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OFFICIAL REPORT
(HANSARD)

Thursday, February 5, 2026

The Honourable RAYMONDE GAGNÉ,
Speaker

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THE SENATE

Thursday, February 5, 2026

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

Prayers.

[*Translation*]

SENATORS' STATEMENTS

THE HONOURABLE RENÉ CORMIER

CONGRATULATIONS ON APPOINTMENT AS KNIGHT OF THE LEGION OF HONOUR

Hon. Leo Housakos (Leader of the Opposition): Honourable senators, I would like to sincerely congratulate our esteemed colleague, Senator René Cormier, who has just been appointed as a knight of the Legion of Honour, the highest distinction in the French Republic.

Hon. Senators: Hear, hear.

Senator Housakos: This is a wonderful tribute to his exceptional commitment to the French language and culture, a commitment that stems directly from his proud, deep Acadian and French-Canadian roots.

Since his arrival in the Senate, René has been a staunch defender of the founding language of our country, his home province of New Brunswick, the great Acadian people and the francophone community, whose history helped build this great nation.

His dedication to promoting the French fact and strengthening ties between Canada and France is admirable.

No one in this institution is more deserving of this honour. As Speaker pro tempore, he has always served with remarkable honour and dedication, and it is no surprise that this accolade has been added to his list of accomplishments.

In being appointed to the Legion of Honour, René joins the ranks of great Canadians who came before him, including the Right Honourable Brian Mulroney, Senators Serge Joyal and Gérald Beaudoin, former governor general Michaëlle Jean and many others.

Today, we are celebrating not only an outstanding distinction, but also the lasting impact made by a friend and colleague whose passion, leadership and commitment enrich our institution and our country.

Congratulations, René. This is a well-deserved honour.

Hon. Senators: Hear, hear.

[*English*]

THE LATE DARRELL AUGUSTINE
THE LATE BRONSON PAUL

Hon. Brian Francis: Honourable senators, I rise today from the traditional, unceded and unsurrendered territory of the Anishinaabe Algonquin Nation with a heavy heart.

On January 13, Darrell Augustine of the Sipekne'katik First Nation in Nova Scotia was shot and killed by the Royal Canadian Mounted Police.

And on January 18, Bronson Paul of the Neqotkuk First Nation in New Brunswick died under similar circumstances.

Today, I want to honour them as human beings — as sons, brothers, fathers, relatives and so much more — whose absence leaves a void that can never be filled. My heart goes out to the families, especially the children, who have lost loved ones and to the communities standing with them in grief and in search of answers.

These recent deaths follow similar losses in Atlantic Canada, including Chantel Moore and Rodney Levi in 2020, as well as Steven Dedam in 2024.

These tragedies add to an increasing number of First Nations people dying during interactions with the RCMP and other forces across Canada. Each loss reopens wounds that persist across generations already marked by trauma, loss and grief largely stemming from colonization. These fatal police encounters cannot be separated from the long and painful history of harm where our communities have been over-policed and underprotected for generations.

The institutions entrusted with public safety were once tasked with enforcing colonial control through subjugation, displacement and assimilation. As a result, the presence of police too often invokes fear, not safety. That legacy shapes present-day interactions and outcomes, creating conditions in which First Nations people are more likely to be subject to force and, too often, killed.

Due to the higher rates of mental health challenges in First Nations communities, many fatal encounters involve individuals in crisis, highlighting the need for more community-led control and culturally rooted responses. For decades, we have documented these patterns and put forward recommendations, but inaction has prevailed, leading to more harm, more death and more grief.

Colleagues, I stand in solidarity with the families, communities and leaders from the Mi'kmaq and Wolastoqey Nations — and beyond — calling for urgent action and meaningful change.

This moment demands more than condolences. All levels of government must listen to our voices and act with urgency to protect lives and prevent future tragedies.

Msit No'kmaq. Thank you. *Wela'lin*.

WOMEN'S HOCKEY IN CANADA

Hon. Mary Coyle: Honourable senators, as Canadians and others around the world get all heated up watching hockey players Shane and Ilya in the brilliant new "Heated Rivalry" gay romance series, I want to speak today to another story of fire on ice: the story of Anne, Violetta, Ashley, Blayre, Jill, Mae, Carly, Allie, Kendall, Brianne, Diana, Marie-Philip and Shauna — the story of girls' and women's hockey in Canada.

When I was young, my family all faithfully watched "Hockey Night in Canada" on winter Wednesday nights. Most of us cheered on the Montreal Canadiens — no Senators back then. My brothers played hockey because that is what boys did.

And remarkably, my younger sister, Anne Patterson, was the first girl I ever knew to play hockey. She and the other girls played in a neighbourhood league in their white figure skates, used jerseys and without any protective equipment.

Here we are more than 50 years later, in the midst of an explosion of opportunities and excitement over girls' and women's hockey at the local, national and international levels. Yes, colleagues, girls have finally broken through the ice ceiling.

Over the holidays, I got to watch my eight-year-old granddaughter Violetta play her little heart out with her U9 Whitecaps girls hockey team, coached by Ashley MacInnis in Antigonish.

Violetta had really caught fire after she had watched her first PWHL game in Halifax last month, where the Ottawa Charge topped the Boston Fleet in a 2 to 1 shootout game. She created a large sign cheering on Ottawa player Brianne Jenner.

We are all proud to have our fellow Nova Scotians playing in the PWHL: Blayre Turnbull, Jill Saulnier, Mae Batherson, Carly Jackson and Allie Munroe.

Violetta's hockey passion, motivation and skills also went up several notches when she watched Boylston, Nova Scotia, native Kendall Doiron play in the 2026 IIHF U18 Women's World Championship hosted in Membertou. She even got to skate with her in Guysborough after the series.

• (1340)

Diana Fox Carney was recently in Nova Scotia, lacing up with the Cape Breton University women's hockey team.

Hockey is good for girls' health and well-being. It teaches important life lessons, like hard work, discipline and teamwork. Violetta's Whitecaps team are also learning important lessons about empathy and community as they participate in the Coldest Night of the Year fundraiser for our local Naomi Society.

Colleagues, please join me in cheering on Canada's Olympic women's hockey team, captained by the Montréal Victoire's Marie-Philip Poulin, as well as all who represent us in Milano-Cortina, including Nova Scotia referee Shauna Neary.

Canada and especially young girls like Violetta are so proud of you.

Hon. Senators: Hear, hear!

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of His Excellency Andrej Medica, Ambassador of the Republic of Slovenia in Canada. He is the guest of the Honourable Senator Deacon (*Ontario*).

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

Hon. Senators: Hear, hear!

MARIE RITA BLANCHARD

CONGRATULATIONS ON ONE-HUNDREDTH BIRTHDAY

Hon. Jim Quinn: Honourable senators, today I rise to celebrate an extraordinary milestone: the upcoming birthday of a remarkable woman, Marie Rita Blanchard, who turns 100 on February 7, 2026. Rita's story begins in Oyster Bed Bridge, Prince Edward Island, where she was born the third child in a family of nine. From an early age, she learned the value of hard work, responsibility and caring for others, values that would shape the rest of her life.

At just 17 years old, Rita made the decision to leave home and travel to Boston, where she worked as a maid for a doctor and his family. It was a testament to her independence, courage and determination, qualities that have stayed with her throughout her life. Rita later returned to Canada, settling in Saint John, New Brunswick, where she worked at a sugar refinery, which is located on the shore of Port Saint John. When the men went off to war, Rita stepped forward once again and was asked to operate the overhead crane in the plant, taking on work that was the responsibility of few women at the time.

After leaving the refinery, she began working at Admiral Beatty Hotel, but her greatest joy came when she married the love of her life, Joseph Clarence Blanchard. They built a home filled with love, laughter and resilience with the determination to build a strong family environment. They raised eight children of their own. Today, the result of their parenting is reflected in those children's career achievements and the families they have now created because of the values instilled in them by their mother and father.

As a devoted stay-at-home mom, Rita put her family first in every way, even setting aside personal milestones like getting a driver's licence. Yet at 60 years of age, she decided it was time and proudly earned her licence, proving that it's never too late to learn something new. Rita has always been known for her remarkable memory. Today, she remembers names and details of events that amaze everyone around her. For example, as a teenager, Rita and her sisters helped a widow raise her

17 children, and more than 80 years later, she can still recall every one of their names, which is a testament to her sharp mind and caring heart.

Rita Blanchard's life is a story of courage, faith, family and love. Today, we celebrate not just 100 years of life but also 100 years of strength, compassion and unforgettable memories. Happy one hundredth birthday, Rita.

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 the Honourable Ethel Blondin-Andrew, former Member of Parliament, as well as Taylor Galvin Ozaawi Mashkode-Bizhiki and Mary-Jo Michell, two Fellows from the Indigenous Leadership Initiative, Wildlife Conservation Society Canada First Nations Women Transforming Conservation Fellowship. They are the guests of the Honourable Senator Audette.

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

Hon. Senators: Hear, hear!

[*Translation*]

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of members of Senator Cormier's family, including his spouse, Luc Rondeau; the Mayor of Caraquet, Bernard Thériault; and members of Acadian civil society, notably the President of the Société Nationale de l'Acadie, Émile Gallant, and the President of the Société de l'Acadie du Nouveau-Brunswick, Nicole Arseneau-Sluyter.

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

Hon. Senators: Hear, hear!

FRANCE-ACADIE RELATIONS

Hon. René Cormier: Honourable colleagues, in 1966, a delegation of 40 Acadians, including my parents, travelled to Belle-île-en-Mer, France, to commemorate the bicentennial of the Acadians' landing on that island after the deportation. This year, we are celebrating the 60th anniversary of that journey, the precursor to a new relationship between France and Acadia that took shape two years later with a historic meeting between four Acadian leaders—our very own "four musketeers"—and President Charles De Gaulle, who had once declared that Acadians belong to a race that never dies.

The relationship between France and Acadia goes way back, and it is now more fruitful and vibrant than ever. It is based on memory, resilience, recognition and shared aspirations in a world destabilized by geopolitical tension and conflict. This relationship draws on a shared history and a contemporary dialogue nurtured by the Francophonie. The political, cultural and economic ties that unite Acadia and France remain strong thanks to cultural diplomacy, institutional cooperation and joint participation in bodies such as the Organisation internationale de la Francophonie. Our exchanges help maintain Acadia's presence on the international stage and strengthen France's commitment to the diversity of the French-speaking world while offering it an entry point into America.

I would like to express my sincerest gratitude to France for its presence in Acadia and for the honour bestowed on me by the President of the French Republic this morning, through the Ambassador of France to Canada, His Excellency Michel Miraillet. This honour, which our Speaker also received recently, goes beyond me as a person. It honours a collective journey, shared struggles, tenacious loyalties, a strong sense of solidarity and bold political action. On this occasion, I want to recognize my family, my partner Luc Rondeau, who is here in this chamber today, you, my colleagues, and all the men and women who work every day to ensure the vitality of the French language, who work for social justice and who advocate for the recognition of minority identities.

Receiving this honour also means recognizing those who came before us. I am thinking of my fellow Acadian Pascal Poirier, the first Acadian senator, a lawyer and man of the theatre. He received the Legion of Honour in 1902 and is still, to this day, the longest-serving member of the Senate of Canada.

Colleagues, to my mind, being named a knight of the Legion of Honour is not the final destination. Instead, it is a renewed invitation to responsibility. Defending the French language, human dignity, equality and the freedom to be oneself is never a luxury or a trend. It is a moral responsibility. It means rejecting indifference. It means believing that society is stronger, fairer and more creative when it fully embraces all identities. There can be no true Francophonie without inclusion, no living language without diversity and no lasting dialogue without respect for fundamental rights.

I therefore accept this honour with gratitude and with the firm intention of continuing to serve the values that it embodies: liberty, equality and fraternity.

Thank you. *Meegwetch*.

[*English*]

ROUTINE PROCEEDINGS

STUDY ON OCEAN CARBON SEQUESTRATION

FIRST REPORT OF FISHERIES AND OCEANS COMMITTEE DEPOSITED WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Fabian Manning: Honourable senators, I have the honour to inform the Senate that pursuant to the order adopted by the Senate on October 8, 2025, the Standing Senate Committee on Fisheries and Oceans deposited with the Clerk of the Senate

on February 5, 2026, its first report, entitled *Carbon Removal, From Air to Sea: Canada, a leader in restoring ocean ecosystems and fighting climate change*, and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

(On motion of Senator Manning, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

• (1350)

BUDGET 2025 IMPLEMENTATION BILL, NO. 1

SECOND REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE ON SUBJECT MATTER TABLED

Hon. Peter M. Boehm: Honourable senators, I have the honour to table, in both official languages, the second report of the Standing Senate Committee on Foreign Affairs and International Trade, which deals with the subject matter of those elements contained in Divisions 18 and 27 of Part 5 of Bill C-15, An Act to implement certain provisions of the budget tabled in Parliament on November 4, 2025.

(Pursuant to the order adopted November 26, 2025, the report was deemed referred to the Standing Senate Committee on National Finance and placed on the Orders of the Day for consideration at the next sitting of the Senate.)

THE SENATE

MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO RECEIVE KELLY BURKE, COMMISSIONER OF OFFICIAL LANGUAGES NOMINEE ADOPTED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(k), I move:

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

1. at 6:30 p.m. on Tuesday, February 10, 2026, the Senate resolve itself into a Committee of the Whole in order to receive Kelly Burke respecting her appointment as Commissioner of Official Languages;
2. the Committee of the Whole report to the Senate no later than 65 minutes after it begins;
3. the witness' introductory remarks last a maximum of five minutes;
4. if a senator does not use the entire period of 10 minutes for debate provided under rule 12-31(3)(d), including the responses of the witness, that senator may yield the balance of time to another senator;
5. on that day the application of rule 3-3(1) be suspended;
6. if the bells are ringing for a vote at the time the committee is to meet, they be interrupted for the Committee of the Whole at that time, and resume once the committee has completed its work for the balance of any time remaining; and
7. committees scheduled to meet on that day be authorized to meet, even though the Senate may then be sitting, with rule 12-18(1) being suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

NOTICE OF MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO CONSIDER SUBJECT MATTER OF BILL C-19

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, usual practice or previous order:

1. at 3 p.m. on Wednesday, February 11, 2026, the Senate resolve itself into a Committee of the Whole on the subject matter of Bill C-19, An Act to amend the Income Tax Act;
2. the Committee of the Whole receive the Honourable François-Philippe Champagne, P.C., M.P., Minister of Finance and National Revenue, accompanied by at most two officials;
3. the committee rise no later than 65 minutes after it begins;
4. the minister's introductory remarks be limited to a maximum of five minutes;
5. if, during the Committee of the Whole, a senator does not use the entire period of 10 minutes for debate provided under rule 12-31(3)(d), including the responses of the witnesses, that senator may yield the balance of time to another senator;
6. the provisions of rule 3-3(1) and any provision of the Rules or previous order relating to the ordinary time of adjournment be suspended until the chair of the Committee of the Whole has reported to the Senate;

7. if the bells are ringing for a vote at the time the committee is to meet, they be interrupted for the Committee of the Whole at that time, and resume once the committee has completed its work for the balance of any time remaining;

8. if a standing vote was deferred to a time that would occur during the meeting of the Committee of the Whole, that vote be further deferred so that the bells only begin once the committee has completed its work;

9. for greater certainty, all witnesses appear in person; and

10. committees scheduled to meet on that day be authorized to meet, even though the Senate may then be sitting, with rule 12-18(1) being suspended in relation thereto.

COMMISSIONER OF OFFICIAL LANGUAGES

NOTICE OF MOTION TO APPROVE APPOINTMENT

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, in accordance with section 49 of the *Official Languages Act*, R.S.C., 1985, c. 31 (4th Supp.), the Senate approve the appointment of Kelly Burke as Commissioner of Official Languages.

INCOME TAX ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-19, An Act to amend the Income Tax Act.

(Bill read first time.)

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

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

QUESTION PERIOD

INTERNATIONAL TRADE

CANADA-TAIWAN RELATIONS

Hon. Leo Housakos (Leader of the Opposition): Senator Moreau, yesterday you were very proud of your government's effort toward trade diversification and the empty MOUs signed in the past nine months. You were so enthusiastic that it seemed you misspoke yesterday, and you said that over the last nine months this government has signed more trade agreements than any previous government.

Of course, the facts are different. Conservatives were in government when we signed 46 comprehensive trade agreements while remaining grounded to a principled foreign and trade policy — one based upon security, economic opportunity, democratic values and human rights. Now we have learned that, in pursuing trade diversification, your government is holding back on signing a key strategic trade agreement with Taiwan.

Can you explain to Canadians why your government is delaying this deal with a key democratic ally in the Indo-Pacific? Is it because the Prime Minister is more concerned with appeasing the Chinese Communist Party, or CCP, dictatorship in Beijing than standing up for Canada's clear economic interests and standing with a domestic ally like Taiwan?

Senator Batters: Hear, hear.

Hon. Pierre Moreau (Government Representative in the Senate): Thank you for the question, Senator Housakos. Yesterday you asked me to take care of my leader. I think that you should take care of yours. I see how the movement is going in the other place, and I wonder how it is going for your leader as well.

Now, since you're talking about the deal with China, may I remind you, first, that this new strategic partnership with China will unlock $3 billion of exports for the Canadian economy, which is one of your main concerns.

As far as Taiwan is concerned, Canada will continue to advance our interests and engagement with Taiwan, and nothing in the strategic partnership with China will change the Canadian position towards Taiwan.

Senator Housakos: As you can see from my question, Senator Moreau, I am not interested in partisan politics — defending my leader or defending yours. I'm just asking simple questions.

Senator Moreau, even Chrystia Freeland now admits that the worst threat to the global trading system is "and has always been China." Surely, if we can hold our ground and stand up to Trump, we can also hold fast to our democratic values and stop placating the CCP. Don't you agree? When will your government finally sign an agreement with Taiwan? Give us a timeline. When will this happen?

Senator Moreau: You like to quote Liberal; let me quote Conservative. The Conservative premier of Saskatchewan said about the agreement with China: "This agreement with China is one of the strongest agreements that I have seen in my elected time." I remind you that he was premier for 8 years and a member of Parliament for 14 years, which is a long time. As far as Taiwan is concerned, we still have a strong link with Taiwan, and Canada's politics toward Taiwan have not changed because of the China agreement.

• (1400)

[*Translation*]

PRIME MINISTER'S OFFICE

NATIONAL UNITY

Hon. Leo Housakos (Leader of the Opposition): Senator Moreau, yesterday evening, some of us gathered to commemorate the twentieth anniversary of the election of the Right Honourable Stephen Harper's Conservative government. Frankly, it took us back to another time, a time when national unity wasn't a daily crisis. Canada had agreements, of course, but under Stephen Harper's government, the provinces and the regions remained united within a united Canada. Today, under another Liberal government, we're discussing the future of Confederation in Alberta and Quebec, and sovereignist sentiment is back with a vengeance.

Why is it that every Liberal government leaves the country more divided than it found it? How do you do that?

Hon. Pierre Moreau (Government Representative in the Senate): At breakfast this morning, I had the privilege of meeting Prime Minister Harper and congratulating him on the speech he gave at the unveiling of his portrait. I told him how moved I'd been to see that each of the prime ministers present — whether Prime Minister Chrétien, Prime Minister Carney or Prime Minister Harper — regardless of their origin or political stripe, were fully committed to Canadian unity.

Senator Housakos, I urge you to do the same. During Question Period in the Senate, I urge you not to encourage movements that are trying to divide Canada. I urge you to remind Quebecers, Albertans and all Canadians that we have to pull together to keep this great country of ours united.

Senator Housakos: We do that every day, and we also give you good ideas. Sometimes you adopt them and sometimes you don't. Senator Moreau, you may disagree with what I said, but facts are facts. From Pierre Trudeau to Justin Trudeau, and now with Prime Minister Mark Carney, why do the Liberals have a habit of dividing provinces and reviving discussions about separation? The Parti Québécois in Quebec is exploding in popularity, and Alberta is also facing some challenges. Tell us why this always happens under a Liberal government. It never happened under Mr. Mulroney or Mr. Harper.

Senator Moreau: If you want to talk about Quebec politics, I'm in a good position to discuss that with you. Perhaps you shouldn't worry so much about the polls. A distinction must be made between polls that measure the popularity of political parties and polls that measure the popularity of the sovereignty option, which is at its lowest point in 20 years or more. I hope you'll help us ensure that this fervour diminishes even further in the coming months, Senator Housakos.

[*English*]

INFRASTRUCTURE AND COMMUNITIES

NATIONAL INFRASTRUCTURE ASSESSMENT

Hon. Tony Loffreda: Senator Moreau, Canada is facing a severe housing affordability crisis, but housing supply does not exist in a vacuum. The infrastructure that enables our communities to grow — water and wastewater systems, solid waste management, public transit and active transportation — is equally critical.

Two months ago, the Canadian Infrastructure Council, established by the government, released its first national assessment of housing-enabling infrastructure. It found that more than $126 billion of this infrastructure is in poor or very poor condition and at risk of near-term failure.

Given the council's findings, what action does the government intend to take, particularly in response to its recommendation to maximize the capacity and efficiency of existing infrastructure through prioritized management, maintenance and upgrades?

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

The government has taken decisive action on this issue with programs such as the Canadian Housing Infrastructure Fund, which accelerated the construction and upgrading of housing, enabling drinking water and waste water, which directly supports the creation of new homes and increased densification. We have the results — in Atlantic Canada, $4.4 billion; in British Columbia, $2.3 billion; in Ontario, $3.2 billion; and the Prairies, Quebec and the North have also increased investment in those areas.

The government recognizes more must be done, especially to address building capacity. The most recent budget allocates $75 million to support apprenticeship training for the next generation of Canadian builders through the Union Training and Innovation Program.

Senator Loffreda: Thank you for that information.

The Standing Senate Committee on Banking, Commerce and the Economy just released its report, *Out of Reach: Unlocking Canada's housing affordability crisis.*

Among our recommendations is a call for more regular, reliable and detailed population forecasts to support housing and infrastructure planning — a recommendation echoed by the Canadian Infrastructure Council.

Will the government commit to providing more transparent and regionally tailored population projections so communities can better plan where housing and supporting infrastructure are most urgently needed?

Senator Moreau: Thank you for your question.

The findings of your committee's report were brought to my attention, and I will ensure that it will be brought to the attention of the minister.

Since we have guests from the Indigenous community, I would add to your first question that many of our colleagues would be encouraged to hear that we are providing $2.3 billion to renew the First Nation Water and Wastewater Enhancement Program and maintaining progress on 800 active projects in those communities.

GLOBAL AFFAIRS

CONFLICT IN GAZA STRIP

Hon. Yuen Pau Woo: Senator Moreau, since the so-called ceasefire in Gaza in October 2025, nearly 600 Palestinians have been killed by Israeli assassinations and indiscriminate bombing.

Furthermore, there is a humanitarian crisis that is accelerating, in part, because Israel is threatening to deregister 36 international non-governmental organizations, or NGOs, providing humanitarian assistance. If they are deregistered, the humanitarian crisis will be even more severe.

What is the government doing concretely to stop deregistration from happening, and is it using all its diplomatic tools to tell Israel that this is not acceptable?

Hon. Pierre Moreau (Government Representative in the Senate): There is always ongoing discussion between the Government of Canada and Canadian representatives with the Israeli government on those very important issues, and I'm sure that through those diplomatic negotiations or discussions, those kinds of messages are sent to Israel.

Now, this brings me to another question that had been asked yesterday, and as far as we are informed, there are no arms exports to Israel. Canada has not approved any new permits — I want to inform the house — for items to Israel that could be used in their current conflict in Gaza since January 8, 2024.

Senator Woo: On that question, I refer you to an article that just came out on the CBC today that suggests otherwise, and I invite all colleagues to look at the article.

With respect to the situation in Gaza, among the 36 international non-governmental organizations, or INGOs, that are being deregistered are 12 Canadian humanitarian organizations. They have all been trying to get an audience with Minister Anand to express their concerns.

When can they see her?

Senator Moreau: I don't have Minister Anand's availability, but I will certainly raise the issue with her. I'll ask her, and I will put your question to the knowledge of Minister Anand.

AGRICULTURE AND AGRI-FOOD

USE OF FARMLAND

Hon. Robert Black: Senator Moreau, Canada's farmland is disappearing at an alarming rate. According to Census of Agriculture, between 2016 and 2021 alone, Canada lost 2,740 acres a day. There must be more federal programming to incentivize Canadians to save their farmland from development through farmland easement agreements, which protect land for farming.

Canada has an Ecological Gifts Program, or eco-gifts, that provide significant tax benefits to landowners donating ecologically sensitive land. Agricultural land does not qualify under eco-gifts, meaning an owner pays capital gains on the appreciation in values.

Various agricultural groups have called on the government to develop a similar program called "Agri-Gift" that would provide similar federal programs to facilitate the preservation of farmland.

Senator Moreau, the federal government must involve itself in the preservation of farmland for our country's security and national security. Will your government consider an ecological gifts program?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you, Senator Black, for asking the question. You know that I was born on a dairy farm, and I'm quite sensitive to any agricultural question that you might raise. I cannot speculate on any future government program or funding.

I'm sure you would agree that instead of encouraging farmers to give their land, we should encourage them to continue working the land for generations to come.

• (1410)

I know that this government is committed to seeing farm families succeed and will continue to work with producers to facilitate the intergenerational transfer of farm businesses.

Having said that, I will certainly raise your interest in creating an agricultural gift program with the minister.

Senator Black: Senator Moreau, I am worried that your government is not considering the urgency of this issue. Canadians for a Sustainable Society stress that only 3.2% of our land area can grow crops and only 4.2% of Canada's land can be used for pasture land. We must preserve our country's food sovereignty and food security before we lose our farmland. How will your government lead in preserving prime agricultural land before we realize it's too late?

Senator Moreau: You know very well that agricultural land management is primarily a provincial jurisdiction. I think that one action that the government may take is to maintain a discussion with all provinces to ensure that those agricultural lands are protected.

This is the case in my province, Quebec. We know that the government takes strong action to protect agricultural land through the law.

CANADIAN HERITAGE

ADVISORY COUNCIL ON RIGHTS, EQUALITY AND INCLUSION

Hon. Kristopher Wells: Yesterday, we learned that the government will be eliminating the roles of the Special Representative on Combatting Islamophobia and the Special Envoy on Preserving Holocaust Remembrance and Combatting Antisemitism.

At a time when hatred has been on the rise, many Canadians are afraid, and these roles were created to fight against the rising tide of hate. They were also a model that many hoped to see replicated to fight other forms of hate, including homophobia and transphobia. In their place, the government has announced a new Advisory Council on Rights, Equality and Inclusion. We all support this new council in the fight against hate, but Canadians need to know more about what its mandate will be.

Can the Government Representative please advise this chamber on the next steps in establishing this advisory council and what its specific mandate will be?

Hon. Pierre Moreau (Government Representative in the Senate): Thank you, Senator Wells. I want to be clear. The government remains focused on confronting anti-Semitism, Islamophobia and all forms of hatred and racism. The new Advisory Council on Rights, Equality and Inclusion will be composed of Canadians from a wide range of communities. The government will ensure they identify strong candidates, and appointments will be made with the council mandate and needs in mind. The new council will build upon the important work of the Special Envoy on Preserving Holocaust Remembrance and Combatting Antisemitism and of the Special Representative on Combatting Islamophobia.

The announcement of this change was made just yesterday, and I have been informed that the minister will share further details soon on the composition of the council.

Senator K. Wells: Combatting hate and promoting inclusion have significant implications across departments and across the whole of government. It is critical that this council be appropriately resourced and given a broad mandate to publicly and privately advocate on a range of issues that impact various diverse communities, including engagement with appropriate Senate committees. This will mean difficult conversations. It will mean being able to speak truth to power where necessary.

Can the Government Representative assure this chamber that this council will be given such a mandate?

Senator Moreau: Thank you again. The new advisory council's mandate is specifically to take a holistic approach to fighting hatred and to articulate how we can pursue our collective work of an inclusive country.

The impact of hatred has multi-faceted consequences for different communities, but it also intersects with individuals and compounds over time into institutions. The Advisory Council on Rights, Equality and Inclusion will undoubtedly be open to working with senators on tackling these —

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

PUBLIC SAFETY

FLOOD PREVENTION

Hon. Yonah Martin (Deputy Leader of the Opposition): Government leader, local leaders from the Sumas Prairie in British Columbia have repeatedly called on the federal government for support to protect their homes, businesses and agricultural land from future flooding. I also had stakeholders, B.C. farmers visit this week, and they raised a concern about what happened in 2021 when the Nooksack River flooded from Washington State. The flood waters came in and flooded the Sumas Prairie — the valley — and the devastation was just unimaginable. Nothing has happened since then, and with the recent flood, we had damage there.

Can you explain to Canadians why your government has not stepped up with meaningful investments in flood-mitigation infrastructure in the Sumas Prairie? There is a role for the federal government here.

Hon. Pierre Moreau (Government Representative in the Senate): I agree that there is a role for the federal government. Minister Olszewski and Minister Robertson met with British Columbia's Minister of Emergency Management and Climate Readiness, Kelly Greene, to discuss the impact of the flooding in 2021 and 2025 that you were referring to. The discussion focused on recovery efforts and ongoing work under way to strengthen flood resilience across the Sumas Prairie and Fraser Valley. The government continues to work closely with the Province of British Columbia to build back better through the modernized Disaster Financial Assistance Arrangements, which now support proactive flood risk mitigation.

Senator Martin: Discussions have taken place but no action has happened, which is typical of this government. The Sumas Prairie is a vital agricultural and economic corridor contributing billions of dollars to Canada's economy, food safety and essential supply chains.

Do you believe it's fair for your government to leave municipalities to shoulder most of the burden in protecting their land, livelihoods and communities from repeated flooding? No more talk. We need action.

Senator Housakos: Hear, hear.

Senator Moreau: I mentioned the actions that have been taken in my previous answer. The world has changed, with major flooding becoming more severe and more frequent. Strengthening flood mitigation is essential to protecting British Columbians going forward and all Canadians as a whole. That's exactly the discussion that we have with British Columbia. This is action. I guess that the province is quite happy with the discussions that are going on between them and the federal government at this time.

CRIME PREVENTION

Hon. Yonah Martin (Deputy Leader of the Opposition): There are discussions, but there has not been any change. That's the issue that happened in December.

A troubling consequence of your government's mishandling of public safety, on the other hand, is its impact on national unity. As crime rises and offenders face no meaningful consequences, Canadians are becoming increasingly disillusioned not just with your government but with federalism itself.

When will your government recognize that its inaction on crime, just as its inaction with the floods, is directly undermining national unity?

Hon. Pierre Moreau (Government Representative in the Senate): Senator Martin, you won't be surprised that I totally disagree with your premises. We had the justice minister here in this very chamber, who was explaining to us the amendments that are going on with the Criminal Code.

I just explained to you that we have action going on as far as the flooding is concerned, and yesterday I answered your question concerning the Surrey situation, and I think that I was quite clear that we are taking real action on those issues. It doesn't matter if the premises of the question are wrong when the actions are right.

Senator Martin: Well, here is an example of what happened this past weekend. A small-business owner in Nanaimo had his tugboat broken into and destroyed, only for the assailant to be arrested, released immediately and then return to the scene shortly thereafter.

Senator Moreau, after 10 years of policies and lots of talk that have made Canada less safe, can you honestly tell this chamber why Canadians should trust your government to protect them?

Senator Moreau: You had the example two days ago with the Surrey question that you were asking. They were arresting the same day you were asking the question. I think that we are taking action. We are there where it counts. We are increasing budgets for the police. We are strengthening the Criminal Code. Those are actions, and I think that you should join my voice to tell Canadians that they should feel safe in their communities because that is the action we're taking.

VERIFIED TRAVELLERS PROGRAM

Hon. Paula Simons: My question is for the Government Representative. Late last month, the Parliamentary Budget Office, or PBO, released a report called "Establishing a Domestic Verified Travellers Program." The PBO analysis found that creating a sovereign stand-alone verified traveller program would cost about $47 million over five years. But if we charged an application fee of $50 a person, that would come down to between $1 million and $2 million a year. At $55 a person, the program would pay for itself. And at $100 an application, we would be making bank.

Given the modest estimated cost of standing up such a program, is the government now open to such an idea?

• (1420)

Hon. Pierre Moreau (Government Representative in the Senate): I will certainly pass the idea to the minister. Thank you. It was more of a suggestion than a question; I'll certainly be happy to take it to the minister.

Senator Simons: Then I have a follow-up suggestion/question.

Currently, Canada has no independent verified traveller program. Instead, we piggyback on the U.S. NEXUS program, which is run by the U.S. Homeland Security.

Given the rising unease that Canadians feel about sharing their personal information with Trump's security regime, and given that new NEXUS applications have plummeted by more than 50% since Trump's second term began, is it time for Canada to liberate its domestic airport security program from its dependence on the U.S. Homeland Security?

Senator Moreau: It's a good question and a good suggestion. I will certainly follow up.

NATIONAL REVENUE

TAX INCENTIVES

Hon. Colin Deacon: Senator Moreau, tax earned by audit, or TEBA, is a tax compliance performance metric used to assess the Canada Revenue Agency auditors. TEBA forms part of the CRA's executive performance and compensation framework.

The CRA also administers the Scientific Research and Experimental Development tax credit program, or SR&ED. The SR&ED incentive program is designed to promote business investment in intellectual property discovery and commercialization. It's a cornerstone of Canada's Innovation Strategy.

The TEBA performance metric is a tax compliance indicator, whereas SR&ED is an innovation incentive program. When TEBA is applied to SR&ED, it risks prioritizing compliance recoveries over the program's core purpose, which is incentivizing innovation.

Can the government clarify who has the authority to remove SR&ED-related adjustments from TEBA and what steps would be required to implement such a change?

Hon. Pierre Moreau (Government Representative in the Senate): You would agree with me that it's a rather technical question that you're asking, Senator Deacon. I have some information for you, but I will provide you with more explanation later.

The Scientific Research and Experimental Development tax incentive program, already providing $4.2 billion in annual support, is the federal government's single most important tool to encourage business R&D.

The most recent budget proposed to further increase the enhanced rate expenditure limit to help innovative businesses scale up and grow. This additional government investment of $440 million on an ongoing basis is expected to catalyze private sector R&D investment, generating an economic output of $1.2 billion a year.

Now, I'll have to come back to answer technically your very focused and precise question.

Senator C. Deacon: I agree, the SR&ED program is enormously important. That's all the more reason to not have an incentive program for auditors that has them choose where they can best get more tax revenue from someone or not give out an incentive to someone, which means those who have lawyered up have the best chance of getting whatever benefit they want to receive. Those who are not able to do that are in an inequitable position. I think it needs to be looked at.

Senator Moreau: I understand it is a very complicated question where you don't have to have two programs that are counterbalancing each other. I'll ask the question and bring back a follow-up.

EMPLOYMENT AND SOCIAL DEVELOPMENT

CANADA SUMMER JOBS PROGRAM

Hon. Andrew Cardozo: My question is for the Government Representative. I want to address the high unemployment rate.

Tomorrow, with six other senators, I am co-hosting a round table on youth unemployment to which all colleagues are invited. Senator Moreau, you will be aware that the unemployment rate for youth is over 13% and double that of the unemployment rate for the population at large. This is clearly a crisis.

On the Summer Jobs program, I'm asking the government, first, to double the number of placements from 100,000 to 200,000; second, to double the length of the placements from 8 weeks to 16 weeks; and, third, to run the program year-round, not just in the summer. These are simple measures that would help address the crisis facing young Canadians without additional administrative overheads, since the process is already in place.

Will you please take this recommendation to the Minister of Jobs and the Minister of Finance?

Hon. Pierre Moreau (Government Representative in the Senate): First, let me tell you that the government recognizes that Canada's economic future depends on the next generation. Investments are needed to create a stronger, more competitive workforce to drive long-term prosperity.

The budget provides $595 million over two years for Canada Summer Jobs. This will support around 100,000 summer jobs this upcoming summer.

Other investments include the following: more than $300 million for the Horizontal Evaluation of the Youth Employment and Skills Strategy to provide training and wraparound support to around 20,000 youth facing employment barriers annually, $635 million for the Student Work Placement Program and $40 million for the Youth Climate Corps to provide paid skills training for young Canadians.

The Canadian government is committed to supporting youth in building skills to help them gain employment in high-paying careers.

Senator Cardozo: Senator, what I'm asking is that the expenditure, in fact, be quadrupled for the summer program. Currently, those programs you mentioned cover about 10% of youth. We can do better as a country.

Last week, I attended the round table on digital sovereignty in Toronto hosted by the Digital Governance Council. One recommendation was that we demand more in our trade deals. When the government is attracting foreign companies into Canada, these companies sell the fruits of their IP in our market and then reshore the value. There is need for a condition that would require these —

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

Senator Moreau: I think I get your question.

To protect Canadian intellectual property and support Canadian small- and medium-sized enterprises, the government will provide $84.4 million to extend the ElevateIP program, as well as $75 million to extend the IP Assist program. Maybe this should be a proper answer to an unfinished question.

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: Motion No. 40, followed by Motion No. 41, followed by second reading of Bill C-4, followed by second reading of Bill C-12, followed by all remaining items in the order that they appear on the Order Paper.

MAKING LIFE MORE AFFORDABLE FOR CANADIANS BILL

MOTION TO AUTHORIZE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE TO STUDY CERTAIN ASPECTS OF SUBJECT MATTER AND NATIONAL FINANCE COMMITTEE TO CONSIDER ITS REPORT ADOPTED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of February 4, 2026, moved:

That, notwithstanding any provision of the Rules, previous order or usual practice, if Bill C-4, An Act respecting certain affordability measures for Canadians and another measure, is adopted at second reading:

1. it stand referred to the Standing Senate Committee on National Finance;

2. the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the subject matter of Part 4 of the bill;

3. the Standing Senate Committee on National Finance:

   (a) be authorized to take into account any report from the Standing Senate Committee on Legal and Constitutional Affairs to the Senate on the subject matter of Part 4 of the bill, during its consideration of the bill; and

   (b) submit its final report to the Senate no later than the end of Routine Proceedings on February 24, 2026, after which it shall be deemed to have reported the bill without amendment, with the bill then being placed on the Orders of the Day for third reading at the next sitting of the Senate;

4. the Standing Senate Committee on Legal and Constitutional Affairs be authorized to deposit its report with the Clerk of the Senate if the Senate is not then sitting; and

5. for the purposes of these studies, both committees have the power to meet, even though the Senate may then be sitting or adjourned, and that rules 12-18(1) and 12-18(2) be suspended in relation thereto.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

STRENGTHENING CANADA'S IMMIGRATION SYSTEM AND BORDERS BILL

MOTION TO AUTHORIZE SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE TO STUDY CERTAIN ASPECTS OF SUBJECT MATTER AND NATIONAL SECURITY, DEFENCE AND VETERANS AFFAIRS COMMITTEE TO CONSIDER ITS REPORT ADOPTED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of February 4, 2026, moved:

That, notwithstanding any provision of the Rules, previous order or usual practice, if Bill C-12, An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures, is adopted at second reading:

1. it stand referred to the Standing Senate Committee on National Security, Defence and Veterans Affairs;

2. the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the subject matter of Parts 5, 6, 7 and 8 of the bill;

3. the Standing Senate Committee on National Security, Defence and Veterans Affairs:

   (a) be authorized to take into account any report from the Standing Senate Committee on Social Affairs, Science and Technology to the Senate on the subject matter of Parts 5, 6, 7 and 8, during its consideration of the bill; and

   (b) submit its final report to the Senate no later than the end of Routine Proceedings on February 24, 2026, after which it shall be deemed to have reported the bill without amendment, with the bill then being placed on the Orders of the Day for third reading at the next sitting of the Senate;

4. the Standing Senate Committee on Social Affairs, Science and Technology be authorized to deposit its report with the Clerk of the Senate if the Senate is not then sitting; and

5. for the purposes of these studies, both committees have the power to meet, even though the Senate may then be sitting or adjourned, and that rules 12-18(1) and 12-18(2) be suspended in relation thereto.

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, on division.)

• (1430)

[*English*]

MAKING LIFE MORE AFFORDABLE FOR CANADIANS BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Cuzner, seconded by the Honourable Senator Muggli, for the second reading of Bill C-4, An Act respecting certain affordability measures for Canadians and another measure.

Hon. Colin Deacon: Honourable senators, I rise to speak to Bill C-4, An Act respecting certain affordability measures for Canadians and another measure. As we all know, Parts 1, 2 and 3 each legislate straightforward tax measures that were explicitly promised during the 2025 federal election campaign.

Consequently, I'm going to narrow my remarks to focus on Part 4, the so named "another measure." It introduces amendments to the Canada Elections Act, namely the sections relating to the use of personal information of Canadian voters by federal political parties.

I want to thank Senator Moreau and the Government Representative's Office for ensuring that the Senate could fulfill its constitutional responsibility to properly review this bill in our Legal and Constitutional Affairs Committee and for them to be able to hold additional meetings in light of the importance of these matters.

Colleagues, Canadians are among the globe's most data-hungry citizens. According to the Canadian Radio-television and Telecommunications Commission, or CRTC, in 2023 we consumed or produced an average of more than 17 gigabytes of data per day. The rapid growth of that number surprised even me. To provide some context, that amount of data is estimated to be equivalent to more than 8 million pages of plain text or about 30,000 novels — every single day for every single one of us, on average.

Included within these 8 million metaphorical pages of text are valuable nuggets of personal information that are identifiably linked to each of us — personal information about our individual likes and dislikes, whether it's about people, jokes, movies, news or politics; our daily activities; the locations we frequent and when; the state of our health; whom we love; what we covet; the debts we have and the assets we own; and the money we earn, what we spend it on and where.

This personal information is gathered around the clock every day and rests within the control of an unblinking audience that's connected to virtually every aspect of our lives, whether they be domestic banks, airlines, grocery stores, vehicles, equipment, appliances or other devices, as well as the providers of every form of online service, including big tech. The list is virtually endless.

The personal information that defines each individual Canadian is increasingly valuable to others, be they foreign adversaries, commercial entities or political parties. Unless Canada commits to constantly strengthening our legislative guardrails and cybersecurity protections, we are effectively providing others with a free pass to use our data to meet their needs, not ours.

Why does this matter so much? The surrender of our data, be it voluntary or not, provides organizations with a blueprint of our subconscious.

Colleagues, in the digital era, privacy can no longer be simply defined as the power to hide things that we'd rather keep secret. This is because the data that organizations collect about us creates a digital shadow that can overrun and outlive our intentions or our actions.

The unrestricted accumulation and exploitation of personal information allows others to build invisible corridors that steer our decisions, turning our free will into a calculated output. It equips organizations with a high-resolution map of our vulnerabilities that allows our fears and desires to be exploited with surgical accuracy.

Algorithmic bias can result in people being prejudged for jobs or loans based on a profile that may be filled with false information. This digital shadow is a version of "us" curated by algorithms. It can be used to set the price we pay that is wildly different from others purchasing an identical product or service. It penalizes vulnerable or targeted populations, not for what they have done but for what the model predicts they might do.

Based on my comments so far, you might conclude that I'm a big fan of tinfoil hats. But no, I'm definitely not — at least not yet.

Conversely, I am passionate and I passionately believe in the unequalled opportunities and social good created through the responsible collection and use of data. But this requires

governments, organizations and political parties to provide individuals with the respect and protections necessary to reliably and repeatedly earn their trust.

Canada is not yet on that path, but we can be. And, colleagues, in the digital era, ensuring that the collection and use of data occurs responsibly is absolutely central to the role of the Senate.

Canada's sovereignty, security and prosperity depend on the creation of legislative guardrails that enable Canadians to trust that their data is gathered, used and stored securely with their consent and control.

This is why I dream of the day when Canada prioritizes becoming the globe's most respected provider of data rights and security and the most ethical provider of AI services that rely on those data. This dream is well within our grasp, and it all starts with the political commitment and legislation necessary to enable Canada to constantly iterate toward that aspirational goal in a rapidly changing world.

Where does Part 4 of Bill C-4 fit into all this?

Part 4 relates to the section entitled "Personal Information Collected by Political Parties," with personal information defined as "information about an identifiable individual." The purpose of the provisions outlined in the amendments in Part 4 relates to:

> . . . the protection of personal information, including the provisions of this subdivision, is to provide for a national, uniform, exclusive and complete regime applicable to registered parties and eligible parties respecting their activities in relation to personal information, including the collection, use, disclosure, retention and disposal of personal information.

Last June, in response to repeated questions from multiple senators during the Committee of the Whole, Minister Champagne asserted that the introduction of Bill C-4 in the Forty-fifth Parliament was:

> . . . the first opportunity since 2000 to clarify the intent of the House to have exclusive federal jurisdiction over privacy matters with respect to political parties.

The minister indicated that this is why most of the amendments in Part 4 will be deemed to have come into force more than 25 years ago on May 31, 2000. However, since that date, nine parliaments and four prime ministers have failed to introduce a "national, uniform, exclusive and complete regime."

Without a doubt, I completely agree with the minister's objective of having a national, uniform and exclusive regime that would not cause federal parties to have to adhere to 13 different privacy regimes across the country. It's a reasonable objective, and I expect that there is wide-reaching agreement in this regard.

The challenge is that Part 4 does not propose a complete regime and neither did any of the three related pieces of legislation introduced over the past decade: Bill C-76 in 2018 as well as Bill C-47 and Bill C-65 in the last Parliament. None of them did. Bill C-65 never passed second reading, but it did introduce some limited measures. However, those fell well short in numerous ways.

Part 4 falls short because it only establishes a system that relies on self-regulation without providing for independent external oversight to review political party privacy policies. The only requirements are to publish a privacy policy publicly in both official languages and designate an internal privacy officer.

Yes, failure to adhere to this published privacy policy can lead to consequences, including monetary penalties, but only when the political party has not met its own standards. It also lacks a requirement to report breaches — not of its own policy, but cybersecurity breaches — to an expert organization, which in and of itself, in my mind, is a cybersecurity risk.

It seems that the sole purpose of Part 4 is to exclude federal political parties and their agents from provincial privacy laws, not to comprehensively fill the gaps in privacy protections.

Trust and social licence are central elements of a strong democracy, and in a data-driven world, managing personally identifiable data is central to earning and maintaining that trust. As a result, political party privacy practices should be openly debated.

• (1440)

Conversely, these political party privacy measures were inserted into the back of an affordability measures bill. This seems to have been intended to minimize public and political attention, and that approach seemed to have been widely supported because the House of Commons Standing Committee on Finance spent less than 20 seconds discussing Part 4 when they studied Bill C-4.

Additionally, the committee chose not to hear from any of the witnesses who intended to speak on this privacy issue, effectively silencing expert testimony. Further, briefs submitted by both the Privacy Commissioner of Canada and the Commissioner of Canada Elections raised significant alarms, yet neither brief was acknowledged or debated by the committee.

In this particular situation, I'd offer that the Senate of Canada is fairly described as Canada's chamber of sober first thought.

So, what's the genesis of these amendments to the Canada Elections Act? Bill C-47 and Bill C-65 in the previous Parliament, and now Bill C-4 in this Parliament, each related to an extended legal battle that started in March 2022. That was when the B.C. Information and Privacy Commissioner decided, in the absence of a complete federal privacy regime, to compel the federal political parties to comply with B.C.'s Personal Information Privacy Act. The decision was upheld by the B.C. Supreme Court in 2024, and that begins to explain the patchwork of proposed amendments to the Canada Elections Act.

The three major political parties, the Conservatives, the Liberals and the NDP, have cooperated throughout this extensive legal battle. I very much applaud collaboration between our major political parties, but I'm disappointed that their cooperation focused on litigating rather than legislating. As a consequence, Canada still does not have the long-promised complete federal privacy regime for political parties.

As parliamentarians, our job is to legislate, not litigate. The choice to litigate was made despite parliamentarians benefiting from some excellent legislative advice from Canada's Chief Electoral Officers and Privacy Commissioners over that period.

Each time one of the previously mentioned bills was introduced, those officers of Parliament provided clear recommendations as to the basic elements of a complete privacy regime, one designed to govern how the personal information of Canadian voters should be collected, retained, shared, protected and otherwise used by our federal political parties.

Regardless, those recommendations are still not reflected in the most recent amendments proposed in Part 4 of Bill C-4.

Additionally, our federal political parties also received clear advice from their own elected members of Parliament as a result of the extensive study conducted by the Standing Committee on Access to Information, Privacy and Ethics. The committee's December 2018 report, entitled *Democracy Under Threat: Risks and Solutions in the Era of Disinformation and Data Monopoly*, was motivated by the massive global breach of personal information perpetrated by Facebook and Cambridge Analytica. That scandal originated in 2013, when over 5,000 personal data points were harvested from an estimated 87 million Facebook users. These data points were famously used to guide several different political campaigns in 2015-16, including those of U.S. Senator Ted Cruz, U.S. President Donald Trump and the Brexit campaign.

In March 2018, British-Canadian citizen Christopher Wiley blew the whistle on Cambridge Analytica, speaking to countless media outlets and legislatures globally. Impressively, within two weeks of that scandal becoming public, the House Committee on Access to Information, Privacy and Ethics issued a study on that massive breach of personal information and its implications. The introduction to that deeply troubling 100-page report from the committee identified:

> The scandal quickly brought to light much broader questions relating to the self-regulation of platform monopolies, the use of these platforms for data harvesting purposes, and their role in the spreading of disinformation and misinformation around the world.

Among the first of the committee's 26 recommendations in their December 2018 final report was that the Government of Canada should subject political parties and third parties to the Personal Information Protection and Electronic Documents Act, or PIPEDA, and provide additional resources to the Privacy Commissioner of Canada to support those additional powers. Those recommendations were not heeded by the previous government.

So, what's the status of federal privacy legislation? Outside of the self-regulation of political party data in the Canada Elections Act, two pieces of legislation currently govern the collection and use of data in Canada. The first, the aptly named Privacy Act, sets rules around how the data of Canadians is collected and used by the federal government and its institutions. Essentially, it's what allows the federal government to function and how departments can share information. It has not been meaningfully updated since it was introduced 40 years ago. Put another way, the Privacy Act was written when we shared information by fax machine, floppy disk and letter mail.

As a result, rather than a uniform set of rules, departments rely on thousands — and, by some estimates, tens of thousands — of bilateral data- and information-sharing agreements, with nobody keeping track of them; they are just individual agreements across government, its agencies and Crown corporations. The resulting levels of inefficiency contribute to the fact that Canada has dropped from third in 2010 to forty-seventh in 2025 in the UN's E-Government Development Index ranking.

The second foundational piece of federal privacy legislation is the Personal Information Protection and Electronic Documents Act. First introduced 25 years ago, and subject to iterative amendments over the years, it protects consumers. Despite those amendments, it is currently at risk of being ruled non-compliant with the data privacy regime in Europe called the General Data Protection Regulation, or GDPR. Becoming non-compliant with the GDPR would undermine our trade agreement with Europe.

In the past five years, there have been two attempts to update PIPEDA, but the challenges associated with a minority Parliament meant that both failed to get through the House and to the Senate.

What really concerns me is that we are outdated and out of step on privacy on every level — consumers, government and political parties. That says to me that this isn't a political priority, but I think there are some strong signs that the privacy rights of consumers are about to become a priority — or are already a priority — of this government, which is very good news. It's finally being acknowledged as a necessity and a significant source of economic opportunity.

I remain hopeful that this commitment to privacy rights will extend to all federal political parties and public entities.

Since laws are generally written by government and examined by members of political parties, it's reasonable to assume that the lack of rules related to political parties might be as a result of their conflict of interest. Many have argued, including the House Committee on Access to Information, Privacy and Ethics, that political parties should be brought under the same umbrella as the privacy rules related to consumer data. I believe it is far more appropriate to have political party data collection governed under the Canada Elections Act along with the other rules related to political parties.

That approach was first formalized in Bill C-76 in the Forty-second Parliament. However, Bill C-76 was an inadequate attempt to remedy the lack of data protections for voters by putting into place a rudimentary self-regulatory regime.

So where do we sit today?

In terms of the personal information about identifiable voters, Canadians currently have no ability to limit their consent as it relates to the personal information that is collected about them, with no right to see the information collected and no ability to verify its accuracy, limit how it's used or limit with whom it's shared.

In the case of a cybersecurity breach, there's no requirement for political parties to notify those affected or assist them in protecting themselves as a consequence of the risks and harms created by that breach. Similarly, political parties are not required to report a breach to a qualified oversight body capable of ensuring that their cybersecurity protections are strengthened in the future.

Those certainly do not qualify as best practices globally or even best practices within Canada. I have not yet identified any compelling arguments as to why federal privacy legislation should not be as robust as that in B.C.

Additionally, I'm puzzled as to why the limited federal party privacy protections proposed in Bill C-65 in the previous Parliament weren't included in Bill C-4. They were limited, yes, but why would they not have been put into this bill? I don't understand that.

Colleagues, the Senate is uniquely positioned as the only legislative authority that can review this legislation, and I look forward to seeing the committee's work in action.

I want to conclude by proposing some questions for the committee to study. Colleagues, I think that Part 4 of Bill C-4 needs to be assessed in the context of the provisions included in proposed section 446.6 of the bill. The question is this: Do those provisions provide appropriate guardrails for the collection and use of Canadian voter data? If not, what guardrails are required to earn and retain voter trust and support?

• (1450)

My hope is that the Legal and Constitutional Affairs Committee hears from privacy experts with experience at the federal level and with experts who understand what is necessary to earn and maintain trust in our electoral process.

Consequently, I've no doubt that the Legal and Constitutional Affairs Committee would benefit from hearing from witnesses such as Canada's Privacy Commissioner, cybersecurity experts, academic experts — notably, Sara Bannerman and Colin Bennett — the presidents and privacy officials from the federal political parties, the Chief Electoral Officer, civil society organizations and international experts familiar with the treatment of voter data under other regimes.

In terms of questions, I think it's reasonable for the committee to understand the following:

First, what actual data is currently being gathered, used and shared by federal political parties? I've been assured by political party officials that there's not much data, and it's of limited value. However, this doesn't seem to make sense when you consider the extended legal battle that has continued over years and legislative efforts to establish federal jurisdiction exclusively but without guardrails. Those two just don't match.

Additionally, senior organizers for the main federal political parties often state in public forum that voters no longer choose their political parties, but that political parties choose their voters. This could only be possible if they use databases to identify the specific voters who fit certain characteristics and reliably deliver a carefully tailored message to those specific voters, regardless of their geographic location.

I did find a related report from February 2019 from the B.C. Privacy Commissioner entitled *Full Disclosure: Political parties, campaign data, and voter consent*, which reports on the privacy practices of B.C.'s provincial political parties. The commissioner outlined an eye-opening list of the data collected by provincial political parties in B.C. that goes well beyond information related purely to voter identity, party participation and payments. It includes gender, ethnicity, age, languages spoken, religion, income, education, familial relations, family or marital status, profession, workplace name, job title, professional status, number of years at a residential address, neighbourhood demographics, social media IDs, an ease of persuasion score — sounds interesting — past communications, and the list goes on. I find it hard to believe that federal political parties are not following similar data-gathering practices.

Second, what methods are being used to gather this information? The B.C. Privacy Commissioner identified that the primary methods included observations and conversations of volunteers while canvassing door-to-door, telephone communications, surveys, petitions and scraping social media. But I've no idea if this is a complete list. I expect, based on the B.C. Privacy Commissioner's report on provincial parties, that the data collected from multiple sources is used to supplement and strengthen the political party's understanding of individual voters, enabling a single data point to become a pattern.

Third, it makes total sense to have one privacy regime for federal political parties, but is there any evidence suggesting that rules for a federal privacy regime should be weaker than those for a provincial privacy regime? I can't think of why this would need to be the case. There's no doubt that it would be highly problematic if federal parties had to follow 13 different privacy regimes, but that doesn't mean that federal parties shouldn't abide by a robust privacy regime.

Fourth, to what extent is data exchanged with third parties, such as pollsters and social media platforms? The 2018 report by the House Committee on Access to Information, Privacy and Ethics directly linked social media data harvesting, data monopolies and disinformation. It linked those three things, highlighting that the business model of social media platforms —

> . . . is to accumulate as much personal information about their users as possible and to manipulate them. As a result, there is no fair exchange between the two parties.

Here, they mean the social media user and the platform.

Time has provided considerable evidence supporting the assertion of the House Committee on Access to Information, Privacy and Ethics in 2018, but do we know the extent of information sharing between political parties and social media platforms? Not yet, other than knowing that sharing exists.

For example, digital gerrymandering refers to the use of advanced computing, big data and algorithms to manipulate information consumption and public opinion using digital platforms. What was once a laborious manual process identifying neighbourhoods with differing priorities has evolved into a precise, data-driven science that identifies individual voters in a wide variety of locations whose interests are most receptive to a given message.

I first learned about this practice in April 2012 listening to Terry O'Reilly's 30-minute podcast called "Under the Influence," specifically, series 1, episode 17. I encourage you to listen to it. If you do, you will begin to understand why the House Committee on Access to Information, Privacy and Ethics titled their 2018 report *Democracy Under Threat: Risks and Solutions in the Era of Disinformation and Data Monopoly*.

Fifth and lastly — I'm getting there, I promise — does the concentration of detailed and personal data in these political party databases specific to individual Canadian voters raise national security concerns? Do cross-border data flows, particularly where Canadian voter data can be accessed by foreign governments, contribute to the risk of foreign influence? Is the lack of independent cybersecurity oversight in and of itself a national security risk?

It's widely appreciated that sovereignty is weakened when data generated in Canada about Canadians is extracted, monetized and governed elsewhere. This is particularly true when foreign governments are already demonstrating a desire to influence electoral choices made by Canadians, be they at a national or subnational level.

Consider, for a moment, foreign interference and persuasion efforts within diaspora populations. We've all seen reports that the People's Republic of China, or PRC, funded MP nomination meetings. One single political party data breach would save an adversary years of expensive and extensive espionage efforts.

We already know that there have been data breaches involving federal parties. The most recent was just last autumn. It was reported to have involved the personal information of several MPs. For everyone involved, I hope the breach was contained, as was reported, but without cybersecurity oversight, there is no way of knowing the extent of the breach.

I want to be clear again. With Part 4 of Bill C-4 in the state it's in, the parties will only be subject to penalties when they breach their own rules, and their own rules do not need to include any form of reporting cybersecurity breaches. What we do know is that unrestricted and unregulated harvesting of voter data by political parties has growing national security implications.

To conclude, in this digital era, there is no question that, in order for the capacity of political parties to serve the democratic needs of our nation, the outcomes demanded by our population must evolve. Political parties can use voter data in tremendously beneficial ways. For example, it can help to identify social issues that may otherwise be difficult to quantify and enable innovative ways to disseminate the resulting messaging.

However, every organization, be it a government, business or political party that wants to use public data, must prioritize doing so in a manner that earns public trust and social license. All benefits vanish the moment a cybersecurity breach compromises valuable electoral data, especially without anyone's knowledge, and it does so at the expense of national security.

When Canadians disclose their preferences in an effort to enhance our democratic representation, they should feel confident that the information will not be manipulated to the benefit of others, be they domestic or foreign.

Colleagues, the Senate's responsibility is to consider how potential laws may affect different groups of people in Canada, those whose rights and interests may be overlooked because of their gender, religion, language, race, ethnicity or sexual orientation. Our role in the Senate is to promote robust institutional resilience, especially the resilience of those institutions that form the foundation of our democracy.

• (1500)

In the world as we find it today, governments, organizations and political parties must provide individuals with the respect and protections necessary to reliably and repeatedly earn their trust. In the Legal Committee's examination of Part 4 of Bill C-4, I hope that they will be able to identify how the Senate can help Canada to achieve that end. Thank you, colleagues.

Hon. Rodger Cuzner: Will the senator take a question, please?

Senator C. Deacon: Yes.

Senator Cuzner: I appreciate the comments by my friend and colleague. I have a great deal of respect for his depth of knowledge and his passion for this topic.

I want to thank him as well for the call he made last week to give me the heads-up about some of his concerns around this bill. I very much appreciate that. I know that he believes some of the improvements in Part 4 of Bill C-4 may be somewhat modest. I know he has had conversations with senior officials in the government, and I know he has spoken with a couple of ministers.

At any time, did he feel that this legislation would preclude any other efforts on the part of the government to proceed with more robust study and further legislation? Did he ever get any kind of indication?

I know he has spoken several times in the past about being less than impressed with previous legislation that came forward but died. Is there anything in the legislation that precludes any other further legislation being developed, or did he get any sense from those senior officials?

Senator C. Deacon: Thank you, Senator Cuzner. No, I did not get any thought that there isn't a willingness to make changes in the future, but it also was not discussed. So nothing was said contrary to that, but nothing was said in favour of that. No commitments were made.

The reality is that we're faced with what we have. For me, it's repeating; this isn't the first time we've had this, and it's a repeated challenge.

We've seen now three minority parliaments in a row; I don't think Parliament values this issue. That's what really troubles me.

I wish I weren't pushing back on government legislation. The first three parts need to go through. If they don't go through and the government were to fall, that would be a nightmare for Canadians because we're already acting as if it's law.

I wish I weren't pushing back, but I can't live with myself not expressing the concerns that I know are very real. I'm hopeful that something will change, but history has said, no, this is a pattern; this isn't a data point.

Hon. Yuen Pau Woo: Senator Deacon, thank you for your excellent speech and for pushing back. You've pointed to the risk of privacy breaches through cyberhacking and malicious actors getting to the data of these political parties and using it for nefarious means. But there is an easier way to get your nefarious objectives accomplished, which is to form a political party.

When we talk about the risks intrinsic to this amendment, we're probably thinking about the three major parties, the Liberals, the Conservatives and the NDP, but there are 20 registered political parties under Canada Elections. Anyone can form a political party relatively easily.

Would you comment on that risk, which is that people who perhaps have no real intentions of being political parties but nevertheless can become a political party and then could access a privacy regime that is much more lenient than for private companies or for consumers?

Senator C. Deacon: I like to think of myself as a lateral thinker from time to time, but I never contemplated that, Senator Woo. I would offer that, yes, that's very clearly a real option in this situation.

I don't care if the government or private companies or charities are gathering data for a political party. Different rules are needed for those three different groups because there are different risks and there are different roles. That's what I've really focused on. You've absolutely raised another issue on which I really don't feel qualified to comment, but it certainly sounds reasonable to me.

Hon. Katherine Hay: Senator, would you take a question?

Senator C. Deacon: Yes.

Senator Hay: I'm sure you may know where I'm going to go. Canada is lagging, lacking, almost bereft of data governance and sovereignty. I'm concerned about where data is stored and, more importantly, how it travels to get there. Often there is a boomerang effect before it lands where it is being stored, perhaps by Trilio, which is a U.S. company. It may boomerang through the U.S. before it lands back here. Perhaps it may land at AWS in Montreal — "A" standing for Amazon.

I'm asking for you to perhaps dive deeper or reinforce. In your opinion, isn't it a higher risk now, more than ever, to not have the guardrails in place around data, especially in this particular case, because when data travels, access to personal data — by perhaps the U.S. government — is increased? When data is stored by a U.S. company, even on Canadian soil, it is at risk of being accessed. And there is the final piece about informed consent that is lacking here.

I'd like you to speak briefly to the current data governance state right now in Canada to protect Canadians. Is this piece of this bill — on Canadian affordability, by the way — putting the cart before the horse? Are we giving up our data before we have the guardrails in place? Could you speak to that?

Senator C. Deacon: Thank you very much for the question. We're way behind, very simply. We are a decade behind Europe. They showed a path, yes. Many say that the way they have implemented GDPR, their General Data Protection Regulation, is more burdensome than it needs to be. They have protected teens, youth and children. Their data and political party data are more restricted than any other data in the economy. They've recognized that this is about their sovereignty.

As I discussed, you can literally give people a map to your subconscious through your data. We're doing that every day. I often say we're at the wrong end of the data vacuum in Canada. It's going; we never get it back. We don't know how it's used, but it's going all the time. It is flowing off of us.

That's my concern. We have to prioritize this issue. Our Privacy Act is not helping us to grow our ability to deliver e-government services that are better than the analogue services we have today. We are not getting the protections we need from Big Tech and all the data that is used on our phones — all of us. I saw you all looking down when I was speaking, looking at your phones. It's happening all the time around us — my watch, everything. That data all leaves the country.

Yes, there is some sovereign data storage, but some of that sovereign data storage is with U.S. companies, and that is not a sovereign solution. Partially, it's nice to have it physically here, but it can leave.

At a certain point, we do need to prioritize this issue. That's why I felt compelled to speak about this. I would rather not have spent the time on this bill. I would rather this Part 4 didn't exist and that we had legislation, but that is why I felt I had to do something. The issue is growing rapidly. I can't believe how much data consumption and production have grown just in the last five years. It blows my mind. This is getting worse fast, and we're not acting. I believe in using data; it can provide so much benefit. I'm going to stop.

• (1510)

Hon. Scott Tannas: Honourable senators, I rise to speak very briefly on second reading of Bill C-4. I want to thank Senator Colin Deacon for a thorough examination of the issue. It's clear that Part 4 stands at the intersection of a number of uncomfortable issues for the Senate. The subject matter, being that of the activities of political parties, is an area in which the Senate's advice is not necessarily welcomed and not seen to be the logical place for advice to be given.

The fact that this item, as Senator Deacon mentioned, was tucked away in a finance bill that we can't touch, because it's a finance bill, is another uncomfortable reality that we have had to face before.

The fact that it received zero attention — nothing to see here — in the House of Commons is another issue around which we must have our guard up and gird ourselves to do our duty. The public is not aware of this. If we don't do something, the public will not become aware of this and the corresponding dangers . I have been a senator for a long time — 13 years. I have seen legislation of all kinds. I try to keep an open mind when we get a bill and try to understand what the government is trying to achieve. I believe we all approach things that way.

The affordability outlines in Bill C-4, as outlined yesterday by Senator Cuzner, are, of course, commendable, important and vital, particularly at this time.

Embedding changes to political party privacy rules in this bill, I dare say, does go some distance to undermining confidence in the government's intentions. Senator Cuzner referred to Part 4 as merely technical, and I think 30 minutes of schooling from Senator Colin Deacon helps us understand that it is not just technical. It should have been produced as stand-alone legislation in the House of Commons. It was barely mentioned in their chamber or in committee.

I think we need to closely examine Part 4. Given that it has not been closely examined in the other place, our duty and obligations are heightened.

I'm pleased, though, that Senate leadership under Senator Moreau is proposing that the matter of Part 4 be studied at Legal Committee. I am a member of the Legal Committee, and we have been given the opportunity to do what is needed to surface and understand the issues.

I hope the committee will summon the Chief Electoral Officer and the Privacy Commissioner. I have no doubt that they will eagerly appear and give us the benefit of their wisdom. We should look to some of the other witnesses who submitted briefs but were not called as witnesses in the House of Commons.

It is important that we invite and encourage the operations folks, the presidents, even the legal counsel of the major political parties, those that have representation in the House of Commons would be a good proxy, to come and explain to us why they need a privacy policy that is different than that of any other federal organization or business in the country.

There are likely some good reasons for political parties to have their own privacy regime, but we should understand them, and this should be done in public so the public can understand them as well.

There are other questions: How does this consent to collect information work? What do they use the information for? What information are they collecting? We had a lengthy list just from the three B.C. provincial parties. Do they sell it? Do they ever sell information to somebody else? Are they obligated under their own policy to publicly announce if there have been data breaches? These are questions we should ensure are answered, and we should be listening as if the room were full of members of the public. What they would think? Then we'll be in a better position to give observations and determine what other actions or entreaties we should make to our colleagues back in the House of Commons.

I support this bill going to second reading and look forward to working on next steps and doing our duty, as we always wish to do. Thank you.

Hon. Kim Pate: Now for something a little bit different. But, seriously, thank you very much, Senator Cuzner, Senator Dalphond, Senator C. Deacon and Senator Tannas for your comments and the information you shared.

Honourable senators, as we consider Bill C-4 and its aim of addressing affordability for Canadians, let us start by reflecting on the warning issued by economist and Dalhousie University professor Lars Osberg on the last day of 2025.

Mr. Osberg called out a growing and dangerous disparity between the federal government's spending priorities — defence, investment incentives and too-often-limited approaches to affordability — and the crises that are the lived realities of Canadians struggling to afford food and housing and to find decent work with a living wage, much less benefits and pensions.

He said, "The big missing link is that we don't have much of a social safety net in Canada."

He continued, saying:

> . . . people feel insecure and pressed financially, and the federal government just doesn't seem to want to confront this in a meaningful way.

He also said:

> If you have a government focused on increasing defence spending to five per cent of GDP, and on big projects that are very capital-intensive, but don't create many jobs, then you've got a government that isn't paying attention to the uncertainties and anxieties dominating the lives of a lot of Canadians.

He went on to note that in countries with inadequate social safety nets, including our neighbour to the south, prolonged economic insecurity has meant rising anger, polarization and extremist and exclusionary politics.

That country's angry, polarizing, extremist and exclusionary leader is exposing Canada to "economic force" meant to threaten Canada's sovereignty; but if Canada's responses and priorities in the face of these economic challenges continue to leave behind the one in four Canadians struggling to make ends meet — the 25% of Canadians who are living with or at risk of hunger, poverty and homelessness — then we as Canadians risk becoming what we are trying to resist.

Last month, polling of thousands of millionaires across G20 countries revealed that the majority support more taxing of the wealthy, viewing extreme wealth as a threat to economies and to democracy.

• (1520)

We are facing a systemic problem. Canada has allowed social, economic and health safety nets to be so unravelled and shredded that many are falling through the cracks.

Political talk about affordability that misses this underlying structural insecurity and responds with tiny and temporary supports, like Bill C-19, or non sequiturs like Bill C-4's proposed income tax reduction, will simply not measure up.

Let me be clear: The tax break in Part 1 of Bill C-4 will cost Canada $5.7 billion in collective resources every year. Yet, as a departmental official acknowledged during the recent technical briefing, six out of seven — or 86% — of economically impoverished people in Canada, those who earn too little to pay tax, will get absolutely no support as a result of this spending.

Equally problematic is that the 14% of those below the poverty line who arguably will benefit from this bill will save the equivalent of less than one dollar — one dollar — a month. I can't imagine how any of us can truly say that this is making us stronger together.

Because tax cuts carry more value the more income one earns, 75% of the benefit of what Part 1 proposes will go to the 40% of Canadians with the highest incomes. They will save, at most, $35 per month, an amount so relatively small — a tiny fraction of groceries or rent — that they likely won't notice it compared to what $5.7 billion per year invested in building healthier, more equal and more empowered communities could achieve for all of us.

For a net cost of $3.6 billion per year, for example, which is a fraction of the cost of these tax cuts, we could have a guaranteed livable basic income, a program that works for the Canadians who need it most, and could help to save tens of billions of dollars per year that Canadian taxpayers currently spend keeping people in poverty, including at an increased cost to our already overstretched health and criminal legal system.

With measures like Bill C-4, Canada is leaving behind people who urgently need support, people like Tim Button. Tim lived in Hamilton, Ontario, where he worked as a security guard and part-time roofer. When he fell from a roof, his career ended. When he was diagnosed with prostate cancer, his mental health suffered.

Poverty was no abstract concept; it was a daily reality. It restricted what he could do, where he could go, the food on his plate and the roof over his head, but hope came in the form of the Ontario Basic Income Pilot. In just under 10 months, Tim's life, just like those of 4,000 other Ontarians, changed dramatically. Tim could do the things many of us take for granted. He ate fresh fruits and vegetables, he paid for medicine and even travelled across the country for the first time in years to visit his family at Christmas. This new secure, modest income changed his life forever. He was free to plan for a better future. He visited the dentist, having long been unable to afford care. He made plans to enroll in a job-training course to help him re-enter the workplace. Most of all, a basic income gave him enough hope to get up and get out of what he called his "tiny apartment." He said, "It takes me out of depression. I feel more sociable."

In 2019, however, new Ontario government came to power. It reneged on the promise to continue the program and cut it short. Tim Button continued to advocate and work tirelessly with anti-poverty organizations to profile the value of a national guaranteed livable basic income.

Our mutual friend Jessie Golem, a photographer, included his portrait in an exhibition that she calls "Humans of Basic Income." I encourage all colleagues to check it out online for free. Tim is pictured wearing a shirt that urges us to "walk in someone else's shoes," alongside countless other participants in

Ontario Basic Income Pilot, holding a handwritten sign that explains what basic income meant to him. Green letters on a white, ragged-edged paper, the message simple and clear: "Basic income helps me stay healthy with good food. I am ill."

Jessie came to Ottawa last year bringing with her Tim's sign and the news that Tim Button died after being sunk back into poverty. His sign, now yellowed and curling, sits in my office alongside prisoner, Indigenous and political art work, my Senate commission and photos of my family and friends — the things that I see when I work, the things that remind me why we do the work we do in this chamber.

Canada let Tim Button down. There are millions of others who need urgent supports. For the same cost as Bill C-4's inequitable and ineffective tax cut, we could implement effective income provisions that would support those in need and in crisis, grow the economy and ease inequality. Tim Button once said, "Things could be better or they could be worse, but with a basic income, we know it can be better."

To this end, dear colleagues, I urge us to commit to a collective legislative New Year's resolution to urgently re-strengthen and re-weave Canada's lacerated social, economic and health safety nets. Via interventions like Housing First and guaranteed livable basic income, we can, together, build something better out of this challenging moment — community resilience, economic capacity, social solidarity — but it will mean distinguishing between easy political gains and lasting social and economic benefits.

Canadians know the difference. Canadians know there is a better way forward. Let's help them trust in our integrity and our promises to leave no one behind. *Meegwetch.* Thank you.

Hon. Senators: Hear, hear!

Hon. Donna Dasko: Honourable senators, I rise to speak to Bill C-4, An Act respecting certain affordability measures for Canadians and another measure.

I will confine my remarks to that "other measure," which is Part 4 of the bill that amends the Canada Elections Act to make changes relating to federal political parties' policies for the protection of personal information.

I add my voice to this debate and to the critique that has been offered, and I appreciate the comments and interventions of our colleagues on this topic. This is the government's third attempt to respond to a legal case arising in British Columbia where the principal issue is where the B.C. Personal Information Protection Act applies to federal political party operations in that province. By extension, of course, if the B.C. privacy legislation applies to federal political parties, other provincial privacy legislation might also apply, creating the risk of patchwork compliance described by Minister Champagne in his appearance in this chamber at Committee of the Whole in June 2025.

I accept that the assertions of federal jurisdiction should be situated in the Canada Elections Act, which is where the current and, in my view, inadequate privacy obligations of political parties sit.

I have no quarrel with the constitutional aspect of Part 4 that establishes that federal political parties' activities relating to personal information should be exclusively under federal jurisdiction. But serious issues lie elsewhere. If I may use a familiar metaphor, Part 4 of Bill C-4 is the classic "elephant in the room" situation. The room is the public policy space around Canadians' legitimate expectations about how federal political parties protect their personal information.

There are two elephants, two obvious issues that key players would rather not talk about.

The first issue is the failure of any federal government to date to subject federal political parties to any minimum standards, like those in the Personal Information Protection and Electronic Documents Act, or PIPEDA, which applies to commercial activities in the private sector, or like those in the Privacy Act, which applies to the federal public sector.

• (1530)

The second issue is that federal political parties appear to prefer the status quo in that, under the current provisions of the Canada Elections Act, the parties are entirely self-regulating and they decide for themselves the standards that they will follow.

When will we see the federal government take leadership and propose substantive legislation that sets minimum standards that must be met by federal political parties, including the rights of Canadians to access the data held by parties and independent oversight, which are standards that are comparable to the regime applicable to other public and private sector entities?

As it is, the federal government's actions with respect to the amendments in Bill C-4, in my view, risk undermining public confidence in our electoral system when the government should be doing exactly the opposite, especially in this era when our democracy is so under attack.

Although I will support this bill at second reading in order for it to proceed to committee study, I have a few recommendations with respect to committee examination of Part 4. Here are my recommendations for further Senate study.

First, given the specific content of Part 4, in my view, it should be reviewed by the standing Senate committee judged to have the most appropriate expertise on protection of privacy. I am very pleased to see that Part 4 has now been referred to the Standing Senate Committee on Legal and Constitutional Affairs. In my view, that is a very positive move.

Second, while I respect that this is a matter for the committee to decide, I would appreciate hearing from the Leader of the Government in the House of Commons, who was appointed the minister responsible for Elections Canada last March. I think he should be called as a witness to comment on this amendment to the Canada Elections Act and to share with Canadians his views as to how the personal information of citizens is being protected. The Canada Elections Act is a cornerstone of our democratic system. This is very important, so let us hear from the minister at committee.

Third, I would appreciate hearing — and Senator Tannas suggested this — from representatives of the five registered political parties currently represented in the House of Commons about how the content of their parties' policies protects the personal information of Canadians. I think Canadians would like to hear this. I think they would like to know this. Let's invite them to the committee to testify.

Fourth, I would appreciate hearing an assessment from the Chief Electoral Officer about how the policies for the protection of personal information from the five registered parties currently represented in the House of Commons align with the fair information principles found in Schedule 1 of the Personal Information Protection and Electronic Documents Act, or PIPEDA. In the Chief Electoral Officer's report on the forty-third and forty-fourth elections, which was released on June 7, 2022, he stated:

> Elections Canada continues to hold the view that applying these privacy principles to political parties is the best approach moving forward.

Let's invite him as a witness to the committee.

Finally, I would appreciate a committee study that considers the emerging issues with respect to foreign interference in political parties and the information they hold on Canadians, as well as developments in the digital manipulation of data and the AI applications to electors' data, which are the issues that Senator Deacon has so eloquently outlined today.

Rapid technological advancement means that the context we are working within in 2026 is much more challenging than it was in the year 2000.

Bill C-4 was spoken to by its sponsor, the Minister of Finance and National Revenue, at second reading in the other chamber on June 6 of last year. Minister Champagne made no comment in the chamber on Part 4. Minister Champagne appeared before us regarding Bill C-4 during Committee of the Whole on June 17, 2025, to respond to our questions.

At the time, I noted that the minister confirmed it is the "will of the House" that the Canada Elections Act "govern privacy." He also pointed out that amendments made to the Canada Elections Act by Bill C-4 were passed unanimously in the other chamber at second reading. It's hard not to make the inference that this chamber should defer to the other chamber and follow suit.

As an update, Bill C-4 was deemed read a third time on December 11 of last year, and it passed over there on division, with the opposition of one MP — the Member of Parliament for Saanich—Gulf Islands — being noted at the time.

In response to a question from me last June, Minister Champagne declined to say why the government has chosen not to implement the clear recommendations made by the Chief Electoral Officer and others on how to better protect electors' privacy. Our colleague Senator Simons got to the heart of the matter in her question to Minister Champagne, and that question was the following:

> But you have created a lower standard than would be found in the private sector or other governmental areas. I'm not surprised that all parties agreed. This is a question of foxes in the henhouse, because it is in the interests of those parties to be able to exploit that voter information.

I also note the trenchant observation by privacy expert Dr. Colin Bennett — and we heard about Mr. Bennett from Senator Deacon — who was quoted in *The Hill Times* article by Ian Campbell on October 30, 2024:

> This whole complex and expensive case would go away if the federal political parties agreed to apply the same standards to their operations that they have been happy to impose on government agencies and private businesses over the years . . . .

My fundamental concern — and one that is clearly shared by others in this chamber — is that the Part 4 approach undermines public confidence in our electoral institutions, and it does so at a time when they are under increasing pressure from evolving developments in society and increasing attacks from hostile elements.

As a way of grounding both the significance of our deliberations and the scope of our consideration of Part 4, I note that the Supreme Court of Canada has recognized that privacy protection is a quasi-constitutional right in Canada, as mentioned here by Senator Dalphond yesterday.

In December 2019, then-Privacy Commissioner of Canada, Daniel Therrien, said in his annual report:

> Privacy is a concept that is contextual and sometimes difficult to define precisely, but it is nevertheless a foundational value in Canadian society, a fundamental right and, as we have seen in the recent Cambridge Analytica scandal, a prior condition to the exercise of other fundamental rights, including freedom, equality and democracy. The starting point, therefore, should be to give new privacy laws a rights-based foundation.

I would like to leave you with the words of Steven Bonk, the first-time Member of Parliament for Souris—Moose Mountain in Saskatchewan, who was the only member of Parliament to fully address Part 4 at second reading. In my view, his views are spot on. He noted:

> We should ask ourselves what example we are setting as federal political actors. . . .

> I believe that we can do better. Rather than simply assert jurisdiction, we should be using this moment to create a clear, principled and enforceable privacy framework tailored to the political context, one that respects constitutional boundaries but does not sacrifice accountability. Canadians should not be asked to choose between federal clarity and democratic transparency. They deserve both.

• (1540)

Under the circumstances, these are very brave comments, considering the unanimity of response from the political parties. I feel that MP Bonk was brave in what he said, but these comments are very worthy of our attention.

Colleagues, I urge us to take a fulsome and active rights-based approach to our consideration of Part 4 of Bill C-4.

Thank you. *Meegwetch*.

[*Translation*]

Hon. Claude Carignan: Honourable senators, today we are tasked with second reading of Bill C-4, An Act respecting certain affordability measures for Canadians and another measure.

This fairly straightforward bill — at least, I thought it was — deals with four measures that were already scrutinized in Committee of the Whole on June 17, 2025, when the Minister of Finance outlined its contents to us. In addition, a detailed briefing was held for senators on January 28. Those endeavours clarified several aspects of the bill, clarified its scope and answered a number of technical and operational questions.

In essence, here is what Bill C-4 would do.

Part 1 amends the Income Tax Act, with the main objective of reducing the tax burden on low- and middle-income households. The key measure is a reduction in the marginal tax rate on the lowest income bracket. For the 2025 taxation year, the rate would drop from 15% to 14.5%. Subsequently, starting in 2026 and for subsequent years, it would drop to 14%.

This reduction is intended to put more money in the pockets of Canadians, particularly those in the two lowest income brackets. According to government estimates, the reduction could result in tax savings of up to $420 per person and $840 per two-income family in 2026.

Part 2 of the bill aims to make it easier to access home ownership for first-time buyers of new homes by reducing or eliminating certain sales taxes.

The main measures would introduce a new GST rebate for first-time buyers of new homes. The bill amends the Excise Tax Act and other related regulations to introduce a special goods and services tax rebate for first-time buyers of new homes.

The bill would also eliminate or reduce the GST based on the value of the home. For new homes valued up to $1 million, the GST will be completely eliminated for first-time buyers of new homes.

For new homes valued between $1 million and $1.5 million, a partial GST rebate would be granted. This could save some buyers up to $50,000 or so in GST on the purchase of a new home.

The measure applies only to first-time buyers of a new home.

Existing homes, for resale purposes, are not covered because the GST or QST does not apply to the resale of existing homes between individuals, so there is nothing to refund or exempt.

As a result, this measure does nothing to help first-time homebuyers purchasing an existing home. It should be noted that a first-time homebuyer is defined as a Canadian citizen over the age of 18 who has not owned a home in the past four years. A first-time homebuyer may be someone who has owned two or three properties in the past.

Part 3 of Bill C-4 formalizes the progression of the consumer carbon price. The main purpose of this measure is to remove from federal law the legislative framework that set the consumer carbon price in relation to fuel, that is, the federal fuel charge.

It is important to note that the government has already adopted this repeal through regulations. Bill C-4 simply eliminates a regulatory framework through which such a tax could be reintroduced. If the government decided to reverse its decision, it would have to go through the legislative process again.

As such, the provisions of the act that imposed a carbon levy on fuels and certain combustible wastes are being repealed. Regulations detailing the practical implementation of this levy are also being repealed in stages.

As I mentioned, a lot of provisions were retroactively repealed as of April 1, 2025, or on later dates in 2025, to ensure an orderly transition.

Part 3 removes the carbon pricing mechanism that imposed a cost on consumer fuel from the federal legal framework and phases out the associated rules and regulations.

At the November 26, 2025 meeting of the Standing Committee on National Finance, Senator Dalphond asked Canada Revenue Agency officials about the practical impact of eliminating this tax with respect to reducing the costs involved in administering this tax measure.

The CRA provided a written response within weeks. It is very interesting to note that it states:

> Total savings of $116 million are expected over time. Of this amount, $72 million will come from reductions to the CRA's current budget, including $47 million related to personnel and benefit plan costs, which corresponds to approximately 438 full-time equivalents.

For the record, it is important to note that eliminating the carbon tax led to two real controversies. There was significant controversy surrounding the "last carbon tax rebate" paid by the federal government even though the federal tax was no longer in effect. I will review the facts and the reasons for the controversy.

The federal government eliminated the consumer carbon tax, setting the rate at zero as of April 1, 2025, via regulations. The fuel charge, which constituted the "carbon tax," was no longer collected as of that date.

Nevertheless, a final payment of the Canada Carbon Rebate was issued to eligible households in April 2025. Payments adding up to billions of dollars were sent to millions of Canadians, but not to Quebecers. The payments corresponded to the amounts calculated for the period from April to June 2025, but the tax that paid for the rebates had already been cancelled. That means the cheques weren't covered by revenue that had already been collected.

The other aspect of this controversy is that Quebecers, who did not receive the Canada Carbon Rebate because Quebec's carbon tax was not abolished, ended up financing the carbon rebate with their taxes. There is no provision in Bill C-4 to correct this inequity towards Quebecers.

Finally, Part 4 of Bill C-4 proposes amendments to the Canada Elections Act to establish a national, uniform and exclusive regime governing how federal political parties manage and protect any personal information in their possession.

The act specifies that federal political parties' activities in relation to personal information are governed solely by the Canada Elections Act and are not subject to provincial or territorial privacy laws.

Federal parties will be required to publish a clear privacy policy, make it available in both official languages, write it in plain, accessible language, detail the types of personal information they collect, use, retain, disclose or dispose of, and explain how these activities are carried out, which includes providing examples.

Certain provisions are worded in such a way as to legally confirm that this exclusive federal jurisdiction has existed since the modernization of the Canada Elections Act in 2000. This is a retroactive clarification.

The amendment responds in part to a decision from a British Columbia court that ruled that federal political parties are subject to provincial privacy legislation. Part 4 seeks to eliminate this legal uncertainty by clearly establishing a single regime that is applicable across the country.

I personally questioned the appropriateness of including this measure in a bill that has financial implications. Although, to a lesser degree, this raises questions about omnibus bills, we will have an opportunity to come back to this when the Standing Senate Committee on National Finance releases its report on this topic in the coming weeks.

• (1550)

However, it is clear that including this provision in a budget bill does not prevent it from being amended, since a budget bill can also be amended in the Senate.

Bill C-4 contains measures that will provide tangible relief from some of the pressures that households are experiencing. For people grappling with high costs and persistent economic uncertainty, even targeted and imperfect measures can provide real relief. Practically speaking, it would be difficult to justify unduly delaying the adoption of such measures solely on the grounds that they do not constitute a comprehensive or definitive reform of affordability.

For all these reasons, I urge senators to vote in favour of referring this bill to the Standing Senate Committee on Legal and Constitutional Affairs and to the Standing Senate Committee on National Finance for Part 4, and to ensure that this provision can be adopted quickly, because let us not forget that the bill was announced in June 2025. Young buyers are waiting for these provisions to be implemented before purchasing their first home.

Honourable senators, it is up to us to take action for our young people. Thank you.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

(Pursuant to the order adopted earlier this day, the bill was deemed referred to the Standing Senate Committee on National Finance, and the Standing Senate Committee on Legal and Constitutional Affairs was authorized to examine and report on the subject matter of Part 4 of the bill.)

[*English*]

STRENGTHENING CANADA'S IMMIGRATION SYSTEM AND BORDERS BILL

SECOND READING

Hon. Tony Dean moved second reading of Bill C-12, An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures.

He said: Honourable senators, I rise today to introduce Bill C-12, strengthening Canada's immigration system and borders act at second reading.

Canada has long been defined by our commitment to a fair, orderly, compassionate and welcoming immigration system. However, for a system to remain welcoming and to maintain public confidence, it must also be efficient, sustainable and secure.

Colleagues, we are facing unprecedented and complex border security challenges — transnational organized crime, a devastating fentanyl crisis fuelled by illicit precursors and a long backlog of files — that are stretching the capacity of our immigration and asylum systems.

Bill C-12 is a necessary response to these modern challenges.

Border security risks and the danger they pose to our national security are evolving quickly.

Criminal groups are using increasingly sophisticated methods to carry out illegal activities, including the use of artificial intelligence, encrypted communications and crypto-currencies, making their operations more efficient, scalable and harder to detect. So we must ensure that law enforcement agencies have access to the most advanced investigative tools and adequate resources.

These are the issues the government is addressing in this bill.

Border security is a top priority for both Canada and the United States, and further strengthening our border will help to strengthen this relationship around a shared priority.

In December 2024, the Government of Canada announced a $1.3-billion border plan, for which we are already seeing results. In support of the border plan, a new intelligence directive on organized crime and illegal fentanyl was signed, and it will be backed by an additional $200-million investment.

This includes the creation of Canada's Joint Operational Intelligence Cell, which builds on existing cooperation mechanisms between law enforcement partners and domestic security agencies. This will see more information shared to target transnational organized crime, money laundering and drug trafficking, and to improve border security.

The Integrated Money Laundering Intelligence Partnership was also established with Canada's largest banks to enhance our capacity to develop and use financial intelligence to combat fentanyl trafficking and other organized crime.

Canada has also listed seven transnational organized crime groups as terrorist entities under the Criminal Code. This is an important tool that supports criminal investigations and strengthens the RCMP's ability to prevent and disrupt criminal activities.

The government has also committed to providing surveillance at the border 24 hours a day, seven days a week. Nearly 10,000 front-line personnel are working on border security, and the government plans to hire 1,000 new RCMP personnel and 1,000 new Canada Border Services Agency, or CBSA, officers to bolster these protection efforts.

At its core, this bill is about the safety of Canadians. It would equip our law enforcement agencies — the CBSA and the RCMP — with the tools they need to respond effectively to evolving security challenges and to combat organized crime.

There are two main themes in this bill: the first is securing the border; the second is combatting transnational organized crime, illegal fentanyl and illicit financing.

Under the first theme, securing the border, the bill proposes to amend the Customs Act to better secure our borders against illicit drug trafficking, weapons smuggling and auto theft. This is Part 1 of the bill.

In the Fall Economic Statement and the border plan in December 2024, the government announced its commitment to strengthen border security, including disrupting, dismantling and prosecuting the organized crime groups behind the importation and exportation of illicit goods such as stolen vehicles, fentanyl and illegally produced cannabis.

Colleagues, although the Customs Act has broad examination authorities for goods destined for import, the obligations for the provision of access to facilities free of charge at certain customs offices do not expressly refer to the examination and detention of goods destined for export.

As you might imagine, the most effective place to perform export searches is at transportation hubs where containers are gathered, such as rail yards and warehouses, before they reach a port of exit.

Proposed legislative changes would obligate owners and operators of certain ports of exit and entry to "provide, equip and maintain" facilities for "any purpose related to the administration or enforcement of" the CBSA's mandate. Importantly, this emphasizes a focus on examining and seizing goods leaving the country, that is, for export.

This change would expressly allow the CBSA to fully access premises under the control of transporters and warehouse operators to perform examinations in places where goods destined for export are reported, loaded, unloaded or stored, and to provide facilities to support this.

Colleagues, we have all heard stories about high-end cars and SUVs being "stolen to order," particularly in large cities across the country, and shipped by container to Canadian ports, and from there to countries around the globe, while all the time being tracked by their owners back home. Measures in the bill are going to disrupt this practice and, in fact, are already under way.

Second, Bill C-12 would, in Part 4 of the act, amend the Oceans Act to add security-related activities to the Coast Guard's services, ensuring our vast maritime borders are not exploited for illegal smuggling. This would empower the Canadian Coast Guard to conduct security patrols and collect, analyze and share information and intelligence for security purposes. The Canadian Coast Guard is the most visible federal presence in Canadian waters, including the Arctic, and is equipped with capabilities not found elsewhere in the federal fleet.

Providing the Canadian Coast Guard with a security mandate would support Canada's security and sovereignty, including in the North, and would advance the federal government's commitment in the Speech from the Throne to invest in strengthening Canada's presence in the North.

As a result of an amendment in the House of Commons, Bill C-12 would see the Coast Guard reporting to the Minister of Defence.

Third, the government is proposing amendments to the Sex Offender Information Registration Act, or SOIRA, to enhance the ability of the RCMP to share information collected on registered sex offenders with domestic and international law enforcement partners. That is in Part 11 of the bill.

• (1600)

Those changes will better support the safety of Canadians by providing domestic and international partners with the right tools to prevent and investigate crimes of a sexual nature and, therefore, to create safer communities where children are protected. Most notably, this proposal will lower the threshold in the SOIRA to enhance the ability of the RCMP to share information collected under the act with domestic and international governments and law enforcement agencies.

The SOIRA currently allows for information to be shared when registered sex offenders are travelling abroad in certain circumstances. Information sharing on sex offender travel has been an ongoing irritant for international partners and has often been raised by the United States.

Proposed amendments would provide the RCMP with greater flexibility to disclose information on registered sex offenders who have reported international travel to foreign law enforcement. This information supports international partners in making admissibility decisions and to ensure timely and effective prevention and investigation of crimes of a sexual nature.

Other proposed amendments to the SOIRA would clarify the RCMP's authority to collect certain information by requiring registered sex offenders to report any vehicle changes and allow any record of any physical characteristics, including tattoos and distinguishing marks, as well as photographs, to be taken. These changes would help strengthen information sharing in both Canada and abroad and maximize the utility of the National Sex Offender Registry in protecting the public.

The amendments carefully respect the fundamental guiding principles of the act, which aim to balance the protection of society with the privacy interests of offenders and the public benefit of their rehabilitation.

Fourth, to improve the integrity of our immigration system, the bill introduces tools to maintain a system that Canadians and newcomers to Canada can trust. Those proposals are in Parts 5, 6, 7 and 8 of the bill.

[Senator Dean]

Colleagues, we have unprecedented pressures on our asylum system. I will speak to each in turn and outline how Bill C-12 proposes to address them.

In order to respond to crises, critical events and malfeasance, such as efforts to initiate mass fraud, the bill proposes new authorities to cancel, suspend or change immigration documents and to cancel, suspend or stop accepting new applications for documents such as work or study permits. Colleagues, these authorities would not apply to asylum claims. This would enable the government to respond to potential crises, such as pandemics, cyberattacks or in the event that a large number of similar immigration documents are red-flagged for review. This is intended to protect the integrity of our system so that it is trusted and remains available for those who truly need it.

Canada is not effectively equipped to respond to certain urgent or unforeseen events that threaten the security of our border and the management of migration into our country. Gaps were identified with the existing immigration authorities, following lessons learned from the COVID-19 pandemic and other large-scale emergencies. New legislative authorities aim to close those gaps, allowing the government to increase its control over immigration documents and the applications that it processes to ensure that we're able to respond to any unforeseen events that could undermine the management of migration into our country and the safety of Canadians.

Proposed amendments would give Canada greater control over immigration applications and documents across the immigration continuum to allow us to better respond to exceptional events to protect the public interest and the Canadian public. They would provide Canada with the ability to act swiftly when required and, in turn, help to secure the Canadian border.

The proposed authorities to strengthen control over immigration documents will allow more flexible actions. The amendments in Bill C-12 would allow the Governor-in-Council to issue an order-in-council to mass-cancel, suspend or vary immigration documents; to cancel and suspend immigration applications for those documents; and to stop application intake for reasons determined to be in the public interest.

Authorities are not being sought with a particular set of circumstances in mind, and the legislation does not predetermine scenarios for use. Rather, the authorities would be available for use when there are threats to Canada's national security, public health, ability to safely manage the flow of people coming into the country or other matters of public interest. An amendment was made in the House of Commons to clarify the intended scope of "public interest," which includes scenarios such as fraud, public health, public safety and national security.

The Minister of Immigration, Refugees and Citizenship, the IRCC, could not exercise these powers unilaterally. The decision would rest with the Governor-in-Council, who could issue an order-in-council to intervene on immigration documents and applications when they are of the opinion that it is in the public interest to do so. This ensures a strong level of oversight, alignment with overall government priorities and rigour commensurate with their impacts.

Each order of this kind would also be published in the *Canada Gazette*, ensuring public transparency. In addition, an amendment to the bill introduced a reporting requirement for the Minister of Citizenship and Immigration to table a report in each house of Parliament within seven sitting days on each of the Governor-in-Council's mass authorities. The amendment would also require the referral of that report to committee for its review and the minister's appearance at committee to support that review.

So, if such an action is triggered, colleagues, the government will be asked very quickly to explain why.

Colleagues, this legislation does not target any specific cohort of clients for immediate action. No immigration documents would automatically be cancelled as a result of this bill becoming law. The use of visa authorities would be a separate and subsequent process. Any proposed use of these authorities will carefully consider the impacts, including on vulnerable populations, international relations as well as any other relevant considerations.

This legislative package provides for mass interventions on immigration documents and applications for these documents, not status. The use of these authorities for a person in Canada would not result in any immediate loss of status, and the mass authorities could not be used to grant permanent resident status. The use of the authorities would be limited to interventions on immigration documents and applications for those documents.

An example, colleagues, might be a massive cyberattack. It might be a massive influx or arrival of applications from another part of the world that we know very little about that makes an effort to swamp the system. I think that's a pertinent example.

The authorities could not be used to block access to the asylum system. Claims for refugee protection before the Immigration and Refugee Board of Canada are not applications for documents and thus are not subject to mass intervention under these authorities. Further, all existing processes and protections relating to the removal of foreign nationals from Canada would remain unchanged, including for refugee claimants.

Colleagues, I understand that these authorities are meant to be used exceptionally when needed to protect the public interest, including for matters such as fraud, public health, public safety and national security.

I now move to information sharing. The proposed immigration measures would also improve how an applicant's information is shared within government and with provinces and territories, ensuring it is done in a secure and transparent manner, while strengthening privacy protections.

Written agreements will clearly define what information can be shared, how it can be used and the strict limits on its disclosure to foreign entities.

Colleagues, information sharing, as in many government institutions, is currently resource-heavy, as it generally requires case-by-case analysis as to whether IRCC has the legal authority based on consistent use or another authority to undertake a desired information-sharing activity.

For example, spotting a discrepancy like conflicting details in an immigration application when processing a passport application for the same person can be a red flag for fraud. Without the ability to share that information quickly across IRCC programs, it could be missed. These changes would enable red flags and protect the integrity of the system. They would also be helpful to clients of the system.

• (1610)

The new authorities would also break down barriers to information sharing between IRCC programs to improve integrity, enhance the sharing of identity, status and IRCC-issued document information with provincial, territorial and federal partners who rely upon this information for the integrity of their respective programs and introduce regulation-making authority to allow the IRCC to disclose information for cooperation with federal partners in prescribed scenarios.

The proposed amendments would reduce the need for applicants to resubmit information already provided to another IRCC program, lowering the risk of discrepancies, improving decision-making efficiency and strengthening the integrity of our data and programs.

For example, while the IRCC may have collected a large amount of personal information during the permanent residence application process, the IRCC cannot use that information to process a subsequent application for citizenship. The proposed amendments are limited to information sharing with domestic partners and would not give additional enforcement or compliance power to other organizations. This would enhance program integrity by discouraging fraud while also improving client service.

The IRCC is committed to safeguarding client information by having strong privacy and security policies in place and continually reviewing its information management practices to ensure compliance with the Privacy Act and the Canadian Charter of Rights and Freedoms. The protection of personal information of clients, especially those who might be vulnerable, is a priority. It would only share personal information with partners who are legally allowed to collect it through clear written agreements or arrangements.

Bill C-12 would require that the IRCC enter into written information-sharing agreements with other federal departments or provinces and territories to define the personal information to be disclosed, the purpose of that disclosure and any limits on second reuse and the onward transfer of personal information.

The amendments further contain a prohibition against onward sharing by provincial or territorial government partners to foreign entities, except with the written consent of IRCC and where this would happen in a way that complies with Canada's international obligations in respect of mistreatment as defined in the Avoiding Complicity in Mistreatment by Foreign Entities Act.

Colleagues, strengthening information sharing would boost the integrity of IRCC and provincial, territorial and federal partner programs. It would enable greater cooperation with federal partners on border matters and set the stage for client service innovations within IRCC by reducing the need to repeatedly request the same personal information from clients across business lines.

As a former public servant, I have led extensive public service reforms to promote integrated service delivery. The security of clients' information is critically important and an obvious success factor in these reforms, colleagues. It is also the case that information silos, like any other silos in government, are both inefficient and counterproductive if we are to maintain trust in government and build more responsive services.

I now turn to proposals made in Bill C-12 related to the integrity and efficiency of Canada's asylum system.

Canada is viewed as a world leader in meeting international and domestic obligations to protect people in vulnerable circumstances, and I know that we are all proud of that, but Canada's asylum system is under strain. Asylum claims have been rising, with over 92,000 claims received in 2022, approximately 144,000 claims in 2023 and 173,000 claims in 2024. In November 2025, the Refugee Protection Division at the Immigration and Refugee Board of Canada had an inventory of approximately 299,452 cases pending. The average wait time at the end of November was 16 months from the time that a claim would be ready for adjudication.

Colleagues, Bill C-12 also introduces important reforms to strengthen migration integrity and modernize the asylum system. These measures are designed to make the asylum process faster so that claims are processed more efficiently while upholding Canada's commitment to protecting individuals in need.

These changes would simplify the online application process and make the process the same whether someone claims asylum at a port of entry or at an inland IRCC office. They would refer only schedule-ready files to the Immigration and Refugee Board of Canada, or IRB, to speed up decisions. They would ensure that claims are only decided by the IRB when a claimant is physically present in Canada. They would remove inactive cases from the system and speed up voluntary departures by making removal orders effective the same day that a claim is withdrawn. They would also help vulnerable persons like minors or those who don't understand the process by assigning designated representatives to support them during immigration or border enforcement proceedings.

Bill C-12 also introduces new ineligibilities to protect the asylum system against sudden increases in claims while ensuring that it respects its international obligations. New ineligibility provisions would make the following asylum claims ineligible for referral to the Immigration and Refugee Board: first, claims more than one year after an individual's first entry into Canada after June 24, 2020; and second, claims from individuals who entered irregularly — that is, between ports of entry — from the United States and who makes a claim after 14 days of their entry, thus falling outside the Safe Third Country Agreement provision. I know that a number of you are already familiar with this proposal.

The intent of the ineligibility measures is to protect the integrity and efficiency of the in-Canada asylum system against sudden increases in claims. The one-year ineligibility would also discourage the use of the asylum system by individuals seeking to claim refugee protection in order to extend their temporary stay in Canada and have access to a work permit or other benefits.

Exceptions to the new ineligibility measures may be introduced in the regulations. For example, the new ineligibility provisions will not be applied to unaccompanied minors, considering their heightened vulnerabilities due to their age and lack of legal guardianship. Individuals affected by these changes may apply for a pre-removal risk assessment, or PRRA, which prevents people from being sent back to a country where they face risks like persecution or torture. Subject to certain exceptions for those inadmissible on serious grounds, a positive PRRA results in the conferral of refugee protection. The pre-removal risk assessment process has been in place for over 20 years and has been upheld by the courts as meeting Canada's international non-refoulement obligations.

A PRRA is a robust review process that considers several factors to ensure that Canada doesn't remove individuals to a country where they could experience risk of persecution, danger of torture, risk to their lives or cruel and unusual treatment or punishment, the same things looked at by the IRB. Subject to certain exceptions for those admissible on serious grounds, the PRRA involves consideration of the same factors as those examined by the IRB in determining a refugee claim.

As part of the application, PRRA applicants can submit detailed explanations of risks or dangers they would face, along with any documentary evidence of these risks or dangers. The application provides individuals with ample opportunity to describe their risks.

Those with positive decisions on the PRRA are provided protected person status and the ability to apply for permanent residence. In terms of success factors, an applicant whose appeal has failed in the IRB process already is highly unlikely to be successful in the pre-removal process. But the numbers would show up there anyway. So, when we look at numbers in the preapproval process, they include those who have already been to the Immigration and Refugee Board of Canada, or IRB.

• (1620)

On the other hand, those who move directly to a pre-removal assessment see a sizable degree of success. The 14-day ineligibility has no impact on the application of the Canada-U.S. Safe Third Country Agreement. The ineligibility impacts those who make an asylum claim more than 14 days after crossing irregularly and, therefore, are not subject to return to the U.S. Under the Safe Third Country Agreement, these claimants are channelled towards the removal stream and offered a pre-removal assessment. Obviously, the Canada-U.S. Safe Third Country Agreement remains in effect.

As for Bill C-12's second theme, the bill will provide law enforcement with more tools to combat transnational organized crime, drug trafficking, money laundering and other financial crimes, and provide tighter and more adaptable controls on precursor chemicals associated with fentanyl through amendments to the Controlled Drugs and Substances Act, or CDSA.

Part 2 of the act would amend the CDSA to empower the Minister of Health to rapidly add precursor chemicals that can be used to produce illicit drugs such as fentanyl to a new schedule of the act, through a new, accelerated regulatory process, which can be completed in a matter of days. This would allow law and border enforcement agencies to take swift action to prevent the illegal importation and use of precursor chemicals. It would also ensure strict federal oversight of any legitimate use of these chemicals, which includes legal pharmaceuticals, detergents, paints and plastics.

In Canada, precursors are tightly controlled under the CDSA and its regulations, and the regulations are designed to allow legitimate use of these chemicals by industry, while also preventing them from reaching organized crime.

In addition to accelerating the prohibition of certain precursors, this new approach would be more responsive to the industries that require them for legitimate uses.

Colleagues, Canada is a leader in the robust and strict control of illegal drugs and the chemicals that can be used to produce them. Indeed, the concept of scheduling precursor chemicals began in this chamber in 2016, through a private member's bill on precursors tabled by our former colleague Senator Vern White, a former police chief, whose work echoes in this place today.

Senator White became frustrated by the absence of government efforts to tackle precursors and took it upon himself to introduce a private member's bill, and, as I say, this is the stuff that we're talking about today.

Given the identification and control of new classes of illegal drugs in this bill, Part 3 of the bill extends current legal protections of police engaged in undercover operations to include these new classes of illegal precursor drugs. These provisions enable law enforcement to conduct complex covert operations targeting serious drug crimes while staying within the bounds of the law. These exemptions are tightly scoped and subject to regulatory conditions. They don't grant blanket immunity. Oversight mechanisms, including coordination with police and judicial safeguards, ensure these powers are used responsibly and transparently with full respect for Canadians' rights and freedoms.

So this is the provisions catching up with rapid changes in powerful and often deadly drugs.

These amendments will make our already comprehensive laws even stronger to help disrupt the importation, production and supply of illegal drugs in Canada and globally.

Finally, colleagues, Parts 9 and 10 of the bill will strengthen Canada's anti-money laundering and anti-terrorist financing regime — including through stronger anti-money laundering penalties — by amending the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and amending the Office of the Superintendent of Financial Institutions Act.

These penalties include a 40-times increase in administrative monetary penalties so that non-compliance in this area is not treated as the cost of doing business.

The measures contained in this bill would enhance the powers of the Financial Transactions and Reports Analysis Centre of Canada, or FINTRAC, to crack down on money laundering and illicit financing.

Money laundering supports and perpetuates economically motivated crimes by allowing criminals, such as fentanyl traffickers, to benefit from their illicit activities. Strong and effective anti-money laundering measures are, therefore, an integral component of a secure Canada-U.S. border.

These reporting entities are on the front lines of the fight against money laundering. Ensuring compliance with anti-money laundering obligations is essential to report entities' effective detection and deterrence of money laundering.

Strong coordination between regulatory agencies is also needed to fight financial crime, which includes FINTRAC becoming a member of the Financial Institution Supervisory Committee in order to support high standards of regulatory compliance.

Your Honour, Bill C-12 represents a balanced approach. It protects our border from those who would exploit it — members of organized crime, smugglers, money launderers and traffickers — while ensuring our immigration system remains a pillar of Canadian society.

Colleagues, by approving this legislation, we would reaffirm our commitment to the rule of law, ensuring that Canadians can maintain trust in our border, and that those who seek a better life here can do so through a system that is fair, fast and secure.

The strengthening Canada's immigration system and borders act would protect Canadian sovereignty and would keep people safe. Colleagues, I ask you to support the swift passage of Bill C-12 for the safety and prosperity of all Canadians and those who strive to join us in this great country. Thank you for your attention.

Hon. Senators: Hear, hear.

Senator Woo: Would Senator Dean take a question?

Senator Dean: Certainly, I would.

Senator Woo: Thank you, Senator Dean, for the terrific speech. In introducing the powers to cancel or suspend, en masse, immigration documents of different sorts, you started by talking about the severe backlog of applications that Immigration, Refugees and Citizenship Canada, or IRCC, is dealing with. Then you went on to explain that cancellation or suspension would be on the basis of certain criteria, such as public safety, public health, and so on.

I'm a little concerned that the government might consider the backlog itself to be a public interest issue and might choose to cancel the huge backlog — admittedly a huge backlog — simply to clear the rubble if I could put it that way.

Can you give us some assurance that there is no such intention?

Senator Dean: Thanks for the terrific question. I have absolutely no information — having been briefed by officials on the public service side and the political side — that there is any such intention to do this under these provisions.

I think you'll see reference — and I made reference to them — this is about responding to cases of mass fraud or potential cyber activity that might, in fact, introduce thousands of documents into our system, which you would surely then want the authorities to be able to cancel. That is, I believe, a brief and correct answer.

At committee, you and others would have the ability to ask those representing the government this question again if you so wish, of course. Thank you.

Senator Woo: Thank you, Senator Dean. I hope colleagues on the committee will ask that question.

But it begs the other question, which is that you, in fact, have identified a number of key areas in which cancellation or suspension would be warranted. You mentioned fraud, cyberattacks, public health and public safety.

• (1630)

Why do we then need this catch-all justification "in the public interest" in the law? Because having this catch-all definition of "in the public interest" still allows the government to clear the backlog for the sake of clearing the backlog. I accept that you have no information that the government intends to clear the backlog in the public interest, but we also have no assurance that it will not do so in the future.

My question to you, Senator Dean, is this: Can we get rid of the "in the public interest" phraseology?

Senator Dean: I am not the right person to put that question to, Senator Woo, as you well know. I take the opportunity to affirm again that the sorts of examples provided have in common that they suggest external threats. I would take from this that this is not about then quickly flipping it and using it for internal processes within the system. But, again, that's a question that can be asked and examined in the committee process.

Hon. Paulette Senior: Will Senator Dean take another question?

Senator Dean: Yes.

Senator Senior: Thank you, Senator Dean. Thank you for so clearly outlining the various aspects of this bill. Certainly, I'm a bit clearer on some of the aspects and still troubled, as you well know.

I want to ask about two things. You mentioned that vulnerable populations, particularly refugees and asylum seekers, would not be made more vulnerable with this bill. I'm paraphrasing. But then there is an aspect of this where folks who are in that vulnerable category would have to, I understand — and correct me if I am wrong — file for asylum within the first year of getting to Canada.

There are a number of things that would get in their way in terms of being able to do that. One would be that perhaps they do not speak an official language, and a year is not enough time for someone to grasp that fully. They may have inadequate access to important information, including folks who are fleeing gender-based violence or folks from the LGBTQIA+ communities who have chosen Canada and see it as a place where they can be safe. But there could also be an issue of trust in terms of trusting authorities that may take much more than a year for them to be able to tackle to make such a claim.

So I'd like for you to speak to that element in a way that gives me and others confidence that this is protected.

Senator Dean: Thank you, senator. That's a really important question. I think it goes back to the comments that I made about the Safe Third Country Agreement and the requirement — where you're going with this, I think, is that certain classes of refugee applicants would now be directed to an officer as opposed to the Immigration and Refugee Board, or IRB. That is the case, I would say this. I had concerns too when I read these provisions, and I asked questions about these provisions.

First of all, this is a category of people who either waited out the Safe Third Country Agreement timelines or for other reasons delayed for a long period an application that could otherwise have been made rightfully under the act. In these cases, there would be a referral of that class of individuals to make their case before an officer at the IRB. An officer would look at exactly the

same criteria as the Immigration and Refugee Board does in terms of protection from torture and persecution. They would gather information, and they would make a determination which would — I think I'm right on this — be appealable to the Federal Court.

I've mentioned that the criteria would be the same as at the IRB. It's important to add something on the data, because I had taken and I've read all of the materials that have come in from the important organizations who protect these communities. A big issue raised was the success rates before an officer as opposed to before the board. I've dug into that quite deeply, and I'm still doing it.

It seems to me — and you'll probably hear more about this at committee — that the success rates for applications before an officer are actually nothing like as bad or negative as people might suspect. My own sense is that people get a good shot at this. Not 100% of applicants are going to be approved because many of them simply walking in the door aren't going to meet the persecution criteria, and they probably know that. They were probably told that previously if they went to the Immigration and Refugee Board.

The key to this, I think, is what happens in this not alternative but parallel process. My own sense of this — I'm far from an expert; I'm a three-week expert — is that the process does work well on the whole for those seeking asylum, and I'm hopeful that you will get more evidence of that.

The Hon. the Speaker: Senator Dean, the time allowed for debate has expired. I believe there is a supplementary question. Would you want more time to answer the question?

Senator Dean: Yes, Your Honour.

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

Hon. Senators: Agreed.

Senator Senior: Thank you, and thank you, Senator Dean. I noted that you are a three-week expert. I'm a couple days' critic, so I'm trying to balance that as well.

What I have trouble with as well is this parallel process that you've described. I wonder why the government would go this route as opposed to shoring up the IRB. The reason I ask that is because there is incredible training that the IRB folks receive so that they understand, on a very expert level, the implications and all the intricacies of folks who would be making claims. I don't get that sense with the pre-removal risk assessment, or PRRA, folks. They are employees of IRCC. They are administrators. They are not at arm's length from the government, as the IRB is.

So my level of confidence is not there in terms of administrators, especially — as Senator Woo alluded to earlier — if the implication of the backlog and clearing that up may be the priority for such folks. That concerns me as well.

• (1640)

I hear about the success rate. I don't have that information in terms of the success rate, and I would like to see that. I will certainly ask about that at committee, as well as what it is based on and the criteria, et cetera, but that concerns me as well. Would you be able to comment on that?

Senator Dean: Yes, it's another good question. I have no doubt, Senator Senior, that the government would love to reduce the backlog at the Immigration and Refugee Board. Likely, more funding will be needed to do that because you heard the numbers that I cited.

Second, with respect to the officers, as I understand it — because I asked this question too — they do receive training. On the matters in question, they receive the same level of information and training as those who support the Immigration an d Refugee Board. I'll just mention again that if that fails, there's recourse to the Federal Court.

These challenges in the system are endemic. In some respects, there is a signal here that the government is trying to — I will use this term — wrap its arms around this and make some improvements. Those improvements will not always and would likely seldom meet the expectations of the communities that have concerns about these processes in the first place. I fully understand that. I thank you for your questions, and I look forward to continuing to work on this with you.

Hon. Marilou McPhedran: Would Senator Dean take a question from me?

Senator Dean: Yes.

Senator McPhedran: Thank you. As a general principle, do you believe that this piece of legislation looked at the least oppressive ways to increase militaristic and police oversight of people who typically would already be in the sights of our military police systems in this country?

Senator Dean: I need a less conceptual and more concrete example, senator, if you wouldn't mind.

Senator McPhedran: In this legislation, in a number of places, we see an increase in the authority of officials — typically, they are officials who have more of a military police organization presence — to interfere in people's lives more than we see today. To my mind, it is a significant amount of increased interference. I'm asking if there is a general principle here that the legislation is based on the sense that this is what is minimally necessary.

The Hon. the Speaker: Senator Dean, you will have to ask for more time to answer.

Senator Dean: I'm asking for 10 more seconds.

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

Hon. Senators: Agreed.

Senator Dean: Senator McPhedran, I think you can relax. I have no sense that your concerns are resident in any parts of these proposals that I have looked at and on which I have been briefed, but thank you for the question.

Hon. Paula Simons: Honourable senators, I rise today to speak to Bill C-12, An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures.

When we read the titles of these bills, the word "respecting" isn't used in the Aretha Franklin "R-E-S-P-E-C-T" sort of way. No, here the word "respecting" has a more archaic meaning: a sense of being related to or in regard to. The irony is bleak because Bill C-12 isn't about respecting the integrity of Canada's immigration system. It is about undermining it and allowing our immigration and refugee system, long admired as one of the best in the world, to be undermined in a vain effort to appease the anti-immigrant backlash within our own country and to appease a former friend and ally who is now all too keen to find excuses to trespass on our national sovereignty.

Maybe that seems melodramatic — and I would agree if you only looked at the parts of the bill that deal with matters such as money laundering, drug smuggling and stolen cars. But nestled in the middle of a bill about making Canada and Canadians safer is a section that makes us all a little less safe.

Under the terms of this proposed legislation, asylum seekers are ineligible if they make their refugee claims more than 12 months after landing in Canada. The rules are even stricter for those who cross a land border between ports of entry. They have only two weeks to file their papers. Those timelines simply aren't reasonable for all claimants and could lead to some of the most vulnerable refugees being deported back to danger.

As the Canadian Council for Refugees puts it:

> The provisions will particularly endanger survivors of gender-based violence, LGBTQIA+ individuals, unaccompanied minors, [individuals with mental health issues] and individuals whose countries are facing political unrest.

Claimants deemed ineligible because of these rules may be offered what is called a "pre-removal risk assessment" to ensure they are not sent back to situations where they could face persecution and even death. But such an "in-house" risk assessment is no substitute for an oral hearing carried out by an independent tribunal.

According to the Canadian Council for Refugees, immigration officials simply do not have the independence nor the expertise to assess the merits of a claim.

UNHCR, the UN Refugee Agency, has also implored our government to add a mandatory hearing process to ensure an individual's right to be heard, as well as the right of a full appeal to the Refugee Appeal Division of the Immigration and Refugee Board. UNHCR is also asking for a process which would allow asylum seekers a stay of removal until their appeal is heard.

Senator Dean spoke about the Safe Third Country Agreement. What is that agreement worth when every night, on our television screens and our phones, we see evidence that the third country is no longer safe for thousands and thousands of claimants?

Senator Dean has spoken of the extreme backlogs in our refugee acceptance system. They do seem extreme and unfairly Kafkaesque, I am sure, to people caught up in that system. But is the answer to move the goalposts or to add more resources so that people with legitimate reasons to seek asylum in Canada can be properly heard?

But perhaps the most disturbing part of Bill C-12 is in Part 7 in proposed section 87.302(1)(a), which allows the Governor-in-Council to:

> . . . cancel or vary documents, including permanent resident visas, permanent resident cards, temporary resident visas, electronic travel authorizations, temporary resident permits, work permits or study permits . . . .

Let it be clear: The Governor-in-Council requires no objective evidence or criteria to cancel visas en masse but need only hold the "opinion" that it is in the public interest to do so. On that wholly subjective basis, a government could simply cancel permanent resident visas and cards, suddenly turning people who are legal, settled immigrants to Canada into people without papers and without recourse since there are no grounds of appeal.

The same fate could be meted out to international students who have been granted visas and are studying in the country legally or to temporary foreign workers who have broken no rules.

We're not talking about people having their papers cancelled on a case-by-case basis because of something they've done wrong, or even an allegation of something they've done wrong, but about whole categories and classes of people having their right to live or work or study in Canada taken away holus-bolus.

Senator Dean has assured us that just because you lose your card or your papers doesn't necessarily mean a loss of status. I can only tell you that immigration and refugee groups with whom I have consulted and whose briefs I have read see things rather differently.

• (1650)

Let me tell you what Amnesty International said about section 7:

> Such powers could be used in arbitrary, politically motivated and discriminatory ways. They would also create profound insecurity for people who have established their lives in Canada and for those seeking to reunite with loved ones.

The Migrant Rights Network says its:

> . . . gravest concern is Part 7, which would grant sweeping authority to the Governor in Council to cancel, suspend, or modify immigration documents and applications en masse "in the public interest."
>
> This would deny people the right to individualized assessment and due process. . . .
>
> Furthermore, "the public interest" is intentionally not defined to allow "maximum flexibility." This risks Part 7 being used in politically motivated and discriminatory ways, on the bases of country of origin, language, socioeconomic status, and other grounds protected under the Charter. . . .

The network continues:

> Part 7 would open the door to discrimination permanently for all future governments. For those of us living and working in Canada without citizenship, Part 7 means our lives can be upended at any moment based on who we are, not what we've done.

One of the sad things about this entire process, of course, is that very few of these groups were allowed to be heard in testimony in the other place.

One of the things we must ensure is that we in this chamber hear from these voices and from these experts — that they be allowed to testify and share their legal and personal expertise.

Because when we look at Part 7 and compare it to what is happening in the United States, we can see the Trump regime using a remarkably similar tactic to void the visas of Haitian refugees who had been granted temporary protected status in the United States.

When we look at the globally respected Mark Carney government, and at Minister Anandasangaree, himself an immigrant and a respected human rights lawyer, it may be hard for us to imagine that they would have any nefarious intentions.

But this legislation isn't being drafted just for their use. It would remain on the books for years after. And it isn't hard to imagine a different sort of government in a different sort of time weaponizing such legislation in a very similar way to what we see south of us.

Such policies are not only potentially unfair to immigrants, international students and foreign workers; they have the potential to backfire spectacularly on every Canadian.

What heart surgeon, AI engineer, nurse, entrepreneur or academic is going to want to uproot their family and start a new life in Canada knowing that their permanent residency could be revoked so arbitrarily?

What brilliant grad student is going to opt to take up a fellowship here knowing that their student visa could be ripped up if they happen to belong to the wrong group at the wrong time? What temporary foreign worker or live-in domestic caregiver is going to take that gamble?

So why do we suppose that our Canadian government is pushing through such changes at this moment in our history? Perhaps I can only answer from my perspective as an Albertan.

In my own beloved, multicultural province, which literally invented the political idea of official multiculturalism, a small group of malign but very loud political actors are weaponizing xenophobia — that's the polite Greek term for racism — in an effort to divide the province and split our country.

For the past few years, at town halls across the province, there's been talk, not just of drastically cutting immigration levels to Alberta, but of mass deportations and what is now called "remigration." That's a polite word for "*Juden raus*."

Premier Danielle Smith has said publicly that if she got her wish and had more control over Alberta's immigration policy, new immigrants and refugees would be denied access to public health care and public schools. "Until somebody becomes a permanent resident and citizen we'll treat them like tourists," she recently told *Calgary Herald* columnist Rick Bell. She continued, saying:

> As a tourist you don't go to somebody else's country and expect to get child care and education and health care and other benefits.

As the daughter of a refugee and the granddaughter of immigrants, this kind of rhetoric hits me at a gut level. At this moment in world history, as we see the brownshirts of ICE trampling human rights in Minneapolis and forces of division sowing anti-immigrant sentiment across Canada and around the world, this country and this chamber need to stand against the darkness.

But this isn't just a matter of human rights and human dignity. Given the demographics of our country, we need immigrants and refugees to build our future. Population growth here hasn't just hit zero. Canada's population is literally dropping, and the economic and social consequences will affect us all.

However much we cut immigration levels, however much harder we make it to file a refugee claim, the haters — within Canada and without — will never be satisfied. Let us stop eroding our proud, sovereign immigration system in some misguided effort to appease MAGA and "Maple MAGA."

We need an immigration system that works for Canada's economy, community, moral integrity and international reputation.

Let me end with an analysis of Bill C-12 from the Canadian Bar Association. They said:

> The Bill contains flaws that open it to constitutional challenge, and . . . the solutions proposed run a serious risk of exacerbating rather than alleviating existing problems in the immigration field, meanwhile undermining Canada's commitment to protecting refugees, and eroding the checks and balances that are fundamental to our Parliamentary democracy.

My friends and colleagues, it is now up to us as senators to be the check and balance this legislation requires and to be allowed to perform our fundamental role in our parliamentary democracy. Thank you and *hiy hiy*.

Hon. Yuen Pau Woo: Will Senator Simons take a question?

Senator Simons: Yes.

Senator Woo: I am so lucky to be sitting with such distinguished colleagues and excellent orators. I want to thank Senator Simons for her impassioned speech and a reminder that this is not the chamber of the fifty-first state and that we should not be passing legislation that mimics the idea of a fifty-first state.

Senator Simons, one of the predictable consequences of this bill, which would have the power to summarily cancel or suspend applications and make potential immigrants vulnerable, is that they will go underground. They will go into hiding. I'm told that the numbers that might go into hiding run into the hundreds of thousands. I don't know if this is true. This is something that our committee can perhaps look into.

If, in fact, hundreds of thousands of residents already here go into hiding because they fear being deported, what do you think is going to happen with CBSA, the authorities and the powers that might be given to them to ferret out people in hiding and get them out of the country? Are we looking at a scenario that, dare I say, further mimics that of the United States?

Senator Simons: Without the capacity to prognosticate, I can only say that every time I look at the footage from Minneapolis, a city that looks so much like my Edmonton, I can't help but imagine what it would mean to have something like that happening here.

But I think you raise a point that has other complexities. If we drive people underground, we create a shadow population like the one they have in the United States. Those are people who are not going to have access to health care or be able to send their children to school, work legally or pay taxes.

It doesn't make any sense to drive people underground when we want to welcome them, settle them here and ensure that they are integrated into our communities and economies. It's a waste of human capital, if I can put it in that kind of pragmatic, utilitarian sense.

As you say, it also creates this cycle of fear where, now, people are afraid of what they don't see and don't know. That does give licence to the potential for law enforcement overreach.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today as critic of Bill C-12, An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures.

At the outset, I would like to say that Conservatives recognize the importance of Bill C-12 and will support the adoption of the bill as amended in the House.

• (1700)

Canadians are watching and expect Parliament to act when pressures on our borders, our immigration system and our public safety have reached an unprecedented level.

Bill C-12 is not a new bill. Many of its provisions were initially proposed under Bill C-2, the Liberal government's so-called flagship legislation, which stalled after significant opposition and widespread concern.

In truth, this bill represents a second attempt to address issues that have been evident for some time. That legislative history matters, because it underscores both the urgency of the challenge we face today and the real consequences of getting policy design wrong at the outset.

Bill C-12 touches on fundamental questions of sovereignty, public confidence, individual rights and the proper limits of executive power. These are not minor considerations. They go to the heart of the Senate's constitutional role, which is to ensure that the measures we adopt are proportionate, durable and worthy of public trust.

Honourable colleagues, this bill has arrived at a moment when Canadians can plainly see that our immigration and border systems are under significant strain. Asylum claims have reached historic highs. Processing backlogs have grown dramatically. Removals are too often delayed, incomplete or never carried out. When rules are unclear or inconsistently enforced, public confidence inevitably suffers.

The pressures this bill seeks to address certainly did not emerge overnight. They stem from Liberal policies and mismanagement over the past decade. Immigration targets were set without careful regard for system capacity. Enforcement mechanisms were weakened, transparency was limited, and discretion was exercised without clear guardrails. In fact, the numbers speak for themselves.

We've heard some of these numbers already.

In 2015, Canada had fewer than 10,000 pending asylum claims. Today, that number has soared to nearly 300,000 This dramatic increase over a single decade reflects not natural growth but systemic pressures and structural weaknesses in the immigration system.

It is no secret that a series of decisions led us to where we are today. Policy signals were sent internationally, suggesting that Canada's borders and asylum systems were permissive, even as processing and enforcement capacity lagged behind. Irregular crossings surged in places like Roxham Road, a well-known unofficial entry point between New York and Quebec. Visa requirements were lifted without sufficient safeguards or contingency planning, leading to sharp increases in claims that were later found to be unfounded.

The cumulative effect has been a serious erosion of confidence in the integrity of the asylum system, not only among Canadians, but also among newcomers who follow the rules and wait their turn.

In my home province of British Columbia, these pressures are not abstract. They are experienced daily by families, communities and front-line workers. Shelters are operating at full capacity, temporary housing programs face financial strain and community organizations are stretched to their limits. Families wait months — sometimes years — for decisions, unsure whether they will be allowed to stay or eventually required to leave. Prolonged uncertainty is hard on individuals and families, but it also strains the goodwill of the communities striving to help.

These human pressures are also reflected in operational pressures across the province. British Columbia is Canada's Pacific Gateway, home to the Port of Vancouver, the country's largest and busiest port, and Prince Rupert, one of North America's fastest-growing container ports, as well as key airports and land and marine entry points vital to trade, travel and national security.

When upstream systems fail, when screening is delayed or enforcement falters, the consequences are felt most sharply at the borders. Delays and backlogs at these hubs ripple through the economy, disrupt supply chains and strain local communities, illustrating how immigration and border pressures are inseparable from national security and commerce.

Yet, while we must address these practical pressures, it is equally important to remember the values that guide our debate.

Honourable senators, let me be clear about what this debate is not about. This is not about opposing immigration. It is not about closing Canada's doors, and it is certainly not about denying protection to those who are genuinely fleeing persecution.

I speak as a Canadian of Korean descent and as the daughter of immigrants who came to this country — an immigrant myself at 7 years of age — seeking opportunity and a better future. Like countless families across Canada, my parents arrived with hope, determination and a willingness to contribute. Immigration built this country, and it continues to strengthen it.

Canada's success as an immigration country has always rested on two inseparable principles: compassion and the rule of law. Over the past 10 years, the Liberal government has weakened that balance. By prioritizing volume over verification and flexibility over enforcement, it has allowed backlogs to grow, delays to multiply and public confidence to erode.

When the system becomes overwhelmed, unpredictable or perceived as easily circumvented, it does not serve the vulnerable people legitimately seeking a new life in Canada. It leaves people in limbo. It rewards delay rather than honesty, and it erodes public confidence, which is the very foundation on which a humane immigration system rests. Prolonged uncertainty is not compassionate. It is a failure of administration.

Bill C-12 represents a belated attempt to restore credibility to a system that has been allowed to drift out of balance, but to understand the full scope of the challenge, we must look at how we got here.

Honourable senators, over the past decade, immigration targets were set without sufficient regard for system capacity, provincial readiness or operational reality. Intake levels rose rapidly while enforcement, processing and removals failed to keep pace.

Permanent resident admissions reached historic highs, including a record 431,645 in 2022, followed by plans targeting 500,000 admissions in 2025 and beyond. At the same time, the number of non-permanent residents grew sharply from approximately 1.3 million in 2021 to 2.7 million by early 2024. This unprecedented growth contributed to population increases at rates rarely seen in Canada's modern history, placing enormous strain on housing, health care and infrastructure.

Eventually, even the Liberal government was forced to acknowledge reality. In 2024, former prime minister Justin Trudeau publicly admitted that immigration levels in preceding years had exceeded Canada's capacity to absorb them. This is not ideology. This is an admission of mismanagement.

Bill C-12 arrives in the context of this long-standing pressure. It won't solve everything at once, but the bill takes steps to tackle the weaknesses and backlogs that have grown over the years.

As we know, Bill C-12 includes two broad themes: securing the border and combatting transnational organized crime, fentanyl and illicit financing. There are provisions in this bill that deserve support.

• (1710)

First, the bill introduces tools to address inefficiencies in the asylum system by allowing claims to be suspended, terminated earlier or deemed abandoned in defined circumstances. This helps preserve adjudicative capacity for claims that genuinely require full hearings.

Second, the bill strengthens tools to combat organized crime and fentanyl trafficking, an issue of particular importance to British Columbia. The opioid crisis continues to devastate families across the province. Criminal networks exploit weaknesses at ports and borders, and those weaknesses must be urgently addressed.

Third, modernizing the sex offender registry is necessary and long overdue. Public safety must be non-negotiable. Improving the accuracy and usability of this registry strengthens investigations and better protects Canadians.

For these reasons, Conservatives support moving this bill forward.

Our support, however, rests not only on the bill as introduced but also on the improvements secured by our colleagues in the House of Commons. Conservatives brought forward 27 amendments, several of which were accepted and improved the legislation's clarity, accountability and oversight mechanisms. The amendments adopted in the House have strengthened the bill, added more accountability and parliamentary oversight.

A central duty of this chamber is to scrutinize the scope and limits of executive authority, ensuring that powers granted today do not undermine the rule of law tomorrow.

Part 7 of Bill C-12 grants broad "public interest" powers to suspend, cancel or amend immigration applications and documents. Flexibility can be appropriate in exceptional circumstances, and governments must be able to respond to emergencies.

There was a question to Senator Dean about examples of these circumstances. Because I was curious too, I did pull up some evidence based on what the minister had answered, so I thought it would be appropriate to share it at this time.

The criticism is that the minister can cancel permits en masse for public interest reasons without notice or appeal, which is vague and potentially discriminatory. What I found is that the Minister of Immigration, Refugees and Citizenship has explicitly stated this power is a tool to combat organized fraud rings, which Senator Dean mentioned. For example, when hundreds of students are discovered to have been issued fraudulent acceptance letters by a common "ghost" consultant, the government needs the power to invalidate those documents collectively, rather than clogging the courts with 500 individual hearings for documents that were never valid to begin with. That's one example of a fraudulent situation.

National emergencies are another. Public interest is intentionally flexible to allow the government to act during pandemics or immediate security threats. If a health crisis requires a pause on travel from a specific region, the Governor-in-Council must have the ability to suspend those entry documents to protect domestic public health.

Those are just two examples. There are others, but I added this to our debate, since it was a question and I had actually looked it up. I thought those were clear examples of the very specific circumstances.

Over the past decade, Canadians have seen how temporary authorities can quietly become permanent mechanisms exercised with limited oversight. That history cannot be ignored or repeated. The Conservative amendments adopted in the House appropriately narrowed these powers. They ensure that fundamental immigration statuses cannot be conferred through administrative shortcuts, outside normal parliamentary scrutiny. That balance between responsiveness and restraint is essential to maintaining public confidence.

Honourable colleagues, authority without accountability does not build trust. One of the most important Conservative contributions to Bill C-12 was strengthening reporting requirements, particularly with respect to removals.

In British Columbia, for example, delayed or unenforced removals are not abstract concerns. Municipal officials, front-line workers and law enforcement officers regularly encounter individuals subject to removal orders who remain in communities for years.

I actually knew of someone who was a parent of a student of one of my colleagues. He was in the country for a number of years, even though he was asked to return to Russia, and his family could remain in Canada. But the situation was such that he actually was able to stay for quite a number of years, so these delays happen. Imagine if we multiply that by the numbers we're talking about. The system cannot handle that kind of strain.

Without clear and consistent reporting, Parliament cannot determine whether these policies are effective. Transparency is not a constraint; it is the cornerstone of accountable governance.

Bill C-12 also expands information-sharing authorities. Information sharing can be an effective tool against fraud and organized crime, but it must be exercised with care. Individuals navigating the immigration system often provide deeply sensitive personal information under conditions of vulnerability. Expanded sharing must be governed by clear limits, defined purposes and proportional safeguards. Public trust depends on it, particularly in provinces like British Columbia, with significant technology sectors, international students and cross-border flows.

One lesson should now be unmistakable: Legislative authority alone does not fix broken systems. New powers will not reduce backlogs without trained decision makers. Enforcement tools will not improve removals without sufficient staffing and operational resources.

In British Columbia, Canada Border Services Agency officers, Immigration and Refugee Board members and service providers have been stretched thin for years. Backlogs are not accidental.

They are the result of delayed appointments and chronic under-resourcing. Whether this government will finally match authority with capacity remains an open question.

Honourable senators, it is also crucial to acknowledge what Bill C-12 does not achieve. While several Conservative amendments were adopted to improve this legislation, many other key amendments were rejected, particularly those aimed at tightening the handling of asylum claims involving serious criminality, misrepresentation and abuse of process. These proposals were not ideological in nature. They were targeted, operational and designed to address real and documented weaknesses in the system.

For example, Conservatives proposed amendments that would have ensured asylum claims could be terminated more quickly when individuals knowingly lie to Canada Border Services Agency officers or withhold material information. Under the current framework, proven misrepresentation does not automatically result in the termination of a claim. This undermines the integrity of the system and creates incentives to delay or manipulate proceedings, even as backlogs stretch into multiple years.

Similarly, amendments were advanced to strengthen the consequences for serious criminality, including closing loopholes that allow non-citizens convicted of criminal offences to avoid timely removal. Public safety should not depend on narrow technical thresholds or prolonged procedural delays. When individuals who commit crimes are permitted to remain in Canada for years while claims wind their way through an already overwhelmed system, confidence in the rule of law inevitably erodes.

We have seen how these gaps play out in practice and directly undermine public safety. Not long ago, in British Columbia, a coordinated extortion investigation led to charges against 14 criminals — individuals. All 14 subsequently made asylum claims. As a result, their criminal proceedings were effectively paused while they entered a system already facing multi-year backlogs. During that time, they remained in Canada and became eligible for public benefits.

This is not an isolated anecdote. It is a symptom of a system that lacks clear consequences, timely decision making and effective enforcement.

Conservatives also proposed amendments to impose clearer consequences when claimants fail to attend scheduled hearings without valid justification. Missed hearings waste scarce adjudicative resources, prolong uncertainty for genuine refugees and contribute directly to growing backlogs. Ending claims more promptly in such cases would improve efficiency and fairness across the system.

Finally, important amendments to improve transparency and professionalism within the Immigration and Refugee Board, including merit-based appointments and stronger accountability, were rejected. Decision making in a system of this scale and consequence must be consistent, professional and worthy of public trust.

• (1720)

Taken together, these rejected amendments would not have weakened Canada's humanitarian commitments. They would have strengthened them by ensuring that compassion is paired with credibility and that the system prioritizes those who follow the rules and genuinely need protection.

Nonetheless, acknowledging the shortcomings of this legislation does not justify delay. On the contrary, it reinforces the need to act while remaining clear-eyed about what must still be improved.

Bill C-12 represents an incomplete but necessary step toward restoring order, accountability and credibility to a system that has been allowed to drift for far too long. The challenges before us are serious, and Canadians cannot afford paralysis in the face of mounting pressures.

This legislation provides tools to improve asylum processing, strengthen enforcement, combat fentanyl trafficking and organized crime and enhance public safety, while incorporating important conservative safeguards to protect accountability and constrain executive overreach. It is not the final word, but it is a step in the right direction.

Supporting timely implementation while continuing to hold the government to account is not contradictory; it is the very essence of responsible parliamentary oversight.

I believe deeply in a system that welcomes newcomers — we all do — while upholding order, fairness and integrity. That balance is not optional. It is essential to public confidence and to the sustainability of our immigration system.

Thank you, colleagues.

Senator Woo: Would you take a question, Senator Martin?

Senator Martin: Yes.

Senator Woo: While I thank you for your speech and for sharing the examples of cases where applications can be cancelled or suspended en masse, they are the same ones that Senator Dean shared with us. I would add that he also mentioned cyber espionage, hacking, and so on.

In raising those examples, you seem to be implying my point, which is that we don't need the public interest justification for the cancellation or suspension of these applications when, in fact, we have specific reasons, the ones you referred to: fraud, public safety, public health, cyberattacks, and so on.

Can I take it that you support the position that we can remove the public safety condition, since we have specific reasons, as you have articulated, for the suspension or cancellation of applications?

Senator Martin: Thank you, senator. I did cite similar examples. I'm sure there are others as well. I didn't say that I don't support that provision in the bill. I know that we have to really watch the powers of a minister who will be exercising certain powers as well as the officials and whatnot. So careful scrutiny is needed, and we must ensure that the reporting is done to parliamentarians. We can definitely do various follow-ups and meet with the minister as well, going forward.

I understand what you're saying. Why do we need this? But it is in the bill, and it is something that we are ready to support. We know those powers need to be carefully checked. That is my response.

Senator Woo: Thank you for the response. But in the preface to the examples you gave and in the discussion on the suspension and cancellation of applications, you made a very big point about the backlog problem. You, in fact, made the implication that this suspension, this cancellation provision, was a way to deal with the backlog. So can I ask you if it's the position of the Conservative Party that this provision to cancel or suspend applications en masse is a solution to the backlog problem?

Senator Martin: The backlog issue has been growing over the last decade, and what we have proposed and the amendments that were adopted are to ensure that we are returning to a better system and to ensure that the integrity of the system and the confidence that Canadians have in the system can be addressed. We know what this bill will address, whether it's the asylum system that needs to be strengthened, the border safety that we need to address, the fentanyl issue and other issues that you are fully aware of as a British Columbian. So it's not the solution. What I'm saying is that we support the bill as is, based on the robust debate and the conversations we have had with our counterparts in the House. And that's one advantage: We have been able to talk to Michelle Rempel Garner and others who have been on this file. We have to do our due diligence, but we support the bill, as amended, as we received it.

Senator Woo: I didn't receive an answer, so I'll try again. Is this provision of cancelling or suspending en masse in the bill, which you agree to and accept, a provision that a future Conservative government would use to clear a backlog?

Senator Martin: I look forward to a future Conservative government under the leadership of our current leader, Pierre Poilievre. The Prime Minister, the cabinet and especially the minister would take all these considerations very seriously. But as I said, this is a bill that has come from the House. We have had multiple meetings as a caucus to discuss this. So I'm not going to answer yes or no, but rather, this bill, as it stands, is something we support.

Hon. Rebecca Patterson: Will Senator Martin take a question?

Senator Martin: Yes.

Senator Patterson: I think this is a very interesting point that is coming forward, especially in terms of the public interest. However, because we're talking about public safety and national security, what we do know, with the examples that you have given, is that there are going to be emerging threats, and we have no idea what they are going to look like, especially with regard to weaponizing the immigration system. People suffer because of this. Was there any discussion about a better way of articulating it rather than in terms of the public interest? I ask because if we are too prescriptive going through now, we have a bill that will be expired before it even comes into law.

Do you know of any discussions on how to address future threats?

Senator Martin: I haven't had those discussions, but you're absolutely right. We don't know what the future holds, and there are threats all around us. All the more reason for us to look at this bill seriously. There is an urgency to address the issues that we have now. So I do ask again that all honourable senators support this so that it goes to committee, and then we can look at that carefully at committee. Thank you.

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

Hon. Senators: Ready.

The Hon. the Speaker pro tempore: 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 second time, on division.)

(Pursuant to the order adopted earlier this day, the bill was deemed referred to the Standing Senate Committee on National Security, Defence and Veterans Affairs, and the Standing Senate Committee on Social Affairs, Science and Technology was authorized to examine and report on the subject matter of Parts 5, 6, 7 and 8 of the bill.)

ADJOURNMENT

MOTION ADOPTED

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of February 4, 2026, moved:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, February 10, 2026, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

• (1730)

ALCOHOLIC BEVERAGE PROMOTION PROHIBITION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Brazeau, seconded by the Honourable Senator Sorensen, for the second reading of Bill S-203, An Act to prohibit the promotion of alcoholic beverages.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I ask for leave to reset this item, as it is at day 15.

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

Hon. Senators: Agreed.

(Debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Moncion, for the second reading of Bill S-208, An Act to amend the Criminal Code (independence of the judiciary).

Hon. Kim Pate: Honourable senators, today I once again rise to underscore the myriad injustices associated with mandatory minimum penalties.

I start by recalling Jamie. Until the systemic discrimination fuelled by our myth-based adherence to mandatory minimums is addressed, I will continue to speak about the injustices experienced by Jamie Gladue and far too many others.

We should all remind Canada about what actually happened to Jamie. Her name, as in the *Gladue* factors, is held up by Canada as a promise of greater justice and equality and a commitment to finding alternatives to the ongoing mass incarceration of Indigenous Peoples. This promise is enshrined in section 718.2(e) of the Criminal Code, most commonly referred to as the *Gladue* factors. In practice, however, Indigenous Peoples are frequently denied access to these promised benefits in large part because of mandatory minimum penalties.

Most lawyers and law students in Canada will tell you that the 1999 Supreme Court of Canada case of *R. v. Gladue* involves the sentencing of a woman who stabbed her common-law partner in a jealous rage because he was "having an affair."

Law students, lawyers and judges know the facts, as they were entered on the record in the *Gladue* case, which involved the sentencing of Jamie after she pleaded guilty to manslaughter in 1996. Too many do not know the reality that Jamie was a pregnant teenager in an abusive relationship with a man who tried to isolate her from family and friends. Reuben Beaver beat her and then broke into her father's home and raped her sister, and Jamie stabbed him when he attempted to regain entry into the unit where her sister was. Jamie was charged with murder. After evidence of the abuse was revealed following the preliminary inquiry, she was offered a sentence deal if she agreed to plead guilty to manslaughter.

You may well ask how such an injustice could occur. How did the police, the court, her own lawyer and the many intervening lawyers and organizations miss this? Why was Jamie characterized as a woman who murdered in a jealous rage instead of a teenager trying to defend herself and her sister? How did no one question whether she was guilty at all, given her circumstances?

The answers lie in the misogyny and racism deeply embedded in our criminal legal system, magnified by the jet fuel that mandatory minimum penalties provide to pre-existing injustices.

A murder conviction results in a mandatory life sentence.

If an Indigenous woman charged with murder of an abusive partner goes to trial, sets out her defence and is not believed — in other words, if a legal system that has repeatedly failed to protect her from sexist, racist and colonial violence once again refuses to take her victimization seriously — she will be imprisoned with a mandatory parole ineligibility period that can last decades. Whether she is in a cell or eventually released on mandatory lifelong parole under strict surveillance in the community, she will never be free again if she is convicted of murder.

The risk of a mandatory life sentence too often induces even those who may have legal defences to take an offer to plead to a lesser charge in exchange for a shorter sentence. That is precisely what happened to Jamie.

Case law has made Jamie's name synonymous with section 718.2(e) of the Criminal Code and the principle that judges must consider Indigenous history and alternatives to prison during sentencing. Yet Jamie herself never benefited from these measures. The court said she and her offence meant she did not qualify for the very principles her name now represents. Worse still, the systemic injustices that she experienced persist.

Far too many, especially Indigenous women, continue to experience what can fairly be called wrongful convictions — often on the basis of wrongful guilty pleas — because they pleaded guilty to other offences to avoid mandatory sentences.

Bill S-208 would allow judges to depart from mandatory minimums where imposing one would result in an injustice.

It would not take away mandatory life sentences or any other mandatory minimum penalty, but it would give a window of hope to women and girls like Jamie Gladue. The bill would implement the Truth and Reconciliation Commission's Call to Action 32. It would allow judges to do their duty to craft fair sentences and consider alternatives to prison in particular for Indigenous Peoples under section 718.2(e). It would weaken the coercive power of mandatory minimums when plea deals are negotiated and thereby reduce the risk of wrongful guilty pleas.

Given the current government's interest in responding to court decisions striking down mandatory minimum sentences, Bill S-208 provides a perfect opportunity to address the injustices by providing a kind of safety valve for the courts.

Without Bill S-208, on a near-daily basis, we will continue to see more injustices like the one experienced by Jamie in Canada's courts, prisons and communities.

We will continue to fill prisons with people who are poor, homeless and living with mental health and addiction issues, as well as survivors of past trauma, especially violence against women and children, and survivors of child welfare systems and residential schools. We will continue to create a false sense of security, touting mandatory minimums as "tough on crime" when they not only fail to make communities safer, but they also actually escalate and power charge the injustices of the criminal legal system. We will continue to squander billions of dollars by pouring tax revenue into trials and prisons necessitated by these false and dangerous promises.

In addition, 9 in 10 Canadians are rightly skeptical of mandatory minimum penalties, yet politicians continue to offer these same failed approaches despite irrefutable evidence — much of which is funded and/or developed by the government — of their cost, their ineffectiveness and their cruelty.

Colleagues, we will soon be called on to debate government legislation framed as protecting victims like Jamie, addressing violence against women and responding to court delays. But these proposed provisions will, in effect, further entrench mandatory minimum penalties in a way that undermines each and every one of the government's stated goals.

At a time when the federal government is slashing budgets and slow to invest adequately in essential health, social and income supports, it is time to question the way that so-called "tough on crime" approaches, like mandatory minimums, funnel seemingly endless amounts of taxpayer money into the prison system. It is time to insist instead on investing in our communities in ways that benefit all of us. Canada must get out of its dangerous, discriminatory and self-defeating mandatory minimum mess.

This is why I bring forward this bill for the fifth time.

The last version of this legislation, Bill S-213, was at the Legal Committee awaiting study when Parliament prorogued last year. I am humbled to follow Senator Jaffer as its sponsor. Senator Jaffer's work on this bill, like her time in the Senate and now her so-called retirement, has been defined by her tenacious commitment to upholding justice, especially for those experiencing sexism, racism and other inequalities.

Since this bill was last introduced by Senator Jaffer, the government tried to undo and remedy a handful of the dozens of mandatory minimum penalties introduced over the previous two decades, most notably those attached to drug convictions.

With Bill C-5 in 2022, the government acknowledged that mandatory minimum penalties contribute to mass incarceration and systemic injustice for Black and Indigenous Peoples. Why, then, other than for political optics, did the government leave most of these penalties on the books?

• (1740)

Since the passage of Bill C-5, mass incarceration linked to racism and colonialism has only increased. Indigenous women now represent 50% of women in federal prisons. They were already 36% in 2015, when the Truth and Reconciliation Commission called upon the government to immediately decarcerate and stem the tidal wave of incarceration by removing all — not some — mandatory minimums.

Through Call to Action 30, Canada committed to eliminating the overrepresentation of Indigenous Peoples in federal prisons by last year. Canada has missed that deadline and failed to honour this commitment to Indigenous Peoples.

We have heard countless ominous reminders that Canada must urgently address mandatory minimum penalties from our own Legal Committee but also from courts, commissions, legal experts and through legislative efforts by former Minister of Justice Irwin Cotler in 2015, Green Party leader Elizabeth May in 2016 and former NDP MP Sheri Benson in 2018.

Canada must not abandon its commitments to the Truth and Reconciliation Commission of 2015, the National Inquiry into Missing and Murdered Indigenous Women and Girls of 2019, the Parliamentary Black Caucus in 2020, as well as the calls of the 2023 report of the external group for Canada's Black Justice Strategy and participants in 2023 consultations on Canada's Indigenous Justice Strategy. It must honour its commitments to address all, not only some, mandatory minimum penalties.

Faced with these forsaken commitments, with growing numbers of court cases ruling mandatory minimums cruel and unconstitutional and with the ever-increasing mass incarceration of Black and Indigenous Peoples, the government has instead

proposed to continue Canada's three decades of rejecting evidence-based, outcome-oriented and cost-effective justice and public safety policy. It is instead doubling down on mandatory minimum penalties.

The government's Bill C-16 and the legislation before us today both propose responses to courts, notably the Supreme Court of Canada. The court has issued at least five decisions in the last decade, striking down various mandatory minimum penalties as unconstitutional and calling upon Parliament to safeguard the rights of Canadians by building:

> . . . a safety valve that would allow judges to exempt —
>
> — from the application of minimum penalties —
>
> — outliers for whom the mandatory minimum will constitute cruel and unusual punishment. . . .

This is where the similarities between Bill S-208 and the government's proposal bear scrutinizing. Make no mistake: The government's proposed legislation allows Canada to continue to not only use mandatory minimum penalties but expand their use. It will offer the thinnest and flimsiest of excuses for mandatory minimums, while thousands, especially Black and Indigenous Peoples, continue to receive unfair and unconstitutional sentences instead of increased equality, justice, public safety and effective use of our collective resources that all of us deserve.

I want to focus today on how mandatory minimum penalties undercut three goals the government has promised its criminal law legislation will advance — the protection of victims, responses to violence against women and remedies for court delays — and how Bill S-208 can contribute to a more effective response.

First, however, let's discuss an outcome that Bill C-16 has tellingly not promised, which is that of upholding fair and just approaches to sentences, especially via more effective implementation of the so-called *Gladue* factors outlined in subsection 718.2(e) of the Criminal Code, as well as meaningfully minimizing the risks of Charter violations rather than merely creating barriers to Charter scrutiny.

Canadian law requires that penalties must be carefully and individually designed to be proportionate in the context of the person before the court — their history, circumstances and actions. Judges who determine sentences make decisions that are informed and carefully structured by Canada's sentencing rules. They are required to provide reasons to the public, explaining the process they have followed and how it respects those rules.

Section 718.1 of the Criminal Code requires that "a sentence must be proportionate to the gravity of the offence and the degree of responsibility . . ." of the person being sentenced.

Section 718.2(e) of the Criminal Code specifically requires judges to consider ". . . all available sanctions, other than imprisonment . . ." at sentencing and to direct ". . . particular attention to the circumstances . . ." of Indigenous Peoples, which may specifically make imprisonment a less appropriate or less useful sanction. In ruling a mandatory minimum penalty unconstitutional in 2015, the Supreme Court reminded us that sentencing must be ". . . a highly individualized exercise."

Mandatory minimum penalties are, by definition, the opposite: They impose a universal standard, set in advance by legislators, requiring prison time and offering zero flexibility.

According to the Canadian Sentencing Commission, in 1987, when Canada had only a fraction of the mandatory minimums on the books that it does today, 9 in 10 judges reported that mandatory minimums interfered with their ability to impose fair sentences.

Where sentences become so unfair that they are grossly disproportionate, mandatory minimums violate Charter protections against cruel and unusual punishment. As a result, about 1 in 3 of approximately 60 mandatory minimum penalties currently in the Criminal Code have been fully or partially struck down by courts and do not apply in at least some provinces and territories.

The government's proposed legislation, Bill C-16, will bring a number of these previously struck down mandatory minimum penalties back to life, alongside a broader focus on "Charter-proofing" their constitutionality. Bill C-16 proposes to give courts narrow leeway to not impose mandatory minimum penalties only where the sentence would violate the Charter as cruel and unusual punishment, only where another prison sentence is applied and only where the sentence is not a life sentence. Bill C-16 does not attempt to ensure that sentences are fair, only that they are not so overwhelmingly unfair that courts would invalidate them.

In contrast to Bill C-16 and in line with the Truth and Reconciliation Commission's Call to Action 32, Bill S-208 would ensure action with respect to all mandatory minimum penalties. As our former colleague and former judge the Honourable Murray Sinclair-iban commented about previous government inaction:

> Indigenous women . . . are a significant proportion of the women serving life sentences for responding to violence with their own lethal force — too often as a result of their efforts to defend themselves or others in their care.

> The government has provided no data to justify its piecemeal approach to the repeal of mandatory minimum sentences, nor have they explained why they have rejected TRC Call to Action 32 . . . . We need to move away from a simplistic, punitive, one-size-fits-all response, and we need to trust and allow our judges to do the job they have been appointed to do.

Bill S-208 also reflects the emphasis in Call to Action 32 on ensuring judges are not confined to ordering prison sentences but, rather, can provide non-carceral options in place of mandatory minimums. This position aligns with courts' obligations under subsection 718.2(e) of the Criminal Code to consider alternatives to prison during sentencing, particularly for Indigenous Peoples. It echoes Supreme Court decisions that have highlighted the unconstitutionality of mandatory minimum prison terms, in particular where community-based sentences would have been appropriate but were not available.

Bill S-208 is vital to the implementation of TRC Call to Action 32. It will ensure that Canada remains focused on doing justice rather than preserving penalties at all costs and despite the injustices they create. It would allow courts to do the work of acknowledging and addressing, instead of expanding and perpetuating, the effects of systemic racism.

Unjust mandatory minimum penalties also have direct implications for access to justice, contrary to government commitments to reduce court delays. Requiring individuals to advance Charter challenges to mandatory minimum penalties or to make individual Charter-like arguments under Bill C-16 will increase resource and time burdens on courts, cost Canada and individuals millions of dollars in legal fees and needlessly subject people to unjust sentences and the consequent devastating human, social and financial burdens and costs for Canada and Canadians.

In too many cases, those who are poor, marginalized and facing a potentially unjust or unconstitutional mandatory minimum will simply not have the means to fight for their rights. It is also they who already experience the greatest injustices who will be more likely to be jailed while awaiting trial, have minimal financial resources to challenge proceedings and will, thereby, be incentivized to enter guilty pleas, regardless of defences that may be available to them.

• (1750)

For those with sufficient resources, mandatory minimum penalties will continue to incentivize lengthy litigation. The prospect of a harsh mandatory sentence means that individuals with resources have no incentive to plead guilty and nothing to lose from drawing out legal proceedings.

[Senator Pate]

The Senate Legal Committee court delay study clearly identified the strain that mandatory minimums place on scarce judicial resources. Bill C-16's narrow and inflexible safety valve will not change this calculus. This is a devastatingly inappropriate use of precious court resources, especially when people can spend years in overflowing jails awaiting trial, when some cases are dismissed due to delays without ever being resolved and when calls for more punitive bail laws threaten to heap fuel on this fire.

The government has committed to addressing violence against women and intimate partner violence, yet inaction with respect to mandatory life sentences in particular will mean continued criminalization of survivors of abuse like Jamie Gladue.

The *Self Defence Review*, undertaken by Justice Lynn Ratushny for the Department of Justice in the 1990s, highlights the systemic nature of these miscarriages of justice. Justice Ratushny reviewed the cases of 98 women convicted of using lethal force to protect themselves or others, particularly their children, from abusers. She identified a tendency to charge high and then use the mandatory life sentence and parole ineligibility period for murder to engineer guilty pleas. As a result, far too many women pled guilty to lesser charges, such as manslaughter, despite having a potentially valid claim of self-defence.

From experience, women doubt that a criminal legal system that has ignored and minimized the violence they have experienced, effectively offering them no alternative but to protect themselves, will suddenly believe them and do them justice. Many women with self-defence claims do not go to trial. This is especially true for women who are mothers. Too often, the only people who witnessed the abuse they suffered were their children, and they prioritize protecting their kids from the trauma of having to testify in court. They are easy targets for a system that exploits their fear of being locked away for the entirety of their children's lives.

In our recent debates on Bill C-40, legislation to create an independent commission to review miscarriages of justice, we examined how the pressure to falsely plead guilty to a lesser charge to avoid a mandatory minimum has led to countless wrongful convictions, particularly for Indigenous women like Jamie Gladue. Bill C-40 was limited to responding to miscarriages of justice too often only after the harm and trauma of years or decades spent in prison.

The bill before us today is an opportunity to stop countless travesties before they happen.

The government has introduced its proposed approach to mandatory minimum penalties in Bill C-16, the protecting victims act. The legislation is misnamed; mandatory minimum penalties fail to serve the interests of victims.

A representative of the victims' advocate group Mothers Against Drunk Driving Canada testified to the Senate Legal Committee that, "As a mom, as a stepmom, as a victim, I can't support . . ." — mandatory minimum sentencing. She continued, saying:

> There's no evidence to support that this will actually make a difference. We know once we bury our children or bury a loved one, it is too late. We need to focus on deterring it before it actually happens.

The Federal Ombudsperson for Victims of Crime emphasizes the context of colonialism, racism and inadequate and unequal access to health, social and economic supports that too often underlie both victimization and criminalization.

Responding to the repeal of mandatory minimum penalties attached to drug convictions, the ombud recognized that repealing mandatory minimums, he said:

> . . . will help reduce the over-incarceration of Indigenous Peoples and Black Canadians disproportionately affected by mandatory minimums. . . . I recognize that many drug possession charges emerge from contexts of trauma, victimization, and inequality. I believe the prioritization of treatment options over punishment aligns with a trauma-informed approach.

In my years of working with those convicted in relation to homicides, it is the rare person who would not give up her life if it brought back the person who died — shockingly, even when the person who died was a callous, unrepentant abuser. So socialized are we to value life and care for others. No sentence can undo the past, so we try our best to remedy such wrongs by providing other ways for people to pay their debts and provide future positive contributions to society.

From my years of working with victims and survivors, I know that the foremost concern of most people when it comes to accountability is to ensure that what they lived through never happens to anyone else. At least 50 years of research and evidence indicate that crime prevention depends not on the length of sentences but on the certainty of being held accountable and on access to non-criminal-law interventions.

In plain language, this boils down to two key points. First, most people do not take actions for which they could be criminalized thinking that they will be caught, let alone knowing or calculating what a mandatory minimum penalty of one year versus five years might mean for the sentence they might face.

Second, what prevents and reduces crime is having access to community supports and means of meeting one's essential needs. For example, through decreased financial stress and instability alone, a basic income pilot in Manitoba led to 350 fewer violent crimes and 1,400 fewer total crimes per 100,000 people, a 17.5% reduction.

By contrast, as the Supreme Court bluntly reminds us, "Empirical evidence suggests that mandatory minimum sentences do not, in fact, deter crimes. . . ."

Harsh sentencing laws, especially mandatory minimum penalties, scoop up and fill jails with those who are easiest to catch — people who are young, racialized, poor and exploited. So-called tough-on-crime policies are always worst for those most vulnerable, but all of us feel their impacts.

The cost to taxpayers of administering a harsher-than-necessary sentence because of a mandatory minimum penalty is significant. For a woman in federal prison, the Parliamentary Budget Officer estimated in 2018 that each additional year of her prison sentence can cost between $343,000 and $600,000. By contrast, the cost of supporting a woman for a year while she serves a sentence in the community is $18,000. Such a sentence also significantly increases her chances of integrating successfully into that community and avoiding future criminalization.

Policies based on mandatory minimum penalties draw resources and focus away from measures that promote public safety, such as investing in the housing, health care, social and economic supports needed to build up safer and healthier communities. When we hear someone advocating mandatory minimums that will cost billions of dollars, we need to ask how and why they want us further to deplete social, economic and health supports to pay for them. We must ask ourselves if paying hundreds of thousands of dollars per person per year for the label of being "tough on crime" is worth it, when we know that mandatory minimums have not and will not produce the safer society they promise.

There is nothing inevitable or necessary about mandatory minimum penalties. The Canadian criminal legal system was built without them. It was only at the turn of the 21st century that numbers began to climb, from about 10 mandatory minimums in 1995 to 72 mandatory minimums by 2015, obliterating long-standing principles of fairness and proportionality in sentencing and multiplying the overrepresentation of Indigenous people in federal prisons. Most other democracies with mandatory minimums incorporate some form of exception, demonstrating that Canada's criminal legal system can do the same without compromising public safety.

Every passing day without action to implement Truth and Reconciliation Commission Call to Action 32 through Bill S-208 leaves in place a broken system that violates rights to proportionate sentences and increases risks of cruel and unusual punishment; perpetuates court delays and skyrocketing legal costs; disproportionately punishes Indigenous and Black people, women and those with mental health issues; contributes to wrongful convictions and miscarriages of justice; and, ultimately, undermines public safety.

Consistently, the more people know about mandatory minimums, the less they support them. Research demonstrates that those initially in favour of mandatory minimum penalties often reconsider their views once presented with real-life case details. Many come to see mandatory life sentences as unjust and unfit in light of the full circumstances of an individual case and the detrimental impact that mandatory minimums have not just for individuals sentenced to them but for communities more broadly.

• (1800)

At a time when Canada is inundated with fake news and inflammatory calls for knee-jerk responses, we in this chamber have a particular duty to soberly consider and challenge the impact of harsher sentences on minorities. We must withstand political pressures and face the facts. We must question and act against the ongoing and increasing mass incarceration of Black and Indigenous Peoples, and the ineffective and colossal waste of taxpayers' dollars and other public resources produced by mandatory sentences.

Canadians deserve more than the most costly and ineffective responses to crime — prisons crammed to overflowing with those most marginalized. Canadians deserve fair and more equal communities where all of us can thrive. I look forward to working together to send this bill back to committee and deliver a long-overdue legislative action on mandatory minimum penalties.

Thank you, colleagues. *Meegwetch*.

(On motion of Senator Martin, debate adjourned.)

CONSTITUTION ACT, 1982

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

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. Marilou McPhedran: Honourable senators, I rise today to speak to Senator Harder's Bill S-218, An Act to amend the Constitution Act, 1982 (notwithstanding clause).

First, I thank Senator Harder for his initiative with this bill, which has already garnered more media attention than most bills ever get. And it is rightly so, both because of Senator Harder's stature — my favourite term for him is "silver fox" — and because of his clarion call for parliamentarians and citizens of Canada to pay attention to the harms to human rights caused by the misuse of the section 33 *non obstante* clause, or override, undermining the strength and resilience of our democracy.

This speech is also timely because out of the women's constitutional activism of 1981 that strengthened equality rights in the Charter came LEAF, the Women's Legal Education & Action Fund, launched on April 17, 1985 — Equality Day — the moment the government moratorium on Charter equality rights lifted.

This fortieth anniversary of LEAF is being celebrated in the senators' lounge on February 10, and you have all been invited. Please join Senator Dasko, MP Lisa Hepfner and me to mark the resilience and success of one of the world's most impactful defence funds for rights.

Senators, you will recall Motion No. 201, moved by Senator Harder in the Forty-fourth Parliament. This motion, and now this bill, go to the heart of our role as senators sworn to serve our nation.

It touched my heart as a human rights advocate involved more than 30 years ago in drafting some of the protections now in the Charter, including section 28, which states:

> Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

The recent uses of section 33 by certain provinces trouble me deeply, especially the ones that target minorities. As a proud mother of a non-binary person who brings only good into their communities and this world, it is gut-wrenching to see hate language and rights-denying action enabled by the government's harsh use of section 33, for example, in the bill affecting transgendered people which was adopted in Alberta in 2025 to cheers at 2:20 a.m. on December 10 — ironically, International Human Rights Day.

Where and how we got key laws is important for lawmakers to know. Today, I will briefly recount the origins of the two "notwithstanding" clauses in our Charter to add to our understanding. There is a running debate as to who was truly responsible for section 33 having been put into the Charter. Was it Alberta? Was it Saskatchewan?

As a Manitoban, I take no hard position other than to point out that the late Professor Paul Weiler, of Osgoode and Harvard Law Schools, proposed such a clause well before the November 4-5 "Kitchen Accord" that added section 33 to the draft Charter. Weiler also noted that an override was not new to rights law in Canada, as exemplified by section 2 of the 1960 Canadian Bill of Rights.

Colleagues, I went to law school more than 50 years ago. I was not in the kitchen of this very building with attorneys general Roy Romanow, Roy McMurtry and Jean Chrétien when Constitution making became the Constitution baking of section 33. But I was nearby and quickly helped to lead the national women's ad hoc campaign to protect the other, often overlooked, *non obstante* clause in the Charter — the aforementioned section 28 — the sex equality guarantee added to the Charter at third reading of the bill in the spring of 1981, well before section 33.

The Library of Parliament described the ad hoc campaign this way:

> Consequently, in public session on 5 November 1981, all governments, except that of Quebec, signed the constitutional accord containing the notwithstanding provision.
>
> The matter was not finished, however. As then worded, section 33 would have allowed for an override not only of section 15 equality rights, but also of section 28, which guaranteed the equality of men and women. As a result of a massive pressure campaign organized by feminist and

> human rights groups across Canada, both federal and provincial governments agreed to withdraw any reference to section 28.

I recall taking heart when the then-premier of Alberta, Peter Lougheed, an ardent advocate for section 33, stated that the clause was only meant for the rare instances where a legislature disagrees with a judicial interpretation of rights and that section 33 should never be used pre-emptively. That was then; this is now.

So what is the relationship between these two "notwithstanding" clauses, and why does it matter? Having fought for our section 28 equal rights guarantee, notwithstanding anything in this Charter, we were not prepared to accept that section 28 could be overridden by the new section 33. So, we remobilized across Canada.

I will forever be grateful for the role of opposition in the House because of the support and guidance we received from Ed Broadbent, then leader of the NDP, and caucus members Pauline Jewett and Margaret Mitchell, as well as from the leader of the Progressive Conservative opposition, Joe Clark, and MP Flora MacDonald, who, on the day the proposed section 33 amendment was tabled, immediately moved their amendment to restore the original wording of section 28.

That week, women marched all across Canada while some of us hit the phone lines to premiers from inside the office of the Minister responsible for the Status of Women, the Honourable Judy Erola, a story not well known.

In my home province, the front page of the *Winnipeg Free Press* featured an expected 500-women march in frigid weather against the "barter of rights." The pressure on the premiers was so great that, by the evening of November 23, Minister of Justice Jean Chrétien confirmed in the House that he had obtained agreement from all premiers to restore section 28 to its original wording. The Conservatives' motion was then adopted, and section 28 was removed from the ambit of section 33.

Toronto Star columnist Michele Landsberg wrote at that time:

> It has been an extraordinary two weeks. Never before in Canada's history has the moral authority of women stood so high. Never before have so few women accomplished so much on behalf of so many.

And without that massive and, I will add, unfinanced mobilization of women, and without the support from parliamentarians from all parties respecting and amplifying women's voice, the Charter would be weaker than it is today.

In the course of this current revival of section 33, we're also seeing increased interest in section 28. Professors Kerri Froc and Bev Baines argue that section 28 has the power to block the effect of the "notwithstanding" clause, section 33, where a law disproportionately harms women.

• (1810)

This idea is gaining traction. In the course of the constitutional challenge to Quebec's Bill 21, the former chief justice of the Quebec Court of Appeal proactively raised section 28 and asked the parties for submissions on whether Bill 21 might be unconstitutional on that basis.

This is unusual for a chief judge, but then again, we live in unusual times.

I recount this story of section 28 not to enter into a debate about the relationship between 28 and 33, although that is still an open question. Rather, I relate this as an example of a constitutional trialogue among government, courts and people, proving the Charter was not merely the result of a compromise between politicians.

Many key amendments to the Charter originated with civil society advocate citizens, and it is citizens' trust that ultimately sustains or defeats governments.

At this worrying time, we are seeing that citizens have an important role resisting the rights-denying use of section 33. It is citizens, after all, who can express their disapproval of its use, either on the streets, in community halls and legislatures or at the polls. This is part of a constitutional trialogue and is consistent with understanding the Constitution of Canada as a living tree.

Since 2018, the "notwithstanding" clause has seen a major and troubling revival. When it is used these days, it is often to withdraw the rights of unpopular minorities — religious and linguistic minorities in Quebec and trans youth in Saskatchewan and Alberta, for example.

Most recently, the Premier of Ontario and some mayors proposed overriding the rights of homeless individuals, another unpopular minority. By definition, minorities are uniquely vulnerable to section 33.

Senators Harder, Pate and Kristopher Wells spoke eloquently to this point. In this harsh political climate, using the rights override against unpopular minorities — the poor and homeless people, for example — is politically expedient. It is much easier than facing the rich and powerful.

Oxfam's report released just weeks ago, *The Rise of the Super-Rich: The State of Inequality in Canada*, noted:

> The combined wealth of Canada's top 40 billionaires in 2025 is greater than the GDP of many countries, including New Zealand, Columbia, Finland, Chile, and South Africa.

This, even as research from across 136 countries points to inequality rising while political power is becoming more unequally distributed, leading to policy outcomes that reflect the preferences of the wealthy more than the needs of low-income people.

No doubt, Canada's 89 billionaires were pleased when the Carney government removed the luxury tax on private aircraft, taking care of the richest 1%, who hold more wealth than the bottom 80% combined.

Ask yourself: What does it feel like to be part of an unpopular minority who has been told by high-ranked politicians that you are not worthy of the same rights as everyone else?

At the UN in 1958, Eleanor Roosevelt noted that universal human rights begin "in small places, close to home . . . ." Indeed, it's everyday environments that ensure justice and dignity.

What becomes of a Canada that weaponizes our Constitution so that only some humans are legally entitled to human rights? This is a time to visualize successful resistance in this chamber, and to be inspired by past success, for which we can look, ironically, to Alberta. Trialogue was evident in the public outcry following Alberta's attempt in 1998 to override the rights of persons who were forcibly sterilized. Because of that outcry, the Premier of Alberta backed off using section 33 in the wake of Alberta's previous loss in the Supreme Court's decision to read in sexual orientation as an equality right in section 15 in the case of the young, gay teacher Delwin Vriend, who was strongly and effectively supported by rights advocates and expert lawyers who fought for gay rights pro bono and won in courts and in society.

With all this said, I would like to address the question of what we as senators should be considering if and when legislation comes to us with section 33 included. In particular, what is our role as senators if section 33 targets members of a minority or marginalized group? In his motion, Senator Harder offered four criteria that the Senate could use to assess legislation that invokes section 33. He invited us to offer more.

In that spirit, I offer one more: Does the legislation unduly harm minorities or marginalized people? If so, I would argue that the Senate has a special role to guard against such abuses of power. In a few short years, the "notwithstanding" clause has been revived and used in ways never imagined by the framers. For those of us who fought hard for a Charter with strong protections, this is devastating to witness. Make no mistake, the future of our universal rights, freedoms and equality is up for grabs, and some elected officials are grabbing them away right now.

We as senators may soon be faced with a situation that will challenge our constitutional role. As I have written in publications on the Charter, making our Constitution work requires sustainable citizen participation in the living of the rights and freedoms articulated in the Charter. Recently, our brilliant retired colleague, the Honourable Serge Joyal, filed his intervener's factum to the Supreme Court of Canada in Quebec's Bill 21 case. Asking forgiveness for my French, I will quote it.

The Hon. the Speaker pro tempore: Senator McPhedran, I'm sorry to interrupt, but the time allocated for your speech has expired.

Senator McPhedran: May I ask for five more minutes?

The Hon. the Speaker pro tempore: Is leave granted?

Some Hon. Senators: Yes.

The Hon. the Speaker pro tempore: Five minutes.

Senator McPhedran: Thank you very much.

[*Translation*]

> It denies the courts their role as a fundamental pillar of the democratic system. It diminishes the public perception of the role and status of the courts in constitutional democracy. It weakens the democratic process by depriving citizens of an informed analysis of the state of rights and freedoms. It deprives minorities of constitutional protection of their rights and freedoms. All of these findings lead to the conclusion that section 33 cannot have the effect of setting aside the courts' jurisdiction to declare that a law contravenes the Constitution, which Canada is the supreme law of Canada.

[*English*]

We as senators have a critical role to play in keeping rights and freedoms alive for all Canadians and for the health of our democracy. We have a committee system with a much-deserved positive reputation for the thorough and substantive study of pressing issues affecting Canadians. Senate studies have the credibility to be cited in peer-reviewed academic journals.

It has been argued by some colleagues that a vote to send a bill to committee for further study requires a belief that the bill should and could become law. This approach would doom this bill. Amending the Constitution of Canada is close to impossible, and this bill is predicated on a major constitutional amendment.

From another perspective, some honourable members in this chamber have spoken about the intrinsic value of sending this bill for further study at committee. For example, last fall, Senator Ringuette stated, "I support this bill going forward to committee." Senator Klyne advised, "I will support sending this bill to committee." Senator Saint-Germain closed her speech in June last year with:

> Bill S-218 raises a real and important question for the health of our democracy, and while I do not believe that in this current form the bill is the right solution, I still want it to proceed to committee so it can be studied with the seriousness and application that is required of a constitutional amendment.

At no time has this been more important than right now. This decision is ours to make. Let's send this bill to committee for the careful consideration for which senators are relied upon, trusting that our colleagues will give Canada the benefit of sober second thought to such a serious concern, and better prepare us to defend democracy. Thank you, *meegwetch*.

(On motion of Senator Martin, debate adjourned.)

• (1820)

VOTE 16 BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator McPhedran, seconded by the Honourable Senator Sorensen, for the second reading of Bill S-222, An Act to amend the Canada Elections Act and the Regulation Adapting the Canada Elections Act for the Purposes of a Referendum.

Hon. Robert Black: Honourable senators, I rise today to speak in support of Bill S-222.

I can tell you that every year, 4-H Canada youth delegates from across the country visit Ottawa to participate in their annual Citizenship Congress, and they sit in this very chamber and undertake a mock debate on timely issues and topics related to our youth. It is a great event, and I sometimes even get to sit in the Usher of the Black Rod's chair.

One of the topics debated during one of these mock debates in the past put the question forward on whether the government should lower the voting age to 16. I was genuinely impressed by the way these young leaders were engaging in civic discourse and expressing their opinions in this very chamber.

While both sides of the issue are always debated during their mock discussions, the majority of these young Canadians supported changing the voting age to 16. In fact, when this question was put forward in 2019, 4-H members again voiced the same opinion: The voting age should change to 16.

One young participant who attended the 2019 4-H Citizenship Congress shared that if given the opportunity, she would have voted at 16. The main barrier, she highlighted, for youth voter engagement was the lack of information around the voting process. I wholeheartedly agree with this individual and echo her sentiments that:

> . . . a crucial part of lowering the voting age would be to promote the information necessary for youth to make educated decisions.

I think it's easy for some of us, especially those of us who are no longer young, to dismiss the idea and say that 16-year-olds don't have the knowledge or the interest to make an informed decision. I, for one, don't think this is true. At 16 years of age, we hand our children the keys to a vehicle, and we give them the ability to get married or join the military, all of which require both maturity and responsibility.

Furthermore, 16- and 17-year-olds are old enough to work and pay taxes, yet they have no say in the way their tax money is spent by government. I see it as a slap in the face to 16- and 17-year-olds to tell them that they can do all these things, but they can't vote.

We teach our teenagers to take responsibility for themselves and to make smart decisions about their futures, their friends and their relationships. Allowing them to vote at 16 is another way to show that we have faith in our youth that they can make responsible decisions.

When we say that they shouldn't vote because they're not mature enough, we do our youth a disservice. Anyone who spends a lot of time around youth can tell you that many are very politically engaged and interested in social issues.

According to Statistics Canada, youth are among the most socially engaged. Between 2021 and 2024, 66% of youth between the ages of 15 and 19 were part of a group, organization or association, with this proportion decreasing with age. We just cannot assume that our youth are apathetic.

Many of our youth are very political, but they engage in this world in different spaces than we may be familiar with. Over the past year, we have seen young people pour into the streets to call for equality, an end to racial injustice and to bring attention to the global climate crisis. Of course, not all of them are knowledgeable about politics and current events, but I could say the same thing about 18-year-olds or 30-year-olds or 65-year-olds. Knowledge and experience shouldn't be criteria for voting.

All Canadians get to vote because they're Canadian citizens, not because they pass some sort of a test of their knowledge and their politics. Youth are our future and are just as affected as adults by the results of any election. In fact, there are many important policy issues that will affect them more than they will affect us, such as environmental protection. Allowing them to vote at 16 will help youth feel empowered and give them agency in a political system that they are directly affected by.

As I noted above, education will be key to engaging youth and allowing them to make more informed decisions. School curricula should be adapted to ensure that students are educated about elections, candidates and platforms in a non-partisan manner. Teachers could help students make sure they get registered to vote. Classroom learning could provide the opportunity to equip students with the knowledge and tools they need to vote — real, hands-on learning. The 4-H motto is "Learn To Do By Doing," which is especially appropriate when involving youth.

Published in 2021, *Canada's First State of Youth Report: For Youth, With Youth, By Youth* stated:

> To give youth greater agency and participation, it is important that the voting age in Canada be lowered from 18 to 16.

I could not agree more with this sentiment. In fact, the final recommendation of the report called on governments to provide youth with more opportunities to transfer knowledge to decision makers via direct participation. We can do this by following our young people's recommendation to ". . . urgently prioritize lowering the voting age for youth from 18 to 16."

Here in the Senate of Canada, we have a great program called SENgage. At SENgage, they work hard on outreach to grade schools, high schools and universities and colleges to bring further understanding of our political system to a younger generation. I am very proud to support this program in any way I can, having visited numerous schools across Ontario and virtually talking with many schools across the country about the Senate. This is just one example of how schools can be more involved in helping youth to vote and understand the voting process.

After over 45 years of involvement with 4-H's youth development program across Canada, I am dedicated to supporting, representing and engaging with youth as a senator. During one of my visits to a Grade 7 class in Ontario, I posed the question of lowering the voting age to some students. Even at 12 years old, many of them had interesting opinions to discuss with their classmates. Regardless of whether they were supportive of the bill, I am heartened by the discussion they engaged in on this important topic.

Colleagues, it's time to show our support for our youth by voting in favour of this bill. Voting is habitual. Getting youth to vote early on increases the likelihood that they will continue to vote and, perhaps, engage politically in other ways throughout their lives. We can't continue to talk about youth as the future and praise them for the value they add to our society but deny them the agency to take direct action and be part of a system that they're paying into.

I will, therefore, be voting in favour of Bill S-222.

Colleagues, thank you for your time. *Meegwetch.*

Hon. Denise Batters: Would Senator Black take a question?

Senator Black: Absolutely.

Senator Batters: Thanks very much for your speech. I agree with you that the young people of Canada can be and, hopefully, are very politically involved. I was one of those kids that was very politically involved from a strangely young age. I was very interested in the politics of our country, which is great, I think.

One thing I wanted to focus on that you mentioned in your speech was that you said that young people could "join the military" — I believe you said — at the age of 16. I gave a speech about this bill in November, and, in that, I drilled down a little bit on that part of it, because there had been some aspects of that which I felt were, perhaps, not correctly identified. This is what I said, and I just want you to react to it if you could.

I said:

> . . . in Canada, you must be 18 to join the regular military forces, but it is possible to apply at the age of 17 with parental consent. Senator McPhedran argued here that teens can join the military Reserve Force at 16, again with parental consent. Yet even then, as Senator Patterson clarified during the debate in this chamber, that 16-year-old would be restricted from actually fighting in combat.

I went on to say:

> Senator McPhedran also cited "16 and younger" as the age for joining military cadets. Youth can become military cadets when they are as young as 12, but, again, they require parental consent if they are under the age of 18. Furthermore, just because a child can join military cadets at the age of 12 certainly does not make them competent to determine the best course of action for the future of the country through voting.

That was what I said in my speech. I wanted to clarify that and ask for your reaction to that.

• (1830)

Senator Black: Thank you for your comment. I will concede that some parental consent is needed for those under 18. I still think it's important that we allow them that opportunity should they wish to vote.

Hon. Mohamed-Iqbal Ravalia: Thank you very much, Senator Black, and welcome to the bearded club.

As well, colleagues, on behalf of us all, I wish Senator Iris Petten, my fellow Newfoundlander and Labradorian, a very happy birthday.

Hon. Senators: Hear, hear.

Senator Ravalia: Honourable senators, I rise today to speak in support of Bill S-222 and to thank Senator McPhedran for her advocacy.

Colleagues, I feel this bill is not a radical departure from our democratic tradition but the next logical step in the long history of expanding the franchise in Canada. At Confederation, the federal voting age was 21, and it remained so until Parliament chose to lower it to 18 in 1970, responding to social change and the growing expectation that younger citizens should have a voice.

In exactly the same way, we are now called to ask whether the current age limit still reflects our values of inclusion, equality and respect for the rights of all citizens. Section 3 of the Charter guarantees every Canadian citizen the right to vote without specifying an age, while section 15 protects against discrimination, including on the basis of age. The age of 18 is therefore not a constitutional truth; it is a policy choice made in legislation and, as with past choices, it can and should evolve.

We already trust 16- and 17-year-olds with very serious responsibilities. They can work, pay taxes, drive, consent to medical treatment and — as has been alluded to — with parental consent, may join certain aspects of the Canadian Armed Forces. Many of them contribute to their families' income and our economy, paying into public systems they cannot yet help to shape at the ballot box. If we recognize their capacity in so many other domains, it is difficult to justify why they are considered competent to shoulder obligations but not competent to exercise the fundamental right that underpins all others: the right to vote.

Lowering the voting age would also strengthen civic engagement and democratic health. Youth-led organizations across this country, including Vote16 Canada, Young Politicians of Canada and 4-H, have demonstrated that 16- and 17-year-olds are eager to participate and are already organizing to be heard. Research and experience in other jurisdictions indicate that when people cast their first ballot earlier, at a time when they are still in school, rooted in their communities and supported by structured civics education, they are more likely to become lifelong voters. A standardized, modern civics curriculum, paired with the right to vote at 16, would turn the classroom into preparation for real democratic participation, not just abstract study of institutions.

Internationally, Canada is at risk of falling behind comparable democracies that are choosing to trust and empower younger voters. The United Kingdom has announced its intention to lower the national voting age, building on the successful experience of Scotland and Wales, while other jurisdictions, like Austria, Brazil, Argentina and Ecuador, fully endorse voting at 16. When our allies move in this direction, they do so not as an experiment in radical politics but as a measured response to concerns about declining trust and disengagement and the need to renew democratic legitimacy.

Canada, which once showed leadership by lowering the age from 21 to 18, should not now, in the words of one young Canadian advocate, ". . . live in the shadow of other countries' innovation."

Some colleagues and commentators express concern about the maturity and knowledge of 16-year-olds, yet those concerns are often grounded in stereotypes rather than evidence. We know that many adults of all ages also struggle with civic literacy. The answer is to improve political education for everyone and not to withhold rights from a particular group of citizens.

Political parties across the spectrum already welcome youth members, recognizing that young people can meaningfully contribute to political debate, policy development and leadership contests, as was so eloquently expressed just now by Senator Denise Batters. It would be inconsistent and unfair to value their energy inside party structures while denying them a say in the general elections that determine who governs the country.

Colleagues, by lowering the voting age to 16, we would extend the franchise to hundreds of thousands of young Canadians whose futures are directly shaped by our decisions on climate policy, public finances, education and digital regulation. We would signal that we see them not as problems to be managed but as partners in the shared project of Canadian democracy.

This chamber has a proud tradition of championing rights that were once controversial and are now taken for granted. So I urge you to see this proposal in light of the fact that we are an evolving democracy and to support giving 16- and 17-year-olds full rights of citizenship at the ballot box.

Thank you. *Meegwetch*.

(On motion of Senator Martin, debate adjourned.)

NATIONAL CAPITAL ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Galvez, seconded by the Honourable Senator Pate, for the second reading of Bill S-229, An Act to amend the National Capital Act (Gatineau Park).

Hon. Sharon Burey: Honourable senators, I rise today in support of Bill S-229, An Act to amend the National Capital Act (Gatineau Park). Last October, my colleague Senator Cardozo rose to speak in support of this bill. I urge all of you to reread his speech for, in it, he eloquently captures the beauty of this park, its majesty and the cultural and historic importance of this jewel of the National Capital Region.

In June 2025, when my dear colleague Senator Galvez introduced this bill, she put before us a comprehensive rationale for the bill, including a summary of its main points and the broad support it has received from a number of key constituents, including Sophie Chatel, Member of Parliament for Pontiac—Kitigan Zibi; Gatineau Municipal Council; and Chief Jean Guy Whiteduck on behalf of the Kitigan Zibi Anishinabeg Band Council. We recently received another letter of support from Ms. Chatel.

Senator Galvez contextualized this bill and this moment in time for us by calling our attention to the great ecological threats we all face and the noble work being done by many in the global community to protect this sacred inheritance for generations to come. Colleagues, I again urge all of you to reread her speech.

I felt called to speak to you today because, among the many reasons for the passage of the Gatineau Park act cited by Senator Galvez, she noted that failing to protect our ". . . ecological diversity . . . will worsen our economies and our health."

I will expand on this point and use my remaining time to address some physical, mental and psychosocial aspects of health and its relation to nature.

According to my esteemed colleague Senator Boyer:

> For First Nations, Métis, and Inuit, land is not a resource we stand above. It is a living relative we belong to. Land carries spirit, memory, and responsibility.

Nearly 2,500 years ago, Hippocrates, the father of Western medicine, I would say, observed that "Nature itself is the best physician . . . ." This bit of wisdom from the ancient Greeks is backed by a growing body of scientific research showing that nature truly has a powerful impact on our health.

• (1840)

As a result, many physicians are now actually prescribing nature as a form of nature therapy. In British Columbia, the BC Parks Foundation leads an evidence-based initiative called Park Prescriptions, or PaRx, which is a nature prescription program in which doctors prescribe spending at least two hours per week outdoors in sessions of 20 minutes or more.

Led by health care professionals, PaRx aims to improve patient health by encouraging regular engagement with the outdoors. The program's core goal is to help individuals incorporate nature-based experiences in their local communities into their daily routines. PaRx is currently active in every province across Canada.

[*Translation*]

Why prescribe nature? It's cheap or free to access. Its effectiveness is proven. It promotes environmental protection. One of the great advantages of nature prescriptions is that they're affordable. It often costs little or nothing to enjoy the benefits of the great outdoors, especially in Canada's public parks, trails and green spaces. Thanks to initiatives such as PaRx, financial barriers are gradually being removed, allowing everyone to benefit from nature prescriptions.

[*English*]

Gatineau Park, with its rich biodiversity and proximity to urban centres, plays a crucial role in community well-being. Therefore, recognizing it as a national park would help protect its ecological integrity while ensuring that everyone can benefit from this nature prescription for generations to come.

I commend the government and Prime Minister Carney for their landmark investments through the Canada Strong Pass, which opened Parks Canada sites free of charge and provided discounts on VIA Rail fares and access to some of the nation's most iconic destinations. This initiative opened doors for families across the country, strengthened social connections and ensured that Canadians from all walks of life could enjoy and celebrate our shared natural and cultural heritage.

This has long been a priority for me as a pediatrician. For decades, I have understood the benefits of nature and outdoor play, and I have routinely recommended it to my patients and their families.

As mentioned earlier, a number of scientific studies have shown that spending time in nature significantly improves patient health. For instance, a study published in the peer-reviewed journal *Molecular Psychiatry* has demonstrated that exposure to natural environments reduces activity in the amygdala — the brain region associated with fear and stress — while also enhancing cognitive functions such as memory, attention and creativity. In other words, nature significantly supports and shapes healthy brain development.

According to Park Prescriptions, the health benefits of nature also include — and listen carefully, colleagues — the following: It reduces the risk of heart disease, hypertension and diabetes. Nature therapy improves the psychological well-being of cancer patients and activates tumour-killing cells. Also, 90% of us are happier after spending time in nature, and stress hormones decrease significantly after just 15 minutes in the forest. And in some studies, a 20-minute walk in the park for children with ADHD can improve concentration scores similar to medication. For more information, please see parkprescriptions.ca.

These benefits are especially important when considering the economic impact of mental health in Canada, which costs the economy approximately $51 billion annually, according to a 2024 report published by the Public Health Agency of Canada. Colleagues, that is a conservative estimate.

It has become my constant refrain that "There can be no true health without mental health." And that is why mental health, substance use and addiction parity needs to become a nation-building national priority.

A recently released report by ParticipACTION draws attention to the urgent need for improved physical activity in Canada. The third edition of their report card entitled *Moving Beyond Stagnation: Elevating Physical Activity in Canada* highlights the costly stagnation in activity levels and a critical opportunity to leverage movement as a nation-building tool. Key findings include: Only 46% of adults aged 18 to 79 meet weekly physical activity guidelines, which amounts to 150 minutes of moderate to vigorous activity.

Physical inactivity is costing the health care system $3.9 billion annually, while a modest 15% increase in activity levels could save nearly $1 billion each year in health care, absenteeism and chronic disease management costs.

In addition, the Canadian Paediatric Society recommends that children and youth should engage in at least 60 minutes of moderate to vigorous physical activity per day.

As Canada seeks to reduce public spending, address the mental health crisis and strengthen social connections, ParticipACTION emphasizes that physical activity offers a "proven solution."

Dear colleagues, protecting Gatineau Park is not just an environmental imperative, and it is not only a public health investment. It is about preserving our shared history; it is about the future of our children and youth; and it is how we build a strong Canada, a prosperous Canada and a secure Canada.

I urge you to send Bill S-229 to committee for a thorough consultation and review as soon as possible.

Thank you. *Meegwetch*.

[*Translation*]

Hon. Lucie Moncion: Senator Burey, I'm going to start with a preamble. I'm from Ottawa. I was raised here and my parents had a cottage in Gatineau Park, which is already a park. It's administered by the Government of Quebec, which I believe is better at protecting lakes and wetlands than Canada is. It's better at managing existing trails, because we can see when we visit Gatineau Park that things are really well organized. There are cross-country ski trails. People can go snowshoeing or hiking. There are chalets for romantic date nights. Inside the chalets, you can build a little fire and enjoy some wine and cheese. It is well developed, located in Quebec and just a short distance from the national capital.

I'm having a hard time understanding why we should take a park that belongs to the Government of Quebec and that's better protected, from an environmental standpoint, and turn it into a national park. All the ecological benefits are already there. When you know Gatineau Park and the area it covers, you know that it's already highly accessible. It's vast and well developed. I have a hard time understanding why we would take a provincial park and turn it into a national park. Can you explain to me why we should do that? I'm having a hard time understanding that part.

Senator Burey: Thank you for the question.

[*English*]

I am not an expert in this. I was speaking particularly about the health aspects.

What I understood is this: Number one, making it a national park would, as noted in the summary of the bill, establish the boundaries of Gatineau Park, first and foremost. I think you will see a lot of longitude and latitude in the bill.

• (1850)

Second, it would prioritize the ecological integrity of the park and its management by the National Capital Commission, or NCC, as it has been a concern that ecological integrity is not strong enough under current protections.

Third, it would prohibit the sale of public lands located within the park with certain exceptions. This guarantees the longevity of the park. It would also, I think, very importantly, strengthen consultation and collaboration between the NCC, the Algonquin Anishinaabe Nation and the neighbouring municipalities, which, as stated in my speech and other speeches, has received their support.

In summary, that would be my best answer.

(On motion of Senator Martin, debate adjourned.)

ENACTING CLIMATE COMMITMENTS BILL

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Rosa Galvez moved second reading of Bill S-238, An Act to enact the Climate-Aligned Finance Act and to make related amendments to other Acts.

She said: Honourable senators, I rise today to speak to Bill S-238, An Act to enact the Climate-Aligned Finance Act and to make related amendments to other Acts. I will call it CAFA for short.

Before addressing the bill, I would like to share the personal and professional motivations that led me to develop it. As many of you know, I worked for over 40 years as a civil engineer and environmental researcher, designing water treatment plants, remediating contaminated sites, closing mines and assessing climate risks to urban infrastructure. I have witnessed, first-hand, the tremendous financial, social and ecological cost of failing to care for our environment.

However, science and technology are not my only reasons. I grew up in Peru, as you know, between the Pacific Coast and the Andes Mountains, very close to the jungle. Some of my most cherished memories are of trekking through the jungle with my grandmother, a wise woman who lived close to the rainforest on the edge of the Amazon. I assisted her during the miracle moments of childbirth. This morning somebody asked me at what age I witnessed childbirth for the first time with my grandmother. I was 13 years old. This deepened my profound respect and awe for life and for the natural processes that sustain it.

Today, when I trek through Canada's boreal forest or greatly admire the mighty rivers of northern Quebec, I feel the same reverence for the natural beauty of my adopted country. I have worked in and visited every province and territory, including making multiple journeys above the Arctic Circle. I know deeply that humans are inseparable from nature. We need clean water and soil, not only for our physical survival but also for peace, dignity and long-term prosperity, as my dear friend Senator Burey just explained to you.

It is an honour to sponsor this bill in the Senate. We, as Canadians, are extraordinarily fortunate to benefit from an immense wealth of natural resources. With this privilege comes heavy responsibility. Canada's long-term economic stability, prosperity and competitiveness depend upon our ability to protect and steward these resources through a robust, coherent nature- and climate-aligned financial framework. We have the tools. We have the capacity. Through this bill, we could have a clear legislative pathway.

Many of you will recall that, in the Forty-fourth Parliament, I introduced a similar bill after identifying serious gaps in Canada's climate strategy and sustainable financial architecture. These gaps were documented in a white paper entitled Aligning Canadian Finance with Climate Commitments, developed in collaboration with researchers from the John Molson School of Business at Concordia University and informed by dozens of

consultations with more than one hundred worldwide experts in sustainable finance, climate risk, Indigenous governance and public policy.

Bill S-238 retains the core intent of its predecessor but incorporates three key amendments reflecting the testimony and feedback received at committee. I will return and explain those three amendments.

However, I will start by briefly outlining the purpose and urgency of CAFA.

The bill enables the alignment of federal financial institutions and federally regulated entities with Canada's legally binding climate commitments. It also provides practical implementation mechanisms for several acts already adopted by Parliament, including the Canadian Net-Zero Emissions Accountability Act, the Canadian Sustainable Jobs Act — sponsored by our colleague Senator Yussuff — the United Nations Declaration on the Rights of Indigenous Peoples Act and the Environmental Justice and Environmental Racism Act. These are in addition to our international commitments to the United Nations Framework Convention on Climate Change and the Paris Agreement.

In essence, CAFA is an accountability and implementation framework that gives real economic effect to laws that we have passed and that have already received Royal Assent. CAFA offers a framework that sustainable finance experts and regular citizens have been asking for for over a decade. It should not be a surprise, therefore, that the House of Commons Committee on Environment and Sustainable Development released its report on sustainable finances a few days ago and its first recommendation is to adopt this bill.

So if you are wondering about the support I have in the other place, I think this report and the press release are proof of their interest in this bill. We also have an open letter from the Citizens' Climate Lobby, which we received just a few days ago, and it already has more than 1,000 signatures.

Globally, leading financial institutions and international bodies now recognize that climate risk is financial risk. This is acknowledged by the Financial Stability Board, the Network for Greening the Financial System, the Bank for International Settlements, the International Monetary Fund, the World Bank Group, the Coalition of Finance Ministers for Climate Action, the Investor Network on Climate Risk and an organization that we all respect, the Organisation for Economic Co-operation and Development, of which Canada was a founding member at its inception in 1960.

Here in Canada, both the Office of the Superintendent of Financial Institutions and the Bank of Canada have explicitly recognized the existence of both physical and transitional risks associated with climate change.

Physical risks include damage from floods, wildfires, extreme heat, storms and sea-level rise. These are events that impair assets, disrupt supply chains, increase insurance losses and undermine creditworthiness. In recent years, we have seen communities devastated, families displaced, homes destroyed, businesses closing for good and crops and cattle tragically lost.

• (1900)

In that sense, I really want to thank other committees of the Senate that have started several studies on the impacts of climate change, the Transport and Communications Committee, the Agriculture and Forestry Committee —

[*Translation*]

The Hon. the Speaker: Senator Galvez, I'm sorry to interrupt.

[*English*]

Honourable senators, it is now seven o'clock. Pursuant to rule 3-3(1), I am obliged to leave the chair until eight o'clock, when we will resume, unless it is your wish, honourable senators, to not see the clock.

Is it agreed to not see the clock?

Hon. Senators: Agreed.

Senator Galvez: Transition risks arise from the economic, technological and policy shifts required for moving to a low-carbon economy. These include stranded assets, sudden devaluation of carbon-intensive investments and financial market instability.

Because these risks are global and interconnected, they do not remain confined to individual companies. They propagate through banks, insurers, pension funds, capital markets, government budgets and households. Unchecked, they threaten the stability of our entire financial system.

Multiple credible sources have made clear that if Canada fails to align its energy and financial policies with the global low-carbon transition, the risks of stranded assets, massive economic losses, fiscal collapse in fossil fuel-dependent regions and financial-sector instability will become, unfortunately, a tragic reality.

While I speak often of technical and economic risk, we must not forget the human dimension: health, social rupture and eco-anxiety. These are real. Please do not take my word for it — ask your children and grandchildren. I consider myself a very strong person, yet I am affected when I am asked by young people, "What is the point of getting married or having children?" These are not hypothetical questions; these are questions posed to me in my role as a university professor here in Canada by Canadian students. "What is the point of building roads or pipelines if the future collapses?" This is real eco-anxiety, and I am shaken to my core.

We have been fortunate to live in a relatively stable climate with predictable weather and within a relatively stable economic system. I believe that every one of us in this chamber hopes that our legacy will be a world in which future generations breathe clean air, drink fresh water and live with hope rather than fear. We do not want them to worry about their homes flooding, their retirement savings vanishing or their health deteriorating.

This bill addresses important gaps in the financial sector and offers solutions based on accountability, transparency and the promotion of innovation and competitiveness.

The climate-aligned finance act, or CAFA, establishes a clear framework for guiding the financial sector to mitigate this climate risk. We have several other risks, and the financial system responds to these other threats — cybersecurity, safety, inflation — and they react. Yet, climate risk is not yet on the radar of some of our financial institutions. However, it should be because of some of the information I'm going to give to you today. We need to redirect capital toward adaptation and increase resilience. We need diversification toward a low-carbon economy, and we have to report transparently on progress.

Under CAFA, to be considered aligned with climate commitments, federally regulated financial institutions must ensure their activities are consistent with the legally binding Paris 2015 treaty to combat climate change, aiming to keep global warming well below two degrees centigrade. I'm sure you know that we have passed one and a half degrees, and we are just getting a taste of what may happen.

Last year, we spent $9.1 billion on insured losses. So this requires accounting for financed emissions, reducing exposure to activities that degrade carbon sinks and planning for an orderly phasedown of fossil fuels. At the same time, it encourages increased capital flows toward biodiversity protection, ecosystem restoration, clean energy and climate-resilient infrastructure — all grounded in the best available science, existing technology, respect for Indigenous rights and the protection of present and future generations.

To operationalize this alignment, CAFA introduces seven essential measures.

First, it establishes a clear duty for directors, officers and administrators to act in alignment with climate commitments. It introduces harmonized disclosure requirements, standardized transition plans and annual reporting — replacing fragmented, voluntary practices with a cohesive, enforceable framework.

Second, it aligns the mandates of federal financial entities and strengthens the oversight role of the Office of the Superintendent of Financial Institutions, or OSFI, to reflect climate-related financial risk.

Third, it requires federally regulated institutions, Crown corporations and federally governed sectors — such as railways and airlines — to develop climate-aligned transition plans, emissions targets and annual progress reports covering emissions across their value chains.

Fourth, it strengthens governance by requiring climate expertise on certain boards and mandating the disclosure of conflicts of interest. This brings climate competence into corporate decision making and modernizes the fiduciary duty for a climate-constrained world.

Fifth, it requires OSFI to consider capital adequacy requirements that reflect climate-related microprudential and macroprudential risks. This is essential. When financial actors continue to fund non-transition-ready activities, unfortunately, they generate systemic risk that is currently externalized and paid by us, all taxpayers, public funds. CAFA introduces the conditions for those risks to be properly internalized.

Sixth, it mandates a government action plan to align financial products — not just individual institutions — with climate commitments, recognizing that real alignment requires federal coordination.

Finally, seventh, it establishes recurring public review processes to ensure transparency, accountability and continuous improvement.

CAFA mandates accountability and transparency. These are the principles essential to any democracy. Politicians are elected based on platforms, and they are expected to keep their legally binding engagements. It is our role as senators to hold the highest standards for both transparency and accountability.

CAFA is prudent, forward-looking risk management. Just as the Net-Zero Emissions Accountability Act applies to the government, CAFA extends accountability to the financial system regulated by the federal government.

CAFA reflects Indigenous Peoples' rights in relation to economic and financial institutions, making, in effect, a promise to Indigenous Peoples for a stronger nation-to-nation relationship and meaningful Indigenous equity and participation. This is our promise to them. The preamble of this bill recognizes the disproportionate impacts of climate change on Indigenous People. It defines climate expertise to include Indigenous ways of knowing, being and doing. It requires respect for rights that are affirmed in the UN Declaration on the Rights of Indigenous Peoples and ensures that Indigenous perspectives directly inform national financial policy.

Honourable colleagues, today we need CAFA more than ever. My decision to resubmit CAFA was influenced by the fact that there is always a conversation with the executive branch of the government of the day, and they know the clock is ticking. I recognize that some things move slowly and we need to accelerate the pace. But after new consultations, I realized that I had to submit it again and that I had to listen to the testimony and some of the concerns of my colleagues.

• (1910)

Traditional financial models are backward-looking. Somebody asked me recently how we explain this issue with climate change and its impacts. And I said that it's like we are going down a tortuous road at 150 kilometres, very fast, and we are looking into the rearview mirror instead of looking out the front. The

reason we do this is because it's so tortuous, it's difficult, and we think that historical data is going to help us predict the future. We cannot do that.

So traditional financial models are backward-looking. They fail to incorporate abrupt and irreversible shocks. As a result, markets systematically underestimate climate risk. The bill corrects this failure. It enables an orderly transition rather than a chaotic collapse — because without urgent action, make no mistake, dear colleagues, collapse is the trajectory we are on now. We can separate and we can say that affordability is this, and climate change is this, and safety is this, but, in reality, we all know they have the same source, that the routes are the same.

The climate crisis threatens financial systems, and a misaligned financial system accelerates the climate crisis. This is the reality of what financial experts call double materiality.

When financial institutions assess both how climate change affects them — outside in — and how their activities impact planet warming and the environment — inside out — they realize both present real-world financial risks. This is double materiality. For example, a bank's mortgage portfolio faces physical risks from more frequent floods — outside in — affecting real estate values and loan performance. The same bank's lending to coal expansion creates transition and environmental impacts — inside out — contributing to emissions that increase systemic climate risks. It is a vicious circle. Consideration of this double materiality ensures decisions reflect both financial resilience and responsibility toward our climate outcomes and commitments.

Every additional degree of warming has devastating economic consequences. Research suggests that even one additional degree Celsius of warming may reduce global GDP by more than 20% in the long term.

Canada continues to experience a sharp rise in catastrophic weather events. The number is increasing and the cost is increasing. The Canadian Climate Institute estimates that disasters already consume the equivalent of 5 to 6% of our annual GDP growth. Insured losses have doubled in five years, from $10 billion to $20 billion. In 2024 alone, insured losses reached $9.2 billion.

Those are only the insured losses. What about uninsured losses? They are three to four times higher, and they are borne by governments, businesses and us — Canadian families. These are not abstract numbers. These are Canadians' homes, livelihoods, schools and communities.

These catastrophes are also straining government finances. One of my typical questions in the National Finance Committee is, "Have you put money aside for next year's extreme weather event costs?" And the answer is "no." I don't know how we're doing this.

The Parliamentary Budget Officer now warns us that disaster assistance alone averages $1.8 billion annually, and it's rising.

And yet Canada continues to fall behind. Since 2019, we have produced nine climate strategies, yet we remain the only G7 country that has failed to meet a single climate commitment or to decouple economic growth from emissions. The Climate Action Tracker notes that Canada's progress is stalling even as we endured one of the worst wildfire periods in our history in 2025.

This afternoon I met with a lady from Lytton. She said, "I'm living in the warmest place in Canada, and my whole environment has changed because the land has burnt so much. Nothing that is coming back looks the same as it was before."

Several studies, including peer-reviewed publications and nature and energy publications, tell us that half of fossil fuel assets may become stranded by 2036 in a net-zero scenario. Those who fail to pivot will face collapse. Those who lead will seize the opportunity.

In the meantime, seven of the nine planetary boundaries have now been breached, indicating that the earth's systems, which support our life — I will add a parenthetical here: If we let biodiversity loss, climate change, acidification of the ocean and plastic pollution go on unchecked — well, the planet will survive. I hope you are sure of that. The planet will survive. It's us. It's humans that will have to adapt or do something. I don't know exactly what.

So seven of the nine planetary boundaries that have now been breached are destabilizing economies and life. I'm sure you go to the Caribbean in the wintertime. Well, I suggest you ask about erosion. Island nations are very much impacted by global warming.

The recent advisory opinion of the International Court of Justice confirms that states have binding legal obligations to protect the climate system. Climate leadership is no longer optional.

The risks are catastrophic, but the solutions — and this is the positive part of all of this — are within reach. We are seeing other jurisdictions in the world that are moving ahead. Nobody is going to stop that transition. Not even our neighbour in the south.

Financing the transition can help Canada manage risk and regain leadership. Every dollar invested in adaptations or mitigation returns between $2 and $10 in avoided losses per decade. Ensuring that our financial institutions fully understand and address climate risks will allow Canada to transition in an orderly, just and economically beneficial manner. This transition is not a burden. It is an extraordinary opportunity, but we need to open our eyes.

This brings me to the three principal amendments made to Bill S-238, or CAFA.

First, the capital-weighting provisions were refined. Rather than telling the Office of the Superintendent of Financial Institutions, or OSFI — as I heard in committee — what to do, I will let OSFI study, evaluate and incorporate the climate risk while preserving its independence in determining technical calibration.

Second, the board governance rules were revised. Instead of barring certain individuals, the bill now requires full disclosure of conflicts of interest and the publication of mitigation measures if needed, ensuring transparency without imposing unusual statutory prohibitions.

Third, the fiduciary duty of directors was clarified. Actions taken to align with climate commitments are now explicitly deemed consistent with existing statutory duties. This reduces legal uncertainty and reinforces that climate alignment is fully compatible with fiduciary responsibility.

These amendments make the CAFA more precise, more implementable and more resilient.

Honourable colleagues, CAFA is also a nation-building instrument. It strengthens unity by directing capital toward shared national priorities, such as a modern clean electricity grid, interprovincial cooperation and resilient infrastructure.

It boosts competitiveness by preparing Canada for carbon border adjustments. I'm sure you know our Prime Minister is going around the world trying to look for new partners. Well, these new partners in Europe, Asia and China have stricter climate rules and carbon border adjustments. We don't have those, so how are we going to compete? How are we going to get these markets?

• (1920)

Clean technology races and international investment flows increasingly favour low-carbon economies.

CAFA advances reconciliation by protecting lands, health and communities while encouraging Indigenous-led energy, conservation and restoration projects. It replaces empty targets with measurable outcomes by aligning money with real-world emissions reductions. It supports affordability. Renewable energy, once built, offers stable, predictable and low operating costs. Of course, we need storage of this electricity, but we need to develop these innovations — these new batteries.

Around the world, we talk about resource curse economies. They come with relentless global price volatility that perpetuates boom-and-bust cycles. A transition to clean energy is inherently stabilizing and disinflationary.

In 2025, global energy investment is projected to reach $3.3 trillion, $2.2 trillion of which will go to clean energy. China alone represents more than a quarter of that investment. The world is moving. Last year, $1.2 trillion in new investment went to clean technology and energy. You must ask this question: How much of that did Canada receive? Don't ask me because it makes me cry.

Young people, scientists, Indigenous nations, workers seeking a just transition, health professionals, women and vulnerable communities are demanding decisive action. They are not asking for rhetoric; they are asking for structural change.

In this chamber, we carry the hope that our grandchildren will know good health for our planet, which will determine the fate of humanity, and that we did a good job and were on the right side of history. My work remains clear: to work tirelessly for a world in which pristine environments are recognized as rights and protected for generations to come. Bill S-238 is a balanced, technically sound transparency and accountability response to that call. It is very cheap, because it's a Senate bill. We cannot move money, so we have to be creative and innovative, legislatively speaking.

I look forward to a robust debate and thoughtful study of this bill in committee. I more than welcome expert testimony; I want to hear and learn. I want to improve the bill. We need critical analysis, constructive criticism and improvement, because the stakes — our stability and prosperity and that of future generations — could not be higher.

Thank you, *meegwetch*.

(On motion of Senator Martin, debate adjourned.)

CRIMINAL CODE
INDIAN ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Tannas, seconded by the Honourable Senator Osler, for the second reading of Bill S-241, An Act to amend the Criminal Code and the Indian Act.

Hon. Tracy Muggli: Honourable senators, I rise today to speak to Bill S-241. I would like to thank Senator Tannas for putting this bill forward and providing an opportunity to challenge ourselves with how we manage gaming this in this country. I support the objective of this bill. I believe it is an overdue conversation about economic reconciliation, and Indigenous jurisdiction over economic activity is a core part of that work.

The Truth and Reconciliation Commission's Call to Action 92 focuses on that point. It calls upon the corporate sector to adopt the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP, as a reconciliation framework and apply it to core operational activities involving Indigenous Peoples and their lands and resources. We know that UNDRIP itself recognizes that Indigenous Peoples have the right to determine priorities and strategies for the development and use of their land and resources.

Colleagues, I believe that gaming on reserve lands falls squarely within that space, and that is why I support the principle of this bill.

I understand that gaming is a complex sector. The relationship between federal, provincial and Indigenous jurisdictions is hard to map out, and changing it is a wicked problem. Nonetheless, principles like UNDRIP and Call to Action 92 were not in place when provinces were granted authority over gaming. Indigenous governments were not a part of that decision.

Bill S-241 provides an opportunity to revisit a system that was constructed without Indigenous participation and reconcile with our past mistakes. I think it is incumbent upon us to do that work, no matter how complex or difficult it might be.

In Saskatchewan, my provincial leaders regularly speak about economic reconciliation in general terms. They even declared it a governmental priority last May. I welcome that sentiment, but it is important to understand just how far our country has to go. In British Columbia, for example, it is my understanding that First Nations share just 7% of the British Columbia Lottery Corporation's net income.

Saskatchewan's model, while seemingly more favourable toward First Nations as revenue generators in comparison, also illustrates the imbalance in our systems. In Saskatchewan, the Saskatchewan Indian Gaming Authority operates Indigenous gaming and distributes the profits from their facilities based upon the Gaming Framework Agreement. As I understand it, under the current framework, after an off-the-top allocation toward the First Nations Addictions Rehabilitation Foundation, half of the remaining gaming profits are distributed across all First Nations in the province, largely on a per capita basis, and 25% is returned to host communities through community development corporations based on performance. The remaining 25% flows directly to provincial general revenue. I believe Métis communities receive some funding from the provincial allocation.

Provincial governments remain significant beneficiaries of gaming revenues, even as Indigenous communities provide the land and a heavy share of the capital, labour and long-term investment that make those revenues possible.

Living in Saskatoon, I come to this debate informed by conversations with Indigenous leaders across the province, including Chief Darcy Bear and the Whitecap Dakota Nation Council. Whitecap's experience shows what Indigenous-led investment can look like. Over time, they turned their casino into a broader tourist destination. Imagine making deep capital destination investments in a golf course, a hotel with an expansion in the near future, a casino with a recent expansion and even a Nordic spa in the works.

However, even as they build out these investments, they remain junior partners in a system that depends on their success.

It is also worth noting that our current model is not the only possible path forward. There are existing approaches that place Indigenous governments in a stronger position when it comes to gaming. In the United States, for example, tribal state compacts are authorized through federal legislation and built upon the premise that tribal governments remain the primary beneficiary of gaming revenues. That approach has been reinforced in both legislation and through court decisions dating back to 1987 in California. They emphasize Indigenous self-government and economic development as legitimate interests that outweigh state control in the gaming context.

My understanding is that those arrangements generally require that the majority of net gaming revenue remain with the host Indigenous community. From that starting point, states may still participate in revenue sharing. The key difference is that negotiations begin from Indigenous jurisdiction rather than state control.

I hope committee deliberations will consider what can be learned from those approaches, without suggesting that any one model be adopted wholesale.

At the same time, opportunities must be considered along with potential risks. That is why committee study will be important.

Former Saskatchewan senator Brent Cotter raised the issue of equity among First Nations during debate on an earlier version of this legislation. I spoke with him about this concern not long ago. Senator Cotter supported greater Indigenous participation in gaming governance, but he cautioned that communities located near major population centres or tourism hubs are far better positioned to benefit from gaming than smaller or remote communities.

• (1930)

In Saskatchewan, we have a shared revenue model that supports a wide range of First Nations, including those that do not host gaming facilities. His concern is that if individual First Nations can opt out of existing provincial frameworks, it could weaken collective benefit models that currently support a broader range of communities. That could have real impacts on communities that have not had the same access to capital or market opportunity.

Having said that — and it has been noted by Senator Tannas — other forms of First Nations revenue-producing economic development are not tied to revenue sharing with all other First Nations and provinces.

For me, the bottom line is that economic reconciliation requires that we trust Indigenous governments to make their own economic development decisions and investments.

Additionally, Bill S-241 does not directly address how gaming or potential gaming communities would participate in or benefit from a new framework, and that is something that should be considered. A memorandum of understanding signed by 15 First Nations in Canada in 2024, including 8 from within Saskatchewan, recognizes and outlines an Indigenous-led approach. This includes the need for a national Indigenous gaming authority — something that Chief Darcy Bear described to me as necessary to implement fair gaming practices. Additionally, the issue of access to market will need consideration.

Based on conversations that my team and I had with the Saskatchewan Indian Gaming Authority and the Minister Responsible for Lotteries and Gaming Saskatchewan Corporation, the Honourable Jeremy Harrison, market saturation is a concern that must be considered. The Saskatchewan minister has indicated that he does not support this legislation.

Discussions will likely be very robust regarding any market controls in this industry, whether there should be limitations on new entrants or, like other industries, whether the market should decide. Committee study will help us to assess these questions and determine whether amendments might improve the bill.

That is a constructive step, but if Bill S-241 passes, similar discussions will also need to take place across the country. In the face of this complexity, the Senate should hear directly from communities with limited gaming capacity to understand their concerns, not just to inform our work on this legislation but also to help provide reference material for folks across the country regarding best practices and how to shape the Indigenous-led systems of tomorrow.

Committee consultations should also engage Métis groups. This legislation reflects the reality of reserve-based gaming. At the same time, Métis communities are rights-bearing Indigenous Peoples, and their economic participation in gaming has largely depended on provincial policy choices. The committee should consider whether this legislation has indirect effects on Métis communities, and their perspectives must be heard.

Another issue raised by former Senator Cotter is jurisdictional mechanics. As I understand it, this bill would effectively displace provincial gaming authority where a First Nation chooses to exercise jurisdiction. I would hope that the committee carefully examines both the benefits and the potential drawbacks of that arrangement by including the voices of provinces and territories and what impact these potential changes would have on them.

But again, this should be done while being mindful that economic reconciliation takes genuine effort and may not be comfortable for everyone at the table.

I will also say that as the former director of Mental Health and Addiction Services for the Saskatoon Health Region and the Saskatchewan Health Authority, I know that gambling is not only an economic activity; it has well-documented impacts on addiction and mental health, which creates a duty of care for those who operate gambling systems and raises questions about how associated harms are addressed.

As Bill S-241 proposes a shift in gaming jurisdiction, I have no doubt that First Nations regulation is committed to the same — if not enhanced — responsible gaming standards and treatment supports.

Colleagues, what is ultimately necessary is to understand how this bill would function in practice, given the complexity of the gaming system it would affect. Committee study will allow us to hear directly from a range of First Nations, including communities with limited gaming capacity, and to assess whether this approach is workable.

We know of models outside of Canada that put Indigenous jurisdiction first, so this is possible. We know that this legislation aligns with UNDRIP. We know that economic reconciliation is key to broader reconciliation. We know that many First Nations are thriving in many economic sectors, and we know that many First Nations have extensive and successful experience in the gaming industry and have, in fact, invested significant capital in creating a fulsome tourism experience.

We have reached the point where it is incumbent that we examine closely and listen to First Nations about what economic independence looks like and move forward toward getting there while removing colonizing oversight.

For these reasons, honourable senators, I support referring this bill to committee. Thank you. *Meegwetch*. *Marsee*.

(On motion of Senator Black, debate adjourned.)

[*Translation*]

NATIONAL FRAMEWORK FOR WOMEN'S HEALTH IN CANADA BILL

SECOND READING—DEBATE ADJOURNED

Hon. Danièle Henkel moved second reading of Bill S-243, An Act to establish a national framework for women's health in Canada.

She said: Honourable senators, I thank those of you who are still here this evening.

I want to talk to you about women — our mothers, our sisters and our daughters, those who raise children, those who care for loved ones, those who work, those who are entrepreneurs, those who create and innovate, all the women in this country. More specifically, I want to talk to you about their health.

Women's health in Canada is not a marginal, sector-specific or identity issue, nor is it a debate reserved for a few specialists. No, it's about half of the population. It's about the strength of our families, participation in the labour market, productivity, and, ultimately, the prosperity of our country.

As you know, I am not approaching this subject in the abstract. For nearly 30 years, I have worked in a sector that directly affects women's lives. I have listened to their stories, their pain, their concerns, their incomprehension in the face of a system that too often does not hear them or believe them.

I myself have gone through the ordeal of cancer, as has my youngest daughter. Like so many other women in Canada, I have seen first-hand how symptoms are trivialized, diagnoses are slow to come and prevention is inadequate.

[*English*]

This bill is a natural extension of my journey as a woman, an entrepreneur, a mother and an immigrant who holds the unwavering belief that women's health is not a cost but a driver of equity, dignity and prosperity for the entire country.

Before I go any further, I wish to make it clear: This bill is not my bill. It does not belong to me. It was born out of conversations and lived experiences. It is the result of collective, patient and often invisible work carried out over the years by clinicians, researchers, community organizations, committed companies and, most importantly, women who had the courage to share the stories of their pain and suffering. I am simply carrying forward the torch that others have carried for far too long without being heard.

• (1940)

The reality has been clear for years, and so have the needs, yet nothing has changed. This disconnect between what we know and what we are doing should concern us all.

I am firmly of the belief that the Senate is precisely the place where these blind spots must be confronted directly, away from electoral cycles and partisan reflexes.

[*Translation*]

The fundamental problem we face is that no one is ultimately responsible for women's health in Canada. The current system is a patchwork of fragmented jurisdictions. The provinces deliver health care, professional associations regulate practitioners and specialty societies set clinical standards. At the same time, universities train doctors and control research. Health Canada approves drugs, while the Canadian Institutes of Health Research fund studies.

I ask you this: Who is responsible for ensuring that the system works overall for female patients? The answer is simple: no one. Everyone operates in silos. What is needed, therefore, is a strong political will to coordinate the entire system, and that is precisely the aim of the national framework I am proposing.

Before introducing this bill, I took the time to listen. I would particularly like to thank the Women's Health Coalition, an organization that has been working tirelessly for over 15 years to make women's health a priority across Canada. My office and I have been working closely with this organization for several months. The coalition brings together academics, clinicians, data experts, committed businesses, and community organizations from coast to coast to coast, united by a single goal: to make real progress in women's health. I have also spoken with more than 30 fellow senators, about 20 members of Parliament, and ministers from across the political spectrum.

I would like to thank everyone who took the time to guide me through this bill, especially my team and the Library of Parliament, as well as all the translators. All of this helped me reflect on the issue, improve the text of the bill, and confirm what is obvious: inaction is no longer an option.

[*English*]

It is important to make it clear at this stage that this bill does not create any new care program. It does not impose anything on the provinces and territories. It does not further medicalize women's lives. It does not target a particular disease. Its proposition stems from a different vision.

It assigns the Minister of Health a specific duty to develop a national framework for women's health in collaboration with the Minister of Women and Gender Equality, other relevant ministers, the provinces and territories, Indigenous Peoples and, let us not forget, civil society organizations that work every day to advance this important cause.

This approach is based on a clear choice — that of collaboration. Lasting improvements in women's health require structured, ongoing and shared coordination among all actors involved. That is precisely why this bill establishes concrete mechanisms for dialogue and follow-up.

In particular, this bill requires the Minister of Health to convene at least one national conference, bringing together all relevant stakeholders to develop the framework. Subsequent conferences are to be held every three years to gather input, adjust priorities and assess the effectiveness of the measures implemented over time.

[*Translation*]

This coordination is only valid if it is accompanied by genuine accountability. Indeed, Parliament is not a mere observer: it is a key player.

Unlike an administrative strategy initiated and monitored exclusively by a department, this national framework is subject to explicit parliamentary oversight. Thus, in the year following the act's coming into force, the minister will have to submit a report to Parliament setting out the priorities and implementation strategy for the national framework. Five years later, there will be a second report on the effectiveness of the framework, progress in research and innovation, and collaboration with the provinces and territories. The bill also provides for women's health to become a standing item on the agenda at meetings of the country's health ministers.

All of these obligations finally establish a clear and transparent cycle of monitoring, evaluation and parliamentary accountability with respect to women's health. This is not a one-off, performative or symbolic approach. In concrete terms, this bill is based on four complementary pillars: understanding, preventing, training and coordinating. I will organize the rest of my remarks around these pillars.

Let's be clear: Canada is basically groping its way in the darkness today when it comes to women's health. According to the Hologic Global Women's Health Index, Canada ranks sixty-fourth in the world, far behind many comparable countries. The United States is thirty-eighth, the United Kingdom is forty-first, and Germany is sixth. Heading the list are Taiwan, Kuwait and Austria. Our ranking should concern us all. It reveals an alarming disconnect between the image we hold of our supposedly universal, accessible and equitable health care system and the lived experience of many women in this country.

This same observation was confirmed last November by the Standing Committee on Health in the other place. In its report entitled *Women's Health in Canada: Closing the Gender Gap*, the committee explicitly acknowledged that it hadn't studied women's health in 28 years. Twenty-eight years. This number alone reveals an institutional vacuum that can no longer be ignored.

The last federal framework for women's health dates back to 1999. Not only was it highly focused on reproductive health, it had no measurable targets, no tracking mechanisms and no requirement to report to Parliament. This framework didn't fail because of a lack of ideas; it failed because of a lack of structure.

[*English*]

To this day, data on women's health are scattered across provinces, territories, research organizations, health care institutions and government departments. They are not harmonized, they are not always comparable, and they do not provide a reliable national picture.

• (1950)

Without reliable data, it becomes impossible to clearly identify inequalities, measure their extent, track developments and, most importantly, address the system's shortcomings. This fragmentation is also reflected in access to care.

First, existing initiatives are too often focused on a specific moment in life — adolescence, pregnancy or menopause — without providing a true continuum of care.

In rural, northern and remote communities, access to services is limited by the scarcity of professionals, the large distances involved and long wait times. These constraints lead to the late identification of diseases and incomplete care.

Finally, as we all know, access issues disproportionately affect Indigenous, racialized and immigrant women, along with women with disabilities, those who face linguistic, cultural and physical barriers and, sometimes, systemic discrimination. These inequalities do not simply add up: they are compounded.

[*Translation*]

However, all these inequalities in access reveal a broader problem, specifically, chronic underfunding of women's health research.

In 2020, less than 5% of global research and development funding was devoted to women's health. In Canada, this share was still only 7% of federal funding in 2025.

This is neither marginal, nor accidental, nor recent.

Between 2009 and 2020, barely 6% of Canadian Institutes of Health Research funding was allocated to projects related to women's health, most often focused on cancer.

According to data from the Centre for the Advancement of Research and Surgery of the McGill University Health Centre, endometriosis research is still woefully underfunded compared to other chronic conditions.

In 2022, it was estimated that approximately $4 per patient was invested annually in endometriosis research, compared to $31 per patient for diabetes and $130 for Crohn's disease.

These figures point to a major gap, specifically the absence of a national framework that could set clear shared priorities for women's health.

Underfunding is only part of the problem. Women are also under-represented in research itself.

One example is particularly telling: Three quarters of MS patients are women.

Yet only a few hundred studies — approximately 350 out of more than 100,000 — address issues specifically related to women's health.

This knowledge gap is all the more alarming given that chronic diseases affect women more than men.

According to the Public Health Agency of Canada, among people aged 65 and older, osteoporosis is 196% more common in women, osteoarthritis is 38% more common, and dementia is 25% more common.

Under-representation in research does not only affect women in general. It also affects certain groups of women in particular, especially those who work in highly male-dominated professions.

In sectors such as the Canadian Armed Forces, policing, firefighting and even sports, data on women's health is still very inadequate.

As the honorary captain of the Canadian Coast Guard and lieutenant-colonel of a reserve regiment, I am particularly sensitive to this issue. The available data suggests increased issues with personality disorders, sexually transmitted diseases, incontinence, urinary tract infections and infertility.

This knowledge gap results in bias.

It results in less appropriate treatments and poorer health outcomes for women.

[*English*]

The same pattern can be seen in the field of cancer care, where the severity of gynaecological cancers stands in stark contrast to the limited resources dedicated to them. For example, ovarian cancer research receives five times less funding than research on breast cancer and half the funding allocated to prostate cancer

research. Unsurprisingly, this lack of resources comes at a high price. The five-year survival rate of ovarian cancer is 44% — barely half that of breast cancer, which stands at 89%.

But research, essential as it is, is not enough. The knowledge produced must be translated into effective prevention, early detection and clinical practices that truly reflect women's experiences.

To understand is to recognize these facts. It means looking at the data as it is without complacency. But understanding is not enough either. We must act much earlier. That is precisely the purpose of the second pillar of this bill: screening and prevention.

[*Translation*]

Prevention and screening are among the most important and powerful tools for improving women's health in the long term. Yet they are the ones we use least effectively.

What is lacking is the structured and coordinated implementation of prevention and screening policies.

Cervical cancer is a particularly telling example.

It's one of the few cancers that can be detected before symptoms appear, and it's largely preventable thanks to vaccination against human papillomavirus.

Every province and territory offers school-based screening and vaccination programs. Every one of them.

On paper, all the tools are in place, but they're not getting results. Vaccination rates vary from 68% in Ontario to 93% in Newfoundland and Labrador depending on the jurisdiction, which jeopardizes the goal of eliminating cervical cancer by 2040.

The vaccine is available and effective, preventing approximately 95% of cervical cancers.

So why has there been an increase in cases of uterine cancer after decades of decline, given that it mainly affects women under the age of 50?

It is clear that this increase can be explained in particular by a decline in participation in screening and vaccination programs.

In terms of screening in general, the numbers are worrisome.

In Canada, only 15% of women have been screened for cancer in the past year. Less than one in four women have been tested for diabetes. Furthermore, more than one-third report having forgone care for economic reasons. Breast cancer screening clearly illustrates this disarray.

I do want to point out that Quebec has chosen to take initiative. Health services send a letter of invitation, which serves as a prescription, directly to eligible women. This best practice does away with both administrative and psychological barriers at once. Patients do not have to take the initiative themselves.

• (2000)

However, in other provinces and territories, the responsibility still rests entirely with the patient, who is expected to gather information and take the necessary steps, without even knowing she is at risk, in some cases. Wouldn't it be more appropriate to move from a system that waits until women fall ill to one that reaches out to them systematically and proactively?

Again, this is not a technology issue; it's an issue of organization, coordination and political will. Prevention is not enough if a woman's doctor doesn't listen to her. This is where our third pillar comes in: better training and a new attitude of finally taking women's pain seriously.

Understanding is essential. Prevention is indispensable. But a crucial link in the chain from knowledge production to practical application is training and clinical practice. That is exactly where strong biases continue to influence the way women are diagnosed and treated. These biases are neither anecdotal nor accidental. They are rooted in the very history of our health care system, which has long been implicitly designed with the male body as the baseline.

Clearly, women's health was not conceived as its own integral thing. It was added on in bits and pieces over time.

[*English*]

To put it simply, treatment for women is not the same as treatment for men, and it shouldn't be. Yet, all too often, tools, protocols and clinical reflexes are still based on male models.

This reality begins as early as medical training. In Canadian medical schools, less than 10% of programs include content specific to women's health. The consequences of this lack of specific training are well documented.

Take cardiovascular disease, for example. In women, symptoms are often less clear-cut, less typical and less spectacular. As a result, they are recognized much later.

During a heart attack, only 29% of women receive an ECG within the recommended time frame, compared to 38% of men. Just 32% of women receive timely reperfusion therapy, compared to 59% of men. Moreover, early signs of heart attack are missed in 78% of women, delaying recognition and treatment.

Canadian data shows that the in-hospital mortality rate following a heart attack is higher overall among women, at 6.50%, compared to men, at 4.34%.

This phenomenon goes far beyond cardiovascular health. Today, nearly 70% of patients with so-called medically unexplained symptoms are women. For more than 1,000 common conditions, women are diagnosed, on average, three years later than men.

The result is years of unrecognized pain and years of doubting one's own body. And this bias becomes even more pronounced when it comes to diseases specific to the female body.

Endometriosis is the most emblematic example. Listen to this: It takes an average of 7 to 10 years to get a diagnosis. According to EndoAct Canada, even after diagnosis, women wait between 6 and 18 months to see a specialist, and then another 6 to 24 months before surgery.

This issue affects a significant part of the population: at least 1 in 10 women of child-bearing age.

[*Translation*]

Certain populations are even more at risk: women living in rural or remote areas, Indigenous women, women from minority groups and women living on low incomes.

The consequences of this lack of knowledge about the female body can also be seen in medication errors. As a result, women experience more adverse drug reactions and higher rates of hospitalization related to those reactions.

A study published in 2025 in the Journal of the European Society of Cardiology shows that beta blockers, which are widely used in the treatment of heart failure, are less effective in women and may even be associated with increased mortality.

Here is another example. The dosage of Zolpidem, a hypnotic, was not adjusted for women until 2013, 21 years after it was first marketed. It is clear that all this is the result of a system that has long thought of health in masculine terms. Furthermore, women's health is still too often reduced to breasts and reproductive organs. This renders many pathologies invisible, such as lipedema, which affects almost exclusively women.

I have personally experienced this disconnect between female physiology and certain medical treatments. A few years ago, my eldest daughter developed worrying heart problems. She underwent a series of tests and was diagnosed very quickly. The recommended treatment was heavy medication and possible surgery. Our whole family went through a period of great anxiety.

It was while searching for answers in Canada, France, and the United States that we discovered that the problem was not primarily cardiac, but hormonal. A simple hormonal rebalancing made it possible to avoid heart surgery. This story is far from unique. It clearly reveals a systemic problem: The female body is too often still studied in silos, with the heart on one side and hormones on the other.

[*English*]

These biases do not stop at diagnosis or treatment. They extend into the very organization of care. A particularly revealing example concerns the way medical procedures are compensated.

A 2023 study published in the *Canadian Journal of Surgery* shows that surgeons in eight provinces and territories who primarily treat female patients are paid, on average, 28% less than those performing procedures of comparable complexity on men.

For example, a hysterectomy is valued less than a prostatectomy, despite equivalent technical complexity. As a result, when procedures are undervalued, specialties become less attractive, volumes decrease, wait times lengthen and the quality of care suffers.

• (2010)

[*Translation*]

We also need to remember that these imbalances aren't limited to physical health. Women are more prone to anxiety and depression and much more exposed to physical, psychological and sexual abuse, all of which increase the risk of mental health disorders. These aren't individual susceptibilities; they're structural mechanisms.

There's a more unobtrusive but equally determinative phenomenon at work as well: Women's pain is dismissed and portrayed as an inevitable corollary of being a woman. In addition, some cultural and social factors often escape notice. A person's relationship to their body, pain and words varies greatly depending on the context. In some cultures, pain is suppressed for reasons of modesty. When words don't flow, our system can't respond. Symptoms are minimized, diagnoses are delayed and inequities get worse.

All of these mechanisms have one thing in common: They aren't caused by a lack of goodwill — far from it — but by a lack of training and understanding. When pain is dismissed, when cultural codes are misunderstood, the medical system misses warning signs. This is precisely why professional training is a driving force for prevention.

Honourable colleagues, we all pay the price for the way things are. Canadian women spend 24% more time in poor health and with varying degrees of disability than men. That means training practitioners is essential. That includes medical training as well as cultural and relational training. That's one of the fundamental pillars of this bill.

These facts raise one unavoidable question: How can we continue to ignore the deep dissatisfaction that women experiencing the system on a daily basis have been telling us about for so long?

Two separate surveys, one by the Izaac Walton Killam Foundation, better known as the IWK Foundation, and the other by the Maple telemedicine platform, found a similar result: More than three quarters of the women who responded said that the existing system doesn't meet their needs at all.

Honourable colleagues, when the majority of women make it clear that the system doesn't work for them, that's no longer individual discomfort. It's a wake-up call for public decision-makers. That is exactly where the federal government comes in. It can't replace the provinces, but it can do what no other level of government can do alone. It can provide consistency, harmonize data, connect research, prevention and care, and ensure an equitable pan-Canadian vision. That's exactly what this bill is for.

[*English*]

And as a businesswoman, I also want to emphasize the economic cost of a system that does not give women's health the respect it is due. The World Economic Forum has shown that closing the gap could generate, worldwide, up to US$1 trillion per year by 2040.

Today, Canada faces a troubling paradox. Despite having a universal health care system and being a member of the G7, our country ranks among those where the economic cost of poor women's health is highest relative to the projected GDP by 2040. In other words, we have the tools, but we are paying the price for inaction.

For instance, the untreated effects of menopause alone are estimated to cost about $3.5 billion per year, according to the Menopause Foundation of Canada. This includes $237 million in lost productivity alone and nearly 540,000 workdays lost each year.

Regarding endometriosis and according to the organization EndoAct Canada, the costs of poor management are estimated at $2.5 billion per year in economic losses.

Based on numbers from the World Economic Forum, addressing gaps and shortcomings in women's health could reduce the time women spend in poor health by nearly two thirds. Worldwide, this could add an average of seven healthy days of life per woman each year. That amounts to a total of more than 500 days over the lifetime of a woman.

According to, again, the World Economic Forum, this could also boost Canada's economy by $37 billion per year by 2040. Beyond the economic cost, there is a human cost that is endured by women across the country and far too often ignored. This is intolerable.

[*Translation*]

Colleagues, we can't look at investing in women's health as more public spending; we need to look at it as a means of strengthening our families, our social fabric and our economy. Canada sees itself as — and claims to be — a leader in equity, equality and diversity. Here is an opportunity to translate that ambition into meaningful decisions. We must never forget that behind all these numbers are life stories and real women.

Since this bill was introduced, many women have written to us describing difficult treatments, unbearable pain and a deep sense of abandonment. Some recount procedures that are considered routine yet had consequences that have turned their lives upside down: chronic pain, loss of mobility, loss of intimacy, inability to work.

Colleagues, Bill S-243 does not claim to solve everything. It proposes the conditions required to do better: better as in fairer and more thorough. I therefore invite you to support it, not as a partisan reflex or ideological gesture, but because the status quo is absolutely untenable.

Before concluding, I would like to thank all those who advance women's health every day, often behind the scenes, often without recognition. This bill owes them a great deal. I want to take a moment to thank the women who shared their stories, who put into words pain that had long been ignored. It takes courage to say that something is not working, especially when we have too often been taught to remain silent.

It is high time to finally send a clear message to all these women. I therefore ask you to support this bill and send it to committee as soon as possible. This is urgent. By doing so, we are simply but firmly saying to all these women: We see you, we hear you, and we are acting for you and with you.

Thank you. *Meegwetch*.

Hon. Senators: Hear, hear.

• (2020)

[*English*]

Hon. Flordeliz (Gigi) Osler: Thank you, Senator Henkel, for elevating the discussion about women's health and bringing that to the attention of this chamber. I'll be brief.

My question is about the framework and specifically clause 2(2)(a), which calls for the promotion of ". . . pathways for commercialization of health research and innovation . . . ." One interpretation of that line and the word "commercialization" is that it could be investors who would gain financially.

Are you able to comment and help us better understand the intent behind the commercialization of health research on women's health?

[*Translation*]

Senator Henkel: When we talk about commercialization, it's because businesses such as pharmaceutical companies and companies working in the health sector will have to apply certain principles in terms of research and find ways to develop new drugs that are more appropriate and more targeted towards women.

I believe that is what the term "commercialization" means. It allows for better access to drugs that will be developed specifically for women.

Hon. Martine Hébert: I would like to thank you, senator, for that eloquent speech and for demonstrating the importance of focusing on women's health and equality.

I would like to know one thing, given that we know that women's reproductive health is a right that is often violated. Does your bill provide protections in that regard for women's reproductive health across the country?

Senator Henkel: Thank you for your question, senator.

As I said earlier, this bill is not meant to target a particular illness or symptom. Its main purpose is to provide a framework for better coordinating these kinds of problems with the provinces and territories so that they are better understood across Canada, not just in one territory or province.

Coordinating this data is absolutely essential in order to properly target not only care, medications and diagnostics, but also training. Thank you.

Hon. Manuelle Oudar: Honourable senators, I rise today to support Bill S-243, the National Framework for Women's Health in Canada Act.

First and foremost, I would like to thank Senator Henkel for her leadership in introducing this bill and, above all, for her commitment to making women's health a priority. Thank you, Senator Henkel.

This bill will be an important step forward not only in terms of health, but also in terms of justice and equity.

[*English*]

I rise to speak in support of Bill S-243, and I invite all of you to consider this bill as a fundamental issue in the economic and social spheres, as well as a matter of public health, justice and equity. That's what I would like to address in my short speech.

[*Translation*]

Gender equality is a fundamental Canadian value enshrined in our Canadian Charter of Rights and Freedoms. Our country has built a reputation as a champion of women's rights. It's a value reflected in our institutions, laws and public policies. It's part of our collective identity as Canadians. We've made significant progress over the decades in advancing the equality of women and men in all spheres of society.

Today, with Bill S-243, we have the opportunity to strengthen these commitments by establishing a national framework for women's health. This framework will allow for national coordination, research and data collection. Through its evidence-based public health approach, this framework provides a common vision for better understanding, documenting and identifying women's health issues. It provides an opportunity to demonstrate our leadership and to continue to advance women's rights in a concrete and meaningful way through coordination. This bill is an extension of our commitment to gender equality and represents the logical next step in our collective journey.

First, allow me to describe some of the realities that shape women's health in their workplaces in Canada. This is a reality that means a lot to me.

Women represent nearly half of Canada's workforce. They are present in health care, education, science, technology, entrepreneurship, and many other sectors. They hold positions at all levels and make essential contributions to our collective prosperity. These women are our colleagues, our managers, our sisters and our entrepreneurs.

However, we do not always have consistent national tools to fully link these realities to collective prevention and productivity goals. These women often have to navigate institutional structures that are ill-suited to their needs and realities.

Mental overload at work is one of the most common causes of stress and illness. Beyond their professional duties, women are often confronted with dynamics that create an expectation of over-performance. In addition to these work dynamics, there are health issues specific to women that are still often trivialized.

For decades, medicine, clinical research, and health policies have been based on a largely inadequate model, as Senator Henkel mentioned. Symptoms, diagnoses, care protocols, and even treatments have been calibrated to a "typical patient" who does not always reflect the realities of women.

Their biological, medical, and social experiences often continue to be under-studied and insufficiently integrated into our public policies and, therefore, into our workplaces.

Bill S-243 plays a leading role in addressing these gaps and redressing historical inequities in health research and health care to benefit women. It proposes a paradigm shift by recognizing that women's health deserves a structured, coordinated and evidence-based approach.

When women leave the workforce or reduce their professional commitments due to health issues, our entire society feels the effects. We lose skills developed through years of training and experience. We lose expertise in areas where women excel. We lose leadership and diversity of perspective in our organizations. These losses impact our collective ability to innovate and thrive.

By establishing a national framework for women's health, this bill creates the conditions necessary to ensure better coordination between public and private actors, in particular by equipping workplaces with research, data and shared best practices. It will promote more detailed data collection that is more representative of the diversity of Canadian women. Finally, it will ensure that the realities experienced by women in their professional lives are better taken into account.

As I said, this is a step toward a Canada that continues to take a meaningful and structured approach to advancing women's rights.

Bill S-243 reminds us that women's health is a public health issue that calls for an approach based on cooperation and dialogue. This bill does not impose unilateral administrative directives on provincial health networks or specific health care delivery rules, which are under provincial authority.

Rather, it promotes collaboration with the provinces and territories by giving the federal Minister of Health a mandate to work with the provinces, territories, and Indigenous Peoples to develop a national framework that keeps women's health at the heart of public policy and decision-making.

Bill S-243 is also important because it recognizes that women are not a homogeneous group. Indigeneity, age, origin, socio-economic status, family status and disability all profoundly influence how they experience health.

• (2030)

These differences translate into specific challenges that require tailored responses. Some women face precarious employment that limits their access to protections and social benefits. Others are disproportionately exposed to certain occupational hazards in sectors where standards have been established without taking their realities into account. Many have unequal access to health services because of geographic, linguistic or financial barriers that add to the challenges they already face at work. Recognizing this diversity is essential to developing truly effective policies.

This national framework will, in particular, make it possible to better respond to the specific needs of First Nations, Inuit, and Métis women, a special responsibility that we must fully assume. A national framework also makes it possible to take this diversity into account and ensure that all Canadian women benefit from policies adapted to their realities. It will foster an inclusive approach that allows governments, researchers, employers and communities to work together toward common goals. This collaboration is essential to developing solutions that truly meet the needs of all women, regardless of their situation or background, and that take into account the unique challenges they face in their workplaces.

This bill is an opportunity to strengthen our commitment to substantive equality and translate our values into concrete and meaningful action for current and future generations. It provides the necessary tools to do so and fosters conditions where women will be able to contribute to the fullest without constantly jeopardizing their well-being.

By moving this bill forward to create this national framework, we are sending a clear message to all Canadian women. Their health is a priority to our country. Their needs are recognized and taken seriously. Decision makers hear their voices. Their contribution to our society deserves the support of policies aligned with their realities, where they can contribute to the fullest and thrive professionally. This is a commitment we can and must make together now.

[*English*]

Many women have to leave their jobs, reduce their workweek or slow down their progression at work because of health issues. These health issues often remain misunderstood or, worse, stigmatized. Every time this happens, workplaces, unfortunately, lose expertise, institutional memory and leadership.

I believe Bill S-243 will make a real difference not only for women but also for society at large. These are the reasons why I believe this bill is deeply aligned with the Senate's mission to work in the public interest and to advance the well-being of all Canadians.

Thank you very much for your kind and thoughtful attention here tonight. I will be happy to answer any questions you may have.

Hon. Yonah Martin (Deputy Leader of the Opposition): Senator Henkel, congratulations and thank you.

Thank you, Senator Oudar.

I will adjourn for the balance of my time.

(On motion of Senator Martin, debate adjourned.)

STUDY ON AGING OUT OF FOSTER CARE

FIRST REPORT OF HUMAN RIGHTS COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Senate Committee on Human Rights, entitled *Nothing to Celebrate: The Crisis of Youth Aging Out of Care*, deposited with the Clerk of the Senate on December 9, 2025.

Hon. Paulette Senior moved:

> That the first report of the Standing Senate Committee on Human Rights, entitled *Nothing to Celebrate: The Crisis of Youth Aging Out of Care,* deposited with the Clerk of the Senate on Tuesday, December 9, 2025, be adopted and that, pursuant to rule 12-23(1), the Senate request a complete and detailed response from the government, with the Minister of Jobs and Families being identified as minister responsible for responding to the report, in consultation with the Minister responsible for Canada-U.S. Trade, Intergovernmental Affairs and One Canadian Economy, the Minister of Indigenous Services, and the Minister of Immigration, Refugees and Citizenship.

She said: Honourable senators, I rise today as Chair of the Standing Senate Committee on Human Rights to highlight the release of our report: *Nothing to Celebrate: The Crisis of Youth Aging out of Care.*

The report's findings and recommendations are based on the committee's 2024 study on the challenges that children and youth in Canada face as they age out of child protection systems and other forms of out-of-home care.

I'd like you, all for a moment, to think back to your eighteenth birthday. I imagine that, for many of us in this chamber, it was a happy occasion that marked a new and exciting stage of life. Perhaps you started college, university or your first full-time job. Maybe you moved to a new city or travelled to different countries. For the vulnerable youth at the heart of this report, a birthday around that age usually isn't a milestone worth celebrating.

Too often, an arbitrary birthday triggers an abrupt and destabilizing transition out of care that leaves them without vital support services. As a result, these youth are left vulnerable to poverty, homelessness, mental health challenges and involvement with the criminal justice system. Even more vulnerable are Indigenous, Black and 2SLGBTQI+ children and youth who age out of care, as well as those with disabilities.

Youth protection and child and family services fall under provincial and territorial jurisdiction, so policies and legislation related to child welfare vary widely across Canada. Depending on where they live, youth in care might transition to independence as early as 16 years of age, or they might have supports available to them up to the age of 27. An accident of geography can be the difference between support and abandonment.

All children have a legal right to receive the level of care necessary for their well-being. Canada has a legal and ethical responsibility to protect, respect and fulfill that right at all levels of government. Yet, the committee heard unequivocally that our country is failing to meet its obligations and has been failing for decades. We are one of the very few Western countries that does not have national legislation or standards that support the transition to adulthood of youth in care.

This is not the first time the Human Rights Committee has sounded the alarm on this issue. In 2005 and 2007, it released an interim report and a final report on the rights of children. Those reports called on the federal government to establish an independent children's commissioner and to improve supports for youth exiting the child protection system. Two decades of federal inaction later, the committee is now reissuing its previous recommendations, among others.

Of our eight recommendations, four call for specific systemic changes, while the rest call for the creation of direct supports. There is no single system to reform. Because of this, all levels of government and child protection agencies must work together so that youth in care across Canada thrive — and not just survive — from childhood to adulthood.

I invite all honourable senators to read the full report on the committee's webpage and to join our calls for desperately needed change.

• (2040)

To conclude, the committee would like to sincerely thank all the witnesses who testified or submitted written materials for this study. It takes immense courage, strength and resilience to speak about distressing and traumatizing experiences. Our witnesses' valuable insights were critical to our understanding of this important topic, and they helped inform the report's final recommendations. We couldn't have done it without them. Thank you. *Meegwetch*.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

THE SENATE

MOTION TO CALL ON GOVERNMENT TO CREATE A NATIONAL STRATEGY TO ENGAGE CANADIANS ABROAD— DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Woo, seconded by the Honourable Senator Boyer:
>
> That the Senate call on the Government of Canada to create a national strategy to engage Canadians abroad.

Hon. Yuen Pau Woo: Honourable senators, I rise today to make the case for a national diaspora engagement strategy. I am not referring to the diasporas of immigrants residing in Canada, which is what some of you might be thinking, but to the much-neglected community of Canadians who live outside the country. At a time when the need for Canada to have connections and relationships with places beyond the United States is more important than ever, a national strategy on Canadians abroad will provide ambition, structure and coherence to the way in which we engage with our overseas population and give Canada leverage for a foreign policy that is no longer tied to traditional notions of who our friends and allies are.

I have been studying and thinking about the issue of Canadians abroad for nearly two decades. At the Asia Pacific Foundation of Canada, I led a project to estimate the number of overseas Canadians. The number we came up with was 2.8 million, which was even then much larger than most people assumed.

In 2023 Statistics Canada came up with a fresh estimate and arrived at a range of between 3 million and 5.6 million. If you take the midpoint of that range, you will have a number that is more than 10% of Canada's population and a demographic that is larger than most Canadian provinces. This is a population that has all the rights of Canadians residing in the country; yet we

largely ignore them. Sometimes, we even disparage them as "foreigners with Canadian passports" or "disloyal Canadians." This kind of thinking is one of the reasons why Canadians abroad have received so little positive policy attention. But like them or hate them, Canadians abroad have the right to vote and the right of return. They can be shunned and alienated or they can be embraced in a way that increases the chances that they will contribute to Canada's foreign policy, domestic prosperity and Canada's image in the world.

I have taken to calling the Canadian diaspora the "Province of Canada in the World." If Canadians abroad had a premier, I am sure she would not be calling to secede from the federation, but rather, asking why the federation has not done more to connect with its overseas citizens. The "Province of Canada in the World" would bring a vibe to the debates on the state of the federation that is not about grievance, but about wanting to be more connected with the rest of the country.

That is the purpose of my motion: to call on the Government of Canada to come up with a national strategy to better engage with overseas Canadians across the range of policy domains that are relevant to them.

When we think about Canadians abroad, we do so mostly through a lens of return, in other words, how to attract the most talented of our compatriots to come home. This is a worthy goal that lies behind much of the recent effort to encourage Canadian scholars to return to Canada by offering financial incentives. But this approach assumes that Canadians abroad contribute to the country only when they return to Canada. There are indeed many Canadians living and working overseas who would welcome the opportunity to return, but there are many more who are happily living and working overseas and wanting to be connected to Canada in ways that are beneficial for them and for the country.

A recent report from the Institute of Canadian Citizenship and the Conference Board of Canada entitled *The Leaky Bucket* found that about 20% of immigrants leave Canada within 25 years, with the highest incidence of departure taking place within the first 5 years of arrival. The most highly educated and highly skilled immigrants have the greatest likelihood of what the report calls "onward migration." The report's authors frame these findings as a retention problem and call for a national strategy to reduce onward migration, to plug the "leaky bucket," if you will.

I support the effort to strengthen retention by improving settlement services, recognizing foreign credentials and encouraging employers not to fixate on "Canadian experience" as the overriding criteria for hiring. But it is important not to frame onward migration as "failure to succeed in Canada." The mistake is not in studying why people leave but in assuming that leaving ends their value to Canada. If we have, in fact, attracted some of the most highly qualified and highly skilled immigrants to our country, we should not be surprised that their talents are also highly desirable in jurisdictions outside Canada.

The point is that, while we want to make Canada as welcoming as possible for immigrants to settle and make a better life for themselves here in the country, we should be no less accepting of them as full-fledged citizens if they choose to leave Canada to pursue other opportunities.

Research on migration tells us that international mobility and transnationalism are features of modern economies. Indeed, *The Leaky Bucket* report shows that emigration and onward migration are driven primarily by opportunity, not by attachment or loyalty. Diaspora engagement, therefore, is complementary to, rather than in competition with, immigrant retention efforts.

Many of the overseas Canadians to whom I've spoken maintain active professional, economic and civic ties to Canada even as they build their careers overseas. They follow Canadian politics, have dealings with Canadian organizations, mentor students and junior colleagues and facilitate business connections. But many of them encounter barriers to being more connected to Canada in such areas as voting, being informed about policy choices and navigating issues related to taxation or social benefits.

To be fair, Canada is not oblivious to its overseas citizens. Global Affairs Canada has a consular affairs division, and we even had, for a time, a parliamentary secretary responsible for Canadians abroad. The focus of the department, however, has been on providing consular services to Canadians overseas, including emergency services for Canadians who need help while abroad. This framing of the Canadian diaspora is a fundamentally defensive one. It is about Canadians who get into trouble when they are out of the country and need the government's help.

This is not a criticism of the very good work of consular services in helping Canadians who need help when overseas. I am also conscious of the mandate and resource limitations that consular services have to work within. But I believe the framing of Canadians abroad as essentially a "consular services problem" has stifled our ability to think more broadly about the benefits of the Canadian diaspora. It is akin to fixating on the cost of house insurance rather than focusing on the value of the house and the benefits of living in it.

To the extent that we think of Canadians abroad, we tend to focus on so-called star-spangled Canadians. There is no shortage of famous Canadians who live and work in the United States, and we generally have a good impression of them.

We also think of Canadians abroad as our compatriots in the "old country," meaning Britain, France, Germany, Italy, et cetera. There are indeed many Canadians living in the U.K. and across Europe, and they form an essential part of the Canadian diaspora. But Canadians in the old countries are already part of our national psyche and have been largely tapped into because of our long-standing historical and cultural ties across the Atlantic and, dare I say, also because Old Canada has been more comfortable with the Old World and tends to see Canadians in the U.S. and Europe as the more acceptable face of overseas Canadians, compared to, say, Canadians in Latin America, Africa and Asia.

• (2050)

As Prime Minister Carney has reminded us, the old world is fading and a new world awaits us. An international strategy that is based on variable geometry, as well as alliances of non-traditional partners, means reaching out to overseas Canadians beyond the Atlanticist bubble. It means working with

Canadian diaspora groups in the so-called Global South and tapping into the knowledge, expertise and networks that they have in those markets.

I am thinking about Canadian educators who are teaching at Canadian schools across Latin America, members of the many Canadian chambers of commerce in Africa, Canadian professionals across the Arab world and the 300,000 or more Canadians in Hong Kong, most of whom are originally from Hong Kong and maintain close ties with Canada.

Living abroad introduces practical and emotional distance from Canada, which, over time, reduces the sense of connection to the country. It's the mundane stuff, like accessing services, paying dues and taxes, getting information on policy changes, re-entry challenges, voting and so on. Each point of failure adds to the alienation of our overseas citizens, which reduces the mind share of Canada as a place to talk up, build connections, create opportunity and, not least, to return to.

An obvious example is voting from abroad. Some of you will remember that we amended the Canada Elections Act in 2017 to restore the right of Canadians overseas to vote, even if they have been abroad for more than five years. Many overseas Canadians have expressed frustration over what they see as a cumbersome process that involves advance registration, the vicissitudes of international mail and compressed timelines. Comparative research shows that Canadians abroad vote at significantly lower rates than their American counterparts, which is not the case when it comes to in-country voting. Any national strategy on overseas Canadians should include improvements to voting from abroad as a fundamental aspect of cultivating attachment and belonging to Canada.

Some time ago, I undertook research with members of Canadian chambers of commerce across the Asia-Pacific to learn more about their experiences and needs and how Canada was supporting them. The central conclusion was not that Canada lacks the capacity to do more abroad, but that we lack coordination or clear policy intent.

What we heard can be summarized under three headings: encouraging community abroad, making Canada accessible and capitalizing on global experience. These three issue areas are easily mapped onto areas of federal responsibility, including overseas missions abroad, service delivery departments and the bully pulpit of the Prime Minister and his cabinet.

What I am proposing does not require the creation of new departments or a complete redesign of administrative processes, but rather a reframing of Canadians abroad so that the orientation of existing policies is to find ways to better utilize this hidden asset, celebrate accomplishment and cultivate attachment.

In the last Parliament, I commissioned a report from the McGill Institute for the Study of Canada on the state of research on Canadians abroad. The report found a large knowledge gap in our understanding of Canadians abroad and the absence of any coherent government policy or approach to overseas citizens.

Canada is late in recognizing the significance and value of our diaspora in comparison to other jurisdictions. Ireland has a whole-of-government diaspora strategy. New Zealand has a strategy that focuses on leveraging its global Kiwi network for economic growth, promoting attachment and safe travel. India has a dedicated program focused on its overseas citizens as well as on so-called people of Indian origin, and they hold a major event every year to celebrate the Indian diaspora.

Yesterday, the Senate Standing Committee on Foreign Affairs, Trade and Development held hearings on the subject of Canadians abroad. Witnesses largely validated the idea that our overseas citizens are underutilized assets and that the Government of Canada can leverage this community without creating a new bureaucracy or committing significant new resources.

As one witness said, the starting point is for the government to signal that it values Canadians abroad and wants to actively include them in Canada's international engagement efforts. That alone would provide the impetus for the many Canadian-affiliated business, cultural and academic organizations already overseas to mobilize their resources in a more deliberate way, working with embassies and consulates in their jurisdictions.

I encourage honourable senators to speak to my motion and look forward to hearing your perspectives. I suspect most of you in this chamber have a relative or close friend who is a Canadian living overseas. We even have some former senators who are part of the Canadian diaspora, and they are, it would seem, doing very well indeed.

I invite you to consult with your Canadian expatriate contacts on what they would like to see in a national strategy and tell us about what you hear. Even though we are a chamber organized by regions, there are no senators representing a region of more than 4 million Canadians. They are the "Province of Canada in the World," and they deserve to be heard. This motion is my small effort at giving them a voice. Thank you.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

THE SENATE

MOTION TO CALL ON GOVERNMENT TO INVESTIGATE THE CREATION OF A SOVEREIGN, DOMESTIC VERIFIED TRAVELLERS PROGRAM—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Simons, seconded by the Honourable Senator Woo:
>
> That the Senate call on the Government of Canada to investigate the creation of a sovereign, domestic Verified Travellers Program for Canadians.

Hon. Allister W. Surette: Honourable senators, I rise today to speak to the motion calling on the government to investigate the creation of a sovereign, domestic Verified Travellers program.

[*English*]

I would like to thank the Honourable Senator Simons for having raised this question before the Senate. At the heart of the motion is the question of how, as Canadians, we wish to uphold our values through the implementation of public policies.

In this case, we question how our participation in a joint program with our neighbours to the south directly impacts how Canadian values are reflected in our own travel and security policies.

[*Translation*]

The Verified Traveller program allows members of a police force, the RCMP, the Canadian Armed Forces or individuals who work for an airline to access a priority line at airport security, certain land crossings and maritime entry points.

The idea is that, since they have already undergone thorough security screenings, these individuals can take advantage of expedited access through security lines.

Travellers enrolled in the NEXUS program, jointly run by the Canada Border Services Agency and U.S. Customs and Border Protection, constitute a fifth category benefiting from the same expedited access privileges at all checkpoints under the Verified Traveller program.

However, as Senators Simons and Wells pointed out before me, over the past year, political decisions made by our American partners have resulted in the unilateral imposition of new rules on the NEXUS program.

It is important to note that these rules are not in line with Canadian policies.

[*English*]

Since February of last year, Canadians applying for or seeking to renew their NEXUS membership will no longer be able to use their preferred gender identifier. Rather, they will have to use the gender they were assigned at birth, represented by the letters "M" or "F." This goes against the rights of Canadians to choose their gender identifier on official documents. Canadians are being denied this right because of decisions taken by a foreign state.

[*Translation*]

This decision made by our neighbours to the south has a direct impact on our fellow Canadians. This type of action and this lack of consideration for Canadian policies prove that it may be time for Canada to consider adopting and creating a made-in-Canada program similar to NEXUS.

Not only is such a project desirable, it is absolutely feasible.

• (2100)

In a note published on January 21, the Parliamentary Budget Officer estimated that such a program would cost slightly more than what Canadians currently pay under the NEXUS program, a difference of approximately $7 million over five years. However, the Parliamentary Budget Officer's estimates indicated that such a program would have significant benefits for Canadians who wish to join this new program.

[*English*]

The cost of applying to the NEXUS Program is US$120; however, the Parliamentary Budget Officer's cost estimate for the Canadian version of the program is based on a C$50 application fee. This is roughly one third of what Canadians currently pay in fees to join NEXUS.

At the very least, these savings should encourage us to consider opting for a Canadian version of the program, but they are certainly not the only reason.

[*Translation*]

After seeing that such an initiative was economically feasible, I want to give another reason why such a program is advisable. I would draw your attention to another limitation concerning Canada's participation in the NEXUS program. Senator Simons alluded to it in her speech, but I want to delve deeper into the issue because, at present, the process for joining the program is flawed in relation to Canadians' language rights.

People who want to join the program have to take part in two interviews: one held in Canada with the Canada Border Services Agency, and another held with U.S. Customs and Border Protection. While the Canadian interview can usually take place in the applicant's preferred official language, there's no guarantee that the same will apply during the interview on the American side.

Since Part IV of Canada's Official Languages Act applies only to Canadian federal institutions, the U.S. agency is under no obligation to interact with members of the Canadian public in the official language of their choice.

I'm taking this opportunity to raise a long-standing issue that primarily affects Canada's francophone and Acadian communities, but that also affects all Canadian travellers. I am referring to access to service in the official language of one's choice at Canada's airports.

Section 23(1) of the Official Languages Act states:

> . . . every federal institution that provides services or makes them available to the travelling public has the duty to ensure that any member of the travelling public can communicate with and obtain those services in either official language from any office or facility of the institution in Canada or elsewhere where there is significant demand for those services in that language.

This duty has significant implications for federal institutions such as the Canadian Air Transport Security Authority, the Canada Border Services Agency and the various airport authorities in Canada, as well as all other institutions that provide services to the travelling public.

Between 2011 and 2020, the Commissioner of Official Languages conducted seven audits concerning the provision of services in both official languages to the travelling public transiting through the country's airports. Year after year, complaints concerning the travelling public are among the most frequent in the annual reports of the Commissioner of Official Languages. Three of these audits focused on services provided by the Canadian Air Transport Security Authority, two audits concerned services provided by Air Canada, one focused on services provided by an international airport authority, and another focused on services provided by the Canada Border Services Agency.

[*English*]

Regarding the Canadian Air Transport Safety Authority, in their most recent audit, the Commissioner of Official Languages recommended that new regulations be put in place in order to better assess the language skills of front-line agents, as well as to adopt standardized measures relating to "active offer" and assure the quality of services offered in both official languages. However, according to the commissioner's report, these and other recommendations have only been partially implemented. As a result, Canadian travellers continue to face challenges in accessing services in both official languages in our Canadian airports.

[*Translation*]

Whether the crossing is made via the NEXUS program's express lane or the regular lane, the issues related to compliance with Part IV of the Official Languages Act remain the same. Any potential 100% Canadian verified traveller program must therefore also consider this issue and examine ways in which our federal institutions can improve the services offered to the travelling public in both official languages.

[*English*]

Moreover, in the 2025 budget, the Government of Canada has underscored that Canadian sovereignty is a high priority and suggests that the government must uphold and defend Canadian values and Canada's official languages.

Such a commitment has implications for public policy and should lead us to question how we can uphold the rights of Canadian citizens and best ensure their security. An easy step toward enacting this commitment would be to seriously consider adopting our own Canadian verified traveller program. Such a program would better align with other Canadian travel and security policies, and it would allow Canadians to raise issues with the program with Canadian institutions of checks and balances. This would ensure that such a program remains respectful of our larger commitments to the rights and freedoms of Canadians.

Thank you.

Some Hon. Senators: Hear, hear.

(On motion of Senator Martin, debate adjourned.)

THE SENATE

MOTION PERTAINING TO THE SITUATION IN GAZA—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Woo, seconded by the Honourable Senator Dean:
>
> That, in light of findings and orders from the International Court of Justice and the International Criminal Court on the situation in Gaza, the Senate call on the Government to examine the risk to Canada and Canadians of complicity in violations of international humanitarian law, including war crimes, crimes against humanity and genocide, and to report on its findings within three months of the adoption of this motion.

(On motion of Senator Martin, debate adjourned.)

THE LIFE AND LEGACY OF JANE GOODALL

INQUIRY—DEBATE POSTPONED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Klyne, calling the attention of the Senate to the life and legacy of Jane Goodall.

Hon. Bernadette Clement: Honourable senators, I note that this item is at day 15. Therefore, with leave of the Senate, I ask that consideration of this item be postponed until the next sitting of the Senate.

Hon. Peter Harder (The Hon. the Acting Speaker): Honourable senators, is leave granted?

Hon. Senators: Agreed.

(Debate postponed until the next sitting of the Senate.)

BEAR WITNESS DAY

MOTION TO RECOGNIZE MAY 10 OF EACH AND EVERY YEAR AS BEAR WITNESS DAY ADOPTED

Hon. Brian Francis, pursuant to notice of October 22, 2025, moved:

> That the Senate recognize May 10 of each and every year as Bear Witness Day to honour Jordan River Anderson and his family and to raise awareness of Jordan's Principle and the ongoing challenges that First Nations children and their

families face to access products, services and supports due to inequities and jurisdictional disputes within and across governments.

He said: Honourable senators, I rise today to put forward a motion to recognize May 10 of each and every year as Bear Witness Day. It is a national day of action honouring Jordan River Anderson and his family while advocating for the full implementation of Jordan's Principle, a legal obligation in Canada that aims to ensure that First Nations children have immediate access to a wide range of health, social and educational services.

• (2110)

However, the federal government has repeatedly failed to implement the full scope of Jordan's Principle, resulting in persistent service denials, delays and disruptions that threaten the health, safety and well-being of First Nations children: the exact harms it was created to prevent.

This failure has led to an intense and ongoing legal battle spanning nearly two decades. To understand the importance of recognizing Bear Witness Day, we must also understand the history that led to the creation of Jordan's Principle and the issues that continue to demand action today.

To start, it is important to acknowledge that Jordan's Principle exists because a tragedy exposed persistent failures in the care of First Nations children in Canada. It is named in memory of Jordan River Anderson, a boy from Norway House Cree Nation, which is located about 800 kilometres north of Winnipeg, Manitoba. He was born in 1999 with a rare genetic disorder known as Carey-Fineman-Ziter Syndrome. Due to the severity of his condition, Jordan required specialized around-the-clock medical care, which was not available near his home community. As a result, he was placed in a hospital in Winnipeg since his birth.

At age 2, doctors cleared Jordan to move to a specialized foster home in Winnipeg. He should have then been discharged and provided with the necessary supports, but because he was a First Nations child, federal and provincial governments argued for over two years over which jurisdiction was financially responsible for his at-home care, including small, essential items, such as a $30 showerhead.

The dispute continued until Jordan died in 2005. He spent half his life in a hospital, not because it was medically necessary but because both levels of government refused to put his needs first. For that reason alone, he was denied a childhood that could have been spent with his family, in the comfort, love and normalcy of the family home.

What happened to Jordan is, tragically, not uncommon. In Canada, provincial governments are primarily responsible for delivering health and social services, but the federal government, primarily through Indigenous Services Canada, or ISC, both directly and indirectly delivers a wide range of services to First Nations people living on- and off-reserve.

When responsibilities overlap, First Nations children have often been caught in situations whether neither jurisdiction wants to take immediate action. Yet, children's needs do not wait: When unmet, needs grow, change and often worsen.

Colleagues, Jordan helped expose how Canada deliberately and consistently put its own interests over the health and well-being of First Nations children, leaving many without the necessary care they should have. In the process, he sparked an ongoing national movement to uphold the rights of all First Nations children.

After his death, his family gifted his name to a promise — Jordan's Principle — to ensure that no other child would suffer as he did.

What it proposed was simple: When a service is requested, the government or department of first contact must pay for a service immediately and resolve any jurisdictional or payment disputes later. Using a child-first and needs-based approach, Jordan's Principle advanced a fundamental shift where the health, safety and well-being of a child comes first, regardless of which jurisdiction is ultimately responsible.

In memory of Jordan, his family and community, alongside the First Nations Child and Family Caring Society and others, advocated tirelessly for the recognition of Jordan's Principle.

In response to intense public pressure in 2007, the House of Commons unanimously adopted a motion in support of Jordan's Principle. Despite clear political commitment, the federal government did not implement it as the family originally intended. Instead, Canada applied such a narrow definition of Jordan's Principle that few, if any, children qualified.

For a time, eligibility was restricted to First Nations children living on-reserve with multiple disabilities who required multiple service providers. In 2007, the Assembly of First Nations and First Nations Child and Family Caring Society filed a complaint under the Canadian Human Rights Act, alleging that Canada was discriminating against First Nations children and families on the prohibited grounds of race and/or national or ethnic origin.

In 2016, nearly nine years later, the Canadian Human Rights Tribunal, the CHRT, found that Canada's narrow implementation of Jordan's Principle was discriminatory and resulted in "pain and suffering of the worst kind" for First Nations children and their families.

As a result, the CHRT ordered the federal government to immediately cease its discriminatory conduct and prevent it from reoccurring. Shortly after, the CHRT explicitly ordered Canada to comply with this order by no later than May 10, 2016. Canada did not.

Since then, each May 10, we mark Bear Witness Day as a reminder of a critical milestone we have yet to meet.

After the landmark ruling in 2016, Jordan's Principle became a binding legal obligation with no end date for the Government of Canada. However, the CHRT has been forced to issue several other binding orders, many of them for non-compliance, and has maintained jurisdiction over the case to ensure the federal government complies with its legal obligations, presents further discrimination and achieves long-term reform.

Since 2016, the CHRT has issued significant clarifications — legally binding orders — that are related to the implementation of Jordan's Principle. For example, the CHRT confirmed that all First Nations children are eligible under Jordan's Principle, regardless of where they live or their status.

Additionally, the CHRT confirmed that Jordan's Principle covers a wide range of health, social and educational services, supports and products that First Nations children need. To ensure needs are met without delay, which is central to Jordan's Principle, the CHRT has also set specific timelines for processing requests structured around urgency. For example, there is a 12-hour requirement for cases where there is a serious or immediate risk. For urgent group requests, the timelines are set to within 48 hours.

The CHRT has repeatedly emphasized that Jordan's Principle is grounded in substantive equality, serving as both a legal right and a mandatory remedy owed to First Nations children to address and prevent the reoccurrence of discrimination. It has also ordered that had Jordan's Principle must be centred on the best interests and needs of the child, and account for their distinct circumstances. This holistic approach recognizes that the health, safety and well-being of a child are deeply interconnected with their culture, family and community. That means that more or different services tailored to their specific historical, social and geographical disadvantages are often needed to achieve equitable outcomes.

Colleagues, Jordan's Principle exists to ensure substantive, equal access to services, supports and products to First Nations children, but that is not what is happening today. Despite being a legal obligation, not a voluntary program or policy, the initiative is in a state of crisis, putting the health, safety and well-being of First Nations children at risk.

There is no doubt that Jordan's Principle has profoundly improved the lives of countless First Nations children and their families. Between 2016 and 2025, nearly $10 billion in federal funding was committed, and more than 10 million services, supports and products were approved between 2016 and 2025. Even so, the implementation of Jordan's Principle continues to face significant ongoing problems.

Although there are legally mandated timelines for the processing of requests, in February 2025 ISC estimated that Jordan's Principle had nearly 135,000 backlogged requests, a decrease from the nearly 140,000 in December 2024. Within this backlog, approximately 10,000 requests had yet to be entered into the system.

• (2120)

In November 2024, the Canadian Human Rights Tribunal, or CHRT, ordered immediate action to address the massive backlog of requests for services needed by First Nations children. However, according to the federal government, doing so is "not operationally feasible."

In the meantime, tens of thousands of requests are sitting unopened at Indigenous Services Canada, or ISC, inboxes while children are left waiting for essential, often urgent, health, social and educational services, sometimes for months or longer. The federal government attributes the backlog to a surge in demand and costs that have overwhelmed administrative capacity, explaining that the number of requests approved increased from 614,350 in 2021-22 to almost 3 million in 2023-24.

As a result, ISC introduced major and unilateral changes to Jordan's Principle, most notably, through the release of an operational bulletin in 2025, citing the need to ensure the long-term sustainability of Jordan's Principle.

Yet, critics have noted that the backlog is not accidental, but the result of how Canada has implemented Jordan's Principle, pointing to an overly complex application and approval process compounded by years of mismanagement.

In May 2025, ISC itself released an internal audit covering between 2022 and 2024, which found that prior changes implemented by Canada to simplify access to Jordan's Principle became unsustainable due to weak management controls and inconsistent decision making.

Following a review of internal documents, APTN reported on September 2025 that the changes that ISC introduced that same year in February caused internal confusion and inconsistent decisions.

It appears that the department made unilateral changes to established processes with little communication. There was no planned rollout. There were also warnings regarding the administrative burden and its impact on efficiency.

These combined factors meant that staff were left to grapple with vague criteria, shifting eligibility rules and an unclear approval process, which likely contributed to an already high employee turnover.

The federal government has also made allegations of potential misuse to defend the need for the operational bulletin in 2025. Yet, which requests were approved or denied were ultimately at the discretion of the department.

So even if misuse occurred in a small number of cases, it likely stems from Canada's failure to adequately manage and fund Jordan's Principle rather than from widespread wrongdoing.

The First Nations Child and Family Caring Society and other First Nations organizations have strongly opposed the operational bulletin from February 2025, arguing that it represents a significant unilateral departure from CHRT orders.

These changes have exacerbated the growing backlog and mean that critical and life-sustaining supports and services needed by First Nations children are being disrupted or outright denied.

To give an example, there is a new requirement for families to demonstrate that a child has experienced gaps, delays or denials before the department considers a request. That is yet another administrative hurdle that clearly contradicts the child-first approach that the CHRT ordered a decade ago.

Similarly, without providing any evidence, the federal government has also restricted the scope of the services available unless explicitly required to meet "substantive equality," which lacks a defined matrix.

While the immediate impact of these changes is evident, the long-term consequences have yet to be fully understood.

In some regions, funding under Jordan's Principle has shrunk dramatically and denials have more than doubled in 2025. The cuts have led to, among other things, the suspension of a rural nutrition program in the Yukon and the reduction of crisis response teams in Ontario. There are also reports that some families are being pushed to place their children into foster care, not because of a safety risk, but because respite supports promised under Jordan's Principle are not being delivered.

This is not a child-first approach. It is a cost-shifting approach that is forcing families and communities into impossible situations.

A mother from Kitigan Zibi Anishinabeg in Quebec, who went into debt waiting to hear whether services for her son would be renewed after the changes made in early 2025, put it best:

> The problem is they opened the doors so wide for our kids, and now they are shutting the doors . . . . What they don't seem to understand is that there are children behind those doors.

In response to ISC's attempt to narrow the scope of Jordan's Principle, namely, through the operational bulletin from 2025, First Nations children and families have turned to the federal court to fight for their rights.

Last year, in *Cully v. Canada*, the Federal Court found ISC's denial of a young First Nations child's request for applied behavioural analysis therapy to be unreasonable because the department relied on a narrow interpretation of Jordan's Principle.

More recently, in *Powless v. Canada*, the Federal Court of Appeal quashed ISC's decision to deny on appeal a First Nations grandmother's request for medically required mould remediation in the home for her two grandchildren.

Together, these rulings reaffirm that Jordan's Principle must be applied broadly and in a manner consistent with the CHRT orders that respects substantive equality, cultural appropriateness and the best interests of the child, and that reflects their unique circumstances and real-world stakes.

These families have embodied a level of courage and strength that should never have been called upon, but will pave the way for so many other First Nations children.

Colleagues, efforts to make Jordan's Principle more effective and sustainable are understandable and, in principle, necessary. However, Canada has disregarded available evidence and solutions. The road map has been laid in reports like the 2005 Wen:De report entitled *We are Coming to the Light of Day* and *The Journey Continues*, published by the First Nations Child and Family Caring Society and partners, and more recently, by the Institute of Fiscal Studies and Democracy at the University of Ottawa in 2022 and 2025.

All this leads me to believe that the biggest threat to the sustainability of Jordan's Principle is not the First Nations families attempting to care for their children. The biggest threat to the sustainability of Jordan's Principle is the repeated failure of Canada to implement it fully, properly, effectively and immediately.

We know that Jordan's Principle, when implemented in alignment with the CHRT orders, has been life-saving and life-changing for thousands of First Nations children and families. We know this because Jordan's Principle was created to protect and uplift First Nations children's rights to access timely and accessible services and supports.

However, ISC's current implementation, including mismanagement, using Jordan's Principle to cover shortfalls in other service areas, and its choice to not immediately address the backlog of children waiting for services and supports, despite solutions it could avail itself of, is putting children in harm's way.

At issue here is not only access to essential care, but the violation of their rights to equal care, equal dignity and equal protection. When children must wait or go without services simply because of who they are, it exposes the failure to turn our legal obligations into lived realities.

At present, ISC maintains that it is working to return to the original intent of Jordan's Principle. However, the narrow approach it took after 2007 resulted in almost no children qualifying for assistance for several years. The CHRT determined that this approach was discriminatory. The Federal Court agreed.

ISC's recent narrowing has produced the same outcome as before — children waiting for and being denied critical services. Such discrimination is inconsistent with the true intent of Jordan's Principle.

With this context in mind, I urge you to adopt this motion as soon as possible. With Jordan's Principle facing a critical juncture, the recognition of Bear Witness Day is more important

than ever. We cannot undo the harm done to Jordan and countless other First Nations children, but we can refuse to look away. To bear witness is to insist again and again that every child matters.

• (2130)

Over a decade ago, the Truth and Reconciliation Commission of Canada called for the full implementation of Jordan's Principle, and, five years later, the National Inquiry into Missing and Murdered Indigenous Women and Girls echoed that call.

Last year marked the twentieth anniversary of the creation of Jordan's Principle. This year marks the tenth anniversary of the landmark ruling by the CHRT. Let us use this momentum to move beyond words and drive real change.

Colleagues, we have an opportunity through this motion to honour Jordan River Anderson and his family for the gift of Jordan's Principle, as well as the countless other First Nations children and families affected, to encourage more people across Canada to show support to First Nations children and families, to hold current and future governments accountable for the full implementation of Jordan's Principle and, last but not least, to act on our shared commitment to support reconciliation.

As Cindy Blackstock, Executive Director of First Nations Child & Family Caring Society, has reminded us:

> Jordan could not talk, yet people around the world heard his message. Jordan could not breathe on his own and yet he has given the breath of life to other children. Jordan could not walk but he has taken steps that governments are now just learning to follow.

We owe it to Jordan and all First Nations children to act with urgency. At the heart of Jordan's Principle, there are children with real needs, real hopes and real futures who cannot wait. This is not only a First Nations issue; it is a national imperative.

Thank you. *Wela'lin*.

Hon. Kim Pate: Honourable senators, I speak tonight in support of Senator Francis's motion that the Senate recognize May 10 as Bear Witness Day.

Thank you, Senator Francis, for your leadership through this motion and in countless ways in this place and beyond. We are so grateful for the myriad ways you continue to chart pathways toward decolonization, reconciliation and a more just future for all on Turtle Island and beyond.

At its core, this motion spotlights accountability with respect to Canada's obligations to First Nations families and children.

As you've heard, Jordan River Anderson became a stark and devastating reminder of the inequities faced by First Nations in this country. He was hospitalized for most of his young life. He did not need to be in hospital. He could have been at home, surrounded and supported by his family and community. However, his family was unable to access the home care he needed in their community. Arguing lack of jurisdictional responsibility, both the federal and provincial governments refused to cover the costs associated with his home care.

The governments stood by, failing to help a child in need. Their more than two-year standoff ended in 2005, when five-year-old Jordan died, still in hospital, without ever getting home.

In an effort to prevent what happened to Jordan from continuing to negatively impact First Nations children, the Canadian Human Rights Tribunal stipulated that First Nations children, whether on- or off-reserve, must be assisted by Indigenous Services Canada to obtain immediate and equitable access to necessary health care, social and educational supports. This directive is known as Jordan's Principle and is meant to prevent the heartbreaking travesties that Jordan and his family were forced to endure.

Jordan's Principle is meant to ensure that Canada honours its legal obligations and political commitments to reconciliation by investing these resources in supporting children and their families and communities, rather than continuing to abandon them to systems and state interventions that are profoundly damaging and far more ineffective and costly in terms of short-term and lifetime health, social and financial measures.

In the two decades since Jordan River Anderson was born — and died — however, an entire generation of First Nations kids has grown up, all too often experiencing the same systemic racism and inequalities with respect to health, social and economic resources and supports.

Those who follow the leadership of Dr. Cindy Blackstock, the Assembly of First Nations and the First Nations Child & Family Caring Society are familiar with the ways in which children were directly engaged in bearing witness through the human rights and court cases, along with a little white bear. That bear, Spirit Bear, sat at the tribunal to observe the proceedings, and representing First Nations children affected by the decisions as well as their friends and allies.

Senator Francis is urging us to join these efforts to bear witness and commit to upholding Jordan's Principle by recognizing May 10 as Bear Witness Day.

The need for urgent action to uphold Jordan's Principle is clear. As Senator Francis has underscored, Indigenous Services Canada currently has a backlog of over 140,000 Jordan's Principle applications. Under the terms of Jordan's Principle, requests are supposed to be responded to within 48 hours. Urgent requests are supposed to be addressed within 12 hours. Instead, children, families and communities are waiting months and years.

At the end of 2024, the Canadian Human Rights Tribunal again ordered Canada to redress this backlog. Instead of complying, as Senator Francis has pointed out, the Canadian government is back in court challenging the order in court.

To date, the government has spent around $15 million fighting this and other legal orders to provide supports to First Nations children under Jordan's Principle. If Canada had instead honoured its obligations, the amount sunk into court fees alone could have been enough to provide supports and services to at least 3,000 children.

In the meantime, in February 2025, the federal government unilaterally restricted the types of claims it is accepting, as Senator Francis has pointed out. The government stated that these changes were necessary to maintain the sustainability of the program, yet there has been no apparent impact on the number of backlogged requests. Rather, the changes have caused vital supports for First Nations children to suddenly evaporate.

This month, the Mississaugas of the Credit First Nation brought evidence to the Canadian Human Rights Tribunal that since the government's 2025 policy change, funding provided to First Nations children seeking support for education under Jordan's Principle here in Ontario is 100 times lower — as in, just 1% — of what it was in 2024.

The harm and dereliction of duty to First Nations children are detrimental to all of us. I am thinking today of First Nations children like Jordan River Anderson. I am also thinking of 12 Indigenous women whose stories reflect the experiences of far too many.

These 12 women were victimized before they were criminalized. They first experienced the legacy and trauma of forced removal from community when they were children. They, their parents, family members and friends were taken by force to residential schools, to the child welfare system or to youth and adult jails. Abandoned to poverty, homelessness, trauma and violence and related mental health and addiction issues, these women were allowed to fall through the cracks of Canada's health, social and economic support systems. There were inadequate resources and supports when they and their families needed adequate shelter, food, health care and protection from violence. Yet, Canada did not hesitate to spend a seemingly bottomless amount of taxpayer dollars to criminalize and institutionalize them for their efforts to escape those circumstances, first as girls and then as women.

Before I was appointed to this place, I served as an independent reviewer of a Parliamentary Budget Officer's report costing the amount the government had spent keeping 1 of those 12 women in federal prison for 21 years, itself just a portion of the time she ultimately spent institutionalized. The price tag was $7.4 million, or, as the PBO expressed to me at the time, "Canada could have put her through Harvard."

Having worked and walked with this brilliant and resourceful woman for decades, I can only imagine what she would have accomplished there at Harvard if she had actually been given that opportunity. She has achieved much, despite the barriers and systemic inequality that Canada has heaped upon her, not only in what Canada failed to remove but also actively threw in her path.

Today, she is in the community, in post-secondary education, constantly working to ensure those around her — who are on the streets, who are experiencing violence and abuse and who are at risk of criminalization and are otherwise in need — are supported and cared for.

Imagine what it could have meant to Canada if, instead of funnelling resources into removal and institutionalization, they had developed supports around her and other women, their families and communities, the health and social supports that so many of us take for granted. Imagine the difference for these children and for all of us.

• (2140)

As the Prime Minister has acknowledged, a crucial way to prevent crime and build safer and healthier communities is to provide people with resources and opportunities starting when they are young.

Research underscores that every $1 invested in ensuring health, housing, social, economic and education supports for children yields anywhere from $7 to $12 in return for our national economy.

Our inaction with respect to Jordan's Principle and the equality rights of First Nations children and peoples carries horrific human, social and financial costs. It is time for Canada to invest more wisely.

By building up robust supports for those in need, we can, in turn, build healthier, safer, more just and more inclusive communities. Together, we must bear witness. We must honour Jordan's Principle.

Wela'lin, Senator Francis. *Chi-meegwetch*, thank you.

Hon. Peter Harder (The Hon. the Acting Speaker): Are senators ready for the question?

Hon. Senators: Question.

The Hon. the Acting Speaker (Harder): It is moved by the Honourable Senator Francis, seconded by the Honourable Senator Gerba, that the Senate recognize May 10 of each and every year as Bear Witness Day to honour Jordan River Anderson and his family and to raise awareness of Jordan's Principle and the ongoing challenges that First Nations children and their families to access products, services and supports due to inequities and jurisdictional disputes within and across governments.

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

Hon. Senators: Agreed.

(Motion agreed to.)

HUMAN RIGHTS

STUDY ON ISSUES RELATING TO HUMAN RIGHTS GENERALLY—MOTION TO PLACE EIGHTH REPORT OF COMMITTEE PRESENTED DURING FIRST SESSION OF FORTY-FOURTH PARLIAMENT ON ORDERS OF THE DAY ADOPTED

Hon. Paulette Senior, pursuant to notice of November 27, 2025, moved:

> That the eighth report (interim) of the Standing Senate Committee on Human Rights, entitled *Ripped from Home: The Global Crisis of Forced Displacement*, deposited with the Clerk of the Senate on December 3, 2024, during the First Session of the Forty-fourth Parliament, be placed on the Orders of the Day under the rubric Other Business, Reports of Committees — Other, for consideration at the next sitting.

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

Hon. Senators: Agreed.

(Motion agreed to.)

COMMITTEE AUTHORIZED TO STUDY THE IMPACT OF ARTIFICIAL INTELLIGENCE ON HUMAN RIGHTS AND ECONOMIC SECURITY

Hon. Paulette Senior, pursuant to notice of December 4, 2025, moved:

> That the Standing Senate Committee on Human Rights be authorized to examine and report on the impact of artificial intelligence on human rights and economic security in Canada, especially in relation to vulnerable groups and the international human right to work;
>
> That the committee be permitted, notwithstanding usual practices, to deposit its reports on this study with the Clerk of the Senate if the Senate is not then sitting, and that the reports be deemed to have been tabled in the Senate; and
>
> That the committee submit its final report to the Senate no later than December 31, 2026, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

Hon. Peter Harder (The Hon. the Acting Speaker): Are senators ready for the question?

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

NATIONAL FLAG OF CANADA DAY AND EXTRA RELEVANCE OF FLAG GIVEN CURRENT GEOPOLITICAL SITUATION

INQUIRY—DEBATE ADJOURNED

Hon. Andrew Cardozo rose pursuant to notice of February 3, 2026:

> That he will call the attention of the Senate to National Flag of Canada Day and the extra relevance of our flag given the current geopolitical situation.

He said: Honourable senators, I was going to offer everybody who stays this late a bottle of champagne, but I think a bottle of maple syrup might be more appropriate.

For those of you who will be here tomorrow morning, I want to invite you to attend a round table on youth unemployment that we're having, myself and several other senators, from 9 a.m. until 11 a.m. here in the Senate of Canada Building.

Colleagues, I'm honoured today at this great hour to launch an inquiry on the importance of the Canadian flag and consider what the Canadian flag means to us as Canadians.

The timing of this debate is scheduled with Flag Day in mind, which is coming up in 10 days, on February 15. I am delighted to invite you, colleagues, to present your thoughts on this matter today and in the days ahead.

Coincidentally, this inquiry comes at the time when the Milano-Cortina Winter Olympics are underway, with the formal opening ceremony taking place tomorrow.

Also, in the weeks ahead, Canadian astronaut Jeremy Hansen will be part of NASA's Artemis II mission to land on the moon. He will become the first Canadian to walk on the moon.

These, indeed, are flag-waving occasions.

So what is Flag Day? This day marks the sixty-first anniversary of the red-and-white maple leaf flag, which became our official flag on February 15, 1965, when the first flag was raised on the Peace Tower of Centre Block.

Interestingly, this followed a donnybrook of a political debate, initiated by then-prime minister Lester B. Pearson with the proposal for a new flag and opposed vociferously by then-Progressive Conservative leader and former prime minister John Diefenbaker.

It is because a flag means so much to citizens that changing it is a deeply passionate matter.

What is notable about that whole initiative is that at the end of the debate, Diefenbaker went with Pearson to London, to Buckingham Palace, in December 1964, when Queen Elizabeth gave Royal Assent to the new flag.

It was a time when opposing parties could have passionate and even raucous debates, but, at the end of the day, they accepted and supported the outcome.

[*Translation*]

We fly the flag for various reasons. However, at a time when our sovereignty is under threat, it is our way of showing our pride. Whether we wave the flag vigorously or simply wear it discreetly on our lapel, it is our way of saying, "I am Canadian, I believe in this country, I'm proud to be Canadian and proud to call Canada my homeland."

[*English*]

As parliamentarians, many of us have the great privilege to represent Canada in international conferences and summits. The Canadian flag and our Canadian citizenship are matters of considerable pride.

Regardless of who we are meeting, I always find it great fun to hand out maple leaf flag pins. In a crowd of parliamentarians from any country, people will jostle to get one. At times, giving someone a Canadian flag pin is a great show of friendship and conversation starter — a conversation that is always friendly and positive.

As an aside, let me add that one of the fun things about such conversations is that our counterparts from anywhere else in the world will be anxious to tell us that they have relatives in Canada. This too is what our flag stands for.

Colleagues, I would suggest to you that with the geopolitics around the globe these days, as the globe turns nasty, aggressive and uncaring, our pride in our flag is of greater importance than ever before.

Our flag says a lot. We are not a superpower intent on expanding territories. We are not interested in displaying unnecessary aggression toward others. We are not interfering in the affairs of other countries so as to destabilize them, expand our powers in those nations surreptitiously or damage their economies.

We do not invade other nations. We are Canadian, which means we believe in the right of all countries to exist. We believe in healthy multilateralism, helping international development, the international rule of law, fair trade and respect, yet we can say clearly when we disagree or need to press other countries to be fair and just.

That is what wearing the Canadian flag means. It is a statement of many things: who we are, what we stand for and why our friendship is important, whether it is with other people or other nations.

It also means that we are a country that is introspective — that we look inward at our positives and negatives and constantly try to improve our country for all Canadians, sometimes with success and sometimes not so much.

Colleagues, you will know that to mark Flag Day last year, in 2025, through the Artwork and Heritage Advisory Working Group of the Senate and with the support of Speaker Gagné, we installed the wall of provincial and territorial flags in the foyer of this building.

• (2150)

This is the first time that we have a permanent installation of full-size flags of all the provinces and territories in the Senate of Canada, be it in this building or back in the day in Centre Block. These flags build on the emblems that exist in this chamber and the original doors of the Senate Chamber.

These flags remind us that our work in the Senate is relevant to all provinces and territories. Honourable senators, let me quote from some of our former prime ministers.

It was 61 years ago, on February 15, 1965, when former prime minister Lester B. Pearson, the visionary behind this flag, inaugurated this great symbol. Let me share what he said:

> May the land over which this new flag flies remain united in freedom and justice; a land of decent God-fearing people; fair and generous in all its dealings; sensitive, tolerant and compassionate towards all . . . industrious, energetic, resolute; wise, and just in the giving of security and opportunity equally to all its cultures; and strong in its adherence to those moral principles which are the only sure guide to greatness.

Colleagues, two days ago, at the ceremony of the unveiling of former prime minister Stephen Harper's official portrait on Parliament Hill — an event I was honoured to attend, as many of you were — Mr. Harper said the following:

> We must preserve Canada, this country handed down to us by providence, preserved by our ancestors and held in trust for our descendants. We must make any sacrifice necessary to preserve the independence and the unity of this blessed land . . . .

In closing, let me quote from a letter issued a year ago by the five living former prime ministers at the time — Joe Clark, Kim Campbell, Jean Chrétien, Paul Martin and Stephen Harper — in marking the sixtieth anniversary of the flag:

> In recent weeks, we've witnessed a surge of Canadian pride and patriotism. In the face of threats and insults . . . Canadians have come together to express their love for our country and their determination to defend Canada's values and our independence.

[*Translation*]

The letter also stated, "As former prime ministers of Canada, we applaud this national spirit."

The former prime ministers urged fellow Canadians to proudly fly the flag ". . . as never before" on National Flag of Canada Day. The joint statement also said, "Let's show the world that we are proud of our history and proud of our country."

[*English*]

> The five of us come from different parties. We've had our share of battles in the past. But we all agree on one thing: Canada, the true north, strong and free, the best country in the world, is worth celebrating and fighting for. . . .

Their sentiments are as relevant today as they were last year. Thank you.

Hon. Tony Loffreda: Honourable senators, I believe I'm the last speaker this evening, so I will do my best to leave you with an uplifting note.

Honourable senators, I am honoured to speak at this late hour to this important inquiry, and I thank Senator Cardozo for launching this inquiry this evening.

[*Translation*]

Tonight, I rise to speak about one of the most recognizable symbols in the world, a symbol synonymous with prosperity, opportunity and resilience. This symbol has inspired generations of immigrants to settle in Canada. Of course, I am talking about the Canadian flag.

February 15 is National Flag of Canada Day. I would like to thank Senator Cardozo for raising this issue again this year and giving us the opportunity to talk about what the Canadian flag means to us.

In 2024, during a speech on the same subject, I spoke of the pride I felt as a young boy in Montreal waving the Canadian flag during the 1972 World Series. That moment will remain etched in my memory forever.

[*English*]

Today, I would like to reflect on the symbolism of the Canadian flag for immigrants and, beyond the image itself, the profound meaning that the red maple leaf holds for new Canadians.

For more than six decades already, our flag has represented a shared history, woven together by generations of people who chose this country as their home and found in a simple maple leaf a powerful promise.

This may surprise a few senators, but I am actually older than our national flag. You're all surprised, right? I'm getting a laugh this late in the evening. It's pretty good.

While the flag as we know it today did not yet exist when my parents made the difficult decision to leave Italy, the maple leaf — whether on a coin, a stamp, a postcard or a passport — already carried enormous weight and influence for them, and it still does.

For countless immigrant families, the maple leaf has always stood for opportunity, stability and the hope that their children could grow up in a country full of possibility, a safe place where freedom and democracy prevail and a nation where hard work is valued and diversity is embraced.

For families fleeing conflict, uncertainty or limited opportunity, Canada's flag has been a beacon — a place where dreams could be rebuilt and where hope could take root, much like the roots of a sturdy maple tree.

As a second-generation immigrant, I know that immigrants don't just come to Canada — they become Canada, they build Canada and they embody Canada.

Like my parents, and like my siblings and me, they learn the language, embrace Canadian values and contribute to our economy, culture and civic life. They open businesses, work in hospitals and classrooms, build our homes and highways and enrich our communities with new ideas and traditions. Immigration is inseparable from Canada's success story. We are a nation of immigrants. Past, present and future, newcomers have strengthened our nation — not by abandoning who they are, but by adding their talents and experiences to the greater Canadian family.

Throughout my career, I have participated in many multicultural events across Quebec and Canada. Whether it was with the Italian community, Hellenic community, Lebanese community, Jewish community, Tamil community, Portuguese community or countless other communities that I've been involved with, there was always one common denominator proudly on display at these community events and fundraisers, and that was the Canadian flag. I have witnessed this reality time and again. We are all proud to be Canadian.

The red maple leaf reminds us that while our backgrounds may differ, our commitment to Canada unites us all. It symbolizes peaceful coexistence, shared responsibility and the belief that diversity is not a weakness but a strength.

As we celebrate our national flag's birthday, let us honour the generations of immigrants who believed in Canada's promise and helped build the nation we are proud to call home. Let us recommit ourselves to the values our flag embodies and ensure that Canada remains a land of opportunity — a safe, welcoming place where families can thrive.

We owe it to our parents and grandparents who sacrificed so much, but we mostly owe it to our grandchildren who will one day wave that same flag with pride and fulfillment.

Happy Flag Day, Canada.

(On motion of Senator Francis, debate adjourned.)

(*At 10 p.m., the Senate was continued until Tuesday, February 10, 2026, at 2 p.m.*)

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