when we think about real-world proliferation, advocacy briefs point to documented, high-profile Canadian incidents where nooses were intentionally placed in public or semi-public spaces to maximize visibility and intimidation, and I shared some of those examples in my speech.

With regard to site-specific contexts, notable examples presented to us at committee include nooses found at Toronto construction sites, such as the Michael Garron Hospital and the Eglinton Crosstown LRT, and hospital operating rooms, demonstrating that these acts are executed in public workspaces to terrorize entire communities.

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

Hon. Senators: Agreed.

(Motion in amendment of the Honourable Senator Bernard agreed to.)

BILL TO AMEND—THIRD READING—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Wells (*Alberta*), seconded by the Honourable Senator White, for the third reading of Bill C-9, An Act to amend the Criminal Code (hate propaganda, hate crime and access to religious or cultural places), as amended.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today at third reading of Bill C-9, An Act to amend the Criminal Code (hate propaganda, hate crime and access to religious or cultural places).

I want to begin by reaffirming what I expressed at second reading and what I believe all of us in this chamber share: the commitment to protecting every Canadian and those living in or visiting Canada from hatred and violence.

The rise in hate-motivated acts directed at people because of who they are, what they believe or how they worship is a serious and troubling reality that demands a serious legislative response. It is precisely because those stakes are so high that we must ensure the legislation we enact achieves its purpose without eroding the fundamental freedoms it is meant to defend, and that is why we must legislate with absolute care at this time.

At second reading, I asked honourable members and especially those serving on the committee tasked to study Bill C-9 to do so carefully. The Standing Senate Committee on Human Rights did that work. The committee examined the bill’s provisions with genuine care, scrutinizing the new hate crime offence, the intimidation and obstruction provisions designed to protect access to places of worship, the codified definition of “hatred” and the hate symbol offence.

The committee heard powerful and sobering testimony about anti-Semitism, Islamophobia, anti-Black racism, anti-Asian racism, hatred toward Indigenous Peoples and hatred directed at Canadians on the basis of their sexual orientation and gender

identity. Those harms are real. They are serious, and the tools in this bill aimed at addressing them deserve to be as strong and precise as Parliament can make them.

The focus of my speech today is not about what was strengthened; it is about what was taken away and the voices of millions of Canadians who have made it unmistakably clear that they are not reassured by the bill as it currently stands.

• (1530)

Honourable senators, the single issue that generated the most concern, the most testimony, the most correspondence to our offices and the deepest anguish from faith communities, civil liberties organizations, constitutional experts and others from across the country, was the removal of the “good faith” religious expression defence from paragraph 319(3)(b) of the Criminal Code. Those communities and organizations deserve to have their voices brought into this chamber today, and it is my duty — our duty — to do exactly that.

While there were many powerful testimonies before the committee, allow me to highlight just a few that I believe capture the breadth and sincerity of this concern.

Imam Sikander Hashmi of the Canadian Council of Imams, speaking on behalf of over 130 faith leaders across Canada, told the committee that many faith communities were surprised by the removal of the longstanding “good faith” religious defence, and that the concern was not about defending hatred but about preserving legal space for peaceful and responsible religious expression. He warned that scriptures and theological teachings can be misunderstood or mischaracterized when taken out of context, and that an imam quoting difficult passages of religious tradition should not have to fear a criminal investigation because of a bad-faith complaint. He said plainly that a pluralistic society requires sufficient legal space for those beliefs to be expressed responsibly without being weaponized. He put it this way:

Religious scriptures and traditions often contain historical narratives and theological passages that, when quoted outside their religious context, can be misunderstood or deliberately mischaracterized.

That is the heart of this debate. It came not from a privileged institution but from a community that knows what it means to be a target of hate.

James Manson of Charter Advocates Canada went to the constitutional foundation of this issue. He reminded the committee that *Keegstra* was a 4-3 decision, a narrow majority. The court upheld the hate propaganda provisions in part because the statutory defences, including the “good faith” religious expression defence, helped ensure the provision was not overly broad. Mr. Manson warned the committee plainly that removing the religious defence “. . . calls back into question the very constitutionality of 319(2) itself.”

Why would Parliament invite a Charter challenge that could unravel the very provision this bill is meant to strengthen?

Lastly, there is evidence that I believe is the most decisive of all because it comes not from a critic of the bill but from one of its strongest supporters. Mark Sandler is the chair of the Alliance of Canadians Combatting Antisemitism, a trainer of police and prosecutors across the country, a passionate advocate for vulnerable communities and a man who has spent decades fighting hatred in Canadian courts. He supports Bill C-9, and he said:

There has never been a case where that defence has successfully been invoked — not one.

From my perspective, for practical reasons, there is no difference whether the provision is there or the provision is not there.

If removing the “good faith” religious defence changes nothing for the prosecution of genuine hate, but its removal creates anxiety, uncertainty and a chilling effect on faith communities across this country, then there is simply no case for removing it. The defenders of repeal have not identified a single prosecution it has impeded. They have not pointed to a single hate propagandist it has shielded. So why was it removed in a last-minute amendment at committee in the other place without a single witness’s testimony to justify its removal?

Imam Sikander Hashmi, James Manson, Mark Sandler — these are not fringe voices. These are thoughtful, responsible Canadians arriving at the same conclusion from entirely different starting points.

Honourable senators, the concerns before this chamber did not come only from the many witnesses testifying at, and the numerous briefs submitted to, the committee. They came from concerned Canadians across this country. Hundreds of thousands of people wrote emails and made phone calls to our offices to express their opposition to the removal of the “good faith” religious defence. Then there are the postcards.

Through the 4 My Canada campaign, a multitude of Canadians, individually, paid to have postcards printed and mailed, each one bearing a real name and address, each one addressed personally to a senator. These were not emails automatically generated at the click of a button. These were Canadians who were concerned about the bill, cared enough to act, paid for the printing of a postcard and sent it by mail to an individual senator through 4 My Canada. This is a truly meaningful and deliberate act of democratic participation.

I would like to thank each and every person who took their time and spent their own money writing to their parliamentarians, exercising one of the most fundamental rights in a democratic society. They are expressing their support or objection to a bill, as well as their gratitude, concerns, wisdom, insights and whatever they wish to convey to each and every one of us. We, as senators, who are here precisely to represent the men and women of this country, have a duty to listen and carefully consider what they are saying.

Let us also remember the witnesses from the various faith communities and civil liberties organizations, as well as the legal and constitutional experts, who told the committee very clearly that removing the “good faith” defence has created real anxiety and uncertainty for people of faith, especially when their teaching, discussion, publication or debate touches on contested moral or social questions. Many asked us to restore that defence.

At committee, I moved an amendment to restore the “good faith” religious protection, but it was defeated, narrowly, so I’m not going to re-litigate that today. Instead, I am proposing a narrower amendment to the “for greater certainty” clause, one that responds to the concerns expressed by witness after witness and in the many briefs that were sent to the committee, as well as postcards and other correspondence we have received, while preserving the government’s stated objective.

Bill C-9 did not originally contain the “for greater certainty” clause that is now before us. It was added only after the existing “good faith” religious opinion defence was removed and serious concern was raised about the consequences of that removal. The government’s answer was to insert a new clause meant to reassure Canadians that public-interest expression, including educational, religious, political and scientific discussion, would not be caught. But reassurance is not the same thing as legal clarity.

Let us be clear: As drafted, the clause does not actually provide the greater certainty that it promises. It says that nothing in subsections 319(2) or 319(2.2) prohibits a person from communicating a statement on a matter of public interest if they do not wilfully promote hatred by communicating that statement.

In practice, that simply restates the offence. It tells Canadians they are safe if they have not already broken the law. That’s what the “for greater certainty” clause states. What it does not do is help them see how “good faith” religious, educational, political, scientific or other public-interest expression will be distinguished from the wilful promotion of hate.

In other words, the clause was introduced to address the uncertainty created by removing the “good faith” defence, but it fails to do that, and uncertainty remains.

The amendment I am proposing would replace the circular wording with the familiar, well-understood concept of good faith. As amended, the clause would provide that nothing in subsections 319(2) or 319(2.2) shall be construed as prohibiting a person from communicating a statement in good faith on a matter of public interest, including an educational, religious, political or scientific statement made in the course of a discussion, publication or debate.

This does not create a licence to promote hatred. It simply clarifies that good-faith engagement with ideas, beliefs, doctrines, public policy, science, education, politics or religion is not what the hate propaganda provisions are aimed at.

• (1540)

Bill C-9 is directed at the serious offence of wilfully promoting hatred against an identifiable group. It should not chill legitimate public interest expression simply because the subject is controversial, deeply held, religious, moral, political, scientific or offensive to some.

This amendment keeps the purpose of the bill intact while giving Canadians clearer assurance that good-faith debate about ideas remains protected. It makes plain that the Criminal Code is aimed at the promotion of hatred against persons, not the mere expression of disagreement on matters of public importance.

Though my amendment to restore the “good faith” religious defence was defeated, I believe this chamber still has an opportunity to do right by the faith communities, civil liberties organizations and hundreds of thousands of Canadians who have contacted us with legitimate and well-founded concerns. We can provide the clarity and certainty that the current clause fails to deliver.

Honourable senators, this is a modest, focused amendment. It does not weaken the new hate crime offence. It does not touch the hate symbol provisions, the intimidation and obstruction offences or the codified definition of hatred. It simply ensures that the Criminal Code itself reflects what ministers have repeatedly told us is their intention — that ordinary, peaceful, good-faith religious and public interest expression is not a crime.

I urge you to support this amendment so we can send a clear message that in Canada, hatred will be prosecuted, but good-faith religious conviction will not be silenced. Above all, everyone will be equally protected.

Before I read my amendment, I have to just explain that it doesn't look very clear the way that it's written. To be clear, I have the word “-nicating” in my amendment, but the previous line has “commu-,” so it's actually “communicating.”

The Hon. the Speaker: Senator Martin, your time for debate has expired. You have to ask for more time if you would like to move your amendment.

Senator Martin: May I have more time?

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

Hon. Senators: Agreed.

MOTION IN AMENDMENT NEGATIVED

Hon. Yonah Martin (Deputy Leader of the Opposition): Therefore, honourable senators, in amendment, I move:

That Bill C-9, as amended, be not now read a third time, but that it be further amended, in clause 11.1, on page 6,

(a) by replacing line 22 with the following:

“nicating a statement in good faith on a matter of public inter-”;

(b) by replacing lines 25 to 27 with the following:

“discussion, publication or debate.”.

Hon. Kristopher Wells: Honourable senators, our friends, family members and neighbours have faced an onslaught of increasing hate crimes in our communities over the last few years. We cannot delay protections for them any longer. Canada must address the growing crisis in our communities and stand up for all Canadians with clear, effective legislation that protects all Canadians, regardless of religion, race, ethnicity, sexual orientation and gender identity.

Good-faith religious expression, debate and teaching are fully protected by the Charter. They are not criminalized now and would not be criminalized under this bill. The wilful promotion offence already excludes the scenario this clause was meant to address. It is solving a problem that does not exist.

We have heard concerns from Canadians across the country who have heard misleading messages about the intentions of this bill and what its implications might be. I want to be very clear and assure Canadians of all faiths that the combatting hate act does not criminalize practising your religion, reading passages from your holy books, preaching to or counselling members of your congregations or communities.

At the Human Rights Committee, countless stakeholders urged us to pass this legislation without further delay. We heard this clearly from the Canadian Association of Chiefs of Police, the Friends of Simon Wiesenthal Center, Canadian Hindus for Harmony, the Organization for the Prevention of Violence, B'nai Brith Canada, the Alliance of Canadians Combatting Antisemitism, the Toronto Police Service and the Edmonton Police Service, to name only a few.

We heard clearly and directly from the Minister of Justice:

We should recognize through the definition of hate that the ordinary practice of faith is not a hate crime to begin with. . . .

. . . Canada is a country built on multiculturalism and diversity, including religious diversity, and it is a huge part of the strength of the social fabric of Canada.

I would urge my honourable colleagues to oppose this amendment.

Hon. Andrew Cardozo: Honourable senators, I rise briefly to speak in favour of this amendment.

I come to this after a lifetime of having worked in various ways to advance human rights and equality, and I know very well that the advancements we make are not always solid, that sometimes they are fragile. All it takes is a change of government to wipe out advances. To me, the most important thing is building a broad societal consensus about combatting hate.

I want to thank the Minister of Justice for introducing this bill. It has been a long time coming. It was badly needed. I want to thank my colleague — my seatmate — Senator Kristopher Wells for being the sponsor. I want to thank Senator Paulette Senior and all the members of the Human Rights Committee for their role.

I want to indicate my strong support for this bill. It is badly needed, and it has been a long time coming, but I want to speak to one part of it. The bill deletes section 319 of the Criminal Code, and this has caused considerable controversy. Let me just paint for you the steps that took place.

The House of Commons committee went through the hearings, and, at the very last minute, in order for it to pass, the government was prepared to accept an amendment by an opposition party member to add this clause that would delete section 319, the “good faith” clause.

Seeing the controversies that it generated, they then added a clarification to say, “That clause doesn’t really mean anything; don’t worry about it.” But at that point, a whole lot of people were very upset about that clause. So I ask the question: Why have a clause and then have a clarification saying, “Oh, don’t worry about it. It’s not a problem”? Why don’t we just get rid of the clause that’s causing the consternation to begin with?

• (1550)

I want to say quite clearly that I am less influenced by some of the political initiatives or machinations that have gone on about this bill. I am really concerned about the views of ordinary Canadians that we’ve heard.

In the report from the committee and their observations, they note that they heard from people who were concerned about this defence being removed. They then talked about the legal experts who said, “Don’t worry about it.”

So really, with the greatest of respect to the committee and to the government, they are saying:

We’ve heard from thousands and thousands of Canadians who are concerned about this clause. So ordinary Canadians: we’ve heard from you. We hear that you are concerned about it, but listen to these experts. They are saying your worries are unfounded.

I don’t think that’s a good way of doing politics when we hear from the people and then tell the ordinary people, “You don’t really understand it.”

The report calls on the government to have clear engagement on this matter and to continue explaining it to the population.

Basically, you are saying:

The experts understand it. Thousands of ordinary people don’t understand it. So, experts in government, keep explaining this thing to ordinary Canadians who have written to us in the thousands, and at some point, they’ll gain our level of intelligence and expertise, and they’ll come on board.

Sorry if I’m being a little dramatic, but for a lot of people, that’s the way it comes off, and I caution you against this.

My guiding objective here is to build a consensus about the scourge of hate crimes. We need to strongly oppose the bad actors, the purveyors of hate. Those are the ones whom we should all be working against. There is a large number of people of goodwill who agree with that objective, that there is something rotten about hate crimes and hate harassment that we have to confront and oppose. However, instead, people of goodwill have been divided into two: people who are prepared to support this and people who are concerned that their religious rights are being undermined.

So who is laughing? The purveyors of hate because they’re happy to see that people of goodwill are divided by this.

I want to say this to colleagues: Let’s put a little bit of water in the wine, but for those of you who don’t drink, a little bit of wine in the water. I ask you to compromise a bit and understand that what is more important than getting this through the House of Commons with a narrow vote is to build a consensus about the need for us, as broadly as possible, to unite against the scourge of hatred that is growing in this country and many other countries.

We must, and we can, have a bill that has a broad consensus to combat hate. Thank you.

Hon. Marnie McBean: Senator Cardozo, would you take a question?

Senator Cardozo: Sure.

Senator McBean: Senator Cardozo, I would have appreciated asking Senator Martin this question, but I am wondering if you can explain to me the purpose in the amendment of removing the line “. . . if they do not wilfully promote hatred against an identifiable group by communicating the statement”?

The amendment replaces lines 25 to 27, so it’s removing this text. I’m wondering if that doesn’t leave doors open, and I wonder what the purpose behind that was.

Senator Cardozo: If there were a way to rewind the clock, I would prefer that you ask that question to the mover of the motion.

I should tell you that my preference would have been Senator Martin's original motion to the committee a few days ago, which was to just get rid of the whole clause causing this problem.

What Senator Martin has done here is to set aside the objective of getting rid of the whole clause and to indicate that the "good faith" clause still stands. That's my understanding.

Senator Martin: Senator Cardozo, would you take another question?

Senator Cardozo: Yes.

Senator Martin: Would you agree that the reason why the current wording of the "greater certainty" clause is circular is because they say that they define what is not hate speech by simply repeating the same standard? It says that communications do not amount to a wilful promotion of hatred if they don't wilfully promote hatred. This doesn't give practical guidance to citizens, police or prosecutors about where the line actually lies.

So my amendment is responding to the circular wording in the "greater certainty" clause that will actually create greater certainty as well. Would you agree?

Senator Cardozo: If the question is, would I agree, Senator Martin, I absolutely and totally agree.

Hon. Marilou McPhedran: Honourable senators, I will be very brief. I want to endorse everything that Senator Cardozo has shared with us. I want to add one other observation: When change needs to happen or when bad things need to be stopped, typically, in our democracy, we turn to organizations that are faith-based. There are many practical reasons why the mobilization of faith-based organizations is one of the most effective ways to communicate and to build momentum for change.

It seems to me that if Senator Martin is content with this amendment, knowing the constituency as she does, it would make sense for us to support this because why would we want to spurn the "good faith" concerns — by those of faith — that have been articulated so well and with such large numbers? For very practical democratic reasons, I support this amendment.

Hon. Pierre Moreau (Government Representative in the Senate): Honourable senators, I would like to thank Senator Martin for her remarks, as well as Senator Cardozo and Senator McBean for her very good question. You will see why it is a very good question in the following remarks. I would like to acknowledge Senator McPhedran as well in the debate. Respectfully, for the following reasons, the government cannot support this amendment.

This bill carefully aims to apply equal protection under the law to all people, and that includes the protection of freedom of religion. This bill offers enhanced protection to religious communities.

As many of our witnesses before the Standing Senate Committee on Human Rights have said, the ordinary practice of religion does not, and will not, constitute a hate crime. Promoting

hatred or violence, particularly in a way that amounts to the extreme detestation and vilification against a group of people, is a different thing altogether.

To this point, I wish to reiterate an important message conveyed by the Minister of Justice that I totally share: I don't think you can promote hate in good faith.

Honourable colleagues, the bill includes a carefully tailored "for greater certainty" clause that clearly states that an expression, whether on religious topics, political topics or any topics relating to public interest, would not be captured by the offence if it's not expressed to "... wilfully promote hatred ..."

All the components of this clause are integral and support the interpretation of the relevant provision in the Criminal Code. The clause was precisely informed by round tables and further consultation with stakeholders held by the Minister of Justice earlier this year.

• (1600)

The Alliance of Canadians Combatting Antisemitism, or ACCLA, confirmed that, in their respectful view, the compromise that was struck in the other place is appropriate: It is the removal of conflicting good-faith defences to prevent its misuse or misinterpretation, but that is coupled with the clarification note that it is intended to alleviate any concerns about the overbreadth. ACCLA further affirmed that, as a result of this clarification clause, the provisions of Bill C-9 "will survive constitutional scrutiny."

Similarly, Richard Marceau, Senior Vice-President, Strategic Initiatives and General Counsel for the Centre for Israel and Jewish Affairs, expressed that:

... adding that clarification is signal enough of the desire of Parliament that religious freedom is an important component of Canadian life, protected under the Charter and under different pieces of legislation.

Honourable colleagues, the "for greater certainty" clause is comprehensive, clear and unambiguous.

[Translation]

First of all, the motion in amendment before us seeks to reintroduce the concept of good faith, a subjective concept that has no established definition in criminal law.

Secondly, and to pick up on Senator McBean's question, it is important to call attention to a less obvious consequence of the motion in amendment. It cuts out a significant portion of the last part of the clarification clause, and eliminates the interpretive direction that the clause gives to the Criminal Code provisions in Bill C-9. This direction provides that offences — and this is the portion that was removed — must not be construed as prohibiting a person from communicating a statement on a matter of public interest — and here I would emphasize — if they do not wilfully promote hatred against an identifiable group by communicating the statement, which takes it to a whole other level.

To establish a criminal offence, criminal law stipulates that the act and its intent must be proven beyond a reasonable doubt. In law, the act, *actus reus*, and the intent, *mens rea*, must reach the evidentiary level of “beyond a reasonable doubt.” For a criminal offence, the intent must be obvious.

The amendment, which aims to eliminate the deliberate nature of the act, the last part of the clause, in favour of the vague concept of good faith, would significantly dilute the scope of the clarification clause and, in doing so, would diminish the protection afforded by this clause.

[English]

It is legally analogous to the provision of Bill C-9 and drafted as such intentionally, basing its axis on the element of intent of wilfully promoting hate. Every word has been weighed to ensure consistent direction on the proposed offences in Bill C-9.

[Translation]

For all these reasons, I must, on behalf of the government, oppose this amendment.

[English]

Hon. Leo Housakos (Leader of the Opposition): Government leader, will you take a question?

Senator Moreau: Yes.

Senator Housakos: Government leader, you said that the minister consulted faith groups far and wide before tabling the legislation. As you know full well, he did consult some faith groups, but it has also come to our attention — and it is clear in the public view — that when it comes to the good-faith clause, it was removed last minute on the other side. So, when the minister clearly consulted with whomever he consulted, the good-faith clause was included in this bill.

It was way after consultation, five minutes to midnight, before the bill was passed in the House that you removed this clause, which has created tremendous concerns among all faith groups across this country. Why?

[Translation]

Senator Moreau: Senator Housakos, if I may, I will answer your question in French.

First, in law, a good faith defence has never been grounds for an acquittal in the prosecution of an alleged offence in a criminal case.

Second, the amendment that Senator Martin is proposing to the provision adds good faith but removes the elements that provide greater protection, given that there is *mens rea* when speech that promotes hatred of a particular group of people is made public. There is no clear definition in criminal law of good faith.

[Senator Moreau]

However, seeking to ensure that a good faith defence exists undermines the protection that the clarification clause is intended to provide. I believe that some of my Senate colleagues who are familiar with criminal law would agree that there is no clear definition of good faith in criminal law.

That’s why the government has, in the clarification clause, removed the element of good faith, which is easier to understand in the eyes of the public. However, this concept of having meaning within the law has effectively replaced the clarification clause, which will not be part of the Criminal Code, with the provisions that Senator Martin is seeking to remove.

The protection afforded by the clarification clause is much clearer as currently worded than it would be if it were amended to include good faith and remove the *mens rea* part at the end. This wording ensures that speech, even when religious in nature, is not an offence if it does not promote hatred against a group.

Hon. Claude Carignan: Leader, I realize there’s no definition of good faith in the Criminal Code. However, the term comes up 16 times in the Criminal Code. I’m not questioning your good faith, but if the term comes up 16 times in the Criminal Code, maybe there’s a problem if people are now saying that the concept shouldn’t be used.

Senator Moreau: Thank you for the question, Senator Carignan.

I’m not saying we shouldn’t use it. I’m saying the criteria at the end of the clause, which Senator Martin’s amendment would remove, are more important and provide better protection than introducing the definition of good faith, which doesn’t exist in criminal law.

Senator Carignan: How can you suggest that the notion of good faith doesn’t exist in criminal law when it is used 16 times in the Criminal Code?

Senator Moreau: I’m not saying that it doesn’t exist in criminal law. I’m saying that the concept of good faith as used in criminal law is not specifically defined anywhere in the criminal jurisprudence. If you find any jurisprudence that defines it, you can always submit it to the assembly.

Essentially, I’m saying that the reason the government opposes the amendment is that introducing the concept of good faith and removing the additional protection at the end of the clarification clause diminishes the protection afforded to speech that is not uttered with criminal intent — both *mens rea* and *actus reus* — and that it could meet the criteria in the act.

The government’s very clear intention is not to criminalize speech that is clearly not intended to promote hatred in Canada.

[English]

Hon. Yonah Martin (Deputy Leader of the Opposition): Senator Moreau, will you take another question?

Senator Moreau: Yes.

Senator Martin: I want to reiterate that when faith groups supported the intent of the bill, it was when the good-faith provision was in the Criminal Code. It was removed at the last minute, in that amendment, at committee. I believe the minister in the chamber even said that it was a condition of the Bloc's support. He said that.

My question is this: You say that we need the phrase "do not wilfully promote hatred against an identifiable group" in this "for greater certainty" clause, but that already exists in the bill.

• (1610)

What the communities are saying is that there is no certainty for them that they will not be charged for their "good faith" expression. "Good faith" is the key phrase. What you added at the end is already in the bill, so it is circular.

That certainty is not given to faith communities. We know this because we heard them, witness after witness, at committee and through our communications.

I understand you are in the role of government leader, but we know that the amendment was accepted in the House at the last minute. We then did the study in the Senate. We did our job. We heard from witnesses.

This is a circular clause. We believe that there is no certainty for faith communities by the way it is expressed. That's why my amendment gives that certainty. We have consulted them.

The Hon. the Speaker: Thank you, Senator Martin.

[Translation]

Senator Moreau: There are two parts to your statement, Senator Martin.

[English]

I am informed that the Minister of Justice held additional held additional round tables and consultations at the beginning of the year after the defence was removed from the bill.

[Translation]

Second, on the issue of the wording itself, I'm not just playing my role as Leader of the Government in the Senate, I'm informing you that the position of the government and the Department of Justice is this: Diluting the clarification clause by removing the wording at the end of the clause — which your amendment does by adding good faith to it — reduces the protection that the clarification clause is trying to include in this bill.

By removing speech made with a guilty intention, or *mens rea*, you protect those who do not do so, who do not speak without a guilty intention.

For example, someone who preaches in a synagogue or a church does not do so with a guilty intention. What the clause says is precisely that such speech not made with a guilty intention does not meet the evidentiary level required to constitute a criminal offence.

It's therefore clear that the protection suggested by the clarification clause is greater with this wording than simply with good faith.

The Hon. the Speaker: Senator Moreau, would you take a question?

Senator Moreau: Yes.

[English]

Senator Cardozo: Senator, my objective in this question is to build maximum support for this bill. This is a good bill, but it has one flaw. My question to you is this: If people of good faith and people of goodwill hate the law to combat hate, have we failed as a Parliament and can we not do better?

[Translation]

Senator Moreau: We will have failed as a Parliament, Senator Cardozo, if we pass legislation that is so vague that it results in innocent people being convicted. That is precisely what the clarification clause seeks to prevent. The aim is to ensure that a person who speaks in good faith and has no criminal intent is not convicted. In criminal law, not only must the standard of proof be beyond a reasonable doubt, but the use of words carries a meaning that goes beyond mere intent. Consequently, the wording chosen here is intended to make clear that any speech made without malicious intent does not constitute a criminal offence under this act. This is precisely what members of religious communities are calling for.

However, it must be expressed in a way that holds a very specific legal significance in criminal law, and that is precisely what this provision does.

The amendment you are supporting removes a safeguard that specifically provides that, where there is no criminal intent, where there is no *mens rea*, there is no criminal offence under the law.

Sometimes the perfect is the enemy of the good.

The Hon. the Speaker: Senator Moreau, would you take another question?

Senator Moreau: Yes.

[English]

Senator Batters: Looking back at Minister Sean Fraser's answers to some of the questions he received at Senate Question Period last week, he said:

To be clear, Bill C-9, from its very inception, was designed to promote religious freedom in Canada. We were deeply concerned about the intimidation and obstruction for peace-loving citizens of this country being denied the opportunity to practise their faith and to participate fully in the communities of faith to which they belong and which they cherish.

Then he said:

The decision to move forward with a change in terms of how the religious exemption operates was not something baked into the government's proposal at the outset, but became essential in order to preserve the protections I've just discussed that were in the bill as a result of dealings that took place at the Standing Committee on Justice and Human Rights, independent of my office, of course, on the House of Commons side of Parliament.

He indicated that because of the minority government situation that existed at the time these dealings were happening in committee — the government only had a minority at committee and had a minority in the House of Commons, which has recently changed — that was the reason he needed to go forward. Those are his exact words.

Does that provide more clarity to you on what the minister's reasoning was as to the need for that amendment to agree with the Bloc amendment?

[Translation]

Senator Moreau: The government's intention remains unchanged. This has nothing to do with whether the government has a minority or a majority.

We're amending the Criminal Code. As you and I both know, the Criminal Code says that a conviction hinges on proving something beyond a reasonable doubt. Moreover, what must be proven is not only the fact that the offence was committed — the *actus reus* — but also the *mens rea*, the criminal intent.

Senator Martin is correct that the substance of the clarification clause is also in the act. Why? It's there because we don't want something like religious speech devoid of criminal intent or the intention to commit an offence to constitute an offence.

As such, the choice of words is important, and the words that were chosen provide better protection than the words "in good faith." That's why the government opposes the amendment, which would reduce the protection the government wishes to provide to religious communities or anyone who speaks without criminal intent.

[English]

Hon. Mary Coyle: Would Senator Moreau take another question?

Senator Moreau: Absolutely.

Senator Coyle: Thank you. We have heard from Senator McPhedran, Senator Cardozo and Senator Martin about concerns that have been expressed, without a doubt, by many Canadians and certain faith groups. We know it was mixed, but the majority in committee was in favour of this, even though it has been presented a little differently.

This clarity clause is absolutely critical, but it seems to me that not many Canadians know about it. They have a perception about this law that we are considering here today. They have concerns. They have fears. These are things that are real for people.

Perceptions that may not be based on the facts can also take off across the country and influence how Canadians are feeling.

Could you tell us, Senator Moreau, what the government plans to do if this bill passes with this clause, without this amendment, to reassure Canadians, who have these very genuine concerns, that they will actually be protected?

[Translation]

Senator Moreau: The government's intention is crystal clear in this regard, as the minister said. I would also refer you to the excellent speech that Senator Wells gave earlier. As I myself reiterated in my comments expressing our opposition to this amendment, the bill does not target religious communities or the expression of faith.

I am sure that the government can remind people of that if necessary. You're right. We are aware of the fact that some people may have concerns about the scope of the bill. The purpose of the clause in question is to reassure them.

• (1620)

However, the challenge here is that, in criminal law, the choice of words is extremely important and can have a significant impact. The goal is to prevent a person who speaks without criminal intent from being prosecuted.

Canadians who are practising their faith in churches, synagogues or mosques do so without any criminal intent. We want to be clear so that they are not prosecuted for doing so.

That is what the bill does. The use of these words combined with the fact that criminal law cases must be proven beyond a reasonable doubt, not only regarding the criminal act itself but also regarding the intent to commit it, provides much greater protection than a mere reference to good faith.

The testimony that we heard underscores the fact that the good-faith defence has not been very successful over the past 50 years.

Since the government's genuine intention is to provide reassurance, it has no choice but to oppose Senator Martin's amendment. I don't want to impugn Senator Martin's motives in any way, because I know the amendment is intended in good faith, to use the expression yet again, but the government is convinced — and I fully support this view — that this amendment would offer less protection than the current wording in the bill, which will amend the Criminal Code, and the clarification clause that is found outside the Criminal Code.

What is the purpose of this clarification clause? In fact, it enables a judge hearing a criminal case based on an alleged offence to interpret the legislator's intention, referring not only to the text of the Criminal Code, but also to that of the clarification clause.

Your question gives me the opportunity to address another very important issue. When a court is called upon to rule on a similar offence, the judge may seek to ascertain the legislator's intention behind a provision. The legislator's intention is expressed not only in law through the text of the legislation being

amended, but also through all the discussions that take place around it, during the legislative process leading to the passage of the legislation.

It has been clearly shown — whether by Senator Wells' speech, by my intention in this chamber or by the Minister of Justice's interventions before a Senate committee and during debates in the House of Commons — that the government's intention is not to criminalize religious practice, whether Catholic, Muslim, Jewish or other.

[English]

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

Senator Coyle: Thank you. It was not me — or even us — I was asking you to convince. You did a good job of that, by the way.

My question was more about the reassurance. We are in a bubble here. The people who have written to us have real concerns, which are being brought forward by colleagues throughout the chamber on their behalf, so it is not just in this process of legislating. Once we have this legislation — if the bill passes, as the government wishes — what will the government do to reassure Canadians about these concerns that they have?

They firmly believe in these concerns. This is real for people from a number of faiths. What can the government do — assuming the bill passes, as the government desires — to communicate with people to reassure them that their fears can be allayed?

[Translation]

Senator Moreau: Thank you very much for your intervention, Senator Coyle. I understand the underlying intention. I'm convinced that the government is listening. You're absolutely right to say that not only are we in a bubble, but that the vocabulary used in law is sometimes too arcane when the goal is to communicate in simple terms with all Canadians.

I can assure you that I will pass on suggestions to the minister about broad communication — without making any assumptions about the Senate's decision — that is, broad communication if the Senate were to pass Bill C-9 without the amendment proposed by Senator Martin, which I recommend to my honourable colleagues. I am sure that the folks at the Department of Justice and the minister himself are listening to us.

[English]

Senator McPhedran: Thank you very much, Your Honour. I have a question for Senator Moreau. I am very puzzled by part of what you said in one of your responses.

Here is what puzzles me: It sounded to me as if you were giving a legal opinion about the amendment being proposed by Senator Martin. If I heard that correctly, could you please provide for us the source of your legal opinion, given that this amendment was just tabled?

In addition, can I just observe the words that you are opposing, perhaps through a legal opinion — and, certainly, your opinion, if not a legal one — are about a statement in good faith, on a matter of public interest and about discussion, publication or debate? I am completely puzzled by the harm that those words would do, and I would very much appreciate more explanation from you regarding your reasoning.

[Translation]

Senator Moreau: What I shared, Senator McPhedran, was the government's position on the amendment proposed by Senator Martin. The government's position is not so much about the aspect of good faith as it is about the fact that this amendment removes the elements that Senator McBean raised in her question, when those elements provide greater protection than simple good faith when it comes to ensuring that people who express their faith are not faced with criminal prosecution.

If we take another look at the words that are struck out by the amendment — they are obviously not included in the amendment because it strikes them out — and if we look at the wording in the clarification clause, this seeks to ensure that anything that is not done with deliberate intent to commit a criminal act, thus in the absence of *mens rea*, does not result in criminal prosecution under the provisions of the bill. That is what the government wants to do and that is the government's position.

You may see what I was saying as a legal opinion, but the concept of good faith in criminal law and the concept of criminal intent are legal concepts. It is the government's position that, based on these concepts, the protection currently afforded by the clarification clause is much stronger than the protection afforded by the simple concept of good faith.

[English]

Senator K. Wells: Would Senator Moreau take a question?

Senator Moreau: I will.

Senator K. Wells: Thank you. Does including the “for greater certainty” clause not represent the legislative intent of Parliament to actually provide these protections? Would removing a good part of that clause not actually end up weakening the protections?

[Translation]

Senator Moreau: Thank you for your question, Senator Wells. I think it did a nice job of summarizing the reasons why I rose today to lay out the government's opinion. Removing the words that are struck out by Senator Martin's amendment would indeed mean less protection.

• (1630)

I really enjoyed Senator Coyle's speech. She told us that we are living in a bubble. Yes, we are, but we have an obligation as legislators, particularly when we are creating criminal offences, to ensure that we do not target people who should not be targeted. The government is well aware of the concerns expressed by Canadians in that regard and it is paying close attention to the drafting of the bill and the protection clause to reassure those who expressed concerns.

[English]

Senator Martin: Leader, I want to thank you for the commitment you have to share your perspective as well as what the government intends. This debate, as you say, will be very important for the future.

I was listening carefully to all the questions and the answers you gave, and I am willing to compromise. I understand the importance of the final phrase in my amendment, which you have raised as a concern. Would you agree to a subamendment where I remove (b) and keep that phrase, but we insert “in good faith” because of what we’ve heard around the room and what we’ve heard from millions of Canadians? Would you consider such a compromise? Would you support such a subamendment? It would simply read:

That Bill C-9 be not now read a third time, but that it be amended, in clause 11.1, on page 6,

(a) by replacing line 22 with the following:

“nicipating a statement in good faith on a matter of public inter-”.

This is what you have been saying in your responses. Would you accept such a subamendment?

Senator Moreau: It’s difficult for me to accept it without consulting to see if the government would accept that.

I can suggest that we suspend for me to be able to consult with government officials and get back to you with an answer. Is that something that you might consider?

Senator Martin: May I just add one response?

The Hon. the Speaker: Is that a question to Senator Moreau?

Senator Moreau: Yes.

Senator Martin: The only other point was, because the bill has now been amended, it would need to go back to the House. In terms of a timeline, it would not be adding any more time; is that correct?

Senator Moreau: The bill has been amended with the amendment suggested by Senator Bernard. The government agreed to that. You are right; the bill will have to go back to the House of Commons for consideration and an answer.

You’re asking me whether I would accept it. I will not accept it without consultation with the government. If you wish to pursue that, I will ask that the Senate suspend for a few minutes. We can do this consultation quite rapidly, and I can get back to you with the position of the government.

The Hon. the Speaker: I’m not sure if I understand the discussion. Senator Martin, what is your intention? Then I will go back to Senator Moreau.

Are you asking to suspend?

Senator Martin: I’m not asking for the suspension; I’m asking the leader if he would consider a subamendment that removes paragraph (b) from my original amendment. He responded that he would need to make a quick call, so he’s calling for a suspension of the Senate.

[Translation]

The Hon. the Speaker: Senator Moreau, are you asking that we suspend the sitting so you can continue your discussions and come to an agreement?

Senator Moreau: Your Honour, let me be very clear. I am seeking my colleagues’ consent to suspend for 30 minutes so that I can consult with the departmental officials to ascertain whether or not I can accommodate Senator Martin’s request. I need to ensure that the legislative drafting is consistent with the amendment she has just proposed and that there will be no problems.

My request is as follows: Can we suspend for 30 minutes so that I can carry out the necessary consultations?

[English]

The Hon. the Speaker: Honourable senators, is leave granted to suspend the sitting for 30 minutes with a five-minute bell to call in the senators?

[Translation]

Hon. Lucie Moncion: Honourable senators, I have a question about procedure. For as long as I’ve been in the Senate, we’ve never had a request like this one. A subamendment to the amendment has been proposed. That means we are changing the procedure by voting on the subamendment before voting on the main amendment, and then going back to the bill. The other —

[English]

Senator Martin: It would amend my subamendment.

[Translation]

Senator Moncion: That’s what I want to clarify on the matter of the subamendment.

The Hon. the Speaker: I would like us to finish hearing what Senator Moncion was asking.

Is the question for me or for Senator Martin?

Senator Moncion: It is for anyone who can answer.

Senator Housakos: Your Honour, I rise on a point of order.

[English]

It's clear that if the will of the chamber is to suspend for whatever reason — if the government leader asks for it or in the case of an emergency — the Speaker can ask for leave to suspend for any period of time for a variety of reasons. It's within protocol.

[Translation]

The Hon. the Speaker: Thank you, Senator Housakos. The request for suspension has been made. I'm going to ask for leave from the senators.

Senator Moncion, do you intend to say no? Explain the reason, and I will get back to you with a ruling.

Senator Moncion: If I say no, Senator Housakos, it ends there.

[English]

If I say no to leave, we won't get the 30-minute suspension, and that is why I am asking the question before, so that if we work through the way the Rules are written, we should be doing this through a subamendment, vote on that subamendment, then on the amendment. When we get to the subamendment, we would be able then to ask for leave and have that verification done, but the way it's done now, I'm not sure it's within the Rules.

[Translation]

The Hon. the Speaker: Honourable senators, with your leave, I'll suspend for 10 minutes to consult the clerks, and then I'll come back with an answer.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1650)

Senator Moreau: Thank you for agreeing to suspend. Departmental officials are currently looking at how the proposed subamendment would affect the text. As such, I must ask for another suspension for about 20 minutes, which I think will be enough time to get an analysis that will enable me to answer Senator Martin's question about whether we would be open to her proposed subamendment or not.

The Hon. the Speaker: Honourable senators, is leave granted to suspend for 20 minutes?

Hon. senators: Agreed.

The Hon. the Speaker: The bells will ring for five minutes beforehand. The sitting is suspended until 5:11 p.m.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1710)

Senator Moreau: I want to once again thank Senator Martin. I know that we are working together here to figure out the best way to word things.

I had the opportunity to submit what will be a subamendment presented by Senator Martin, who wants to add the concept of good faith and keep the end of clause 11.1 as is.

What I have been told is that the House of Commons Standing Committee on Justice and Human Rights looked at various options for a legal certainty clause. It went with the wording that now appears in the bill. The choice was deliberate. The government wanted to clarify the nature of the offence without using any wording that would require additional interpretation, and that includes a reference to the concept of good faith, which, as I said, is not clearly defined in criminal law.

The subamendment proposed by Senator Martin seeks to do what was indirectly rejected in the House of Commons and committee. According to the department, it would reintroduce the idea that hate speech can be used in good faith or that vilification or detestation can be expressed or encouraged in good faith, which is completely unacceptable. I am well aware that this is not what Senator Martin wants to do.

Let me remind you about the question asked by Senator McBean. I'm going to reread clause 11.1(1) of the bill, which is the provision addressed by the amendment. It reads as follows:

11.1 (1) For greater certainty, nothing in subsection 319(2) or (2.2) of the Criminal Code shall be construed as prohibiting a person from communicating a statement on a matter of public interest, including an educational, religious, political or scientific statement made in the course of a discussion, publication or debate, if —

— while communicating —

— they do not wilfully promote hatred against an identifiable group by communicating the statement.

Those are the words that the amendment seeks to remove. If we keep these words, which the subamendment would allow, but include the notion of good faith, we would end up with an incompatible concept. In other words, if someone communicates a statement or participates in a discussion, publication or debate but does not wilfully promote hatred, they would implicitly be acting in good faith.

By including the notion of good faith in the text, as the subamendment suggests, we end up with a concept that creates a contradiction between the beginning and end of the text, resulting in a clause that makes no sense.

Therefore, for that reason, and considering Senator Martin's question, the government cannot support a subamendment that introduces the notion of good faith at the start of the text but keeps the words "if they do not wilfully promote hatred against an identifiable group," since promoting hatred in good faith is unthinkable.

[English]

The Hon. the Speaker: Are there no other questions to Senator Moreau?

[Translation]

Hon. Pierre J. Dalfond: Honourable senators, I hadn't really planned to speak, and perhaps I'm doing so to my own detriment.

I want to start by saying that the issues raised by Senator Martin are very important, as are the comments made by Senator Cardozo. I must say that, like all of you, I read and received letters, emails, cards and so on. I was intrigued and so I decided to look into this more closely. I realized that the initial version of this bill did not exclude the two "good faith" defences, either for the offence of anti-Semitism or for the offence of promoting hatred, offences that existed in the Criminal Code and to which we were going to add a third offence on the use of symbols to spread hate.

I really gave this some thought and I thank Senator Martin for giving us the opportunity to debate it. I went to see her yesterday to tell her that I did not know the answer but that I was going to work on it, and I also asked her whether we could share her amendment, and she agreed. I went to my office last night after the National Finance Committee meeting and stayed until the wee hours of the morning. I even missed the Banking Committee meeting this morning, for which I apologize to the chair, Senator Gignac, because I was busy working on this issue and researching it with my team.

I will try to explain why I think that the proposed amendment must, unfortunately, be rejected. It is because it will have unintended negative effects. I will start by presenting several arguments. I apologize because I do not have a speech prepared.

[English]

You may say, in English, I might be rambling. I am sure I will be. Please be tolerant with me.

So, the infraction of promoting hatred is not new, at least not new for me. Maybe some of you were not yet born at the time, but it was introduced in 1970. Before that, it did not exist. We had defamatory comments. That could be extended to defamation against a group, but there was no crime such as committing hatred or promoting hatred.

In 1979, the first decision was rendered on these new provisions. It was a case in the Ontario Court of Appeal called *R. v. Buzzanga and Durocher*. The court had to deal with the concept of "wilful" and wilfully promoting something against a group. What did it mean? It had to be targeting a specific group. The court dealt with these concepts. That was the first decision.

In 1982, we had the patriation of our Constitution, and it included the Charter of Rights and Freedoms. It came into effect in 1984, as those of us who were alive and practising at the time know.

• (1720)

By 1990, we get the first judgment of the Supreme Court, and it is the case called *Keegstra*, to which Senator Wells ably referred, and in *Keegstra*, the court looks at the definitions of the Criminal Code about promoting hatred — section 319 — the one we are dealing with and that is being amended by this bill.

It was Chief Justice Dickson, and it was not unanimous, but he was speaking for the majority. He referred to the defences that are being removed by the bill. The court wrote:

A careful reading of the s. 319(3) defences shows them to take in examples of expressive activity that generally would not fall within the "wilful promotion of hatred" as I have defined the phrase. Thus the three defences which include elements of good faith or honest belief . . . would seem to operate to negate directly the *mens rea* in the offence, for only rarely will one who intends to promote hatred be acting in good faith or upon honest belief. . . .

So the court expressed the concept that good faith cannot be associated with promoting hatred. If you promote hatred, you cannot be acting in good faith. Because if you wilfully promote hatred against a targeted group to harm that group, if you know that you are going to do this and you are wilfully doing this — you are wilfully imposing harm on another group. You cannot be in good faith to do that. I cannot kill my neighbour in good faith, and I cannot promote hatred in good faith.

This is what was behind this amendment. The court continues:

These defences are hence intended to aid in making the scope of the wilful promotion of hatred more explicit; individuals engaging in the type of expression described are thus given a strong signal that their activity will not be swept into the ambit of the offence. The result is that what danger exists that s. 319(2) —

— the one creating the offence —

— is overbroad or unduly vague, or will be perceived as such

Therefore, the defence was useful to define what had appeared to the court to be maybe overbroad or vague. We are in 1990.

In 2005, the Supreme Court, in the case of *Mugesera* — Mugesera is a guy who was one of the main players in the Rwandan massacres and the killing of 1 million people. Mugesera was in Canada, and the question was if we should extradite this person because he is a genocider or a big murderer and somebody who was accused of promoting hatred in Rwanda. When he was on the radio, he would describe the minority group as being cockroaches that deserve to be killed.

As a result of his ongoing campaign rallies — public rallies and everything else — close to a million people died, including wives of men who were killing their own wives.

I was teaching in Rwanda years after about the Charter of Rights and Freedoms and what the role of the courts is, and I met people who were charged with killing their own wives. Hatred, when it is not controlled, can lead to the worst things possible.

Here are the comments of Chief Justice McLachlin of the Supreme Court in 2005. She refers to the case that I referred to, the 1979 Ontario Court of Appeal decision in *R. v. Buzzanga and Durocher*. She refers to Judge Martin of the Court of Appeal, who compared the two subsections of section 319 and concluded:

... that the guilty mind required by subs. (1) is something less than intentional promotion of hatred. On the other hand, the use of the word “wilfully” in subs. (2) suggests that the offence is made out only if the accused had as a conscious purpose the promotion of hatred against the identifiable group, or if he or she foresaw that the promotion of hatred against that group was certain to result and nevertheless communicated the statements. Although the causal connections need not be proven, the speaker must desire that the message stir up hatred.

The “good faith” defence is kind of blurring things a bit, but the word “wilful” means, really, that the accused targeted a group, and that it was designed to achieve a certain result.

So we go on to another judgment from the Supreme Court that supports what I am saying. So you don’t have to believe me, but maybe you will believe the Supreme Court, as I do most of the time.

In 2013, in the decision of *Saskatchewan v. Whatcott*, again, the definition of what constitutes hatred was considered by the Supreme Court. The Supreme Court — and I will refer to the summary because it will be shorter; I don’t want to exceed my 15 minutes — said:

... the legislative term “hatred” or “hatred or contempt” must be interpreted as being restricted to those extreme manifestations of the emotion described by the words “detestation” and “vilification”.

The court came out with a clear definition of what “hatred” is for the first time.

Here, we jump to the bill. What is the bill doing? The bill is proposing, first, to introduce in the Criminal Code a definition of “hatred,” and it is the following definition:

... **hatred** means an emotion of an intense and extreme nature that is clearly associated with vilification and detestation ...

We are codifying in that bill what the Supreme Court has defined, finally, in 2013, as “hatred.” Now we know what it means, and the scope of it is very limited.

That’s what the bill is doing. It is true that, at first reading, when the bill was introduced in the other place — and Senator Housakos referred to it ably — the defences were maintained. But the debate we were engaged in at clause by clause, and later

on — as Senator Moreau referred to — there were even further consultations with groups, and I think we came to the realization of the fact that it was not necessary to reintroduce these defences.

Why? Because to reintroduce these defences of good faith in what is proposed here will dilute the intent of what is promoting hatred, because if it is a defence, it means that the promotion of hatred should include that type of situation, which it cannot. Because if you are in good faith, you cannot commit the crime. But if you are committing the crime, you cannot be in good faith. If you confuse both, you are making the concept vague — maybe broader or narrower. You are making it an interesting issue for judges in the future, but you are not helping people.

When the minister appeared before us — and I don’t know how much time I have left, two or three minutes, I suppose — I asked the minister a question about it. He answered the question, and I said, “So we don’t need the defence anymore because it is included in the definition?” That was my supplementary question, and he answered:

Even more than that — ... I believe it is stronger. The previous iteration of the defence would have suggested that the behaviour people may be concerned with was a hate crime to begin with, for which a defence was needed.

In my view, it would be a more accurate reflection of the government’s intent to recognize that the practice of faith is not a hate crime in the first place that the defence is required for.

• (1730)

What is being proposed here is a good-faith attempt, I’m sure, to try to reintroduce that concept in the legislation. The overall result of it will be to create ambiguity and to let arguments be made that members of some groups should be killed or expelled from the neighbourhood, but it was being said in “good faith.” That is contrary to what we are trying to do here, since the Supreme Court has defined what hatred is in a very narrow way.

Colleagues, it all starts with good intentions. Of course, I am mindful of the concerns that were expressed, but the answer to concerns is not to say that the concerns are preventing us from doing it. The answer to concerns is that we’re trying to do it properly, and we’re going to explain why your concerns are real but not actually substantive, and that we should now move on to work within this new framework.

Thank you very much, colleagues.

Hon. Yuen Pau Woo: Bravo to Senator Dalphond for that extemporaneous and very learned exposition. I will not be able to match what he said, and, in some ways, I will be repeating a lot of it but in much less exalted language — much more of a layperson’s interpretation — really, a kind of recounting of where I’ve come to on this bill.

Like all of you who have lobbied actively, I am a member of a faith community and am sympathetic to the concerns of all faith communities about the restoration of the “good faith” protections.

I'm really happy that this exchange has taken place. I'm not sure about this suspension. I'm not sure if it's a new precedent that we can now negotiate on the floor, but we'll see what happens in the future. I'm really happy for this exchange, because it has helped clarify some things for me. I am just sharing with you my thought process in the hopes that it might help you, as well.

I was sympathetic to the restoration of the "good faith" defence and would have supported it in its original form. However, as I listened to the debate, particularly Senator Martin's good-faith attempt to try to bring it back, it struck me that we should not be protecting the "good faith" defence; we should be protecting religious freedom. That is the goal. That struck me very clearly in the course of this very debate, and that's why these debates are so important.

Even more so, the amendment proposed by Senator Martin, I think, allows for something that goes beyond a "good faith" defence solely for religious groups, and that makes it even more subject to distortion and abuse. As Senator Dalphond explained, there really is no "good faith" defence for calling for the vilification, detestation or extermination of human beings because they are cockroaches; there is no "good faith" defence for that.

One would want to give some latitude, I suppose, to religious communities because their texts are ancient, and ancient texts contain ancient ideas that must always be reinterpreted. Honest religious people do that all the time. I am sensitive to that and would have supported something of that sort, but there are many less honourable groups and people who will use a "good faith" argument to make arguments that are entirely not in good faith but are reprehensible. I would not want this amendment to open up that possibility.

All of that is to say that I've come to my own good-faith epiphany on this topic. I still have a lot of reservations about this bill. I'm fundamentally concerned about the erosion of civil rights that it might engender. While that might seem contradictory to the position I'm taking, I think that's a bigger problem with the bill. I worry it will be implemented in a selective and asymmetrical way, where certain groups are seen to be more likely to be wilfully promoting hate than others simply because of where they come from, what their last names are or what their religions happen to be. That's not out of the realm of possibility, and I think we can see it today already. I continue to worry about that.

This amendment does not save it. The bill, as a whole, has that problem, and maybe that's a problem for the courts to sort out in the end.

If I could just conclude by addressing the very astute observation that Senator Martin made that the original clarifying statement was tautological or circular: I don't think it is. It's only tautological if you feel that the "good faith" distinction is the way to solve this problem, but it's not. I've come to the realization that it's not the way to save this bill. The way you solve the problem is to stress religious freedom, which is already captured in our Charter of Rights and Freedoms in section 2.

So, colleagues, I will not support the amendment, and I still have reservations about the rest of the bill. Thank you for allowing me to express my thoughts on this.

Hon. Yonah Martin (Deputy Leader of the Opposition): Will you take a question?

Senator Woo: Of course.

Senator Martin: I am not a lawyer, but I am a legislator. I've been in the Senate for a long time and have come to appreciate the advice of legal experts and others who can look at what's happening from their perspectives outside of this Ottawa bubble.

There are people following this debate very carefully, and a very good lawyer is saying that there is a misunderstanding that my amendment is introducing the idea that the promotion of hate can be done in good faith, but it isn't. In fact, it clarifies that the opposite is true, consistent with the "good faith" defence that still exists in proposed paragraph 319(3)(d).

So, what would you say — not to me — to the lawyer?

Senator Woo: I don't want to debate a lawyer whom I don't know and who is speaking to you through a cellphone elsewhere. I'm not a lawyer, either.

All I would say is that the reintroduction of the term "good faith" is not helpful. I think that's really the bottom line. If you and the lawyer tell me that wilful hatred is still the defining feature, that's good; that's how it should be. That's what we have already, so we don't need to do anything with it; it's already there.

The introduction of "good faith," I think, based on Senator Dalphond's exposition, as well as Senator Moreau's and others', is that the introduction of the "good faith" defence actually muddies the water and might create confusion that could harm Canadians because they may latch onto "good faith." You're shaking your head, but that's my interpretation. If a Canadian latches onto "good faith" and downplays "wilfully promoting hatred," then they can get themselves into trouble.

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?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

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.

The Hon. the Speaker: In my opinion the “nays” have it.

And two honourable senators having risen:

The Hon. the Speaker: Is there agreement on the length of the bell?

An Hon. Senator: Fifteen minutes.

The Hon. the Speaker: The vote will take place at 5:54.

Call in the senators.

• (1750)

Motion in amendment of the Honourable Senator Martin negated on the following division:

YEAS

THE HONOURABLE SENATORS

Al Zaibak	MacAdam
Audette	MacDonald
Batters	Manning
Bernard	Martin
Black	McCallum
Cardozo	McPhedran
Carignan	Osler
Downe	Quinn
Housakos	Ross
Lewis	Wells (<i>Newfoundland and Labrador</i>)—21
Loffreda	

NAYS

THE HONOURABLE SENATORS

Arnold	Moreau
Boehm	Muggli
Boudreau	Oudar
Burey	Pate
Clement	Patterson
Cormier	Petitclerc
Coyle	Petten
Dalphond	Pupatello
Dasko	Ringuette
Deacon (<i>Nova Scotia</i>)	Saint-Germain
Dean	Senior
Forest	Simons
Harder	Sorensen
Hébert	Surette
Karetak-Lindell	Wells (<i>Alberta</i>)
LaBoucane-Benson	White
McBean	Wilson

McNair
Mohamed
Moncion

Woo
Youance
Yussuff—40

ABSTENTIONS THE HONOURABLE SENATORS

Brazeau

Moodie—2

• (1800)

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Wells (*Alberta*), seconded by the Honourable Senator White, for the third reading of Bill C-9, An Act to amend the Criminal Code (hate propaganda, hate crime and access to religious or cultural places), as amended.

Hon. Mary Jane McCallum: Honourable senators, at intergroup and interpersonal levels in residential schools and society in general, the one-size-fits-all, imperialist cultural ways were to gradually displace and replace First Nations' ways of being and knowing. It left no area of my social life or individual experience untainted.

The punitive, violent and oppressive character of the residential school I attended was directly responsible for the personal, familial, cultural and economic upheaval in our lives, families and kinship.

And I continue to witness residential school and intergenerational trauma first-hand today. Young people, as well as their parents, have approached me. Young people have requested that the issue of intergenerational trauma be brought forward now so they and other Canadians can understand how trauma is passed down and the impacts on their lives.

We know that First Nations are creative, social and collective agents who experienced, interpreted and adapted to social life in residential schools and on reserves in many different ways and for many different reasons. Former students who experienced the violence spoke to their own experiences and never referred to students who benefited personally and socially from attending those schools. It does not make any sense to bring other stories in with yours.

Yet, we have outsiders who have directed focus away from the healing process of witnessing and our ability to tell our stories and our first-hand experiences in safe spaces. Using the stories of students who enjoyed their time in residential schools to counteract ours is malicious, but it gives me the impetus to delve into the issue of denialism.

In the book entitled *Visions of the Heart* by David Long and Olive Dickason, it states:

Jan Hare and Jean Barman note in their analysis that understanding the past and present significance of residential schools means much more than critiquing the personal and cultural experiences of students and their extended family, tallying up how many First Nations people were negatively and positively affected or exploring the evolution of educational policies and practices. Hare and Barman assert that we understand residential schooling and other social phenomena to the extent that we listen to those who offer a variety of perspectives on their historical, structural, cultural and interpersonal dimensions. Like any other perspective on human life, they provide us with only a partial understanding.

This is where we are at now: a crossroads. The impact of denialism includes the following consequences that were mentioned today: it creates racial terror, there is hostility generated towards and targeting of an identifiable group and it is wilful promotion.

The Truth and Reconciliation Commission of Canada, or TRC, states:

The truth telling and reconciliation process as part of an overall holistic and comprehensive response to the Indian Residential School legacy is a sincere indication and acknowledgement of the injustices and harms experienced by Aboriginal people and the need for continued healing. This is a profound commitment to establishing new relationships embedded in mutual recognition and respect that will forge a brighter future. The truth of our common experiences will help set our spirits free and pave the way to reconciliation.

Residential schools were a key instrument in colonialism, dislocating First Nations from families and communities and dispossessing them of culture, language and land. These harms were ignored and unacknowledged for a very long time.

Acknowledgement of the specific harms and the healing that may accompany this is necessary to develop better relationships between First Nations, non-Aboriginal peoples, the groups that ran the schools and the federal government. Denialism prevents and obscures forward movement by continuing to only present one side, thereby downplaying the horrific experience of attending residential school with strange people who saw us as needing reform and new identities.

I don't need strangers to retell my story in their version.

Building new, respectful relationships is central; denialism prevents this. Reconciliation is central; denialism prevents this. Why have denialists inserted themselves into our lives in such a negative manner?

I did not support adding denialism to this act. It would prevent conversations that need to happen, conversations that are already difficult to generate. As young people told me, they were afraid to ask questions because they were afraid to be seen as racist,

even though the questions came from wanting to understand the history of First Nations and residential schools. This came up when I went to one of the law schools.

There are also former students who have stated that they had a good experience. I know that when I first left residential school, I felt that it had not been a negative experience, but that was assimilation and denialism on my part. That is part of the danger: Many of us denied, and we would criminalize those people.

It is also an example of what I have absorbed over the years. "Kill the Indian in the child" was what we absorbed over our formative years. I was in residential school for 11 years. I'm sure many of you have heard this quote, "The most potent weapon in the hands of the oppressor is the mind of the oppressed," which is attributed to Steve Biko. He emphasized that the minds of the oppressed can be a powerful tool in the struggle against oppression, highlighting the importance of self-awareness and consciousness in the fight for liberation.

Over the years, I came to realize what had happened to me, and then the rage came. How could people take me and put me in a brick building for 11 years with complete strangers? I never knew violence in my life at home.

Therefore, we will be requesting a study on denialism so that the Senate and Canada can understand the ramifications of continuous challenge by others and the consequences of denying our experiences at residential schools. Now they are adding unmarked graves to this list of denialism. If needed, when we are at the end of our study, this act can be amended then.

I just want you to know that denialism causes a lot of havoc in our lives, and it is very scary for many people on the reserve level. We have had this conversation.

• (1810)

It is a dangerous practice, and it really angers me. When we're making progress, there are always issues that keep coming up. However, we're not going to stop. Thank you. *Kinanāskomitinawow*.

The Hon. the Speaker pro tempore: Senator LaBoucane-Benson, would you like to ask a question?

Hon. Patti LaBoucane-Benson (Acting Government Representative in the Senate): Yes, please.

The Hon. the Speaker pro tempore: Would you take a question, Senator McCallum?

Senator McCallum: Yes.

Senator LaBoucane-Benson: Thank you very much, senator, for your speech. It is greatly appreciated. I agree with everything you said.

Do you think a government inquiry on residential school denialism in the Senate Chamber would be a good complement to a study in a committee?

Senator McCallum: Yes, we could talk about that as a group of Indigenous senators and see what the best way to move forward with this is. Thank you for the suggestion.

Hon. Michèle Audette: [*Editor's Note: Senator Audette spoke in Innu-aimun.*]

And thank you for the good question; it is also important and very sacred. Thank you, Senator LaBoucane-Benson.

[*Translation*]

Honourable senators, nearly five years ago, I delivered my inaugural speech where you are seated now, Senator Youance. In my speech, I said that I would be scattering beads, some of which might be beads representing truth and hope, in the hope that my colleagues in this place would help gather them so that we could work together.

There are people watching us who are outside this *shaputuan*, which is a large Innu tent, or a bubble, as others might call it. That is okay by me too. It is therefore essential to remember and to tell those watching us that, for me and for many people, the Senate plays a fundamental role within our democratic institutions. That is very clear.

It is also a place where minority voices can be heard. That is the role of committees: to consult, listen, debate and exchange ideas. These spaces allow us to better understand the realities experienced by the communities and to represent, or rather lift up, those whose voices are too often ignored.

That was the spirit in which I approached consideration of Bill C-9 yesterday, even though I knew that some amendments had been rejected. I respect that decision. I feel emotional about it, but I respect it.

That is what got me thinking a lot last night. Yes, we have the right to react, but how can we also take action?

I also want to point out that some people in this chamber experienced residential schools first-hand. We have proof of that. Those same residential schools became a day school system that I was part of. It must never be forgotten that several of us attended day schools or still live with their harmful intergenerational effects. It is important to me to clarify that all this is part of history in 2026 too.

The effects of these policies didn't end after a single generation. They still linger. Our families, communities and institutions are still affected. That's why these debates are never purely theoretical. They are coloured by emotion and lived experience.

I'm going to say this in my own words — because, yes, words are important. Our debates are debates of law, but also debates of fact and living debates. When we rise, we rise to share our experience, our memories and our lived experiences. That's what makes our work so meaningful. It's what also forces us to look for practical ways to move forward: It's a portage, because we cross all this ground together.

It's true that consultations are very important. Engagement with First Nations, Inuit and Métis is essential, but I would not want the duty to consult to always become a barrier to action. It must not prevent us from doing what we can do today. Every little step allows us to go further.

That's why I was left feeling unsatisfied or a bit sore yesterday, because we weren't able to resolve everything with the amendments or with certain amendments that were rejected. Still, we should remember that these amendments were not a substitute for consultations. They would not have excused the government from working with First Nations and Indigenous Peoples. They would have been a step in the right direction.

Once again, this shows why words are important. Like you, Senator Moreau, I feel they are important. Words are important, but when certain words are omitted from legislation, they are even more important. The word "denialism" wasn't in there, but we're finding solutions. Let it be known that Indigenous women get the job done.

That's why I can't help but wonder whether I should expect the government to come back with its own legislative proposal developed in collaboration with the First Peoples who hold the knowledge. That would be a commendable initiative on the government's part, because that could address one of its commitments. The government has made a commitment to respond to the Calls for Justice and many other matters and issues that affect Indigenous Peoples. That would be solid proof that the government's commitment will translate into concrete action.

I still have 20 years left here. I hope I don't find myself saying "we didn't see that in this bill" for the next 20 years. Are we also becoming a state that is guilty of institutional denialism? I certainly hope not. If we are, you can count on me to always lovingly call it out.

The government has also committed to responding to the Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls. The government received recommendations from Kimberly Murray, who served as the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites associated with Indian Residential Schools.

Too often in these debates, we end up divided, just as we are right now. We could have sensed this division, or rather we did sense it. In all sincerity, I believe we need to come together to achieve a common goal, which is to combat hatred. We have experience with hatred. We are on the receiving end of it. We must not forget that we've pushed aside a group. To be completely honest, it could be put another way, but, in my own words, we've pushed aside a group. We need to reverse course right away and say, "We didn't really push you aside, because you're experiencing this hatred, too."

I will therefore be following the next steps very closely.

I also want to remind you — because history is important — that in 2019, in this chamber, back when I was still a "free moccasin," I was wrapping up the national inquiry, and we were closely examining how the Senate had taken a firm stance on an

issue that directly affected the representation of former students of residential schools. At the time, a senator had posted letters on an institutional platform containing comments that were considered racist towards First Nations peoples and residential schools. The Senate took action. The Senate concluded that this occurrence was not merely an intellectual debate, but a matter of our institutions' responsibility towards the truth, the dignity of the survivors and our collective memory. That gave me hope.

This decision was also a reminder of how we talk about this history and its real consequences. I should also remind you that, just recently, back home in my land that people call Quebec, Nitassinan, the top headline one morning on RDI, TVA and others was about "a white Quebec." "A white Quebec," in 2026, last week. This happened just recently, though our long days in the Senate are throwing my sense of time out of whack. To me, it felt like 10,000 years of my Innu ancestors' history had been wiped out. Speech like that isn't neutral. It's still very present and it hurts. Let's bear in mind that this reality can't simply disappear with the snap of a finger. Yes, it will be important to find solutions so that we no longer have to wake up to this kind of image.

• (1820)

I will conclude by saying that we are fortunate to be able to consult, study, listen and debate within our committees. In addition, two First Nations sisters, who experienced the effects of residential schools and day schools, are sending a message of love to the people here and in the other place, saying that it may be time for our committees to really study these issues, which, unfortunately, are still highly relevant today.

This is the little bead I'm putting down in front of you, colleagues. We are all witnessing these truths. Personally, I love speaking out, but what I love most of all is taking action.

Legislative reconciliation on these issues will be important. I hope that we will create a chapter, that we can say the two chambers did it *mamu*, meaning together, and that we will ensure that Bill C-9 is improved or, at the very least, properly drafted.

[Editor's Note: Senator Audette spoke in Innu-aimun.]

The Hon. the Speaker pro tempore: Senator Saint-Germain, do you have a question?

Hon. Raymonde Saint-Germain: Yes, for Senator Audette.

The Hon. the Speaker pro tempore: Senator Audette, would you take a question?

Senator Audette: Yes, of course.

Senator Saint-Germain: Thank you, Senator Audette.

I listened carefully to your speech. You talked about the importance of facts and you provided context pertaining to day schools and residential schools. I would like to pick up on one aspect you described.

You talked about a very unfortunate incident that occurred recently in Quebec. A small group of about 15 people put up a banner that said, in French, "I remember a white Quebec."

I would like to know if you acknowledge that Quebec politicians as a whole condemned this unacceptable act and that, on call-in shows and in media comment pieces, the majority of Quebecers, be they white, Indigenous, Quebec-born or not, strongly condemned this act.

Furthermore, do you find it encouraging that such actions prevent repeat offences and demonstrate that the majority of Quebecers are fighting systemic racism and care about First Nations?

Senator Audette: Thank you very much, Senator Saint-Germain. That is a fact. Politicians have spoken out, and so has society. It was a shocking incident.

This gives me the opportunity to state that, following the National Inquiry into Missing and Murdered Indigenous Women and Girls, Quebec will be the only province with specific legislation that will enable families who have lost a loved one to find answers and discover the whereabouts of their missing children, whether in mass graves or individual graves. That is a fact. However, it would be good if this were the case across Canada.

Unfortunately, we also encounter obstacles when we demonstrate that our graves have been damaged by acts of racism. It does not always make the headlines, and politicians are not aware of it. Even when it does not get much media coverage, we need to ensure we can support Indigenous Peoples.

I want to thank you, because I was proud to see that many people stood up to defend the Black community and Indigenous Peoples.

[English]

Hon. Kim Pate: Thank you, Senator Moreau, for speaking about the importance of the role of the government in educating the public when they have the wrong information or wrong materials. I'm going to come back to that but on another bill in the future.

What it awakened for me, though, is a feeling I have had for the last couple of days. I want to thank all of our colleagues who have spoken but, in particular, those of you from the African-Canadian community and those of you from the First Nations, Inuit and Métis communities.

In the work that many of us do when it comes to oppression, we know that there isn't a hierarchy of oppression, or there shouldn't be, and some of the ways in which the dialogue around this bill has evolved have created an impression — I would suggest — to some that there is a hierarchy of oppression.

We also haven't talked a lot about what the antidote to oppression is. Oppression and hatred are usually rooted in inequality. One of the truths about how we address many of these issues is to truly address inequality.

I hope, whether it is through an inquiry or other legislation, that we also send the message back to the other place that we expect work to be done in these areas, and that it is not acceptable to continue to allow hatred and friction to build between peoples because some have and some don't.

My heart goes out to all of you who had to listen again to the stories. I'm not on the Human Rights Committee, but I attended a number of the meetings, and I cannot imagine being a Black person in this chamber and having to listen, yet again, to what has been a part of your life. I can't imagine being an Indigenous person in this chamber and having to listen, yet again, to something being totally erased from the discussion of anti-hate legislation.

I want to say, on behalf of all of us — and I do, as you know, fit into one of the categories addressed — that does not mean we should ever get away with ignoring that, and I want to thank all of you who have spoken. We know it doesn't come without significant personal, emotional, psychological and social costs. I want to thank all of you for that and for the incredible work you do.

I hope that we will fulfill our role of pushing back against majoritarianism and that we insist on the equality measures that every person in this country deserves, not just those who manage to get their agenda before the elected house.

I want to thank you very much. I look forward to the rest of the discussion, and I look forward to continuing working with you on these issues. In the meantime, please know my heart is with those of you for whom this has been an incredible struggle today. We saw you, we heard you, and we know that it continues to be a challenge for all of us to address those issues. *Meegwetch*. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Paula Simons: Honourable senators, I rise today to speak at third reading of Bill C-9, the combatting hate act. As Senator Pate did just before me, I want to thank all the members of the Human Rights Committee, including the bill's sponsor, Senator Wells, for their dedicated work on this legislation.

They came back to Ottawa during a break week for two full days of hearings and then held an extra meeting to hear another seven hours of testimony last week. It was not easy testimony to hear. Some of it was legal and technical, but other witnesses spoke with pain and power about the discrimination and violence they and their communities have endured, so I want to express my gratitude to all the members of the committee for going above and beyond in their study of Bill C-9.

The bill, basically, falls into three main parts.

The first element deals with hate propaganda, including the display of hateful symbols, including the Nazi hakenkreuz, as well as the Nazi SS Lightning Bolts or double "Siegrune." It now also, of course, includes the display of the noose, the noxious symbol of lynchings in the American South transplanted here. Also included are any symbols associated with the long list of groups on the government's terrorist watch list.

The second element of the bill creates a new secondary hate crime offence to be attached to any crime motivated by hatred, which would dramatically increase the potential sentence for those found guilty. People tend to call it a stand-alone offence, but I prefer to think of it as a "stand-beside" offence, since it must be connected to the conviction of another crime.

• (1830)

The third element deals with efforts to obstruct access to places of worship, cultural centres, cemeteries and educational and seniors' facilities where targeted minority groups might gather and with efforts to intimidate people from attending such places.

The goals of Bill C-9 are laudable — especially at a time when Canada's entire social media ecosystem is being filled with toxic hate-mongering, more and more of it AI-generated. There's a 24-7 cacophony of disinformation and bullying, designed to poison our community concord. But the evidence heard by the committee was not just mixed. It was conflicted and at times deeply ambivalent, as many thoughtful witnesses raised serious concerns that the bill, however well-intentioned, could trespass on constitutional rights to freedom of speech, freedom of religion and freedom of assembly.

Let it be said, many witnesses spoke strongly in praise of the bill. For me, some of the most compelling testimony came from Stephen Camp, a retired member of the Hate Crimes Unit of the Edmonton Police Service, who now serves as the Project Director of the Organization for the Prevention of Violence Hate Crime Centre. Mr. Camp spoke clearly and urgently in favour of the new hate crime offence. I quote from his testimony:

This renders Canada as a world leader in combatting hate crime, and the benefits make it a force multiplier, enhancing democratic principles, freedom, safety, justice and understanding. The benefits include an improved response to public safety; a recognition of hate crime's harm and its affront to the Charter of Rights and Freedoms; and the understanding that the government takes this dehumanizing, destabilizing and corrosive crime type seriously. Naming the harm matters.

Several Jewish groups also offered powerful testimony about the corrosive, terrifying rise in anti-Semitism in Canada and the potential for Bill C-9 to respond to that crisis.

Let me quote from the presentation of Jaime Kirzner-Roberts, Senior Director of Policy and Advocacy at the Friends of Simon Wiesenthal Center:

We are seeing hate crimes remain under-reported, under-investigated, under-prosecuted and too often under-sentenced. In many cases, the Criminal Code does not adequately capture the unique harms of hate-motivated conduct or provide sufficient clarity on how these offences should be prosecuted.

She testified:

We have seen the consequences of this clearly. In a case that I was involved with last spring, an individual from Newmarket plotted to bomb synagogues across Toronto in order to, in his own words, “. . . kill as many Jews as possible.” He was convicted only of uttering threats, and his punishment was 60 days of house arrest.

For communities already living under threat, outcomes like this are devastating. They undermine confidence in the justice system. . . .

But other witnesses — including those who represented the very minority groups which are too often the victims of hate crimes themselves — were far cooler in their praise, raising repeated fears that parts of Bill C-9 could actually backfire and be turned against them, and that it could, in fact, undermine civil liberties that have historically protected them from persecution.

Balpreet Singh is the legal counsel for the World Sikh Organization of Canada, or WSO. On the one hand, he testified, his organization’s recent study of anti-Sikh hate in this country found, most disturbingly, that 65% of respondents across Canada had experienced anti-Sikh hate. On the other hand, though, he expressed concern that portions of Bill C-9 could undermine lawful political expression, peaceful protest and religious freedom. He said:

One of the most important things this committee should understand is that Bill C-9 has already become the subject of a widespread Indian disinformation campaign targeting Sikhs in Canada.

He noted that several major Indian media outlets have already claimed erroneously that Bill C-9 was designed to crack down on Sikh groups in Canada. He said:

These reports falsely suggest that Canada introduced Bill C-9 under pressure from India to target Khalistan advocacy in order to mend diplomatic ties with India, and has, in effect, banned the display of Khalistan flags or pro-Khalistan imagery. The goal of this disinformation is to create fear and suspicion around pro-Khalistan advocacy in Canada and in the community.

Mr. Singh also testified that Sikh activists in Toronto were already feeling the repercussions of Bill C-9, even before it had passed. The issue, he explained, was, in part, the use of an important Sikh symbol, the *khandi*, which is used by all kinds of religious and cultural groups, but which is also incorporated in the iconography of some Sikh extremist groups that are on the government’s official list of terrorist entities. There was also confusion about the flying of the Khalistani flag.

Again, I quote from Mr. Singh:

On April 26 of this year, Sikhs had their annual Khalsa Day parade in Toronto. The organizers and the WSO received numerous inquiries from the Sikh community members asking whether Khalistan flags had become illegal under Bill C-9.

We also became aware of an incident at Nathan Phillips Square where a Toronto police officer reportedly advised members of the Sikh community present that Khalistan flags would not be permitted because Bill C-9 had now passed. Although this misunderstanding was eventually corrected, it demonstrates the confusion and fear that vague legislation, combined with foreign disinformation, can create.

I must say his words have resonated with me ever since.

Some representatives of the Muslim community expressed parallel concerns.

Nora Fathalipour is the legal counsel for the Canadian Muslim Lawyers Association. Islamophobia, she acknowledged, is a huge concern for her community. She testified:

Muslims, along with many racialized and marginalized communities, know both the realities and dangers of hate first-hand. Many Muslims are targeted not only because of religion, but also because of race, ethnicity, language and dress, and non-Muslim minorities can be targeted when perceived as Muslim.

And yet, she called on the committee and the Senate to reject Bill C-9 in its entirety because of its erosion of civil liberties. She said:

Bill C-9 will not make our communities safer; it will instead likely increase overcriminalization of marginalized populations, encroach on political expression and constitutional freedoms, and cause an overall chilling effect that will deter long-standing traditions of democratic civic engagement on political and social issues. That will not make our communities safer.

And while several Jewish groups spoke passionately and eloquently in support of Bill C-9, especially in this time of vicious anti-Semitism from both the right and the left, the Jewish community is in no way united on this issue — not surprising, perhaps, in a culture that celebrates and prizes debate. As the adage goes, when you have two Jews, you have three opinions.

A coalition of five progressive Jewish groups — IfNotNow Toronto, Independent Jewish Voices, the Jewish Faculty Network, Jews Say No to Genocide and the United Jewish People’s Order — presented their own brief to the committee. I will quote from it:

Much of the talk around this Bill has been about addressing antisemitism. We know anti-Semitism is real and linked to all other forms of oppressive systems. We also know that criticism of the State of Israel is not inherently antisemitic, nor is protesting corporations, institutions or individuals who have directly supported the Israeli government or who seek to silence pro-Palestinian movements.

They continued:

Bill C-9 imposes severe consequences for protest activities, language and visual displays. The language of the legislation means that police will be enforcing a law based on their perception of people's intentions. For example, the legislation says it should apply when actions are "motivated by hatred" and/or when there is "intent to provoke a state of fear". This leaves a lot of room for bias to influence enforcement.

In much the same spirit, Eric Freeman, lawyer for Egale, reflected on the strengths of the bill — and its potentially problematic aspects — for the queer community. He told the committee:

The bill offers meaningful advances. The standalone hate crime offence carries genuine symbolic weight, and naming the harm matters for data collection and nationally consistent reporting. . . .

He continued:

Our primary concern is with the intimidation and obstruction offences, which remain overly broad and vague, and which grant significant discretion to law enforcement — discretion that risks inconsistent application, creates uncertainty for the public about what conduct is prohibited and opens the door to potential abuse.

He went on, and I'm going to quote him at some length because I think this is powerful testimony:

On our reading of the bill, if a church or community centre allows an anti-queer extremist speaker to use their space, non-violent 2SLGBTQI protesters could be charged with a hate crime offence simply because of the speaker's chosen venue. Unlike bubble zone laws, these new offences provide no clear guidance on the conduct they criminalize.

On hate symbols, I note that the offence also covers any symbol associated with a terrorist entity, and that list can be expanded by future governments through a process that lacks transparency and offers limited avenues for challenge. For 2SLGBTQI communities, this matters. Our symbols — the pride flag, the lambda and the pink triangle — are used for connection, inclusion and protest. However, in a political climate where there are increasing calls to label trans organizations as terrorist entities, the listed-entity provision could put our communities at risk.

Now, these are serious reservations, my colleagues, voiced by serious people, the very people Bill C-9 was meant to protect. And I think they should give us serious pause. The need to combat hate is real and urgent, but we are running a very real risk of creating a tool that could be weaponized in the future against vulnerable communities. Have we struck the right balance between protecting the community and protecting Charter rights and civil liberties, especially our most fundamental rights of freedom of speech, freedom of conscience and freedom of assembly? I am not convinced that we have.

• (1840)

However, I am certain that we stand in this moment at an existential crossroads. No one in Canada can doubt the need for us to be combatting hate at this critical moment in our political history.

In my beloved home province of Alberta, we've seen a number of disturbing violent incidents where racial hatred appears to have been a motivating factor. And perhaps that's not surprising, given the way the government of my province has been drumming up resentments against immigrants, refugees and Indigenous Peoples of late. When our own elected leaders engage in race-baiting rhetoric, when they pit Albertans against one another, they create a fetid environment wherein hate and hate crimes can flourish.

It was far-right extremist groups, neo-Nazis and White supremacists who presented the greatest danger to peace and order 30 and 40 years ago. It was hate-mongers like the Aryan Nations, the KKK and Jim Keegstra who kept me up at night in Alberta.

I was deeply grateful to the good government of former premier Peter Lougheed, which set out to combat hate in all its forms. In 1972, the Lougheed government passed Alberta's first Bill of Rights and established the Alberta Human Rights Commission. In 1983, in response to the Jim Keegstra scandal, the Lougheed government established a special Committee on Tolerance and Understanding, led by then-MLA and future senator Ron Ghitter, to investigate racism and bigotry in Alberta schools and Alberta society. However worried I was about right-wing hate groups in my province, I felt confident that my government was committed to fighting discrimination and hate as well as championing an inclusive and tolerant society.

Today, in my home province, it is the government itself that seems most keen to stir up division, by scapegoating immigrants, refugees and temporary foreign workers, most recently with a series of five mischievous and malicious referendum questions. These are loaded, push-poll-type questions, carefully crafted to inculcate resentments of newcomers and to build a case to deny them services to which they are legally and constitutionally entitled. They don't just pander to populism. They actually attempt to rile up Albertans who may support immigration by creating a false narrative that new arrivals, be they from overseas or from other provinces of Canada, are taking their jobs and stealing their social benefits.

Today, it is the Alberta government that is attacking the rights of trans and queer teens in order to make classrooms less safe and less welcoming, whether by invoking the "notwithstanding" clause to out kids to their parents or by banning — outlawing — pride rainbow flags in schools.

Today, it is the Alberta government that is championing the idea of rolling back treaty rights and railing against the duty to consult, as political leaders blame First Nations communities for opposing separatism and legally thwarting a true separatist referendum.

Today, it is the Alberta government that has consistently mainstreamed and normalized right-wing extremists and given a platform to those who want to break up our country while simultaneously attacking Indigenous rights, women's rights and the very existence of racialized Albertans.

Alas, Bill C-9 cannot help us tackle the challenge of politicians who weaponize hatred, whether they are doing it for ideological or strategic reasons.

Perhaps, though, Bill C-9 can help us, at least somewhat, to deal with the dangers and consequences of this kind of stochastic terrorism, to denounce hate crimes when they happen and perhaps, if we're lucky, deter them before they occur.

But the real problem, my friends, is that we cannot police or legislate our way out of hate. What we need is tolerance. What we need even more is understanding. What we need are leaders — in our cultural communities, in our houses of worship and in our city councils, our legislatures and Parliament — to stand up for justice, for freedom and for love.

We must stop giving in to the temptations to demonize or scapegoat those who are different from us and blame them for our own economic and social frustrations. We must stop being seduced by polarizing polemic and fight for a Canada where we are all treated with equality and inclusion, where we celebrate our differences and understand that it is those very differences, that glorious diversity, which gives our country its strength and makes Canada a moral beacon to the world. And we must be a Canada that works harder toward reconciliation, which begins with an acknowledgement and a reckoning with the tragic intergenerational legacy of residential schools.

Most of all, we must not let the forces of discord delight in turning minority groups against one another. This is a moment when Canadian Muslims and Canadian Jews of goodwill must stand together against xenophobia and bigotry; when Indigenous and immigrant communities must stand together and not let resentments or suspicions divide them; when the diverse South Asian community must unite against White supremacy, whatever their individual religious and cultural differences; when religious minority communities and the queer community must stand together and see that they have more in common than what divides them; and when trans activists and feminist activists must make common cause against misogyny and prejudice.

And for those of us in this Senate — in this marvellous, multicultural, polyglot community that we share — I say this: Let us be our best selves. Let us not be comforted or satisfied that fines or arrests — especially as a primary mechanism — can ever end hate in our country.

Let every one of us here in this chamber sally forth instead to champion the true values of this Canada, this country that we love and are all so honoured to serve.

Thank you. *Hiy hiy.*

[Senator Simons]

Hon. David M. Wells: Honourable senators, I rise at third reading in my capacity as critic of Bill C-9, An Act to amend the Criminal Code (hate propaganda, hate crime and access to religious or cultural places).

As you know, colleagues, Bill C-9 addresses a grave and deeply troubling reality: the rise of hate crimes in Canada. Canadians firmly oppose hate crimes, of course. We oppose acts that target Canadians because of their faith, their origin, their identity or their membership in a community. We oppose all forms of intimidation, violence or threats directed at a person for who they are.

It must be acknowledged that the situation has worsened. As I noted in my speech at second reading, the numbers are alarming: Since 2015, police-reported hate crimes in Canada have increased by 258%. In 2024 alone, nearly 5,000 hate crimes were reported across the country, the highest number ever recorded.

Faced with such a reality, it is correct that Parliament should want to act. It is also correct that a bill like Bill C-9 should present itself with an intention that, at first glance, seems laudable: to better protect the communities targeted and to better respond to hatred.

That said, in criminal law, good intention is not enough. The question is not simply whether we should act. The real question is this: Are we acting in the right way? Does the bill respond to genuine gaps in the law? Does it provide tools that are truly necessary? Or does it instead raise serious problems of scope and application? Does it restrict Canadians' legitimate rights?

That is precisely the underlying criticism that was raised at second reading and that, in my view, remains fully intact at third reading. The Canadian criminal law already contains provisions to address hate propaganda. It already contains offences to respond to intimidation, threats, harassment, obstruction, mischief and violence. It already allows courts to take hatred into account as an aggravating factor at sentencing. In other words, Parliament is not starting from zero.

Accordingly, one question is clear: Are the new provisions proposed here truly necessary and sufficiently well circumscribed? And that question is far from abstract. The testimony heard before the Senate Human Rights Committee brought to light several very concrete difficulties in the way the bill was drafted and in how it could be applied.

I will begin with the symbols offence. It is undoubtedly one of the provisions that attracted the clearest reservations in committee. The concerns came from several different directions at once. Timothy McSorley, National Coordinator of the International Civil Liberties Monitoring Group, saw it as a provision that is both redundant and too vague, arguing that the Criminal Code already allows the wilful promotion of hatred to be prosecuted and already allows the use of symbols to be taken into account in that context. He also warned about the broad discretion left to police officers to determine, on the ground, what constitutes a prohibited symbol.

Even law enforcement acknowledged that the current drafting poses problems. The Canadian Association of Chiefs of Police supported the general objective of the measures while

recognizing that the wording concerning a symbol that “. . . so nearly resembles . . .” another introduces a significant degree of subjectivity for front-line officers. Katherine Stephenson of the Toronto Police Service added that, even with a more precise list, officers will still have to determine whether the high threshold for wilful promotion of hatred has actually been met, which will remain complex in practice.

Other witnesses brought the debate back to a more fundamental principle: When symbolic expression is criminalized, Parliament must proceed with caution.

• (1850)

That was the point made, among others, by Lisa Bildy of the Free Speech Union of Canada, who reminded the committee that symbols are themselves a form of expression and that the current provisions remain, in her view, too vague and too susceptible to abuse.

At the end of the day, one common conclusion emerges from this testimony: The new symbols offence still raises real problems of clarity and scope.

The same reservations appear in the part of the bill dealing with access to certain places and intimidation. Here again, several witnesses acknowledged that the objective pursued is legitimate.

The Canadian Bar Association said so clearly: People must be able to attend a place of worship, a school or a community centre without fear. But it also warned that the terms “obstructs” and “interferes” remain very broad, especially in places where Charter-protected activities may also occur, such as protests, picket lines or other forms of public expression.

Its message was simple: When a criminal offence touches expressive activity, the wording must be as clear and narrow as possible.

Other witnesses pushed the criticism further still by questioning the necessity of these new provisions altogether. Anaïs Bussi eres McNicoll of the Canadian Civil Liberties Association argued that the criterion of “intent to provoke a state of fear” is too vague and too subjective.

Finally, some witnesses insisted on the very concrete risk that these provisions could spill over onto ordinary protest activity.

Lisa Bildy argued that a demonstration can be intimidating without thereby becoming criminal. Her concern is that the bill rests on notions that are too subjective and thus gives authorities a very flexible tool against unpopular forms of protest.

Colleagues, the new stand-alone hate crime offence has also raised serious reservations. The first reservation concerns the threshold of the offence itself.

The Canadian Bar Association warned the committee that the proposed definition of hatred, together with the clarification clauses that accompany it, risks creating interpretive uncertainty. Its point was important: In such a sensitive area, the line between what is odious, humiliating or offensive and what legally constitutes hatred must be drawn with great precision.

An important amendment debated at committee concerned the long-standing religious expression defence found in subsection 319(3) of the Criminal Code. This was proposed by Senator Yonah Martin and supported by me, but it did not receive enough support in the committee or a few moments ago in this chamber at third reading to pass.

Honourable senators will also know that in the other place the government adopted an amendment that removed this protection, which historically provided a defence for individuals who, in good faith, express or attempt to establish an opinion on a religious subject based on a religious text or sincerely held religious belief.

Senator Martin proposed an amendment to restore that defence. I supported her amendment because it sought to preserve an important balance that has existed in Canadian law for decades between combating the wilful promotion of hatred and protecting freedom of religion and expression.

The amendment would not have created a licence to spread hatred. The high threshold required to establish the offence of wilful promotion of hatred would have remained fully intact. It would have ensured that legitimate religious discourse, conducted in good faith, continued to receive the protection Parliament has long recognized.

Unfortunately, as I said, Senator Martin’s amendment was defeated in committee and here at third reading.

In my view, preserving clear safeguards for lawful religious expression would have strengthened the bill and provided greater certainty that the Criminal Code continues to target genuine hatred while respecting fundamental freedoms.

Beyond those issues, a more targeted concern was raised with respect to the scope of this new offence. Mark Joseph of The Democracy Fund pointed out that it would apply not only to offences under the Criminal Code but also to other federal statutes.

It was precisely on that point that I proposed an amendment at committee — an amendment that was not adopted — to remove the words “or any other Act of Parliament.”

The objective was straightforward: to limit this new offence to offences under the Criminal Code only. Why was that change important? An offence of this nature should be targeted. As currently drafted, it opens the door to attaching additional criminal liability to conduct governed by other federal statutes.

In theory, an offence under the Canada Elections Act or the Canada Labour Code could thus give rise to a criminal prosecution if hatred is alleged as a motive. That creates a real risk of overreach.

Yet, that amendment would not have stripped this bill of its substance. Hate-motivated offences under the Criminal Code would still have been fully covered. It simply would have kept this new offence anchored in the core of criminal law, instead of extending its reach across all federal statutes.

Further, the Youth Criminal Justice Act does not contain criminal offences. With this provision, it may. Children as young as 12 years old are at risk of a hate-motivated criminal charge under this change.

Honourable senators, all of this testimony points to a more general criticism: The bill is repetitive.

Ms. McNicoll of the Canadian Civil Liberties Association said plainly that the new obstruction provision clearly duplicates existing Criminal Code provisions.

Staff Sergeant Ali Toghrol of the Ottawa Police Service made a similar point about the symbols provision. He reminded the committee that the existing Criminal Code provisions, particularly subsections 319(1) and 319(2), already cover this type of conduct and that any new wording should complement the existing law, not duplicate it.

Professor Dwight Newman also cautioned against a bill that risks muddying the waters rather than producing useful change. In his view, where very similar provisions already exist in the Criminal Code but are not being effectively enforced, simply adding new ones does not solve the problem. It mainly adds complexity without guaranteeing better results.

That, in my view, is one of the basic problems with Bill C-9. The bill multiplies new offences without clearly demonstrating why the current law is insufficient in itself. In criminal law, repeating is not necessarily legislating better. One can make the code heavier without better protecting the communities one claims to defend.

At the end of this study, a broader criticism emerged. Kenneth Grad, Assistant Professor in the Faculty of Law at the University of Manitoba, reminded the committee that several of the new offences proposed by the bill do little more than add specificity to crimes that already exist.

He posed the real question, one that still seems highly relevant: The issue is not whether hatred is harmful — of course it is — but whether expanding criminal offences will actually reduce that harm in practice. On that point, he was skeptical, and that skepticism deserves to be heard.

The same message came back elsewhere in different forms.

Richard Marceau of the Centre for Israel and Jewish Affairs reminded us that we may have the best laws on paper, but if they are not properly enforced they become pointless. The tools already exist; they still have to be used.

Mark Sandler of the Alliance of Canadians Combatting Antisemitism also stressed that criminal law is only one tool among others and that prevention, education and other upstream measures are also necessary. In other words, even those who support the objective of the bill recognize that the Criminal Code alone will not be enough.

Even on the policing side, the need for caution was expressed.

Staff Sergeant Toghrol of the Ottawa Police Service stated that if the bill is to be truly useful, it will require clarity in the definitions, specialized training, clear prosecutorial guidance and greater consistency across the country. Without that, colleagues, enforcement risks being uneven at best.

That is why, at the end of the day, the criticism that remains is not a criticism of the objective; it concerns the means chosen.

Bill C-9 rests largely on the idea that, by adding new offences to the Criminal Code, we will respond better to hatred. Yet the testimony heard in committee showed that several of these provisions risk adding complexity without clearly demonstrating that they will change reality on the ground.

Honourable colleagues, no one here disputes that hatred must be fought. The real question is whether this bill, in its current form, is the right answer. After the testimony we heard and the serious reservations that were raised, I am not convinced that Bill C-9, in its current form, constitutes a sufficiently clear and coherent response to the hatred we must combat.

Thank you, colleagues.

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

Hon. Senators: Question.

The Hon. the Speaker pro tempore: All those in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: All those opposed to the motion will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: In my opinion the “yeas” have it.

And two honourable senators having risen:

The Hon. the Speaker pro tempore: Do we have an agreement on the length of the bell?

Hon. Senators: One hour.

The Hon. the Speaker pro tempore: We have agreement on one hour. The vote will occur at 7:59. Call in the senators.

• (2000)

Motion agreed to and bill, as amended, read third time and passed on the following division:

YEAS
THE HONOURABLE SENATORS

Arnold	Moodie
Audette	Moreau
Bernard	Muggli
Boehm	Osler
Boudreau	Oudar
Cardozo	Pate
Clement	Patterson
Cormier	Petitclerc
Coyle	Petten
Dalphond	Pupatello
Dasko	Quinn
Dean	Ringuette
Downe	Ross
Forest	Saint-Germain
Harder	Senior
Hébert	Sorensen
Karetak-Lindell	Surette
LaBoucane-Benson	Wells (<i>Alberta</i>)
McBean	White
McNair	Wilson
McPhedran	Youance
Mohamed	Yussuff—45
Moncion	

NAYS
THE HONOURABLE SENATORS

Batters	MacDonald
Black	Martin
Carignan	McCallum
Housakos	Simons
Lewis	Wells (<i>Newfoundland and Labrador</i>)
Loffreda	Woo—13
MacAdam	

ABSTENTIONS
THE HONOURABLE SENATORS

Al Zaibak

Brazeau—2

**BILL RESPECTING CYBER SECURITY, AMENDING THE
TELECOMMUNICATIONS ACT AND MAKING
CONSEQUENTIAL AMENDMENTS TO OTHER ACTS**

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator McNair, seconded by the Honourable Senator Boudreau, for the third reading of Bill C-8, An Act respecting cyber security, amending the Telecommunications Act and making consequential amendments to other Acts.

Hon. Denise Batters: Honourable senators, I rise today as the official opposition critic to speak at third reading of Bill C-8, the critical cyber systems protection act.

This legislation is twofold. Part 1 amends the Telecommunications Act to include the policy objective of security and allow the government to impose security measures on telecommunications service providers. Part 2 of the bill enacts the critical cyber systems protection act, making cybersecurity mandatory in four federally regulated critical sectors: finance, energy, telecommunications and transportation.

Bill C-8 requires cybersecurity programs, the mitigation of supply chain risks and the mandatory reporting of certain cyber incidents. It also establishes a compliance regime of administrative monetary penalties and criminal offences.

As many of you will know, this legislation has been a long time coming. The Trudeau government first consulted on it back in 2016. The predecessor cybersecurity bill in the last Parliament, then numbered as Bill C-26, had several fatal flaws, largely based in privacy protection concerns.

Late in the Senate committee study of the bill, a serious error was discovered. As a result of a numbering mistake that conflicted with Bill C-70, foreign interference legislation earlier passed in that Parliament, the operative part of Bill C-26 would have been completely nullified. The bill was therefore amended and sent back to the House of Commons with a few weeks left to pass it in December 2024. The government decided not to. Instead, the bill died on the Order Paper when then-Prime Minister Trudeau prorogued Parliament in January 2025.

The government introduced Bill C-8, the bill before us today, in June that same year. It was almost identical to its predecessor, Bill C-26. The government had not used the intervening months to consider amendments that had been raised during Senate committee study. It did not take the opportunity to consult the

Privacy Commissioner or the Intelligence Commissioner regarding their thoughtful suggestions on ways to improve privacy protections for Canadians.

The Carney government reintroduced practically the same deeply flawed bill. I questioned Public Safety Minister Gary Anandasangaree at committee about why the government chose not to include significant changes to Bill C-26, when they had a six-month lag before introducing Bill C-8. He gave me no real answer, referring only to the fact that the government had accepted some of the Conservative House of Commons Bill C-8 amendments. The long story short? The government had the opportunity to introduce Bill C-8 as a better bill initially, but it failed, yet again.

It is largely thanks to my Conservative colleagues in the House of Commons that the version of the bill we see before us today has been greatly improved. During House of Commons Public Safety and National Security Committee, Conservative members made amendments that specified the threshold for action under the bill's compliance regime to be relevant, necessary and proportional.

Other amendments required alignment with existing international regulatory standards, tighter rules on data handling and retention, increased transparency and accountability, and some additional safeguards around the capture of confidential and personal information.

Regrettably, three very important amendments brought by the Conservatives were ruled "out of scope" by the Speaker of the House of Commons. They pertained to the very important matter of judicial authorization. This continues to concern privacy experts. The government should be open to strengthening its legislation. They choose not to, and they hide behind this technicality.

We know that this Carney Liberal government has no qualms about introducing government amendments to its own bills. It has become almost expected of them by this point, particularly in later stages in the Senate. But, rather than amend these provisions and bring them into order, the government allowed technical objections to thwart these critical safeguards for Canadians. It speaks volumes about their priorities.

• (2010)

The Carney Liberal government is again trying to whistle legislation through the Senate in a quick fashion. This is bad governance. There is no time to let parliamentary debate properly play out before the government-imposed deadlines here in the Senate must be met. There is no time to let the appropriate ministers come to committee. Again, there are no second or third reading speeches on the bill from the Senate government leader. This results in much less accountability.

Under this expedited schedule, mistakes are more likely to occur. We certainly don't need a repeat of the Bill C-26 and Bill C-70 debacle I mentioned earlier. Even though I questioned the departmental officials at my critic's briefing, the bill sponsor after his second reading speech and the minister at committee for Bill C-8, I still have no additional clarity as to what, if any, processes the Liberal government has put into place to ensure

that kind of significant error never happens again. It sounds as if they haven't done a thing, because if they had, why wouldn't they trumpet it?

Instead, the Carney Liberal government seemingly hasn't learned any lessons at all. After a fall when they passed almost no legislation, they are now trying to force through many government bills in the next few weeks. They're even sending bills to less appropriate Senate committees, as with Bill C-9, to force them through more quickly and with less scrutiny.

This is not a good way to govern.

Honourable senators, we need to stop using a rubber stamp so readily here in the Senate. Time and again, this Liberal government continues to try to use fear to ram through the many Liberal bills that take away Canadians' rights and freedoms, including Bill C-8. They use that fear to urge parliamentarians to curtail study and debate just to get a bill passed more quickly. This government has zero interest in actual sober second thought. It's foolish.

Just remember that if we had just let Bill C-26 pass as quickly as the Liberal government had wanted it to 18 months ago, we'd now have a deeply flawed bill as law without all the many good Bill C-8 amendments from Conservative MPs.

When Bill C-26 — Bill C-8's predecessor bill — was referred to committee in the last parliamentary session, both the Minister of Public Safety and the Minister of Industry attended. That is why I found it so curious that for Bill C-8, Mélanie Joly, the Minister of Industry, attended only the House of Commons committee and not the Senate committee. Minister Joly didn't come, even though she had been invited to attend the day that the Public Safety Minister came. Minister Joly was apparently too busy to appear; yet at different points that day, she was in the House of Commons just down the street, where she answered for the government in general during Question Period and attended a House of Commons committee.

When Minister Anandasangaree appeared, he proactively said that Minister Joly would be appearing later in the hearings. Minister Joly's Innovation, Science and Economic Development Canada officials appeared on their own that same day.

Of course, since the committee members anticipated Minister Joly would appear in the future, it changed the questions we asked those officials. We did not find out until after their appearance that Minister Joly would not, in fact, be appearing at all. The committee decided to have only one other meeting with witnesses before going to clause by clause. Once again, the Minister of Industry's failure to appear curtailed our ability as senators to get answers from the actual government.

Therefore, with no speeches from the Government Representative in the Senate on this bill and less ministerial accountability at committee, this doesn't say much for scrutiny by the independent Senate.

Several witnesses appearing at the Senate Defence Committee indicated many areas of Bill C-8 that they would still like to see amended. Matthew Hatfield, the Executive Director of OpenMedia, said:

... the other house's amendment work got a lot right on this bill. When civil society and the Privacy Commissioner came to the House with very severe concerns about the previous version of Bill C-8, many were heard, and real improvements were made ...

He suggested four "... narrow amendments ..." to further improve Bill C-8. His recommendations, in addition to wanting to reinstate the House's judicial authorization amendments, were:

... that data taken for one purpose is used for that purpose; that orders are proportional, not just reasonable; that our rights are defended by appointed judges, not a private corporation's decision to fight an order; and that no secret order stays secret forever.

Researcher Kate Robertson of CitizenLab outlined five problem areas in Bill C-8 that would need to be addressed in order to, in her considered view, ensure constitutional compliance. They would include judicial authorization for the government to obtain personal or de-identified information from a telecommunications provider; excluding the interception of metadata under section 15.2; amending section 15.2 to clarify it cannot be used to adopt intercept capabilities; specifying the purpose for which personal and de-identified information can be used — as only for cybersecurity and information assurance activities; and clarification to protect encryption and technical safeguards in telecom networks generally, not just specific encryption that is attached to private communications.

Ms. Robertson warned us:

If a non-amended Bill C-8 passes, all telecom providers in Canada would be compellable through secret orders to install backdoors inside Canada's networks by weakening encryption or network equipment ...

She continued, saying:

Creating powers to drill holes in telecom encryption standards would only entrench or worsen cybersecurity threats into Canada's networks. ...

Obviously, this is very concerning, honourable senators, and something to consider as we face pressure from the government to pass this bill quickly and unamended.

The government's insistence on just pushing this through has also meant inadequate consultations. The Privacy Commissioner and Intelligence Commissioner were not meaningfully consulted at all during the creation of Bill C-26, and, even though several months passed between the time Bill C-26 died on the Order Paper and when Bill C-8 was introduced, neither of them was

consulted before the new legislation was introduced. This was later confirmed by officials, but no reasons were given by the government. I asked the bill sponsor, Senator McNair, about this again yesterday after his third reading speech. There was no justification given, only an attempted assurance that the government will consult with them in the future.

The Intelligence Commissioner testified at the Senate committee that he is "completely absent" from the machinery of Bill C-8. This is clearly not appropriate. While the government now promises to consult the Privacy Commissioner and Intelligence Commissioner in the creation of regulations, it is truly too little, too late.

Both commissioners had serious concerns about Bill C-26, namely regarding a lack of oversight. Under Bill C-26, it was possible that private information could be breached without the Privacy Commissioner even becoming aware. I proposed an amendment at committee that had been originally suggested by the Privacy Commissioner. It would have ensured that any material cybersecurity breach would have to be reported to the Privacy Commissioner. Unfortunately, my Senate colleagues defeated this reasoned amendment, and this hole remains in Bill C-8.

When Minister Anandasangaree appeared on Bill C-8, Senator McNair asked him to explain why my amendment had not been included in Bill C-8. The minister's response was that it was "already covered by PIPEDA," the Personal Information Protection and Electronic Documents Act. But wouldn't the Privacy Commissioner know that if true? This is definitely within his ambit.

Many witnesses testified that Bill C-8 needs additional oversight, particularly through the addition of judicial authorization. As I mentioned, amendments to this effect were passed at the House of Commons Public Safety and National Security Committee but were ultimately ruled technically out of order by the Speaker of the House of Commons.

I asked Public Safety Minister Anandasangaree about the need to increase oversight in the legislation. He pointed to the National Security and Intelligence Committee of Parliamentarians, or NSICOP; and the National Security and Intelligence Review Agency, or NSIRA — both entities that review incidents after they occur — as "safeguards." Of course, both of those bodies are also populated by people appointed by the Prime Minister and who report to the Prime Minister, all under a great veil of secrecy. That doesn't seem like a very effective "safeguard."

Several expert witnesses indicated to the Senate Defence Committee that the lack of oversight in Bill C-8 remains problematic, and, while proponents of the bill point to post-order review by NSICOP and NSIRA as proper oversight, experts still maintain this is entirely insufficient.

Professor Matt Malone points to the lack of oversight *ex ante* — before the fact — as a significant problem with Bill C-8. By the time NSICOP and NSIRA review a case, the horse is already well out of the barn. Furthermore, both organizations are appointed by and answer to the Prime Minister. As Professor Malone points out, NSICOP has been muzzled from releasing its

findings publicly in the past, and NSIRA has stated very clearly that they are not doing some of the real review work they otherwise might because of a lack of resources. Furthermore, as Intelligence Commissioner Simon Noël told the Senate Defence Committee, there would likely be significant delays in findings. He said NSIRA could be reviewing an incident as much as three years after it occurs.

Some witnesses suggested the creation of an annual ministerial authorization that would build a framework for how the Communications Security Establishment uses and shares information about cyber incidents and that the Intelligence Commissioner should review and approve it. Kate Robertson suggested that this was one way to improve oversight that would not be considered out of scope, as with the original judicial authorization amendments.

• (2020)

The Intelligence Commissioner explained to our committee the way that his review function generally works. He said:

I've been doing this for the past four years. I can tell you that my experience is such that two or three times I decided that some of the activities that the minister wanted to grant were not to be. Why did I do that? I had viewed the jurisdiction as it was granted, Senator Batters, and came to the conclusion that what the agency wanted to do was not in conformity with the jurisdiction. Therefore, this activity did not occur. . . .

. . . If you want to impact the personal information of Canadians, you must justify doing so. It compels the decision maker or the agency to really ask, "Can we do this? Are we doing it in accordance with the law?"

In response to a question from Senator Yussuff, Intelligence Commissioner Noël said:

The fact that the Intelligence Commissioner is not part of the system means that, at the beginning of any decision, there will not be any involvement of a third party that will look into the situation and make sure that it's in accordance with their legislation.

Second, when they do collect information on Canadians, they do it in accordance with their own internal policies. They will be left on their own, except after the fact.

Then NSIRA, the civilian review agency, will have an opportunity. It's been shown that 50 decisions of our office have produced on the part of the agencies an attitude of being very meticulous and very concerned about information on Canadians and with ensuring that they don't go overboard when they have to deal with it for the purposes of solving, for instance, a cybersecurity incident.

Commissioner Noël stated he still has concerns about warrantless searches under Bill C-8, as he did with Bill C-26. He wrote to the committee:

The concern with searches that are not pre-approved by an independent officer relates to the nature, use and retention of information that could be seized. This concern would increase if the use of the information moves away from compliance.

Several times at committee, we heard witnesses argue that we should pass Bill C-8 as it is, warts and all, and expect outstanding issues to be dealt with via regulation. When I asked whether that regulatory process would most likely be a two-year process, government officials initially denied it, but then, when pressed by me, they admitted it could still take up to 18 months. Yesterday, Senator McNair said the minister's letter to the committee admits it could take up to 24 months.

Honourable senators, we know that judges, including the justices of the Supreme Court, look to the Senate on occasion when deciding Parliament's intent for statutory interpretation. If we pass this bill unamended and proclaim it good enough, I submit we leave glaring holes that will misrepresent our actual intent.

Witness Kate Robertson expressed that leaving details to regulation is wholly inadequate. She said:

I actually think it would be quite a problem if they were left for regulation because they are a matter of statutory interpretation. If I could just use one example, right now, the bill references the lack of authority in clause 15.2 to order the intercept of private communication.

I recommended that should be inclusive of intercepting metadata as well. As a matter of statutory interpretation, Parliament's intent will be divined from the clause that right now, as it stands, does not include metadata. There will be inferences drawn as to whether Parliament very much intended to enable the interception of metadata.

Other witnesses suggested issues not addressed directly in Bill C-8 could come to light in the five-year review mandated in the legislation. But, colleagues, as we all know, these reviews don't happen often, if at all. And as a long-standing member of the Senate Legal Committee, I can vouch for that. Given all the government legislation and senators' public bills we always have stacked on our committee agenda, especially in the last several years, five-year reviews don't get the priority for study they probably deserve. So to say we will deal with outstanding issues in Bill C-8 with a legislative review is unlikely, to say the least.

As I said earlier, this cybersecurity legislation has been long in the making, and now we are being pressed to just pass this legislation because something is better than nothing. We are the last of the G7 countries to have cybersecurity legislation in place. Our critical systems are currently vulnerable to attack and it is better to have at least that basic protection in place.

I have some sympathy for that argument. It is a dangerous, fast-paced world, and global cyber-threats seem to only be accelerating at breakneck speed, particularly with the advent of artificial intelligence. We don't want to fall behind or make our citizens — our country — vulnerable to attack.

But the problem is this: It is the constitutional privacy rights of Canadians that are sacrificed by proceeding with this unamended legislation. The significance of that cannot be diminished. The right to privacy is really one of the most fundamental constitutional rights Canadians have — the ability to choose what thoughts and beliefs in our minds and hearts we share with the external world. And there can be very grave, life-altering consequences if one's privacy is sacrificed. Cybersecurity experts and privacy officials have warned us repeatedly that this remains a risk if we pass this legislation before us as it is.

Sharon Polsky, the President of the Privacy and Access Council of Canada, expressed concerns about the lack of restrictions on the sharing of data collected under Bill C-8, which can be shared with foreign governments, institutions and organizations. She said:

How can Canadians have trust? We're told to trust. I'd rather have reason to trust, and this bill doesn't quite give enough assurances to provide a reason to trust. It's still too broad, non-specific and open to interpretation. . . . I think the consensus in our organization and with our members is that it's not good enough to pass a piece of legislation that has so many flaws that so many people recognize while still saying, "Just pass it. It's better than nothing. It's better than what we have."

Ms. Polsky continued:

"Good enough" isn't a good enough reason to pass the legislation as it is. It really could benefit from some minor tweaks that would make a huge difference and improve Canadians' trust. Give them a reason to trust.

Professor Matt Malone addressed the length of time it has taken to get Bill C-8 to this final stage in the Senate and warned:

. . . As much as there is an urgency to pass the law, which I recognize, the reality is that once we have the legislation, it is likely to be there for a long time.

That's why Parliament needs to get it right.

Matthew Hatfield agreed. Rushing to pass this legislation prematurely could be a mistake that lasts for quite a while. He said:

Laws sometimes last a very long time. Small imperfections passed in a law today can turn out to be very impactful and could kick around for many years. . . .

So, yes, pass a version of this bill eventually, but there is no reason to get this done so urgently that you can't take a few more weeks to make necessary improvements.

Honourable senators, it has already been 10 years. Yes, this legislation is long overdue. We have taken a few runs at this. The House of Commons committee made quite a few amendments that greatly improved this bill, but there are still several legislative holes that are concerning from a privacy perspective.

This government has had ample opportunity to improve this legislation to adequately protect Canadians' fundamental privacy rights, and they have abrogated their duty to do so. If the bill were to wait a few more weeks to get fixed properly, it would be the government's fault, not ours.

With that said, I would have liked to propose amendments to Bill C-8 to try to honour the recommendations of some of the most thoughtful expert witnesses who came before the Senate committee with the protection of the rights of Canadians as their foremost concern. But it is very evident to me that members of the Senate National Security and Defence Committee and members in this Senate Chamber will not accept amendments; they want this bill to pass unamended.

I proposed a reasonable, well-supported amendment to try to improve Bill C-26. It was rejected by a wide margin. Bill C-26 passed this chamber of supposed sober second thought, even though that bill had gaping security and privacy concerns detailed by the vast majority of our committee's witnesses. And now, the Senate National Security and Defence Committee has passed Bill C-8 after a 90-second clause-by-clause consideration, with no amendments and no observations.

I know exactly where this is headed, honourable senators, and I ask you to consider the potential consequences of our haste. A decade of work should produce a virtually perfect piece of legislation, but it certainly hasn't. We need to carefully consider what the implications will be for the privacy rights of Canadians if we pass this flawed bill.

Thank you.

Hon. Percy E. Downe: Will Senator Batters take a question?

Senator Batters: Yes.

Senator Downe: Thank you for your remarks. I listened to them closely, as always.

As a former member of the National Security and Intelligence Committee of Parliamentarians, I agree you are correct to state that the Prime Minister appoints the members, often in

consultation with other party leaders. I am wondering why you drew the conclusion that the members, then, are under the control of the Prime Minister and report to the Prime Minister?

• (2030)

Senator Batters: I think what I said was that he appoints them and they report to him. They are members from different committees — different senators — but the fact remains that they are appointed by the Prime Minister, they report to him and the vast majority of their work has to remain secret.

There can only be so much actual accountability resulting from that, and it's always after the fact and not before the fact. The vast majority of my speech talked about how Bill C-8 really suffers from a lack of oversight prior to a decision rather than years after the fact, as often happens with the National Security and Intelligence Review Agency, or NSIRA, and the National Security and Intelligence Committee of Parliamentarians, or NSICOP.

Senator Downe: Just to be clear, Senator Batters, is it your view that Senator Claude Carignan, from your caucus, who is on that committee, reports to the Prime Minister?

Senator Batters: In his capacity on NSICOP, yes, he does. That committee reports to the Prime Minister, not Senator Claude Carignan himself. NSICOP as a body does, yes.

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?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to and bill read third time and passed, on division.)

ADJOURNMENT

MOTION ADOPTED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of June 3, 2026, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, June 9, 2026, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[Senator Downe]

WARTIME SERVICE RECOGNITION BILL

THIRD READING

Hon. Hassan Yussuff moved third reading of Bill S-246, An Act respecting the recognition of wartime service.

He said: Honourable senators, I know it's late, and it's Thursday night, but given this effort that we've been involved in, I hope I can keep you here for a little while longer, because it's more than just me reading a speech.

I rise today at third reading of Bill S-246, the wartime service recognition act.

At second reading, I spoke about the need for a fair, transparent and consistent process for recognizing wartime service in modern conflicts. Since then, the bill has been studied by committee.

I would like to thank the members of the Standing Senate Committee on National Security, Defence and Veterans Affairs for their careful consideration of the bill.

I would also like to thank the veterans, veterans organizations and representatives of Indigenous veterans who appeared before the committee and shared their experiences, expertise and perspectives. Their testimony reinforced an important point: This issue is not about revisiting the past; it is about ensuring that recognition keeps pace with the realities of modern military service.

Honourable senators, several themes emerged during the committee's study. First, we heard that recognition matters. Persian Gulf War veterans and Afghanistan veterans described serving in conflicts that Canadians broadly understand as wars, yet were not formally recognized as wartime service veterans by their country.

As Persian Gulf veteran Mike McGlennon told the committee:

... we have the shared experience of having both served in conflicts that Canadians generally understand to be wars; and yet, neither of us is recognized by our country as a wartime veteran.

That statement, I think, captures the central issue before us. Recognition is not an abstract policy discussion; it is a question of whether service is acknowledged in a way that reflects the conditions under which it was performed.

Witnesses spoke about sacrifices, duty and service. They also spoke about dignity, respect and the importance of knowing that their country — Canada — understands what they were asked to do.

Secondly, we heard that many veterans believe the current approach lacks consistency and transparency. Witnesses described a system where recognition questions can remain unresolved for years and, in some cases, decades. They spoke about the absence of a clear framework and the challenges of relying on ad hoc efforts to address concerns that affect entire generations of veterans. The testimony revealed an overwhelming common desire for a process that is understandable, transparent and accountable.

Thirdly, we heard that future veterans should not have to fight a second battle simply to have their service properly recognized. This theme emerged repeatedly throughout the testimony of the witnesses.

Witnesses spoke about the importance of ensuring that future generations of service members are not left to advocate for recognition years or decades after their service has ended.

I believe this is one of the most important ideas behind this bill. The men and women who serve Canada should not have to spend decades advocating for recognition because there is no clear process for assessing their service to our country.

Honourable senators, Bill S-246 responds to those concerns in a practical and balanced way. The bill does not attempt to predetermine which operations should or should not be recognized as wartime service. Nor does it ask Parliament to make those recommendations itself.

Instead, it establishes a framework. It requires the development of objective criteria grounded in the conditions of service. It requires consultation with veterans, stakeholder groups and subject matter experts. It requires transparency. It requires public reporting. It requires the review of past and future military operations through a consistent process, and it requires the government to explain how decisions are made.

• (2040)

At its core, the bill seeks to ensure that recognition decisions are guided by a framework that is fair, accountable and publicly understandable for veterans and their families.

Importantly, it also preserves government decision-making authority. The final determination remains with the government. The bill establishes guardrails. It does not establish outcomes.

During the committee's study, several important questions were raised. One question concerned whether this bill creates benefits, pensions or compensation.

The answer is no. This bill is about recognition and recognition alone. It does not amend the Veterans Well-being Act. A lot of effort and a long process went into establishing that legislation, and it does not touch that.

It does not amend the Pension Act. It does not create new financial entitlements. Recognition and compensation are deliberately treated separately.

Another question concerned whether the bill automatically recognizes specific missions as wartime service. Again, the answer is no. The bill creates a process through which those determinations can be made. It does not predetermine the result. The role of the framework is to ensure that decisions are made consistently, transparently and according to objective criteria.

A further question was why legislation is needed. I believe the committee heard a persuasive argument. Veterans have been raising this issue for years. The House of Commons Standing Committee on Veterans Affairs studied it and identified concerns regarding recognition, transparency and consistency.

The government itself recognized the issue in its 2025 election platform by committing to review recognition of missions, including the Persian Gulf. There is now broad recognition that this issue deserves attention.

The question is no longer whether the issue exists. The question is how we address it. Bill S-246 provides a practical answer to that question.

Honourable senators, for more than 70 years, Canada has not formally recognized wartime service beyond Korea. Yet Canadians have continued to serve in conflicts, such as the Persian Gulf and Afghanistan, that many Canadians would understand as wars.

The nature of military operations has evolved. Formal declarations of war have become increasingly rare by our government, but the realities faced by those in uniform have not disappeared.

Canadian men and women in uniform continue to serve in dangerous environments. They continue to face hostile conditions, and they continue to face risks that most of us will never experience. That reality is at the heart of this legislation. This bill is ultimately about fairness.

The committee heard direct evidence of those realities. Afghanistan Veteran Lieutenant-Colonel Dean Tremblay told us:

During that mission, I, along with the 146 soldiers in my unit, operated daily in an environment where threats were real, sustained and unpredictable.

That testimony speaks directly to the principle underlying this bill. Recognition should reflect the conditions of service that men and women in uniform face in this country. Simply, it should reflect what Canadians in uniform were sent into and what they faced.

It should not depend solely on the label attached to a mission at a particular point in time. That principle is reflected throughout this legislation. It is reflected in the requirement for objective criteria. It is reflected in the emphasis on consultation. It is reflected in the commitment to transparency, and it is reflected in the requirement to review both past and future service.

Colleagues, throughout the committee's study, we heard witnesses describe this bill as being about fairness, consistency and respect. At its core, I believe they are right. This bill does not rewrite history. It seeks to recognize it honestly. It does not create benefits. It creates a framework. It does not remove decision-making authority from the government. It ensures that decisions are made through a process that is transparent and accountable.

And, perhaps most importantly, it seeks to ensure that future generations of veterans do not have to spend decades seeking recognition of their service.

Honourable senators, we ask Canadians in uniform to accept unlimited liability in service to this country. We ask them to go where they are sent. We ask them to face risks most of us will never know, and we ask them to do so in the service of Canada.

In return, I believe, we owe them something fundamental. We owe them recognition that reflects the reality of their service. That is the standard this bill seeks to establish.

After careful study, thoughtful testimony and constructive discussion, I believe Bill S-246 represents a reasonable, practical and balanced approach to an issue that has remained unresolved for too long.

I therefore respectfully ask for your support in adopting Bill S-246 at third reading.

Thank you.

Hon. Peter M. Boehm: Would Senator Yussuff take a question?

Senator Yussuff: Yes.

Senator Boehm: Senator Yussuff, thank you for your speech, and I commend you for sponsoring such an important and long-overdue initiative.

As a member of the Standing Senate Committee on National Security, Defence and Veterans Affairs, I was touched by the witness testimony we heard this past Monday, June 1, on Bill S-246.

At that meeting, I asked the witnesses — all front-line veterans of the Canadian Armed Forces — if, while advocating for this change, they found that Canada is an outlier in terms of recognition for the service of our veterans who have served in combat operations since the Korean War.

The clear response was that Canada is indeed an outlier and that other countries are much further ahead. The U.K. and Australia were specified with regard to the Gulf War and Afghanistan.

Senator Yussuff, very simply, why has the Government of Canada allowed this to happen? Why has this expansion of recognition, despite being a campaign promise of the government in 2025, not been introduced as government legislation?

Senator Yussuff: First, Senator Boehm, thank you so much for your question. I can't speak for the government or why they have chosen not to act.

What I can say is that veterans have been raising this issue for many years — as a matter of fact, for decades in some cases.

The Persian Gulf War ended 35 years ago. This year, I went to the memorial to acknowledge that. And I'm sure most of you will sit and scratch your head. How is that possible? It has been 35 years since the end of the Persian Gulf War, and we haven't come to terms with the men and women who were asked to go on that mission. We haven't recognized them.

They formed an organization called the Persian Gulf Veterans of Canada, and they have been advocating for eight years.

The committee heard evidence that some of our allies, including Australia and the United Kingdom, have adopted clear approaches in regard to recognition of service, including for the Persian Gulf War. So other countries and allies like Canada have done this in a way that, clearly, if we wanted to as a government and a country, we could have.

• (2050)

In my view, the question is no longer whether the issue exists but how we address it. I believe Bill S-246 provides a framework for our government, without predetermining which conflicts we have sent our men and women to should be recognized as wartime service.

In the process of consultation, the government will have to answer those questions, and, as such, they will have to tell Canadians in a transparent way how they arrived at those answers. I believe this bill can bring closure to men and women who have been advocates.

As we started the committee hearing on Monday, I was told one of the veterans of the Persian Gulf War passed away. He died before his service to his great country was recognized.

Two weeks ago, another two veterans from that same war died, not knowing whether their service would be recognized.

Further, 158 who served in the war in Afghanistan died, and we haven't recognized their service as wartime service. In the war in Afghanistan, 40,000 members of the Canadian Armed Forces rotated. I'm a simple person. I think of those men and women and their families. We owe them a debt of gratitude. This bill is about their dignity and about the recognition they deserve.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, thank you for allowing me to speak on this very important and meaningful bill at third reading.

I rise today at third reading of Bill S-246, An Act respecting the recognition of wartime service, also known as the wartime service recognition act.

I want to begin by acknowledging our colleague, the Honourable Hassan Yussuff, for his heart, passion and sincere wish to give recognition where it is deserved.

Senator, thank you for your advocacy and your efforts, and thank you to the committee for prioritizing this bill to bring it back to third reading at this time.

My purpose today is to speak in support of this bill at third reading. Although Bill S-246 is a focused measure, it touches on a long-standing challenge that Conservatives have highlighted for years: the inconsistent recognition of wartime service and sacrifices made by Canadian Forces members in high-risk modern operations, even as we stand united in our commitment to honour all who serve.

This bill is significant because it seeks to address a real and long-standing gap in how Canada recognizes wartime service in the modern era. Its purpose is not to create new benefits but to establish a fair, transparent and accountable process that reflects the realities faced by those who served in demanding operations.

This is a goal I wholeheartedly support and I know all other senators support as well. Bill S-246 requires the development of clear, objective criteria based on the actual conditions of service; mandates consultation with veterans, experts and other stakeholders; and calls for a review of all Canadian Armed Forces operations since July 27, 1953, the day of the signing of the Korean War armistice.

It also requires future operations to be assessed within defined timelines, creates a searchable public list of operations and decisions and requires explanations of how the criteria were applied in each case.

This objective transcends partisan lines. Veterans from coast to coast who served in high-risk modern operations continue to be denied timely, consistent and meaningful recognition of their wartime service, despite the real dangers and sacrifices they endured to protect Canadians and Canadian values.

As a beneficiary of Canadian sacrifice during the Korean War, I truly believe in honouring our veterans' sacrifice, supporting our military and keeping faith with those who defend Canada and nations around the world.

Bill S-246 starts from a strong foundation. It does not create new layers of bureaucracy or open-ended spending. Instead, it establishes clear, objective criteria based on actual conditions of service and brings transparency to how wartime service is recognized. These are principles that should resonate with all senators, and they align closely with the work I have done over many years to honour our heroes of the Korean War.

I am forever grateful to our Korean War veterans, without whom I would not be standing here today. That personal connection drives my work every day in this chamber. I have visited veterans in long-term care facilities and organized and attended commemoration events. Their experiences of exposure to life-threatening conditions, intense combat and physical and psychological hardship — and their clear mission to defend freedom and democracy — have shaped my deep commitment to ensuring that all who serve in Canada's uniform receive the recognition they deserve.

Their stories reinforce why Bill S-246 matters. It ensures future generations will receive the clear, consistent recognition too often missing for high-risk modern service.

While a comprehensive review of all Canadian Armed Forces operations since the Korean armistice on July 27, 1953, is a necessary and welcome step, we must ensure it is conducted efficiently. The bill's 180-day timeline will help ensure it moves swiftly. This is an important provision that gives veterans of missions like the Gulf War and Afghanistan the timely answers they deserve.

However, we know from past experience with government reviews, timelines can slip if not tightly managed. Veterans of the Gulf War, who served in harsh desert conditions with real threats from chemical agents and Scud missiles, have waited decades for proper recognition. So have those who served in Afghanistan, where more than 40,000 Canadians deployed and 159 made the ultimate sacrifice in some of the most dangerous combat zones of that war.

We cannot allow another generation of veterans to wait while paperwork piles up in Ottawa. With the passage of this bill, we can keep the process on track to prevent further delays.

Second, the objective criteria must be developed with a clear focus on the actual conditions faced by veterans in high-risk modern operations such as the Gulf War and Afghanistan. The real dangers and conditions experienced by those who served in desert heat, under threat of chemical exposure or in the intense combat zones of Afghanistan must guide how we assess risk exposure, sacrifice and service. This ensures the framework remains true to the lived realities of wartime conditions without diluting the honour due to any generation.

The bill rightly calls for criteria grounded in actual conditions of service, including exposure to life-threatening situations, risk of physical or psychological injury and the scale and intensity of missions. This evidence-based approach helps ensure fairness and consistency across different operations.

The committee process has provided an opportunity to highlight these modern realities, and I trust the regulations will reflect this clarity.

Third, the consultation requirements are important and will bring vital voices to the table. Veterans, experts and key stakeholders, especially groups representing Gulf War and Afghanistan veterans, deserve a meaningful say in shaping these criteria.

The committee heard from many of these voices, and I am confident their input will help make the criteria as effective as possible while avoiding consultation fatigue through a structured approach.

• (2100)

Fourthly, the creation of a public searchable list of operations and decisions is a welcome transparency measure that will let veterans and families see exactly how decisions are made. They deserve clear explanations of why a mission received or did not receive a wartime designation. We must ensure existing security protocols under the Access to Information Act and Privacy Act, alongside Department of National Defence and Canadian Armed Forces safeguards, appropriately protect sensitive operational details, classified tactics or alliances, while delivering the openness veterans have earned.

Lastly, this bill focuses solely on the recognition our veterans truly deserve without creating or changing benefits, pensions or compensation regimes. We can support its lean design by ensuring the framework integrates smoothly into existing Veterans Affairs Canada processes. This keeps administrative costs minimal, directing every resource toward honouring service rather than new bureaucracy.

Honourable senators, let us remember the veterans of high-risk modern operations — the Gulf War, Afghanistan and other demanding missions since 1953 — who answered the call with extraordinary courage and sacrifice. Their courage and sacrifice remind us why recognition is so important. Let us pass this bill and continue championing our veterans, our military and a Canada that never forgets the price of freedom.

Thank you.

Hon. Percy E. Downe: Will Senator Martin take a question?

Senator Martin: Yes.

Senator Downe: Thank you to you and Senator Yussuff for your leadership on this bill. I'm sure the vast majority of us support the initiative. I know I do, personally. I'm just wondering how we can get to the best results to get this done as soon as possible.

As you know, I have spent a lot of time on veterans' issues over the years. The national headquarters is in Charlottetown. Questions have been raised as to why previous governments have not done this over 35 years. That leads me to the question: I'm not sure that this bill will indeed need a Royal Recommendation.

The reason I say that is I recall when the Government of Canada declared a war as opposed to a conflict. Let me give you an illustration of somebody who was 18 and in a war for three years, maybe in Korea. When they are 78, they can go to Veterans Affairs and say, "My hearing is gone," and the department will pay for hearing aids. Or they can say that they need a walker or a chair or whatever. Everything related to that service is considered related to the benefits they receive without question. My understanding is that in a conflict the benefits are only related to injuries that actually occur in the conflict as opposed to the decades following the conflict.

So I'm wondering if you know — and if you don't, I understand — who advised that a Royal Recommendation was not required?

Senator Martin: Thank you, senator. I cannot answer that exact question you are asking. But what I can say is that, as a nation, we have asked Canadians to put their lives on the line to go and serve in these very dangerous wars. The Korean War was called a conflict in order for the United Nations to be able to send in support to Korea, so it wasn't declared a war. Therefore, when our veterans came back after three years of combat and war, they were not categorized and recognized as veterans. It actually took 55 years, till 2008, when the late Greg Thompson, the former minister of Veterans Affairs, actually invited them into the benefits program. It took 55 years for that.

All I know is that we have been asking Canadian families to allow their sons, husbands and brothers — and women, including our own colleague Senator Patterson — to go into these places.

What I would simply say is that I hope that this will receive speedy passage in the House. I hope the government of the day will be able to address what needs to be done in order to recognize the service that these veterans deserve.

So I didn't answer your question, but perhaps there will be a question from the sponsor that I could answer. Thank you.

Senator Downe: Thank you, Senator Martin. I agree with the comments you just made, of course. My objective is to get this legislation passed in the fastest manner. If it does require a Royal Recommendation it will derail this bill, but if the government or an MP sponsors it from the House of Commons and it comes here, obviously, it will receive quick passage. Hopefully — fingers crossed — it will not be challenged in the House.

Senator Martin: Just one thing I know I mentioned in my speech is that it is not creating more bureaucracy. We're not talking about benefits at this time. This bill is very focused. So I hope that this bill will receive speedy passage. Again, I know the sponsor should have received this question. However, though I don't have the answer, I feel that this bill is widely, broadly supported, and it will be sent to the House once we adopt it here in the Senate.

Senator Yussuff: Would Senator Martin take a question?

Senator Martin: Yes.

Senator Yussuff: It was interesting listening to the question you received from my good friend and colleague. In drafting this bill, that was one of the fundamental questions that had to be resolved because any spending bill will require a Royal Recommendation. The bill was drafted with the guidance of the Parliament of Canada, and we deliberately did it in a way that would avoid the government having to give a Royal Recommendation. We're not touching the Pension Act or the veterans' piece of legislation that also protects other services they receive.

I think that should clarify for my colleagues in this house why it will not require a Royal Recommendation. The question I wanted to ask you is very simple: Given your relationship with your caucus colleagues, would your colleagues support this bill when it gets to the other place?

Senator Martin: I can't say 100% because I have not talked to all of my caucus colleagues, but, as I said in my speech, we have been calling for support. As Conservatives, we stand with veterans. I will definitely speak to my colleagues, but I imagine this will receive broad support.

The Hon. the Speaker: Are honourable 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 read third time and passed.)

CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dasko, seconded by the Honourable Senator Forest, for the second reading of Bill S-213, An Act to amend the Canada Elections Act (demographic information).

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

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

Hon. Senators: Agreed.

The Hon. the Speaker: So ordered.

Senator Mohamed: Honourable senators, I rise today to speak in support of Bill S-213, which proposes essential, evidence-based amendments to the Canada Elections Act.

• (2110)

I want to begin with two numbers.

The first number is 30%.

That is the proportion of seats held by women in the House of Commons today after the most recent federal election and after decades of stated commitment to the goal of a parliament that reflects the country it represents. It is statistically indistinguishable from the election before it and the one before that. We have, in effect, flatlined.

The second number is 55%.

That is the share of seats held by women in this chamber, which currently comprises 95 members. I ask colleagues to sit with that contrast for just a moment. The appointed house has crossed the threshold of majority-female representation. The elected house has not moved meaningfully in years.

We are not talking about a gap that is closing. We are talking about a gap that has flatlined, and in some respects, a gap that is widening.

What does this mean internationally?

Canada ranks seventy-first in the world for women's representation in national legislatures, behind Mali, Senegal and Tanzania — countries to which Canada provides development funding for gender equality programs. Our democratic peers — France, the United Kingdom, Spain, Australia and New Zealand — all rank in the top 50. Mexico, which shares a gender equality action plan with Canada, ranks fourth in the world, with women holding more than half of the seats in its lower house.

We are funding the goal abroad while failing to meet it at home.

According to the Inter-Parliamentary Union, or IPU, women hold 27.5% of parliamentary seats worldwide — a figure that has grown by just 0.3% for two consecutive years, the slowest rate of progress since 2017.

In executive positions, representation has actually declined. Fewer than one in four cabinet ministers globally is a woman. The proportion of women serving as speakers of parliament dropped last year from 23.7% to 19.9%. After three decades of forward movement, the needle has stalled, and in some places, it is moving in reverse.

The causes of this are not mysterious.

The IPU's own research points to a troubling rise in gender-based political violence. In its most recent survey, 76% of women parliamentarians reported experiencing psychological violence in the course of their work.

For the first time in a Canadian federal election, the federal government was compelled to offer private security services to protect candidates facing abuse, threats of harm and intimidation. Twenty-two candidates required this protection, and I note that

this is entirely separate from the standard police protection provided to party leaders, cabinet ministers and designated parliamentarians. Think about that: 22 candidates.

Harassment, intimidation and the accumulated weight of structural disadvantage are not neutral forces. They shape who runs, who is nominated and, therefore, who wins.

That last point brings me directly to this bill and to the data that, in my view, every senator in this chamber would benefit from knowing. In the 2025 federal election, the NDP nominated women as more than half of its candidates, at 51.5%; the Liberals nominated women for 35.7% of their candidacies; the Conservatives nominated women for 22.8% of theirs. These are not private figures; they are public facts. They tell us something that voluntary good intentions have consistently failed to tell us: Without transparency or any mechanism that asks parties to account for whom they put forward and why, the numbers will not move on their own.

They have not moved. They will not move.

Bill S-213 does not tell parties what to do. It does not impose quotas or mandate outcomes. What it does is far more modest and considerably harder to argue against. It asks parties to be transparent, to publish their plans for improving diversity in candidate selection and to publicly explain why they have none.

It also empowers the Chief Electoral Officer to collect and publish anonymized demographic data on electoral participation.

These are not radical suggestions; they are the direct recommendations of the Chief Electoral Officer and the House of Commons Standing Committee on the Status of Women. Report or explain. Let Canadians see what is happening, and they will decide how to hold parties to account.

I am mindful that colleagues will arrive at this bill carrying questions about the Senate's appropriate role in matters that touch the Canada Elections Act, and I want to address those questions directly and briefly.

Bill S-213 does not alter who may vote. It does not touch the franchise. It does not touch on data privacy. It does not mandate parties to make, amend or repeal any internal policies. However, it does ask parties that already report publicly on their finances, donations and electoral expenses to be similarly transparent about how they select the people Canadians will be asked to vote for.

That is a question squarely within this chamber's proper scope, and it is, if anything, a question this chamber is uniquely suited to consider, precisely because we are not ourselves subject to the electoral pressures that make it so difficult for the other place to look at itself objectively.

By initiating this discussion here, we are not dictating policy; we are performing the exact function this chamber was designed for: elevating the quality of our national discourse.

Colleagues will have noticed that this chamber has recently debated a number of bills dealing with political parties, electoral reform and the Canada Elections Act. At times, those debates

may seem to pull in different directions. My approach has been simple: to look at each bill in terms of what it actually does and judge it on that basis, rather than through the political debate surrounding it. Some legislation is designed to create a minimum standard, putting protections in place where none existed before. Bill S-213 asks a different question. It is not about establishing a floor; it is about raising the bar. Those are different objectives, and each deserves to be considered on its own merits.

On the question of what we are aiming for — increasing the number of female parliamentarians — let's look at why this is important through a research lens. Research on legislative effectiveness involving the tracking of nearly 140,000 bills introduced into the U.S. House of Representatives over three decades found that women, on average, are more effective legislators than their male counterparts. I know this is very controversial at this time of night, but they are more likely to introduce more bills, build broader coalitions across party lines and see their legislation enacted, particularly when serving in the minority.

The study's authors attribute this not to ideology but to approach; women in legislatures tend toward collaboration, where men, in the same circumstances, tend toward obstruction. I'm not saying that about the men in this chamber, for sure.

A separate audit study of over 6,000 state legislators found that women respond to constituent requests at higher rates than men, across districts, ideologies and party lines. The evidence tells us they make institutions work better for everyone. If we are serious about building a more effective parliament, we must be equally serious about the mechanics of the legislation that will help us get there.

There are details in this proposal that warrant careful examination. For example, we should scrutinize the definition of "electorally significant parties." We should examine the balance between public accountability and party autonomy, and how we ensure data quality in a voluntary system.

Beyond these structural considerations, and at the risk of exceeding the scope of the bill, I urge honourable senators to consider a vital related question: When parties report on their diversity policies, what constitutes a comprehensive approach? Given the disproportionate online abuse many female candidates face, we may wish to weigh in on whether a policy on representation should, by its nature, include measures to support and protect those candidates as well.

These questions are not reasons to walk away from the bill. Rather, they are the catalysts to move it forward. I am convinced that the principles are sound, and its objective, which is a more inclusive and truly representative parliament, is one that we must champion.

Colleagues, I would be remiss if I did not acknowledge the leadership of the sponsor of this bill, Senator Donna Dasko. Long before she arrived in this chamber, Senator Dasko was a titan in the private sector, recognized as one of Canada's most respected pollsters and a master at interpreting the pulse of the Canadian public. Her career is a testament to the power of evidence and research to inform public policy.

Since her appointment to the Senate in 2018, she has brought that same rigour, coupled with a lifelong, unwavering commitment to the promotion of women in politics. As a co-founder of Equal Voice and a driving force behind the Campaign for an Equal Senate for Canada, she has spent decades advocating for the very inclusivity that this bill now seeks to formalize.

Her presence in this chamber has been a gift to our deliberative process, and while we will miss her expertise as she prepares for her upcoming retirement, her legacy will undoubtedly endure through the foundations she has laid for a more representative and equitable democracy.

• (2120)

She has spent decades measuring the gap between where we are and where we should be, and then refusing to accept it. Senator Dasko is preparing to leave this chamber. This bill does not have to leave with her.

The bottom line is that 30% is not good enough. We have known it for years. The question before us is this: What are we prepared to do about it? Will we be content to, once again, note the problem and move on, or will we move this forward?

I encourage this chamber to send Bill S-213 to committee and to do so without delay.

Thank you.

(Debate adjourned.)

CONSTITUTION ACT, 1982

BILL TO AMEND—SECOND READING—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Wilson, for the second reading of Bill S-218, An Act to amend the Constitution Act, 1982 (notwithstanding clause).

Hon. Leo Housakos (Leader of the Opposition): Honourable senators, first and foremost, those of you who, after a long day, are still here tonight, are the giants of this institution. The good news is that you are about to hear a riveting speech.

I rise today to speak to Bill S-218, An Act to amend the Constitution Act, 1982 (notwithstanding clause).

At first glance, Bill S-218 appears to be the most modest procedural reform to provide for conditions that must be met in order for the Parliament of Canada to enact legislation that invokes section 33 of that act.

The scope of Bill S-218 is limited to the federal government and would not concern the provinces. However, when we examine Bill S-218 more closely, it becomes apparent that the debate before us is not merely about parliamentary procedure. It is about a larger constitutional question: Should Parliament impose additional restrictions on a constitutional mechanism that the framers deliberately included in the Charter itself?

To answer that question, we must return to the origins and purpose of section 33.

It is important to remember that the “notwithstanding” clause is not an accident of constitutional drafting nor is it some loophole that escaped the attention of those who negotiated patriation.

Section 33 was consciously negotiated, deliberately included and ultimately became one of the essential compromises that made constitutional patriation possible. Without section 33, there would have been no constitutional agreement and, consequently, no Charter of Rights and Freedoms as we know it today.

The provinces agreed to the Charter because section 33 provided an important assurance: While courts would possess the authority to review legislation and interpret Charter rights, elected legislatures would retain a limited ability in defined circumstances and for limited periods to maintain legislation that reflected the policy choices of the citizens they represent. That compromise was particularly important in a country like ours here in Canada.

We are a vast federation with different regions, priorities and political cultures. I could go on and on about our differences.

The framers understood that a constitutional system serving a country as diverse as ours required both strong rights protections and a continuing role for democratic decision making.

The compromise reached in 1982 was not between rights and democracy. It was between two legitimate constitutional principles: the protection of rights through judicial review and the preservation of democratic accountability through elected legislatures.

As many constitutional scholars have observed, section 33 was not included despite the Charter; it was included in order to secure the Charter. It was deliberately included in the constitutional settlement to strike a balance that remains to this day.

When we are looking at Bill S-218, the question then becomes whether that constitutional balance now requires adjustment.

The sponsor of Bill S-218 argues that safeguards are necessary before Parliament may enact legislation invoking section 33. However, colleagues, the Constitution already contains important safeguards.

First, section 33 cannot be used in relation to every Charter right. It applies only to sections 2, 7 through 14, and 15. Democratic rights, mobility rights and language rights remain beyond its reach. This distinction was deliberate.

The framers of the Charter carefully limited the scope of section 33 because they sought to preserve the balance between rights, protection and democratic accountability.

Certain rights were placed entirely beyond its reach, ensuring that the fundamental democratic structure of the country and key constitutional protections could not be overridden by legislative action.

Far from placing Parliament above the Constitution, section 33 operates entirely within the constitutional framework itself. Its existence serves as a reminder that the Charter was never intended to eliminate the role of the elected legislatures in constitutional governance but rather to balance that role with judicial review.

Second, every “notwithstanding” declaration expires after five years unless it is renewed. Unlike ordinary legislation, its operation is therefore subject to a built-in sunset clause.

This is not an insignificant safeguard. It means that any government invoking section 33 must ultimately return to the electorate and defend its decision. Canadians have the opportunity to pass judgment on that choice through the elections. That accountability mechanism is fundamental in a democracy such as ours.

Courts derive their legitimacy from their independence and impartiality. Legislatures derive their legitimacy from democratic elections and from the people.

Section 33 recognizes that both sources of legitimacy have an important place in our constitutional order and ensures that elected representatives remain accountable for a major public policy decision affecting the citizens they serve.

None of this is to say that judges do not perform an indispensable constitutional role. Right, Senator Dalphond? I think you will agree with that. They interpret the law and protect constitutional rights, but they are not accountable to voters for the public policy consequences of their decisions; governments and legislatures are.

Section 33 recognizes that this constitutional reality does not eliminate judicial review. Courts may still review whether a declaration is validly enacted, whether other Charter rights are engaged and whether constitutional limits outside section 33 apply.

What section 33 does permit is a government, acting through legislation adopted by Parliament, or a provincial legislature, to maintain a policy choice notwithstanding particular judicial interpretations of certain Charter rights.

Section 33 preserves a constitutional dialogue between Parliament and the courts while ensuring that elected governments retain a limited capacity to act on behalf of the citizens who elected them.

More fundamentally, it reflects an important constitutional principle: Canada remains a parliamentary democracy. While the Charter strengthens the role of the courts in protecting constitutional rights, it does not eliminate the role of elected legislatures in making public policy on behalf of Canadians.

The framers of the Charter deliberately adopted a constitutional compromise in which courts would interpret and enforce rights, while legislatures would retain a limited constitutional authority in carefully defined circumstances to override certain judicial interpretations.

Section 33 is the clearest expression of that compromise and reflects the belief that constitutional governance in Canada should be informed, not only by the judicial interpretation, but also by the democratic accountability which is at the core of our democratic system.

In a healthy democracy, difficult questions are not always settled permanently by a single court judgment. Citizens may reasonably disagree about how rights should be balanced against competing social objectives.

Section 33 ensures that those disagreements can, in limited circumstances, be returned to the democratic arena where elected representatives must publicly justify their decisions and ultimately answer to the voters.

Colleagues, this brings me to a point that arose during Senator Harder’s remarks and during our exchange in this chamber. I expressed concern — and I continue to do so — that this unelected chamber is being asked to initiate restrictions on constitutional mechanisms that are expressly entrusted to elected legislatures.

Senator Harder argued that legislation invoking section 33 should originate in the House of Commons because elected representatives possess the democratic legitimacy necessary to begin such a debate.

Working from the premise of that argument, would it not seem equally reasonable to ask whether legislation restricting the future use of section 33 should also originate in the elected chamber?

Regardless, colleagues, we must ask ourselves what fundamental problem is Bill S-218 seeking to address at this point in time?

It must be noted that Bill S-218 is carefully tailored to the federal Parliament. It does not alter how provincial legislatures may invoke section 33, provincial legislatures whose usage has animated much of the recent debates surrounding the clause. Instead, it proposes new restrictions on a power that the federal government has never exercised. Why would we restrict a power that has never been used and was so essential in the creation of this federation?

• (2130)

Bill S-218 takes away the ability to have a Committee of the Whole take up time allocation and requires a new threshold of a supermajority in the House of Commons.

Not only does a government need to win an election and receive a mandate, it would then need a supermajority comprised of two thirds of the House and also a multi-party requirement. On top of that, in the Senate, no such requirements are needed, right, Senator Harder? A simple majority voting against it or in favour of it would suffice.

These new requirements raise further concern. One of the strengths of section 33 is that it currently operates according to a common constitutional framework across Canada. Parliament and the provincial legislatures possess the same constitutional authority, subject to the same constitutional limits.

Bill S-218 would begin to create different procedural rules, depending on which legislature seeks to exercise the same constitutional power.

Such an approach risks creating unnecessary confusion about the nature of section 33 itself. Canadians could reasonably be left with the impression that the “notwithstanding” clause carries one meaning when exercised by Parliament and another when exercised by a provincial legislature.

Section 33 was drafted as a single constitutional mechanism applicable throughout the federation. Introducing different rules for different legislatures risks undermining the clarity and coherence that constitutional provisions are intended to provide.

Colleagues, before Parliament alters a constitutional compromise that made patriation possible, it should be able to identify a clear and compelling problem requiring correction. I have yet to hear that case made, but I suspect it will come in time and we’ll have that discussion.

So what are we doing here, colleagues, and why are we doing it?

We cannot simply decide to impose new restrictions on a constitutional mechanism because we disagree with how it has been used or might be used in the future. That’s not how any of this works. That’s not how democracy as a contract works, not a healthy democracy anyway, and certainly not least of all because one could find themselves on the other side of an issue on any given day.

Section 33 was not an oversight. It was a deliberate part of constitutional compromise and nation building in this confederation that made our patriation possible and secured agreement on things like the Charter itself.

Rather than debating how to further restrict section 33, perhaps the more important question is this: Why have we seen renewed interest in its use in recent years? What does that tell us about the relationship between courts and legislatures? What does it tell us about the balance between judicial review and democratic accountability? Those are conversations that are worth having.

In my view, section 33 is not a flaw in our Constitution. It is one of the safeguards that allows democratic accountability to coexist with judicial review and preserves the principle that laws should ultimately be made by those whom Canadians elect and can remove from office every four years or even earlier.

At its core, this debate is about whether we continue to trust democratic institutions and the choices that people make in their politicians with responsibilities constitutionally and deliberately assigned to them. The framers of the Charter did. They created a constitutional framework in which courts protect rights, legislatures make laws and citizens retain the ultimate authority through the ballot box if they’re not happy with the laws that have been made.

Bill S-218 does not address the reasons behind the renewed interest in section 33. Instead, it seeks to further restrict a constitutional power that was deliberately included in the Charter settlement. In doing so, it risks altering the constitutional balance struck in 1982 by shifting authority away from federal legislatures and toward the courts.

I want to highlight, honourable colleagues, as I conclude, that we are living through a very precarious moment in the history of this country. I think we all are starting to see — both in the West and the East and everywhere in between — that institutions are being called into question. We are seeing more disruption and unrest than we’ve ever seen before, and the process of nation building requires more stability, leadership and responsible hands on the wheel than ever before.

I believe that if we are going to toy with the fundamental, essential element that is the “notwithstanding” clause, both in the Charter and section 33, which has been used on a number of occasions provincially — though never on the federal level — I think it risks throwing out of balance the constitutional equilibrium that we have had in this country.

I agree with Senator Harder that the Constitution and the country are ever evolving and will continue to evolve. The reason I decided to participate in this debate is I think there are some questions, though I think those questions will address issues way down the line, but I suspect Senator Harder wants to be cutting edge and ahead of his time. This is my personal view: I don’t think this is the time to start toying around with section 33 of the Charter, but it does warrant research and discussion. That’s why I decided to participate in the debate.

I encourage other colleagues to do so because there is nothing more important in Canada than nation building. When it comes to the “notwithstanding” clause, those of us who are old enough — after all those Government of Canada courses I took at McGill with Professor J.R. Mallory, I’m starting to understand, over the years I am here, why I took those courses. But we do need to address issues as the country evolves.

I don’t believe, even at the end of the process of review, that I will be in favour of these changes in this legislation, as I highlighted in the bill, but I believe that it warrants review and going to committee.

Having said all that, I plan to be brief on this issue. I know that we’ve had a long day, and I will leave these thoughts with you to reflect on over the weekend and the weeks ahead because I think these are issues worth reflecting on. However, I think now is an appropriate time for us to adjourn for this evening.

ADJOURNMENT**MOTION ADOPTED**

Hon. Leo Housakos (Leader of the Opposition): Therefore, honourable senators, I move:

That the Senate do now adjourn.

The Hon. the Speaker pro tempore: It is moved by the Honourable Senator Housakos, seconded by the Honourable Senator Martin, that the Senate do now adjourn.

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

Some Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: Yes, Senator McPhedran?

Hon. Marilou McPhedran: I've been standing for a while, Your Honour. I'm wondering if Senator Housakos would take a question.

The Hon. the Speaker pro tempore: He moved adjournment of the Senate, Senator McPhedran —

Senator McPhedran: I was standing.

The Hon. the Speaker pro tempore: — so it's not debatable. I'm sorry.

Senator McPhedran: Even when I was standing already to ask a question?

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

Hon. Senators: Agreed.

(Motion agreed to.)

(At 9:38 p.m., pursuant to the order adopted by the Senate earlier this day, the Senate adjourned until Tuesday, June 9, 2026, at 2 p.m.)

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Canadian Ombudsperson for Responsible Enterprise		Hon. David M. Wells	2506
Hon. Marilou McPhedran	2477	Bill Respecting Cyber Security, Amending the	
Hon. Pierre Moreau	2477	Telecommunications Act and Making Consequential	
Employment and Social Development		Amendments to Other Acts (Bill C-8)	
Access to Benefits		Third Reading	
Hon. Marilou McPhedran	2478	Hon. Denise Batters	2509
Hon. Pierre Moreau	2478	Hon. Percy E. Downe	2513
		Adjournment	
ORDERS OF THE DAY		Motion Adopted	
Business of the Senate		Hon. Patti LaBoucane-Benson	2514
Hon. Patti LaBoucane-Benson	2478	Wartime Service Recognition Bill (Bill S-246)	
Criminal Code (Bill C-9)		Third Reading	
Bill to Amend—Third Reading—Debate		Hon. Hassan Yussuff	2514
Hon. Kristopher Wells	2478	Hon. Peter M. Boehm	2516
Hon. Wanda Thomas Bernard	2483	Hon. Yonah Martin	2516
Motion in Amendment Adopted		Hon. Percy E. Downe	2518
Hon. Wanda Thomas Bernard	2484	Canada Elections Act (Bill S-213)	
Hon. Kristopher Wells	2484	Bill to Amend—Second Reading—Debate Continued	
Bill to Amend—Third Reading—Debate		Hon. Farah Mohamed	2519
Hon. Yonah Martin	2485	Constitution Act, 1982 (Bill S-218)	
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Hon. Yonah Martin	2487	Hon. Leo Housakos	2521
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		Hon. Leo Housakos	2524
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