



# DEBATES OF THE SENATE

---

1st SESSION • 41st PARLIAMENT • VOLUME 148 • NUMBER 96

---

OFFICIAL REPORT  
(HANSARD)

Friday, June 22, 2012

The Honourable NOËL A. KINSELLA  
Speaker

## CONTENTS

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

*Debates Services:* D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756  
*Publications Centre:* David Reeves, National Press Building, Room 926, Tel. 613-947-0609

---

Published by the Senate  
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.  
**Also available on the Internet: <http://www.parl.gc.ca>**

## THE SENATE

Friday, June 22, 2012

The Senate met at 9 a.m., the Speaker in the chair.

Prayers.

[*Translation*]

### SENATORS' STATEMENTS

#### THE HONOURABLE JOSEPH-GEORGES-GILLES- CLAUDE LAMONTAGNE, P.C., OC, C.Q., C.D.

##### VALCARTIER FAMILY CENTRE HONOURS

**Hon. Roméo Antonius Dallaire:** Honourable senators, on Saturday, June 9, I participated in a ceremony at the Valcartier Family Centre. I attended as president of the centre's foundation, along with my wife Élisabeth, the Minister of Veterans Affairs, Steven Blaney, and the Chief of the Defence Staff, to pay tribute to a beloved and unique individual.

I would like to read part of the speech that was delivered during the family day ceremony, to which more than 1,100 parents and children at the Valcartier base attended, as they also took part in other activities held that day:

For 20 years, the Valcartier Family Centre has been helping military families navigate through the challenges of military life; it encourages empowerment and solidarity within the military community of eastern Quebec.

The family centre was created at the request of families who clearly identified a solution to meet their needs. Since its creation 20 years ago, the family centre has evolved and expanded thanks to the families' involvement, support from the chain of command, the contribution of many partners, and the unyielding moral support of people like the Honourable Gilles Lamontagne.

Gilles Lamontagne is 94 years old. He served as a pilot in the Royal Canadian Air Force during the Second World War. He was shot down over the Netherlands in 1943 and detained as a prisoner of war until 1945.

Returning home, he settled in Quebec City as a businessman. He entered politics and was mayor of Quebec City for 12 years, from 1965 to 1977. He was elected to the House of Commons in 1977, became Postmaster General and then Minister of National Defence under Pierre Elliott Trudeau.

Mr. Lamontagne left politics in 1984 to serve as Quebec's Lieutenant-Governor until 1990:

It is a tremendous privilege and a great honour to have Mr. Lamontagne as the patron of the Valcartier family centre and the defender of this important cause for soldiers and their families.

We have benefited from your wise counsel, which has enabled our organization to grow. You have generously shared your experiences to help us understand important events in the history of Canada and the Canadian Armed Forces.

We will always remember the time during a meeting of the organizing committee when everyone was speaking with passion and intensity about the game plan for the fall auction. You stopped us and said, "I just wanted to say that, 60 years ago today, my plane was shot at over Holland."

That was March 12, 2003. There are no words to describe the profound gratitude we felt at that moment for that reminder about the value of what we were doing for soldiers and their families, or for the deep respect Gilles Lamontagne inspired.

Given all that you have lived through, every event more significant than the last, you could have retired, but at 94, you are still here with us. Your life story is inspiring and gives us hope.

[*English*]

#### THE HONOURABLE MOBINA S. B. JAFFER

##### ELEVENTH ANNIVERSARY OF APPOINTMENT— EXPRESSION OF THANKS

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to thank all of you here in the Senate. It has been exactly 11 years since I was appointed to the Senate by Mr. Chrétien. I feel so privileged to represent my beautiful province of British Columbia.

Today, I want to thank Mr. and Mrs. Chrétien for their generosity. Thirty years ago, they welcomed my family to the Liberal family and supported us as we began our lives in Canada. I very much appreciate the help I have received from Speaker Kinsella, and Senators Carstairs, Cowan, Tardif, Munson, Hubley, LeBreton and Carignan. To each and everyone one of you for all the support you have given me, thank you.

I also want to thank the Clerk of the Senate, Dr. Gary O'Brien; the Principal Clerk, Chamber Operations and Procedure Office, Charles Robert; and all the table officers for their incredible efforts in support of our work.

Honourable senators, our legal section, under the leadership of Mark Audcent and now Michel Patrice, have obliged me in my work. I can tell Mark that we all miss him. The crux of our work is done in committee. I want to thank Heather Lank and her great team of clerks and support staff. Dan Charbonneau the Clerk of the Human Rights Committee, continues to support me in my role as chair of the committee and for that I am grateful.

I would also like to thank the communications principal clerk Blair Armitage, Karen Schwinghamer and Ceri Au. I want to thank all the personnel of the Information Services Directorate, especially Hélène Bouchard, Jacob Blackburn, Louis Bordua, Patrice Demers, Pascal Dupéré and Jim Cooke. I greatly appreciate their patience and continued support.

I know all honourable senators will agree with me that the human resources personnel work incredibly well to ensure we have the awesome staff we have. I want to thank Linda Dodd and Reina Bernier for their assistance. Thank you to all the staff of Finance and Procurement under the direction of Nicole Proulx, International Interparliamentary Affairs, in particular Gérald Lafrenière, and Legislative Systems and Broadcasting led by Diane Boucher.

We all know that without the able assistance of the analysts at the Library of Parliament, our work would be impossible. They have certainly responded to many of my requests. I want to especially thank Julian Walker, who has worked diligently on behalf of Human Rights Committee.

Honourable senators, we have challenges when we first start working in Ottawa. For a British Columbian, they are tenfold. I have greatly appreciated the good advice and support from our constant partners, the Senate Protective Service. I truly believe they have been my family away from home. I especially want to thank Mr. Gilles Duguay, without whose constant help in the many challenges I have faced on the Hill, I do not think I would have been able to function. He has advocated for me and supported me and I want to thank him and his entire team.

A huge thank you also goes to the Senate staff, including maintenance personnel, messages, interpreters, stenographers and pages. I want to thank a very special person; my French teacher Géraldine Lavoie. She has not had an easy student, but she has been very patient. I also want to thank my special support system, Linda Clifford, Darrell Mast, Nadia Charania, Rahmat Kassam, Gavin Jeffray and Jonathan Yantzi.

Honourable senators, I ask all the people who I have not mentioned to forgive me. All of you are special to me and I once again want to thank you for making the 11 years of my stay here in Ottawa an extraordinary experience.

---

• (0910)

[*Translation*]

## QUESTION PERIOD

### DELAYED ANSWER TO ORAL QUESTION

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I have the honour to table the response to an oral question raised by the Honourable Senator Sibbeston on May 30, 2012, concerning Giant Mine.

[ Senator Jaffer ]

## ENVIRONMENT

### GIANT MINE

*(Response to question raised by Hon. Nick G. Sibbeston on May 30, 2012)*

The plan for remediating Giant Mine is undergoing an environmental assessment whereby citizens of Yellowknife, N'Dilo, Dettah and the North Slave Métis Alliance have an opportunity to participate. The Government of Canada is providing intervener funding, in the form of contribution agreements, to Aboriginal and public representatives of these communities.

Separate funding, also in the form of contribution agreements, as well as ready access to project technical staff, is being provided to Aboriginal and public organizations. This allows them to evaluate the project and participate in environmental planning and monitoring working groups.

Opportunities for Aboriginal participation in the remediation work and long-term management of the site (e.g. contracts, employment, training and capacity building) are being discussed with Aboriginal organizations. Options to facilitate participation will be incorporated in the procurement strategy to the extent possible, given the Government of Canada legislative and policy framework. An Aboriginal joint venture, Det'on Cho — Nuna has been performing the care and maintenance work since 2005.

---

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, pursuant to rule 27(1), I would like to inform the Senate that when we proceed to Government Business, the Senate will address the items in the following order: first, Bill C-25, followed by other items according to the order in which they appear on the Order Paper.

[*English*]

### POOLED REGISTERED PENSION PLANS BILL

#### THIRD READING—DEBATE ADJOURNED

**Hon. David Tkachuk** moved third reading of Bill C-25, An Act relating to pooled registered pension plans and making related amendments to other Acts.

He said: Honourable senators, I just have a few remarks. In our committee meetings, we examined this bill thoroughly, and it met with the support of many people in the business community.

I just wanted to give credit to the Banking Committee. The final report of the Standing Senate Committee on Banking, Trade and Commerce is called *Canadians Saving for Their Future: A Secure Retirement*. Senator Meighen was chair and Senator Hervieux-Payette was deputy chair. That was from October 2010. On that committee were Senators Ataullahjan, Gerstein, Greene, Harb, Kochhar, Massicotte, Mockler, Moore, Oliver and Ringuette. Essentially, it recommended the very bill we are dealing with.

My only comments are that the Senate should get credit for this interesting piece of legislation. There were some issues, which I think Senator Eggleton will speak about, that the other side thought needed changing and perhaps improving.

However, overall I think I can speak for all honourable senators and say we agreed with the principle of it, and we agreed with the bill. Thank you.

(On motion of Senator Tardif, debate adjourned.)

**IMMIGRATION AND REFUGEE PROTECTION ACT  
BALANCED REFUGEE REFORM ACT  
MARINE TRANSPORTATION SECURITY ACT  
DEPARTMENT OF CITIZENSHIP  
AND IMMIGRATION ACT**

BILL TO AMEND—THIRD READING—  
DEBATE ADJOURNED

**Hon. Yonah Martin** moved third reading of Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act.

She said: Honourable senators, I just wish to acknowledge the work of the Standing Senate Committee on Social Affairs, Science and Technology, all the honourable senators who are committee members and who had focused sessions with respect to this bill, and our chair. I also want to acknowledge the work of the critic, Senator Jaffer, and the ongoing communication we had with officials and with one another. This bill is very important for the integrity of our immigration system, of all of the acts that are part of this bill.

I just wished to say those words of acknowledgment. Thank you.

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise to speak at third reading of the ominous bill, Bill C-31, which is an act that will deal, first, with our refugee system; second, human smuggling; and third, biometrics. Before I proceed, I would like to thank Senator Ogilvie and the members of the Standing Senate Committee on Social Affairs, Science and Technology for the work they did on this bill.

Senator Ogilvie set a tone for the manner in which this bill was studied. I understand that we all have different experiences in life, but in the Senate we do not bring our partisan views to committee to such an extent that we become disrespectful of each other. I thank Senator Ogilvie for his leadership.

I also want to thank the Honourable Senator Martin, another British Columbian, for the way she helped me understand this bill and the way we worked together. I commend her for the tone that she also set in committee. Thank you. I also want to take the opportunity to thank Kevin Lamoureux, the immigration critic, Member of Parliament for Winnipeg North, for all the help he gave to me to prepare for this bill.

As I stated during the speech I delivered at second reading, Bill C-31 raises many questions and will really change the lives of people who flee to our country, particularly in the way we process asylum claims. Once this bill is passed, there will be a three-tier system for refugee claimants applying for asylum in Canada: first, the present system; second, the designated country of origin or the safe country option, often referred to as the “Roma option”; and third, the designated foreign national, which is widely known as the “Tamil boat option.”

As a refugee to this country, I will be the first to state that our country must have a fair, consistent and efficient refugee system. I want the refugee system to have integrity, because I never want the door to be slammed in the face of deserving refugees, refugees who need Canada’s help when they are fleeing persecution.

This bill represents our government’s attempt at protecting the integrity of Canada’s immigration system by helping to ensure that it is fair, consistent and efficient. Unfortunately, this bill fails to meet each and every one of those objectives. Not only does it fail to strengthen our current immigration system, it also contains provisions that are unconstitutional and that are in direct contradiction with Canada’s international obligations.

Although there are several very troubling components to this bill today, I will focus on a few that I believe demand our attention. I will begin by setting out several provisions of the bill that are unconstitutional. Then, I will discuss biometrics. Third, I will examine the designated country of origin, what is known as the “Roma option.” Then I will examine the designated foreign national option, also referred to as the “Tamil boat option.” I will conclude by discussing the effect this bill will have on children fleeing persecution.

I will discuss how Bill C-31 is unconstitutional. Honourable senators, the Canadian Civil Liberties Association is concerned that if Bill C-31 is passed and implemented, it will violate several of Canada’s constitutional and international obligations. This would come at a great cost to Canada and Canadians, both ethically and financially. As I stated at second reading, the Supreme Court of Canada, by way of what is referred to now as the *Singh* decision, has determined that the Charter of Rights and Freedoms is applicable to refugee claimants. Bill C-31 is in contradiction with the *Singh* decision as it does not guarantee refugee claimants rights granted by the Charter of Rights and Freedoms.

• (0920)

To give you a few examples, section 7 of the Charter states that everyone has a right to life, liberty and security of the person. However, Bill C-31 denies reunification of families for a period of five years, which clearly violates security of the person. In addition, this bill can also lead to increased detention periods, thus violating one’s right to liberty.

Section 9 of the Charter states that individuals have the right not to be arbitrarily detained. However, Bill C-31 imposes a detention period without review until the expiration of six months. Further, the minister is not held accountable for long detentions.

Bill C-31 also violates international law. The 1951 Refugee Convention and the Charter are the anchors of our refugee system. Article 31(1) of the 1951 convention specifically states that no country will impose penalties on account of illegal entries of refugees. This article was included in the treaty specifically because it was understood that people seeking refuge could be in breach of immigration law. Honourable senators, Bill C-31 also treats refugees as criminals rather than as victims.

International law recognizes that refugees often have no choice but to enter a country of asylum illegally. The refugee convention, therefore, prohibits governments from penalizing refugees who enter or remain illegally in their territory. For a refugee, false documentation may be the only way for an individual to flee persecution in their country. Canada recognizes this in section 133 of its current Immigration and Refugee Protection Act. Bill C-31 would allow the minister to deem a group an irregular arrival if the identity of the individuals in the group cannot be determined in a timely manner, or if there is suspicion of human smuggling or criminal activity. The fact that refugees may have false documents makes them more prone and vulnerable to being declared a designated foreign national because such documents could impede the minister's ability to identify an individual in a timely manner.

Therefore, Bill C-31 has the potential to treat individuals who are seeking asylum or refuge as criminals rather than as victims. More specifically, inclusion of provisions discussing irregular arrivals state that children 16 years of age or older can be detained and that children under 16 years of age can be separated from their families without any obligation of the federal government to appropriately justify this detention. This is not only unconstitutional, but it is also in direct contradiction of Canada's international obligations.

The minister's ability to designate groups as irregular arrivals puts at risk those who are genuinely seeking refuge. Under this legislation, a refugee may be identified as being part of an irregular arrival and thus be deemed a designated foreign national. The minister can designate an arrival irregular based on one of the two criteria: if an individual is found to be with a group, that is, two or more individuals, that includes persons whose identities cannot be established in a timely manner or if the minister has reasonable grounds to suspect that the vessel in which they arrived is engaged in human smuggling or criminal activity.

As a result, genuine refugees could be subjected to harsh penalties that are imposed on designated foreign nationals. In this sense, designation is not based only on the context of alleged smuggling but also on the absence of sufficient bureaucratic resources to process arrivals. In addition, only the Minister of Public Safety can make this designation, and it is not subject to parliamentary oversight, nor is it possible for the claimant to appeal such a designation.

Unfortunately, an individual who is identified as a designated foreign national, even if the individual is eventually found to be a genuine refugee, include: mandatory detention of up to six

months, the inability to apply for permanent residence for five years after they have been found to be a refugee, and being prohibited from sponsoring family members for five years after the individual has been found to be a refugee.

The 1951 Refugee Convention clearly states that we are obliged to facilitate the naturalization of refugees. Honourable senators, by imposing a five-year delay before a designated foreign national found to be a convention refugee can apply for permanent residence, Bill C-31 violates Article 34 of the 1951 Refugee Convention.

Honourable senators, there is a legitimate case to be made about implementing biometrics, and I agree with that part of the bill, so that people who enter our country and are deported from our country do not re-enter. We know countries all over the world are implementing biometrics, but we need to ensure that the privacy rights of refugees are protected because there can be dire consequences in the event this information is released to other countries. We know that no system is foolproof, as we saw with the problems with the HRDC job bank when privacy rights were breached. The Privacy Commissioner is investigating that matter. Also, the Privacy Commissioner of Canada recommends the use of biometrics to verify rather than identify individuals to safeguard privacy.

Mr. Peter Showler, a professor at the University of Ottawa, who had been the chairman of the Immigration and Refugee Board stated to our committee:

It is an incredibly complex problem. People use biometrics as though there were a magic solution. Remember that biometrics is also fingerprints and photographs and all kinds of other things. In my recommendation to the Commons committee, I recommended that they had to look at it from the point of information security. The great challenge is the inadvertent sharing of information with international partners who have very different objectives and, quite possibly, very different human rights records than we do.

Honourable senators, Bill C-31 includes a safe country provision which gives the minister the discretion to create a list of countries that are unlikely to produce refugees. This means that claimants from those countries would be dealt with quicker. However, they would not be allowed to appeal, thus increasing the likelihood of genuine asylum seekers being deported. The unfortunate reality is that gender-based persecution occurs even in countries deemed to be safe. Under this bill, if a woman faces gender-based persecution but comes from a country that the minister has designated to be a safe country, her claim could be denied.

Peter Showler stated the following:

One of the problems with safe countries — and I mentioned the fact that safe countries are not always safe — is that, frequently, the persecutor in those countries is not the state. Often, though not always, it tends to engage gender issues. When I said that DCO claims can be onerous to prove, they are the types of claimants that are not even particularly good at bringing those kinds of claims forward. They certainly need as much time as anyone else.

Honourable senators, I am pleased to report that our committee included observations relating to this matter. These are observations in regard to clause 58 of Bill C-31, which will add section 109.1 to the Immigration and Refugee Protection Act.

The committee emphasizes the importance that the gender guidelines issued by the Immigration and Refugee Board of Canada continue to be applied to refugee claims from designated countries of origin.

The committee encourages the Immigration and Refugee Board of Canada to develop guidelines related to the LGBT communities.

The committee encourages the minister and the Immigration and Refugee Board of Canada to take into consideration the special situation of minorities within the country of origin.

Based on the convention, the definition of a refugee does not include gender as an independent enumerated ground for a well-founded fear of persecution warranting the recognition of convention refugee status. Many of us worked very hard to develop gender guidelines so that the Immigration and Refugee Board could take gender-based persecution into account.

Most of the gender-specific claims involving fear of persecution for transgressing religious or social norms may be determined on grounds of religion or political opinion. In a case, the Immigration and Refugee Board found that the claimant was a convention refugee. The claimant's fear was of the violent behaviour of her husband condoned by that society, the traditional rituals which include the searing of her body with a heated instrument and continuing domination and demands causing her to be enslaved.

Ms. Chris Morrissey, the co-founder of Rainbow Refugee Society, appeared as a witness at committee and also encouraged the Immigration and Refugee Board to develop guidelines for gay and lesbian people who face great persecution in countries, reminding the committee that these individuals may be facing this type of persecution in countries that are designated as being safe countries.

• (0930)

During our committee meetings, we had the pleasure of hearing from Ms. Gina Csanyi-Robah, a member of the Canadian Council for Refugees, who gave us a compelling story about the Roma people, who are associated with this provision of Bill C-31 as they flee from a country that is designated to be safe, Hungary.

I would like to take a minute to share with you a story she submitted to me as she wanted me to share with senators the plight Roma people face. I quote:

Roma refugees arrive en masse without any support available to them. The vast majority of Canadians do not even know who the Roma community is unless we identify ourselves as Gypsies, a name that was applied to us during the medieval time period in Europe when we were mistaken as Egyptians by the British Empire.

Many people are horrified to learn about the treatment that we have endured as a people for the past millennium in Europe: mass killings, extreme and cruel marginalization from society and enslavement for 500 years until 1863 when the last Romani slaves were emancipated in Romania. This ugly history also includes the loss of nearly two million lives in forced labour work camps prior to and during World War II, as well as victims of genocide during the Holocaust. We have for the most part been left out of the history books. We are a people uncounted.

The Roma are still wasting away in refugee camps created in Kosovo by the UN in 1995. They have nowhere to go, and it is still unsafe for them to return.

Currently, in countries such as Hungary, Slovakia and the Czech Republic, there is an endemic discrimination that many international human rights bodies have described as apartheid-like conditions. More fatal is the war of hatred killing the Roma — mentally, physically, emotionally — children's spirits are being crushed at the hands of a portion of the ethnic majority population in these countries.

For the past two years I have been trying to share with the Canadian government what is taking place in Hungary and why Romani people are seeking refuge in Canada.

Since 2008, there have been approximately 30,000 individuals — men, women, children, elderly — who came believing that they had arrived in a mecca for human rights. They sold everything that they owned. They arrived in large, intact familial groups, as is customary in the culture. They have filled our shelters and schools. They have been relying on food banks, as many other Canadians do who have to rely on welfare to survive. Like Canadians, they too suffer from a mass shortage of family doctors available and often need to wait six months for an appointment. They too have criminals among them, as every other community in Canada does.

Unlike Canadians, 30,000 refugees have been stereotyped as criminals at times and as the victims of criminals.

The Roma community in Canada and countless Canadians do not want to see the creation of a designated safe country list and hope Romani people fleeing Europe will continue to enjoy the same opportunities granted to refugees from other parts of the world.

With respect to designated foreign nationals, honourable senators, under Bill C-31, the minister may designate the arrival of a group of persons to Canada as "irregular," or what is now called "mass arrival," if the minister is of the opinion that examinations particularly relating to identity and admissibility of the persons involved in the arrival and other investigations cannot be conducted in a timely manner.

If a person is found to be a convention refugee, they will be denied two very important rights. One, they will not be able to apply for permanent residence for five years, and two, they will not be able to sponsor their spouse and children for five years.

This is a punitive action, and I cannot begin to imagine why we would do this to a person who is found to be a refugee by the Immigration and Refugee Board. This breaks all of our international conventions. In fact, to me, this is an example of cruel and unusual punishment. I am very confident that the courts will not accept us treating individuals whom the Immigration and Refugee Board has deemed as refugees in such a horrific and uncompassionate fashion.

Honourable senators, this is simply unjust. We in the Senate, who are supposed to protect the rights of minorities, should not accept this punitive clause.

Let me put into context what this clause would mean for a refugee.

If a person is designated by the minister, they will be placed in mandatory detention for a minimum of two weeks, which most often turns out to be six months or more. The refugee claim will be assessed while that individual is in detention.

If the claim is not accepted, there will be no appeal for the claimant. If the claim is accepted, the refugee cannot apply for permanent residence for five years. The refugee will not be provided a travel document for five years, nor will they be able to bring their children or spouse here for a period of five years. For a refugee who has already lost everything to then be separated from family for a minimum of five years is unthinkable.

Honourable senators, earlier I stated that there is often an event that triggers a government to change their laws. In this case, it was a boat of Tamils who found their way onto the shores of British Columbia roughly two years ago.

I have to tell you that I am very confused as to why these desperate people are being painted as villains when our own Prime Minister has recognized their pain and suffering and has as a result made a decision not to attend the Commonwealth Conference because of the human rights abuses in Sri Lanka.

Let me be more specific. During my career, I have come to know many Sri Lankans. As a lawyer, I have for years represented the Sinhala, Muslims, Burghers and Tamils. I can tell you that all groups in Sri Lanka have suffered terrible human rights abuses. I believe that this is precisely why our Prime Minister, Stephen Harper, has taken a principled stand in not attending the Commonwealth Conference. There are severe human rights abuses against the people of Sri Lanka, and Prime Minister Harper, by refusing to attend the conference, is showing the world that Canada does not condone such behaviour.

Honourable senators, as the envoy for women in conflict zones, I travelled to Colombo and I went to many parts of Sri Lanka. I can tell you that the situation for all Sri Lankans is very desperate.

When I was appointed to the Senate, I became the envoy for women in conflict zones. I travelled across the country speaking to women across Canada who are part of the Sri Lankan diaspora. In our report entitled *Ripples Across the Ocean*, the unfortunate plight of Sri Lankan women was highlighted both here in Canada and in Sri Lanka.

[ Senator Jaffer ]

Honourable senators, last December I was in different parts of Sri Lanka. I met with many people who had suffered terribly during the civil strife. Often it was hard to hear the people speak of their pain. I often watched my friend Visaka Dharmadasa and listened with a heavy heart as he she shared her story. I have travelled with Visaka to many parts of the world as we worked to help women mobilize in conflict zones.

Years ago, one of Visaka's sons, who was in the army, went missing. After suffering such a terrible loss, Visaka started an organization for war-affected women, which allows her to reach out to women who have suffered a similar fate.

I admire Visaka for mobilizing Tamil, Sinhalese, Burgher and Muslim women and bringing them together for a common cause. Visaka showed these women that, regardless of their differences, they all had one important thing in common: They were mothers. Slowly, these women helped each other heal from their losses, which in turn helped bring entire communities together. I am pleased to tell you that Canada and the Canadian government has been very much a part of the healing process of Sri Lankan women in Sri Lanka.

There are many heroes like Visaka who are working hard to bring peace to Sri Lanka. However, still there is a lot of work that needs to be done, and the conditions in Sri Lanka are still dire.

From one corner to another, I saw desperate people in Sri Lanka trying to keep their families together. I met many women who told me heartbreaking stories of how they had lost family members and everything they owned. What do you say to a woman who is destitute, has lost all her children, all her assets and is trying to survive in a new and foreign area, not knowing what tomorrow has in store? Many of these women were hoping to seek refuge simply to ensure that their children stayed alive and free from conflict and violence.

Although I am very pleased that the Prime Minister is taking such a principled stand and has decided that he may not attend the Commonwealth Conference in Colombo, how are we treating the Sri Lankans that are arriving on our shores? We have seen ministers get on the boats and call them terrorists.

• (0940)

Honourable senators, I am really confused. Are these abuses of human rights or are they not? I am disappointed that we are introducing a law that will turn away these desperate individuals when they come to our shores seeking refuge. In fact, even when they are found to be convention refugees, we will not provide them with travel documents. We will not let them be permanent residents for five years, and we will not let them sponsor their children for five years, which is likely to be eight years.

Honourable senators, does this really sound like a refugee system that Canadians can be proud of? I am ashamed.

Honourable senators, I would like to conclude my speech by discussing the provisions which I am most concerned about. I find the impact that this piece of legislation will have on children to be exceptionally troubling. We cannot accept that a child who has fled his country because he was being persecuted should face imprisonment in our country.



Under the provisions of Bill C-31 that discuss “irregular arrivals,” children who are 16 and 17 years of age, who would under this bill face mandatory detention, will also be separated from their families as facilities are segregated by gender, meaning that a child would be unable to be accompanied by both parents. This is in direct contradiction of section 9(1) of the UN Convention on the Rights of the Child, which discusses forced separation when stating:

States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of a child by the parents . . .

Honourable senators, we must remain mindful that when dealing with children it is our responsibility to always protect their best interests. In the event that this bill is passed, children who are 16 and 17 years of age would be unjustly placed in jail-like detention centres where they will experience a heightened risk of suffering from several mental and behavioural health issues, not to mention the emotional distress of being in a new country, separated from their loved ones.

In fact, both the United Kingdom and Australia, whose policies we are now following, implemented policies similar to the ones we are debating today. However, both Australia and the United Kingdom later rescinded these policies as they realized the detrimental affects they had on children who were desperately seeking asylum. Having proof policies of this nature are clearly harmful to children, we must ensure that we learn from the mistakes of other nations and do not neglect to properly assess the impact these provisions will have on children.

Honourable senators, I would like to take this opportunity to draw your attention to a model adopted by France — one that I believe Canada could learn a great deal from.

[*Translation*]

Some supporters of this bill have referred to other Western democracies, particularly Australia, that have adopted immigration reforms similar to those in the bill.

Yes, it is important to note best practices from other countries that are dealing with the same public policy issues. However, these supporters only mentioned countries whose failed policies resulted in the denial of refugees’ basic human rights. There is absolutely no reason to limit our comparative analysis of policies to the study of just one country, like Australia, for instance.

I would argue, honourable senators, that there are better solutions, better thought-out policies that Canada might want to consider. In my opinion, these options must strike a balance between the need for creative solutions that will make our immigration system effective and our moral obligation to promote the universal implementation of human rights. This moral obligation is particularly important when it comes to children’s rights.

I would like to draw the attention of this honourable chamber to France’s approach regarding refugee children. I would like to refer in particular, honourable senators, to a report from May 2010 prepared by French senator Isabelle Debré dealing with “isolated” or unaccompanied foreign minors in France.

In the introduction of her report, prepared at the request of French Prime Minister François Fillon, the senator writes, and I quote:

Clearly, our reflections must be guided first and foremost by the human dimension of the phenomenon, particularly since France has ratified the Convention on the Rights of the Child [ . . . ]

As you know, honourable senators, Canada has also ratified the Convention on the Rights of the Child. More countries have ratified that Convention than any other human rights treaty in history. Some 193 countries are party to that Convention.

Therefore, Canada has not only a moral obligation to respect children’s rights, but also an international legal obligation.

The French proposal recognized the need for universal respect for children’s rights, and it represents the most instructive, useful and credible example.

Please allow me to share some of the main recommendations made by Senator Debré that I believe should also have been considered when the government drafted this bill.

The recommendations made by Senator Debré focus on two main objectives, and I quote:

To coordinate actions related to non-national unaccompanied minors in accordance with the interdepartmental plan implemented at the local level, and

To make meaningful improvements to the conditions for receiving, returning and (or) taking responsibility for non-national unaccompanied minors.

Similarly, Canada must first ensure that there is a comprehensive, coordinated approach to address issues related to non-national unaccompanied minors. It must also work to ensure that there are better conditions for non-national unaccompanied minors.

Honourable senators, these are not optional requirements. These are obligations to which Canada committed under the most widely ratified human rights treaty in the world. I am not talking about ideological preferences or the debate on public spending priorities. We absolutely must protect children’s rights.

The recommendations in the French report include:

Create a space reserved exclusively for minors in waiting areas and detention centres;

Develop measures to more reliably determine the minor’s age;

Provide a stay document, once they reach the age of majority, to non-national unaccompanied minors older than 16 years of age who are taken in by child welfare agencies, provided that they are receiving formal education or training and have a life plan.

Establish observation and statistical methods to provide data to a centralized, interdepartmental platform and entrusted to the Protection judiciaire de la jeunesse [French juvenile protection service];

Develop national training for temporary administrators that could be carried out by the École nationale de protection judiciaire de la jeunesse [French national juvenile protection service school], in connection with experienced associations.

Honourable senators, these measures were all designed to preserve the efficiency of the immigration system, while at the same time ensuring a cooperative and global approach to protecting the rights of foreign unaccompanied minors.

There is no apparent reason why similar measures cannot and should not be implemented in Canada. In addition, Bill C-31 does not treat 16-year-old children as minors; the bill directly violates our country's obligations under the Convention on the Rights of the Child.

Canada's immigration system should be improved, but not at the expense of children's rights.

[English]

Honourable senators, I would like to leave you with an example which will put into perspective the impact that this bill will have.

Under Bill C-31, if a 16-year-old Somalian boy arrives on Canadian shores, we will detain him for six months. Then, if he is found to be a refugee, we will force him to wait five years before he can apply for permanent residency or be reunited with his family. We will also deny him essential medicine. Does this sound like a system that Canadians can be proud of? Canada is a signatory to the United Nations Convention on the Rights of the Child and has thereby made a commitment to always ensure that civil, political, economic, social, health and cultural rights are protected.

• (0950)

Now we as a country have an obligation to honour that commitment and do everything we can to protect the world's most vulnerable population: its children.

The UN Convention on the Rights of the Child quite clearly states that a child is defined as every human being under the age of 18. The fact that this bill calls for an unwarranted detention and arrest of any individual, let alone a child who is 16 or 17 years of age, is incredibly troubling. I strongly urge all honourable senators to revisit these provisions and adopt the definition of a child that reflects the one set out in the UN Convention on the

[ Senator Jaffer ]

Rights of the Child, adjusting the age requirements from 16 to 18 years. In its present form, Bill C-31 violates Article 37(b) of the United Nations Convention on the Rights of the Child, which states:

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.

It is of utmost importance that the provisions of Bill C-31 that call for the detainment of children aged 16 and 17 be amended. By adjusting the age by two years, we would be ensuring that children are not unfairly targeted by this bill. I would now like to bring forward an amendment which will do just this.

#### MOTION IN AMENDMENT

**Hon. Mobina S. B. Jaffer:** Therefore, honourable senators, I move:

That Bill C-31 be not now read a third time but that it be amended

(a) in clause 23,

(i) on page 12, by replacing line 39 with the following:

“and who is 18 years of age or older on the day”,  
and

(ii) on page 13, by replacing line 3 with the following:

“who was 18 years of age or older on the day”;

(b) in clause 24, on page 13, by replacing line 11 with the following:

“Division and who was 18 years of age or older”;

(c) in clause 25, on page 13, by replacing line 27 with the following:

“was 18 years of age or older on the day of the”;

(d) in clause 26, on page 14,

(i) by replacing line 9 with the following:

“designated foreign national who was 18 years”,

(ii) by replacing line 20 with the following:

“designated foreign national and who was 18”,  
and

(iii) by replacing line 37 with the following:

“18 years of age or older on the day of the arrival”;

(e) in clause 27, on page 15,

(i) by replacing line 2 with the following:

“designated foreign national who was 18 years of”, and

(ii) by replacing line 10 with the following:

“foreign national who was 18 years of age or”; and

(f) in clause 28, on page 15, by replacing line 32 with the following:

“who was 18 years of age or older on the day”.

Thank you very much.

**The Hon. the Speaker:** It has been moved by the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy

That Bill C-31 be not now read a third time but that it be amended

(a) in clause 23,

(i) on page 12, by replacing line 39 with the following —

Shall I dispense?

**Hon. Senators:** Dispense.

(On motion of Senator Tardif, debate adjourned.)

[*Translation*]

ALLOTMENT OF TIME FOR DEBATE—  
NOTICE OF MOTION

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, we have been unable to reach an agreement with the Deputy Leader of the Opposition concerning the allotment of time for debate at third reading stage of Bill C-31.

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

That, pursuant to rule 39, not more than a further six hours of debate be allocated for consideration at third reading stage of Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act;

That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the third reading stage of the said Bill; and

That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

[*English*]

CRIMINAL CODE

BILL TO AMEND—THIRD READING—  
DEBATE ADJOURNED

**Hon. Hugh Segal** moved third reading of Bill S-9, An Act to amend the Criminal Code, as amended.

**Hon. Roméo Antonius Dallaire:** Honourable senators, I was not expecting this to happen today, as I was expecting the original critic to speak to Bill S-9. I wish to speak to this bill but am not in a position to do so today, so I will ask to adjourn debate.

(On motion of Senator Dallaire, debate adjourned.)

PROHIBITING CLUSTER MUNITIONS BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Fortin-Duplessis, seconded by the Honourable Senator Demers, for the second reading of Bill S-10, An Act to implement the Convention on Cluster Munitions.

**Hon. Roméo Antonius Dallaire:** Honourable senators, I wish to speak at second reading of Bill S-10 in order to put forth the groundwork that I believe will be essential when this bill moves to committee — which I suspect it will be after I speak today — in order to permit the committee to look at the spectrum of aspects of this bill that must be reviewed and discussed before it is brought back to this chamber.

Soon after the bombing in Afghanistan began in 2001, the Pentagon announced its intention to change the colour of the humanitarian daily rations being airdropped throughout the country. These are the small yellow packages of prepared meals that contain enough calories to feed a person for one day. The practice of distributing humanitarian rations dates back to the conflicts in Bosnia, Rwanda, Cambodia, Sierra Leone and Somalia. They were designed to reduce mortality rates during emergencies or humanitarian crises, and perhaps even win a few hearts and minds in the process.

By the time the Pentagon changed the packaging, some 2.5 million humanitarian rations had already been dropped, and U.S. forces had dropped more than 1,000 BLU-92 cluster bombs throughout Afghanistan, containing some 250,000 submunitions. Regrettably, the thousands of bomblets that failed to explode on impact were the same size and colour as these humanitarian packages. As the humanitarian rations blanketed the landscape, they were mixed in with the bomblets. One cannot imagine how many children had their limbs blown off due to this careless oversight.

Honourable senators, in a way, it is understandable why countries like Russia, China and the U.S. are reluctant to remove cluster munitions from their arsenals. Developed in the lead-up to

the Vietnam War, cluster bombs are highly effective area weapons, designed to lay out barriers, block forces and push troops into killing zones. They can be used to rapidly take out airfields, swaths of tanks or large troop formations — the kinds of formations we expected to face in the Cold War, in classic war.

• (1000)

Almost immediately following their development, cluster bombs became the weapon of choice for area denial. Instead of asking the ethical, legal and moral questions of how the weapon would affect civilians, the only question asked was, “How many of these things can we actually make?” and so they built them by the hundreds of thousands.

Today, we are at the point where some 86 countries stockpile the weapon. While Canada has never used them, 18 other nations have. For example, some 500,000 cluster bombs, comprising 285 million sub-munitions, were dropped over the fields, cities and peoples of Vietnam, Laos and Cambodia, between 1964 and 1975. In the 1980s and 1990s, they were used extensively in places like Lebanon by the Israeli forces and in Iraq and Kosovo by U.S. Forces.

In all of these conflicts, cluster munitions have been shown to be highly effective in killing human beings. However, behind this is an even more devastating truth: The real cost, the human cost, is the civilian cost.

By their very nature, cluster bombs are imprecise weapons. Launched from the air, artillery systems or rocket launchers, each one opens mid-air to release dozens or hundreds of bomblets. Strikes cover areas the size of football fields and have no ability to distinguish between enemies, friendly combatants or civilians — even children.

Children like 6-year-old Umarbek, a young boy from Tajikistan whose home was struck by these weapons in 1991. Just imagine his horror as shrapnel sliced through his right eye and ripped through his small torso and face. It tore through his sister’s abdomen and took his brother’s life.

Just like land mines, cluster munitions kill, maim and injure innocent civilians long after conflicts come to an end. This happens because many fail to explode on impact, littering whole communities with unexploded ordinance. Failure rates have been calculated from anywhere between 7 per cent and 40 per cent depending on the ground and the vegetation, for many stay stuck in the leaves of trees.

Even at 1 per cent, we are dealing with thousands of unexploded bomblets. As a result, farmers cannot farm, refugees cannot return, and those who do risk life and limb.

[*Translation*]

What is more, honourable senators, these weapons were designed for another era. Today’s conflicts are nothing like the wars of old. These are not territorial wars. Once war moved into the cities, it became more and more difficult to tell civilians from combatants; this is a time of civil war.

[ Senator Dallaire ]

Not only are there more civilian casualties, there are also more and more large stationary targets that these weapons were designed to attack. Nobody is deploying large armies en masse either. As such, cluster munitions are no longer useful in a military arsenal. They also pose a serious problem with respect to ethics and international law.

[*English*]

That is why Canada, in 2008, joined what are now 111 countries in deciding to comprehensively ban the use of these weapons by signing the Convention on Cluster Munitions. After four years of waiting, we now have Bill S-10, our ratification legislation.

This bill has the potential to be a strong legislative tool to end the use of the weapon. Clause 6, the heart of the bill, lays out clear and unambiguous prohibitions against cluster munitions use. It bans the use, development, acquisition, possession, movement, import and export of cluster munitions. Furthermore — and this is key — subclause 6(f) states that we may not “aid, abet or counsel” other persons to use cluster munitions or perform any of the prohibited acts above.

Yet, this bill is flawed — deeply so, I am afraid. Its promise is undermined by its exceptions, exceptions so broad that you can drive a tank through them. They water down and weaken the treaty, perhaps even critically.

Despite our best intentions, there are provisions in this bill that would allow members of the Canadian Forces to expressly request the use of cluster munitions while in combined operations, such as NATO missions. These are indicated in paragraphs 11(1)(a) and (b). Moreover, paragraph 11(1)(c) grants our Armed Forces permission to use, acquire and possess cluster munitions while on secondment. Secondment means that we fall under the command of the country to which we are seconded and are given roles of command of their troops in their operations.

This is not a meaningful prohibition; this is a half measure, and not worthy of a country that has, for so long, led the world in disarmament.

The policy enshrined in this bill completely contradicts our stance on anti-personnel land mines, of which we are the world leader. It contradicts the spirit of the convention we have signed. It contradicts established Canadian policy and the values that have inspired it.

In a memo dated August 11, 1998, the then Chief of the Defence Staff clearly prohibited Canadian commanders of combined forces from authorizing the use of anti-personnel mines. Likewise, personnel being commanded by foreign nationals are prohibited from using or even planning to use land mines, and contingents may not use, request or encourage the use of mines by others.

That is the precedent; the groundwork is laid. Its origins are in this very city. It is called the Ottawa Convention, where, in 1997, Canada joined forces with civil society in a campaign to ban land mines. It worked. We no longer needed land mines to achieve tactical or strategic objectives or defences.

The same can be said today of cluster munitions. We actually assisted nations in getting rid of their land mines by proving that other systems could be not only as but even more effective than the use of old land mine systems.

Yet, Bill S-10 contains an exception in paragraph 11(3)(a). It would allow Canadian Forces to aid and abet the use of cluster munitions while in combined operations.

It does not make sense to comprehensively ban an immoral, indiscriminate weapon and then turn around and say it is still okay to use them in combined operations. Almost all operations are combined operations, and so we are effectively paving the way for their continued use. We do not conduct operations as a single nation anymore; we conduct them with other nations as part of combined operations, be they under the UN, NATO or even regional authorities.

[*Translation*]

Honourable senators, there is no doubt that many of these exceptions go beyond what is strictly necessary to ensure the legal protection of our troops engaged in multinational operations. Many of them actually go against the spirit of the convention and may even violate international law.

This bill allows activities that are forbidden by the convention, which is entirely illegal or at the very least morally untenable, thus creating ethical, moral and legal dilemmas for commanders. According to the Vienna Convention on the Law of Treaties:

A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.

- (1010)

The object of the treaty in question is clear: it aims to put an end, once and for all, to the use of cluster munitions, and not to try to find ways to help or encourage non-signatory states to use them.

In fact, the convention sets out specific limits to interoperability. Article 21(4), which deals with interoperability, clearly states that nothing shall authorize a State Party to use, transfer, acquire — or request the use of — cluster munitions.

Similarly, Article 19 of the Anti-personnel Mines Convention, to which Canada is a signatory, clearly states:

The Articles of this Convention shall not be subject to reservations.

I would like to be very clear on this, regarding the terms of subparagraph (1)(c) of Article 1, states parties undertake to, never under any circumstances, assist, encourage or induce anyone to engage in any prohibited activity, including the use, requesting the use of, or the transfer of cluster munitions.

Thus, our obligations could not be any clearer. The spirit of the treaty, as I have described it, leaves no doubt in my mind as to the goal of the treaty and the attitude of its signatories in that regard. Canada has a duty to honour its obligations. Canada has made a promise and must keep it.

Honourable senators, may I have five more minutes?

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to allow Senator Dallaire an additional five minutes?

**Hon. Senators:** Agreed.

**Senator Dallaire:** Now we are getting to the heart of the matter. How can we completely prohibit these weapons without giving up key command posts in international operations?

We are told that these exceptions are necessary so as not to compromise opportunities for cooperation between the Canadian Forces and our allies. Honourable senators, nothing could be further from the truth.

Does anyone really think that our decision to not employ cluster munitions will compromise our chances of commanding NATO missions? Do you think that the cluster munitions issue truly had an impact on the decision to appoint Lieutenant-General Bouchard as commander of the mission in Libya? They were looking for the best person to do the job and to do it successfully.

Of the 28 NATO member countries, 20 have already signed the Convention on Cluster Munitions, including France, Germany and the United Kingdom. Even though, as an organization, NATO itself cannot sign disarmament treaties, it has always made a point of honouring and supporting them.

I quote:

NATO attaches great importance to conventional arms control and provides an essential consultative and decision-making forum for its members on all aspects of arms control and disarmament.

At the Bucharest Summit in 2008, the government leaders declared that:

. . . disarmament . . . will continue to make an important contribution to peace, security and stability . . . [and] NATO should continue contributing to international efforts in the area of . . . disarmament.

This commitment was reaffirmed in 2009 in Strasbourg and in 2010 in Lisbon.

In fact, NATO said that the Convention on Cluster Munitions was an important and relevant initiative for peace and security. Canada is a well-respected leader, and our roles within NATO and the Convention on Cluster Munitions must not contradict each other.

[*English*]

Honourable senators, as we move towards committee stage, we have a great deal of work ahead of us with this bill. First, we must study Bill S-10 in detail and seek expert advice of not only military and retired military and even veterans of missions but also civil society, which is fast becoming the voice of humanity, certainly on issues of disarmament.

Second, we must address the ethical, legal, and moral issues introduced by section 11. Surely some exceptions will be necessary, but like the Ottawa mine ban treaty, they must be narrow in scope. The question we must ask ourselves is which exceptions are absolutely essential — not necessary, not nice to have, but essential. This should become central to the committee's work.

Third, we should consider drafting prohibitions against financial investment in these weapons as New Zealand and other allies have done.

Fourth, we should enshrine the positive obligations laid out in Article 21 so as to make it clear to allies where we stand with this weapon.

Finally, we should ensure this legislation applies to all Canadians overseas, not only Armed Forces, so Canadians will not be in a position to sell, transport or otherwise aid in the use of these weapons.

Honourable senators, in conclusion, should we fail to pass strong, comprehensive ratification legislation, we will create a precedent that will ultimately undermine the convention, potentially leading to the continued proliferation of these weapons and the destruction of innocent civilians.

In her speech, Senator Fortin-Duplessis vividly described the disproportionate effects that cluster munitions have on civilians. She has told us they cause widespread damage and indiscriminate harm, particularly when used near populated areas. She has told us that they injure, mutilate and, too often, kill innocent people and that 98 per cent — a little high, but still — of reported casualties have been civilians.

When we took the collective decision to ban cluster munitions in 2008, we did so because we believed the harm caused by cluster munitions far outweighs any military advantage they offer. I would submit that this equation does not change in combined operations.

Honourable senators, we must reject the temptation to water down a comprehensive ban on cluster munitions. We must craft our laws to be in accord with our principles. We must rise above narrow self-interest and put the good of humanity above the good of our own tribe. For the sake of civilians everywhere and for our women and men in uniform, we can do no less, and, yes, we can do so without putting our men and women in combat at any higher risk by signing on and passing an appropriate ban on the use of these weapons. I stake my personal military reputation on this fact.

Honourable senators, the world expects Canada to lead. We have led, and it is in that duty that we must continue to lead.

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

**Hon. Senators:** Question.

**The Hon. the Speaker:** It was moved by Senator Fortin-Duplessis, seconded by Senator Demers, that Bill S-10, An Act to implement the Convention on Cluster Munitions, be read a second time.

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

**Hon. Senators:** Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Hubley, bill referred to the Standing Senate Committee on Foreign Affairs and International Trade.)

### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the Prime Minister's gallery of the Honourable. Douglas Phillips, Commissioner of Yukon.

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

**Hon. Senators:** Hear, hear!

• (1020)

### CRIMINAL CODE

#### BILL TO AMEND—THIRD READING

**Hon. Bob Runciman** moved third reading of Bill S-209, An Act to amend the Criminal Code (prize fights), as amended.

He said: Honourable senators, I rise today to speak to this bill, An Act to amend the Criminal Code (prize fights).

The bill updates the definition of prize fighting in section 83. When the current offence of prize fighting became part of the code in 1934, the only exemption allowed was boxing. Much has changed since then, and that is why witnesses told our hearings at the Standing Senate Committee on Legal and Constitutional Affairs that this bill is necessary.

Other combative sports have flourished in the intervening decades, particularly at the amateur level. Mixed martial arts is North America's fastest growing professional sport, yet technically, all of these sports, including some Olympic events, are illegal. Bill S-209 updates the definition of "prize fight" to include an encounter with fists, hands or feet; and it expands the list of exemptions to the offence to include amateur combative sports that are on the program of the International Olympic Committee or the International Paralympic Committee, and other amateur sports as designated or approved by the province, as well as boxing contests and mixed martial arts contests held under the authority of a provincial athletic board, commission or similar body.

It is important to note that this bill is most important to regulatory commissions operating at the provincial and municipal levels.

Honourable senators, these are people who take their job very seriously, who want to ensure all the rules are complied with, and that athletes' health and safety are protected. Their job is more difficult when the law they are dedicated to upholding no longer reflects reality.

The need for this change was demonstrated clearly, but there was another matter top of mind for senators during the committee hearings, and that was the safety of athletes. The committee benefited from the expertise of two experienced ringside physicians who told us about the extensive pre- and post-fight medical tests and examinations that are necessary in these sports, examinations that are conducted and supervised independently, unlike other sports.

The evidence shows that mixed martial arts is less dangerous than boxing and no more dangerous than other contact sports, but there is a risk, no doubt about it. The question is: How do we best mitigate that risk? In my view and in the view of other committee members, proper regulation and supervision is crucial. However, regulators want a more secure legal framework in which to operate, and Bill S-209 is part of that process.

Honourable senators, I ask for your support on Bill S-209. Combative sports are a reality in Canada, and we need the legal framework in place to ensure they are properly regulated.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

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

[*Translation*]

## CRIMINAL CODE

### BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Boisvenu, seconded by the Honourable Senator Runciman, for the third reading of Bill C-310, An Act to amend the Criminal Code (trafficking in persons).

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise to speak at third reading of Bill S-310, An Act to amend the Criminal Code (trafficking in persons).

Bill C-310 makes three important amendments to the Criminal Code. First, it adds the current trafficking in persons offences, namely, sections 279.01 and 279.011, to the list of offences, which, if committed outside Canada by a Canadian or permanent resident, can be prosecuted in Canada. Section 279.01 deals with trafficking in persons, while section 279.011 deals specifically with trafficking in children; that is, minors under the age of 18.

Second, after being amended in the House Committee on Justice and Human Rights, Bill C-310 now affects two other sections of the Criminal Code. Dealing with human trafficking could also result in criminal prosecution in Canada, even if the acts are committed abroad. These are sections 279.02 and 279.03.

Section 279.02 refers to cases in which a person receives a financial or other material benefit knowing that it results from a human trafficking offence. Section 279.03 refers to cases in which a person conceals, removes, withholds or destroys any travel document, such as a passport, that establishes another person's citizenship.

Third, Bill C-310 will amend the definitions of "exploitation" and "human trafficking" to include an interpretive tool for the courts when determining whether or not a person suffers from human trafficking.

[*English*]

This bill was passed unanimously by the Standing Senate Committee on Legal and Constitutional Affairs, as all committee members were in agreement that this is yet another tool to stop trafficking of people, both for sexual purposes and for servitude labour.

I want to thank Senator Boisvenu, as the sponsor of this bill, and Senator Runciman and Senator Fraser of the Legal Committee for the work they did in guiding the committee on this bill. I am confident that honourable senators will also support this bill and recognize the way in which it protects some of the most vulnerable populations of the world.

Before I proceed, I would like to once again thank Member of Parliament Joy Smith for introducing this private member's bill and drawing attention to this very important issue. I have been working with Joy for several years now and have always admired her commitment to issues of trafficking.

During our committee's study of Bill C-310, we had the pleasure of hearing from Ms. Shirley Cuillierier of Immigration and Passports from the RCMP. During her testimony, she provided two useful definitions that I would like to share with honourable senators. She stated:

Human smuggling involves the illegal movement of people across international borders with their consent in exchange for payment. More often than not, once they have paid their smuggling fee, smuggled people are set free when they arrive at their destination.

She also defined for the committee "human trafficking." She said:

Human trafficking is a very different crime that involves recruiting, transporting or harbouring people against their will for the purpose of exploiting them, typically in the sex trade or as forced labour.

Furthermore, Mr. Irwin Cotler stated that human trafficking constitutes an assault on our common humanity, being the very emphasis of what the Universal Declaration of Human Rights is all about.

Honourable senators, we are all aware that human traffickers prey on the most vulnerable populations. Throughout our committee meetings, we learned from several witnesses that many Canadians who exploit individuals abroad are not prosecuted, as Canadian law currently does not have jurisdiction to convict these perpetrators in Canada.

Bill C-310 changes this. Bill C-310 assures that Canadians who exploit people in Canada and abroad are brought to justice.

[*Translation*]

Today, we have the opportunity, as legislators, to create laws that will help to protect the most vulnerable members of our society and that will ensure that no Canadian can exploit another person, whether inside or outside Canada.

[*English*]

Honourable senators, unfortunately, many victims of trafficking are not provided with a voice to express their experiences and their sorrow and are instead forced to suffer in silence.

For my third reading speech today, I will draw from the testimony offered by witnesses who appeared before our committee, as this will not only shed light on the great work many individuals do on this issue, but it will also provide honourable senators with insight into the harsh realities that many victims of trafficking are forced to face and give a voice to victims who are often silenced.

• (1030)

[*Translation*]

My goal today, honourable senators, is to help others break the silence by sharing some of their stories. No one should be forced to suffer in silence.

[*English*]

Honourable senators, I would like to begin by drawing from the testimony of Mr. Brian McConaghy, Founding Director of Ratanak International, whose focus is on relief and development and to eradicate the sex trade in Cambodia. Mr. McConaghy stated:

I come to this issue with 22 years of RCMP experience and 23 years of charity experience in Cambodia. In my dual roles as RCMP member and NGO Director, I have participated in the investigation of Canadian pedophiles who travel overseas targeting trafficked children.

So grave are the conditions of the children involved and so outrageous are the acts committed against them that I was compelled to leave the RCMP in order to serve these children full-time.

I appear before you today as one neither naive nor thin-skinned but rather as one conditioned by decades of exposure to violence. In that context, I wish to assure you that the issue of human trafficking is among the most grotesque and depressing I have encountered.

[ Senator Jaffer ]

It is not hard to go to locations in Asia and watch the grooming of children prior to their assault. It is not uncommon for malnourished boys to “willingly” go to the apartment of a western male with promises of Disneyland videos and all—you-can-eat pizza. Some would even characterize such assaults as consensual. However, let it be clearly understood that a child will tolerate just about everything if an empty stomach is the motivating factor. Such activity whereby hunger is used as a tool of control over a child constitutes exploitation. Such are activities of Canadians known to me.

These circumstances do not even begin to describe the activities of hard-core Canadian pedophiles who shamelessly attempt brothels, placing orders for the kind of “product” — age, gender, build — they are interested in assaulting, only to have their helpless victims delivered and locked in rape cubicles to await their fate. It is clear to me that such activities which involve recruiting, transportation, etcetera, constitute human trafficking.

Societies such as post-genocide Cambodia have lost ability to protect their own children. This makes the actions of Canadian predators all the more despicable, for they travel with all the rights and privileges of a Canadian passport. They travel to escape the protective environment provided by Canadian law, medical services and supportive Canadian families. They travel the globe to hunt children that have never known the luxury of such protection.

Honourable senators, I know that after hearing the words of Mr. McConaghy, we would agree that more needs to be done to help ensure that such injustices no longer occur.

Ms. Julia Beazley, a policy analyst with the Evangelical Fellowship of Canada, provided our committee with further insight into this important issue when she stated:

Trafficking in persons is a serious violation of human rights and is reported by the UN to be the fastest growing form of transnational organized crime. The U.S. State Department’s Trafficking in Person’s Report in 2011 identifies Canada as a source of transit and destination country for men, women and children who are victims of sex trafficking and forced labour. Increasingly, Canadian women and girls are being trafficked for their use in commercial sexual exploitation across the country.

Canada is also a significant source country for child sex tourists, who travel abroad to countries like Cambodia to engage in sex acts with children. In Canada and the U.S., the average age of forced entry into prostitution is about 12 years of age; in countries like Cambodia, it is 5 or 6. This has to stop. Children should not be for sale, not here and not overseas.

Honourable senators, since 2005 we have only had 25 convictions of domestic trafficking. This is certainly not an accurate reflection of the severity of this problem in our country; rather, it is a reflection of our inability to prosecute offenders.



In 1996, Bill C-27, which dealt with child sex tourism, passed through both houses. This bill, similar to the one we have before us today, made all sex crimes against children extraterritorial. Although Bill C-27 received an abundance of support and is strong in principle, it has unfortunately not been effective. In 15 years there have been only five successful prosecutions in Canada on child sex tourists abroad.

[*Translation*]

In reviewing legislation, it is important that we consider not only the principle and intent of the bill, but also its ability to solve the problems it seeks to address. We must do better.

[*English*]

The House of Commons Committee on Justice and Human Rights had the opportunity to hear from Ms. Rosalind Prober, who spoke to this issue:

Creating legislation like Bill C-310 is, of course, when it comes to extraterritorial crimes, the easy part. The investigations and prosecutions of our child sex tourists in Canada have been extremely complicated, costly, and a huge investment of law enforcement and prosecutors' time.

Honourable senators, Bill C-310 will assist the police in charging Canadian traffickers who abuse children abroad, and I agree that that is the first step. We all know that charging will not be enough. We need convictions, and for that we need resources.

When our Prime Minister, Prime Minister Stephen Harper, went to Thailand just a few months ago, he gave substantial sums of money on behalf of Canada to help Thai police fight human smuggling. We need the same kind of leadership to combat human trafficking.

Toni Skarica, the Crown Attorney who handled the Hungarian labour case, said that he had to turn to NGOs to help the victims. We cannot just rely on non-governmental agencies. We need to do more.

During our committee study I asked a number of the witnesses what kinds of resources need to be in place to help ensure that this bill would be properly enforced and implemented. I was specifically interested in what types of resources would need to be established abroad to ensure that victims are able to access justice. Unfortunately, I came away from the meetings very disappointed.

In my province of British Columbia we have a few beds set aside by the Salvation Army for victims of trafficking, provided they do not suffer from any addictions. Victims will need more services in order to be able to give credible evidence that will in turn lead to convictions.

Superintendent Cuillierrier stated:

RCMP intelligence confirms that Canadians are going abroad to obtain sexual services from women and children in bawdy houses, where human trafficking victims can be found. Providing extraterritorial jurisdiction to Canadian

law enforcement officers so that we may investigate these cases gives police another tool for intervening in these cases and apprehending more offenders.

Presently we have 23 liaison officers around the world who have their plates full with all kinds of issues, including drug offences. Where will the focus of the RCMP be?

It is encouraging to see that there is a national action plan in place. There will be an integrated unit that will focus on trafficking, and \$25 million over four years has been set aside; however, only \$500,000 will be applied to assist victims.

The reality is that we have to address the fact that the demand for sexual services will increase. As Ms. Beazley stated to the committee, "Unless more countries around the world take aim at the demand for sexual services, I expect that that number will not necessarily shrink."

Honourable senators, Hillary Clinton, U.S. Secretary of State, very clearly defined what we have to do to fight trafficking. She stated:

The true test of a country's anti-trafficking efforts is not just whether government has enacted strong laws consistent with that approach, but whether these laws are being implemented broadly and effectively. In short, it's whether they deliver.

Honourable senators, although the majority of human trafficking is closely linked with sexual exploitation, we must remember that forced labour is also considered a form of trafficking and is one that is occurring in our own backyards. For example, in October of 2010, the RCMP arrested 10 people who were running what was referred to as a Hungarian slavery ring. The RCMP in Hamilton, Ontario, described this case as follows:

The allegations were that the individuals were recruited from their home in Hungary to work. These victims were generally poor and out of work in their home country. They were brought to Canada with promises of steady work, good pay and a better life. However, they learned of their fate after arriving . . .

. . . the traffickers controlled their victims including who they spoke with, where they lived and even what they ate. The victims typically lived in the basement of their traffickers and were sometimes fed scraps and leftovers, often only once a day. The victims further alleged that they were taken to construction work sites on a daily basis and made to work long hours without pay.

Unfortunately, according to current Canadian law, a Canadian citizen or permanent resident could set up shop abroad in a country like Hungary and traffic individuals into Canadian soil with little threat of prosecution. Bill C-310 would ensure that this is no longer the case.

Our committee had the opportunity to hear from witnesses who stated that labour trafficking is on the increase. I find this to be concerning, considering that our country is leaning toward issuing work permits at the discretion of the employer, as this may very well lead to an increase in labour trafficking.

• (1040)

On many occasions I have visited the Agriculture Workers Support Centre in Surrey, British Columbia, where support is provided to migrant workers who come to work in Canada under temporary work visas. Unfortunately, much like the victims of trafficking, most of these temporary migrant workers suffer in silence, which is why I am compelled to give them a voice.

Honourable senators, during one of my visits to the centre, I heard numerous stories of mistreatment by employers. One story in particular so stood out for me. The story is about a Mexican man named Benigno who works on a farm in British Columbia. He was tasked with emptying up to 10 25-kilogram sacks of pesticide powder into the hose irrigation system for almost five hours a day without any safety equipment or training. This was a job reserved for supervisors who were equipped with appropriate safety respirators and training.

This prolonged, constant and unprotected exposure to toxic chemicals had significant respiratory health implications for Benigno. When he was sent to the doctor by the employer's liaison, who also acted as a translator, he communicated that he was having difficulty breathing. Not surprisingly, the incident was filed as a private visit and completely unrelated to his work duties. He was prescribed two types of inhalers and was sent on his way.

After enduring this dangerous work for a few months, Benigno returned to Mexico and once again reported to the Mexican doctor in charge of assessing whether he was fit to return to the Seasonal Agricultural Worker Program. The doctor informed him he could no longer work because his lungs were so compromised by the pesticide that he could not continue to meet the physical demands required of a farm worker.

Benigno had no choice; he had to continue working. He had originally come to Canada to find a way to support his family and he wanted to continue working in Canada. Benigno continued to work, and he suffered until he was not able to walk any more.

Honourable senators, hundreds and thousands of workers like Benigno come to Canada each year with temporary work visas. These workers contribute significantly to the Canadian agriculture industry. We eat better and cheaper fruits and vegetables because of their work. Although Benigno may have come to Canada on a temporary work visa, he was indeed exploited while he was here by Canadians who knew that his desperation and his longing to create a better life for his family would compel him to suffer in silence and not seek recourse.

Moving forward, we must remain mindful of the exceedingly vulnerable positions migrant workers are placed in and be proactive in ensuring that they too are not exploited.

Honourable senators, with this bill we will now have laws in place to deal with human trafficking. However, we need to address very seriously the issue of demand for sexual services. We need to very seriously study the strong stand women's organizations and parliamentarians in Sweden have taken to stop prostitution and human trafficking of women, as I believe we can learn a great deal from them.

[ Senator Jaffer ]

[*Translation*]

We need to take a holistic approach to this issue and deal with the root of the problem. Let us look at this from an economics angle: this legislation deals with the supply. We should also be dealing with the demand.

[*English*]

On January 1, 1999, a law was introduced in Sweden that "prohibits the purchase of sexual services." This is ground breaking law as it head-on addresses the root cause of prostitution and human trafficking of people and goes further and looks at the issue of men who assume they have a right to purchase persons for prostitution and trafficking. This is an attempt by the Swedish government to create an equal society where women and girls can live lives free of all forms of male violence. The vision of the Swedish government is that full gender equality should be practised both domestically and internationally, allowing equal participation of men, women, boys and girls in all areas of society.

Honourable senators, in the past, I have worked with many Swedish women's organizations. I commend them for convincing their leaders that a Swedish society that claims to defend the principles of political, economic, legal and social equality for girls and women must absolutely reject the thought or idea that women and girls are objects that can be bought and sold.

There has been a decrease both in prostitution and human trafficking in Sweden. In 1999, it was estimated that 125,000 men bought sexual services and about 2,500 women prostituted one or more times a year. This has now been reduced by 40 to 50 per cent. The recruitment of new women has come to a halt.

The Swedish government has clearly made the policy choice that they would punish only buyers of sexual services and have found it unreasonable to punish the person who sold a sexual service. They were of the opinion that in the majority of cases, the person who sells sexual services is often a victim and should therefore not have to face punishment for having been exploited.

Another lesson we can learn from Sweden is the resources they put in place to ensure that their laws were properly enforced and were effective. They have invested resources in public education, awareness raising campaigns, victim support and enforcement, and a zero tolerance policy for prostitution and trafficking of human beings.

It is also important to note that all Swedish laws are extraterritorial. Therefore, in Sweden, one can be charged, prosecuted and convicted under Swedish laws even when having committed a crime in another country.

Honourable senators, Bill C-310 represents an important first step in our fight against human trafficking. However, this bill will simply be words on a piece of paper if the proper resources are not put in place to ensure that it is enforced and implemented.

[*Translation*]

The past 15 years have clearly shown us that legislation is not a cure-all for such a complex problem. Our government must provide resources to educate the public and support the victims.

[English]

Honourable senators, many times in this chamber I have mentioned my experience in Abuja, Nigeria, where I worked with young girls from Kaduna, which is located in Northern Nigeria. These girls were going to be trafficked to Italy but were caught by authorities before they left Nigeria. They were later placed in detention, not because of anything they had done, but rather for their protection until the Nigerian authorities could decide how to help them.

Honourable senators, I often think of this one 9-year-old girl who I found to be particularly fragile. She was so frightened that she never once made eye contact with me. I asked her what she missed the most while in detention. She said to me that what she missed the most was being able to play on the street with her 7-year-old and 5-year-old year old sisters. This child was one day playing in the streets of Kaduna with her siblings, and the next day she was being shipped to Italy to work on the streets as a sex worker.

Honourable senators, many of the people being trafficked today are often just children; children who want nothing more than to lead a normal life where they can enjoy playing with their friends and siblings and embracing their childhood.

By agreeing to pass Bill C-310, we would all be taking an important step to help ensure that young children are not exploited and robbed of their childhood. I urge all honourable senators to support this bill.

**Hon. Joan Fraser:** As Senator Baker would say, I have just a few words.

Honourable senators will be glad to know that I did not realize this item was going to be called today so I have not prepared a long text, but there are three points that I want to make.

The first is to pay tribute to the MP Joy Smith, who has championed the rights of trafficked persons and particularly those trafficked for sex workers.

**Hon. Senators:** Hear, hear!

**Senator Fraser:** I would add to that tribute Senator Jaffer, who has been working in this field for years, who knows so much about it, and who knows all the pain that human trafficking has caused.

**Hon. Senators:** Hear, hear.

**Senator Fraser:** Human trafficking is really a polite way of referring to modern slavery. We need to take it terribly seriously because it is an immense problem.

My next two points consist basically of trying to reinforce two points that Senator Jaffer made in her excellent remarks. The first is that, as Ms. Smith herself would be the first to admit, this bill is

just one tool and it will not even be as useful as it could be if resources are not put behind it. It takes money and it takes human beings assigned to this work to staunch the flow of humans who are trafficked.

• (1050)

Senator Jaffer referred to the comparatively small number of RCMP liaison officers. We will need more. We will not be able to finance all the work that needs to be done in countries other than Canada. However, there are NGOs out there with whom we can partner and who could put every dollar Canada gives them to good use to save human beings from being enslaved.

I urge the government to give this terrible, terrible problem a high priority in its budgetary decisions.

Finally, I would like to reinforce Senator Jaffer's point, which was first raised in our hearings by the Evangelical Fellowship of Canada and which is profoundly true. In the case of human trafficking for sexual purposes, as long as there is a demand, there will be a supply. Traffickers are, if you will, the merchants, but the customers are the ones who create the demand.

The Swedish system is the only one that has worked, that I am aware of. Various countries have tried simply to legalize prostitution — let everything go. It has not helped. There are still thousands, if not millions, of women and children in those countries, as elsewhere, who are essentially enslaved. The Swedish approach, which was to go after the demand, to go after the customer and to support the person who has been enslaved, does work. Senator Jaffer cited the statistics.

I do not think Canada is quite ready to take that step yet, but, in my view, we will have to one day; we will have to for the sake of all those women and children.

**Hon. Consiglio Di Nino:** I have just a few comments, honourable senators. I think it is incredible that in the 21st century we are talking about human slavery. This is not a few thousand people but hundreds of thousands of people, unfortunately mostly women and children in the sex trade.

We have to realize that Canada can do only a very small part. We should do whatever we can, but this is a much bigger problem than that.

The international community either gets behind it or, as Elie Wiesel says, we are all guilty of the crime that is being perpetrated against some of the most defenceless people in the world. All it takes is political will. If we need to do this by screaming, yelling and tearing down the barricades, Canada can play a role in doing something about this. We should be ashamed that we are talking about human slavery, and slavery of this nature in particular, in the 21st century.

**Hon. Nancy Greene Raine:** Honourable senators, I would like to thank Senator Jaffer for the work she has done on this issue. It is so great to see that there is such widespread support in Parliament in general for this issue.

I want to add my thanks to all those people in Canada and around the world who are working as private individuals. I am thinking of the Soroptimist societies that have had this as their personal issue. There are groups all over the world, and they have worked as individuals in helping however they can.

While I agree that we have to do everything possible as a government and as leaders around the world, we also are supported by a vast network of human beings who really care, spread throughout different countries. I would like to pay tribute to them, as well.

**The Hon. the Speaker *pro tempore*:** Further debate? Are honourable senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Speaker *pro tempore*:** It was moved by the Honourable Senator Boisvenu, seconded by the Honourable Senator Runciman, that Bill C-310, An Act to amend the Criminal Code (trafficking in persons), be read the third time.

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

**Hon. Senators:** Agreed.

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

### FEDERAL FRAMEWORK FOR SUICIDE PREVENTION BILL

#### SECOND READING—DEBATE ADJOURNED

**Hon. Salma Ataulhjan** moved second reading of Bill C-300, An Act respecting a Federal Framework for Suicide Prevention.

She said: Honourable senators, I previously spoke about my daughter's friend, John. A funny, gentle and positive kid, John was a joy to have around. However, John faced demons that none of us knew about. Recently, John died by suicide. I can still picture his face, his shy smile and his glasses.

At the time I wondered, "Could I have done something to help him?"

This has severely impacted the lives of my daughter and her group of friends. To this day, they have not met together as a group because it is too painful. My daughter did not want to have a birthday party because John would not be there. One of her friends was so distraught that she could not stop crying; she is now in therapy.

Stories like this are not unheard of in Canada; in fact, they are becoming fairly common. Suicide is now the second leading cause of death among young Canadians aged 10 to 24. Are we failing our youth?

In a statement during Mental Health Week, Senator Cowan asked the same question. He pointed out that mental illness is a factor in most suicides in Canada, and that 20 per cent of

Canadian youth suffer from a mental disorder. Senator Cowan also mentioned that positive change begins with one small step by one person.

Honourable senators, today I am pleased to speak on a bill that was introduced by one such person, MP Harold Albrecht. This bill is one small step by one person — a step that will make a huge difference. Bill C-300, an Act respecting a Federal Framework for Suicide Prevention, will create positive change not only for our youth but for all Canadians.

It is astonishing to learn that 10 Canadians die by suicide each day. About 4,000 lives are lost prematurely each year, and that has a severe impact on the family, friends and community of the deceased.

In addition to the high prevalence of suicide among our youth, other groups such as Aboriginal peoples, the LGBT community and veterans are at greater risk relative to the general population.

The suicide rate among Aboriginal youth is five to seven times higher than that among non-Aboriginal youth. Suicide accounts for 22 per cent of all deaths among First Nations youth aged 10 to 19, and 16 per cent among First Nations adults age 20 to 44. The suicide rate in regions of Canada with a high proportion of Inuit residents is 11 times higher than in the rest of Canada.

While there is no way to calculate the loss to families, our communities and our country, there is a significant economic cost involved. It is estimated that for every suicide there are 22 emergency room visits and 5 hospitalizations for suicide-related behaviour. The cost of suicide and self-harm in Canada is more than \$2.4 billion per year.

Honourable senators, suicide is not only a mental health issue or a social issue. This is a public health issue. The preamble to Bill C-300 states that:

... suicide is a complex problem involving biological, psychological, social and spiritual factors, and can be influenced by societal attitudes and conditions . . .

I will repeat: "can be influenced by societal attitudes and conditions."

In a recent survey by Harris/Decima, conducted on behalf of Your Life Counts, it was found that 86 per cent of Canadians did not know that suicide was the second leading cause of death among our youth. Over one third thought suicide was a small problem or not a problem at all. Over 96 per cent of respondents stated that in order to reduce suicide, the topic should be freely discussed without fear or shame. An overwhelming 84 per cent believed that government should invest in suicide prevention.

The first stage of suicide prevention is engaging in conversation. There is a stigma surrounding this issue, one that can be broken by frank and open discussion. As a government, we can no longer hide from this issue but must face it head on. Suicide prevention starts with us.

• (1100)

Canada is one of the only countries in the world without a national suicide prevention strategy in place. There is a need for national leadership and unifying coordination of the great efforts of community groups across Canada.

Bill C-300 requires the Government of Canada to develop a federal framework for suicide prevention in consultation with the relevant nongovernmental organizations, the relevant entity in each province and territory, as well as the relevant federal departments.

I stated earlier that 10 Canadians die by suicide each day, but we are not certain that that is an accurate number. Due to the stigma surrounding suicide, many cases are often unreported.

The idea behind a national framework for suicide prevention is to serve as a central repository, where we will be able to track our statistics and report our progress. Information regarding best practices would be shared to promote consistency among communities, including medical professionals.

Federal coordination and leadership is required for integration on initiatives, programs and services. There is a strong economic case for national coordination, but more than that, it is everyone's responsibility to ensure that more lives are not needlessly lost.

Honourable senators, this is a non-partisan issue. I am sure that everyone in this chamber has been affected by suicide in one way or another. Members of all parties of the other place have voiced their support of this bill, and I believe that here it will be the same. We can all agree that a dialogue and momentum is needed towards preventing suicide.

Dr. David Goldbloom of the Mental Health Commission of Canada stated that:

. . . the narrowest thinking about suicide prevention—is the barrier on the bridge that prevents the person from jumping off that bridge. There actually is good evidence that putting up those barriers, whether they're on the bridges or in the subways, makes a difference. But it doesn't change one iota what brought that citizen to that point in his or her life when he or she goes to that bridge or subway.

Honourable senators, we need to look at the broader picture. Suicide is preventable through caring, compassion, commitment and community. Action on this issue is imminent and has been long-awaited. Bill C-300 is a catalyst to do just that.

My hope is that Bill C-300 moves quickly through the Senate. The sooner it receives Royal Assent, the sooner we can improve the lives of Canadians.

On a final note, I would like to commend Member of Parliament Harold Albrecht for his hard work and dedication. It is his passion to this cause that has driven this forward. Like Mr. Albrecht, I believe this is not the end of the road but is that vital first step towards hope.

**The Hon. the Speaker *pro tempore*:** Will Senator Ataullahjan accept a question?

**Senator Ataullahjan:** Yes.

**Hon. Roméo Antoinius Dallaire:** Honourable senators, we have had 158 casualties killed in Afghanistan. There are still figures being put together, but we are estimating well over a dozen injured veterans, mostly psychologically injured veterans, have committed suicide since their return, principally due, in fact, to their time in combat. That is what the boards are showing.

What authority will the bill have on government departments to implement preventive measures with regard to suicide? Will they be compelled to respond to a central agency or element that will be monitoring this?

**Senator Ataullahjan:** The bill is being examined now. We are hoping that Health Canada, in cooperation with the Mental Health Commission, will be looking at this. We do realize that, with respect to the suicides amongst the troops that the honourable senator speaks of, we are seeing incidences. They do need the help, and this bill will go towards helping them.

(On motion of Senator Fraser, debate adjourned.)

## BREAST DENSITY AWARENESS BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. Asha Seth** moved second reading of Bill C-314, An Act respecting the awareness of screening among women with dense breast tissue.

She said: Honourable senators, I am pleased to speak to Bill C-314, An Act respecting the awareness of screening among women with dense breast tissue. This bill was introduced in the House of Commons by the Member of Parliament from Barrie and in the Senate by the Honourable Senator Carignan.

Breast cancer is a devastating disease. It presents a significant health concern that touches us all. It touches our grandmothers, mothers, wives, sisters, daughters and aunts. It touches our families and friends. It is the most common form of cancer in women.

Over their lifetime, one in nine women will be diagnosed with breast cancer. This year alone, it is estimated that about 23,000 women will be diagnosed with breast cancer and, sadly, 5,000 of them will die from this disease.

The goal of this bill is to raise women's awareness about dense breast tissue and breast cancer screening. This will help many women and doctors make well-informed decisions regarding breast cancer screening.

I strongly support this bill because it encourages important practices. The bill requires the Government of Canada to assess whether gaps in information exist relating to breast density in the context of breast cancer screening. Also, the bill requires that approaches be identified where needed for improving the information provided to a woman undergoing screening for

breast cancer. This will be done to address the challenges of detecting breast cancer in women with heterogeneous or dense breast tissue, and to raise awareness concerning these challenges.

Finally, the bill requires sharing, through the Canadian Breast Cancer Screening Initiative, information related to practices used to identify heterogeneous or dense breast tissue during screening and any follow-up procedures that may be deemed necessary.

The bill also recognizes the responsibility of provinces and territories for providing breast cancer screening.

Those are very important provisions, and it is valuable for us to discuss this bill. By raising awareness on breast density, Bill C-314 will support Canadians' concern about breast cancer.

Before I address each aspect of the bill, let me first outline how the tissue of breast density relates to breast cancer screening and why this is important. It is important for us all to be aware of the challenges posed by dense breast tissue and that breast cancer screening can save lives. Breast density refers to the amount of tissue in the breast. Dense breasts have more tissue, and this can affect breast cancer screening results. Breast cancer screening is done using a mammogram, which is an X-ray of the breast. Mammograms find breast cancer before signs or symptoms are noticed by women.

• (1110)

However, it is more challenging to detect breast cancer in women who have dense breast tissue. As noted in the bill, both cancer and the dense breast tissue appear white on mammograms, making detection more difficult.

High breast density is also linked to an increased risk of developing breast cancer, although it is not yet known why this is the case.

We also do not know how common dense breast tissue is among Canadian women. Through increased awareness of the risk factors for breast cancer, as well as current detection methods, women and their doctors can make informed decisions about breast cancer screening.

In short, we know that early detection may increase the odds of surviving breast cancer, that it is most difficult to detect breast cancer in women who have dense breast tissue, and that high breast density is also linked to an increased risk of developing breast cancer.

Honourable senators, for these reasons, this bill is important. This bill highlights that raising awareness and building our understanding are valuable tools in the early detection of breast cancer. It acknowledges that everyone has a role to play in ensuring Canadians are equipped with the information and tools to take preventative action.

Provinces and territories provide screening programs for the early detection of breast cancer, as they are responsible for health care in their jurisdictions. Their work includes national data collection on breast cancer.

The Government of Canada facilitates the identification and adoption of effective practices and the sharing of information on screening methods and outcomes through its role in research and surveillance and through its programs and networks. More than ever before, Canadians — individuals, families and communities — are taking an active role in their health, so they need good information to make decisions that are right for them.

As well, honourable senators, many professional associations and organizations play important roles in providing reliable information that supports evidence-based decisions. Canadians need information on what is proven, and they need to understand what is not yet well understood. Only then can they weigh the risks and benefits of different courses of action.

We know that good information is fundamental to the decisions that each of us makes, with the advice of our doctors, about our own health. This dialogue is the key to the doctor-patient relationship.

There have been advances in cancer research, diagnosis and treatment, and Canadian women have benefited from these discoveries. It is important to continue our research endeavors in order to deepen our understanding of breast cancer and its risk factors.

There is much more to learn about breast cancer and dense breast tissue; information gaps still exist. Identifying these gaps is critical to raising awareness and building a better understanding of breast cancer screening and the implications of breast density.

Now that I have outlined the key issues and objectives, let me return to the main elements of Bill C-314 and outline the initiatives currently under way to address them.

The bill before us, honourable senators, calls on the federal government to use existing programs and initiatives to increase awareness among Canadian women and their doctors about breast density and its implication for breast cancer screening. It also encourages the identification of information gaps and approaches to improve the information provided to women, as well as the sharing of information and best practices through the existing Canadian Breast Cancer Screening Initiative.

The federal government has taken steps towards identifying gaps in the information currently available around breast cancer. This includes breast cancer screening and issues around breast density.

The Government of Canada is funding, through the Canadian Institutes of Health Research, or CIHR, a number of research projects to examine all aspects of cancer prevention and control. The early detection of cancer is one of the CIHR's priorities, and CIHR is currently working with partners in Canada and around the world to advance this and other priorities.

CIHR's Institute of Cancer Research supports researchers and scientific discoveries regarding all types of cancer, including breast cancer. For example, the institute is exploring a partnership with the Canadian Breast Cancer Foundation for

research on early detection. This research helps find more effective treatment and prevention strategies to tackle breast cancer and, by investing in research, we can find solutions.

Scientific research leads to better understanding of breast cancer, including breast density and enhanced screening practices. Research and information is a key part of raising awareness of breast cancer screening and the implication of breast density.

Bill C-314 will help ensure that women and their families have the information they need to support them in taking a more active role in their health.

This brings me to the second element of the bill, which requires that approaches be identified to improve information for women to address and raise awareness about the challenges of detecting cancer in women with dense breasts. Increasing women's awareness of the implication of dense breast tissue for breast cancer screening is important. Women and their doctors will be in a better position to make decisions about their health.

While Bill C-314 puts raising awareness of breast density at the forefront, it also recognizes the responsibility of provinces and territories for providing breast cancer screening. It acknowledges and builds on the role of provinces and territories. The bill encourages learning from existing initiatives in a way that informs future activities and decisions related to early detection of breast cancer.

In Canada, we are fortunate to have screening programs for breast cancer. Provincial and territorial breast screening programs are invaluable in the early detection of breast cancer in Canadian women.

The role of the federal government in breast cancer screening is also highlighted in the bill. The federal government facilitates the identification and adoption of effective practices in its screening.

In addition, the federal government supports the sharing of information on screening methods and outcomes through its research and surveillance initiatives. More specifically, the Government of Canada will raise awareness about breast density and its implication for breast cancer screening through the Canadian Breast Cancer Screening Initiative.

This initiative examines such issues in support of national standards for prevention, early detection and screening. Through it, the federal government is working with the provincial and territorial governments to measure screening program performance nationwide and develop better screening approaches.

Through the Canadian Breast Cancer Screening Initiative, all jurisdictions share information, and they are doing so on a regular basis. They are engaging in numerous discussions about what works best and about the challenges they are facing. In doing so, the Canadian Breast Cancer Screening Initiative contributes to the overall improvement of screening practices throughout this country.

Bill C-314 supports this good work already under way. At its core, the bill is about information gathering and sharing. The end result is the provision of good information about all aspects of breast cancer screening for all women.

The third element of the bill relates even more directly to the Canadian Breast Cancer Screening Initiative. The bill requires the sharing, through the Canadian Breast Cancer Screening Initiative, of information and practices used to identify dense tissue in relation to cancer screening and approaches to follow-up procedures. Sharing information about ways to improve cancer screening programs ensures women receive the full benefits of early detection, including information about all aspects of breast cancer screening. That is why, honourable senators, the government established the federal, provincial and territorial National Committee for the Canadian Breast Cancer Screening Initiative to facilitate a collaborative and collective assessment of breast cancer screening programs.

• (1120)

I want to point out that the national committee also works closely with medical professionals and other stakeholders. In using the knowledge gathered by the Canadian Breast Screening Initiative, the national committee is able to have discussions that are resulting in the development of breast cancer screening recommendations and protocols. The work of the national committee ultimately leads to improved practices at the ground level, where the screening is done.

For example, among other things, the national committee is currently looking at breast cancer mortality and improving screening for underserved populations. In addition, the federal government is promoting education and makes information resources available to communities across Canada through the Community Capacity Building Program, which is a key component of the Canadian Breast Cancer Initiative.

The Community Capacity Building Program supports organizations, provinces and territories networking with community breast cancer groups. This cross-Canada collaboration enables the sharing of best practices and ensures that information and supports are available for women with breast cancer.

Underpinning all this good work already mentioned, the Canadian Breast Cancer Screening Initiative established a national repository on breast cancer screening. Provincial and territorial screening programs provide information on breast cancer screening to the Canadian Breast Cancer Screening Database. This database is used to monitor and evaluate breast cancer screening programs. It is a source of valuable information on breast cancer screening. These initiatives and actions are helping to build awareness to understand the effect of breast cancer screening, survival rates and other important issues.

Honourable senators, this brings me to another piece of the whole picture. It is equally important to share knowledge through health organizations. The bill acknowledges that cancer prevention is everyone's business and requires action at all levels. The government recognizes that non-governmental organizations play a vital role in raising awareness on breast cancer issues.

Honourable senators, I am pleased that the government is taking action on cancer through continued investment in the Canadian Partnership Against Cancer. In March of this year, the Prime Minister announced renewed funding of \$250 million over

five years for the Canadian Partnership Against Cancer. This will provide stable funding until April 2017 and will allow the partnership to continue its important work of providing information to women on cancer screening. The partnership is the first organization of its kind. It is an independent organization funded by the federal government to accelerate action on cancer control for all Canadians.

The Canadian Partnership Against Cancer was established to implement the Canadian Strategy for Cancer Control, which identifies eight priorities: primary prevention, screening and early detection, standards, cancer guidelines, the cancer journey, health human resources, research, and surveillance.

The Canadian Partnership Against Cancer works with cancer experts, charitable organizations, governments, cancer agencies, national health organizations, patients, survivors, and others across Canada to generate new knowledge and accelerate the use of effective cancer prevention and control strategies. The partnership's objectives include the reduction of the overall number of cancer cases in Canada, the reduction of cancer-related deaths, and the improvement of patients' quality of life.

Honourable senators, the partnership plays a key role in providing information to women and increasing awareness of cancer screening, which aligns with the spirit of Bill C-314, the proposed breast density awareness act.

The Canadian Partnership Against Cancer is about people making a difference by working together and learning from each other so that Canadians, no matter where they live, benefit. The bill also recognizes the important role of health organizations such as the Canadian Cancer Society and the Canadian Breast Cancer Foundation in providing reliable information that supports women in making decisions about their health.

As I have noted earlier, we all have to work together if we are to improve breast cancer screening, especially when faced with the challenges of detecting breast cancer in women who have dense breast tissue.

The Canadian Cancer Society is a national volunteer organization that works in cancer prevention, research, advocacy, information and support for all cancers. The society actively works to raise funds and awareness in the fight against breast cancer.

The Canadian Breast Cancer Foundation is a national volunteer organization dedicated to working towards a future without breast cancer. The foundation funds, supports, advocates for research, education and awareness programs, early diagnosis, effective treatment, as well as a positive quality of life for those living with cancer.

In addition, the bill also highlights the work of women's health organizations such as the Canadian Women's Health Network. Women's health organizations also contribute to raising awareness of Canadian women about the many health issues they face every day. These health issues certainly include breast cancer.

Whether it is Breast Cancer Awareness Month in October or Run for the Cure or another of several charitable activities, awareness about breast cancer is pivotal every day of the year for the thousands of Canadians who benefit from it.

Honourable senators, this is not something anyone or any organization can do alone. It requires a collaborative and sustained effort over time among many players — cancer experts, charitable organizations, governments, cancer agencies, patients, families and communities, among others.

With all of us working together, we can improve screening and early detection and provide important information to women, doctors and Canadians.

The strength of Bill C-314 is the focus it puts on the issue of dense breast tissue. Working with breast cancer stakeholders, the federal government will continue to raise the awareness of women and their doctors through existing initiatives on the issue of breast density in the context of breast cancer screening.

Bill C-314 is a positive step forward. It seeks to leverage existing initiatives to advance information sharing and knowledge exchange about the challenge dense breast tissue poses to breast cancer screening.

Let me summarize. Bill C-314, the breast density awareness bill, would require the Government of Canada to use its existing programs and initiatives, and within its jurisdiction, to encourage the identification of any gaps in the information regarding breast density issues; the identification of approaches to improve the information provided to women about breast cancer screening among women with dense breast tissue; and the sharing of information through the Canadian Breast Cancer Screening Initiative about breast cancer screening among women with dense breast tissue.

In conclusion, the bill provides an opportunity for the Government of Canada and Parliament to recognize the critical importance of raising awareness about breast density and breast cancer screening by aligning with the strong collaborative nature of current cancer action in Canada. Women, doctors and their families will benefit. Through efforts to raise awareness, Canadian women and their families can become more informed about breast cancer.

• (1130)

They will learn about breast density and its implication for breast cancer screening. They will be able to make well-informed decisions based on this knowledge.

Honourable senators, by passing this bill, we can ensure that awareness is raised about breast cancer screening for women with dense breast tissue. Too many families have been touched by this form of cancer. I am hopeful that this bill will help women detect breast cancer earlier, potentially saving lives in the future. For these reasons, I strongly encourage all honourable senators to support this bill.

(On motion of Senator Fraser, for Senator Merchant, debate adjourned.)



## ABORIGINAL PEOPLES

### BUDGET—STUDY ON THE EVOLVING LEGAL AND POLITICAL RECOGNITION OF THE COLLECTIVE IDENTITY AND RIGHTS OF THE MÉTIS— SEVENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Aboriginal Peoples (supplementary budget—study on evolving legal and political recognition of the collective identity and rights of Métis in Canada), presented in the Senate on June 21, 2012.

**Hon. Dennis Glen Patterson** moved the adoption of the report.

**Hon. Joan Fraser:** Honourable senators, I wonder if Senator Patterson could explain in a few words what this is about.

**Senator Patterson:** Honourable senators, the Standing Senate Committee on Aboriginal Peoples has undertaken — for the first time in the history of the Senate, as I understand from our long-time chair, Senator St. Germain — a study of the Metis people of Canada. The subject of the Metis has been examined tangentially in reports, but this study looks specifically at their evolving legal and political recognition and their identity.

The report that is before the Senate today would adjust the fact-finding travel of the Senate committee and would allow us to accept an invitation we have received to attend an important national meeting in the Metis homeland at Batoche this summer. It is to approve and adjust the travel budget of the Aboriginal Peoples Committee to do fact-finding and visit Metis people where they live.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

## NATIONAL SECURITY AND DEFENCE

### BUDGET AND AUTHORIZATION TO TRAVEL— STUDY ON EAST AND WEST COAST NAVY AND AIR FORCE BASES—SEVENTH REPORT OF COMMITTEE OR ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on National Security and Defence, (budget—study on Canada's east coast and west coast navy and air force bases—power to travel), presented in the Senate on June 21, 2012.

**Hon. Pamela Wallin** moved the adoption of the report.

**Hon. Joan Fraser:** Could the honourable senator tell us what this is about, please?

**Senator Wallin:** Yes, honourable senators, this is a budget request for travel to both the East and the West Coasts of this country by the Defence Committee. We met with the Internal Economy Committee two days ago and this travel was approved.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

## PREVENTION AND ELIMINATION OF MASS ATROCITIES

### INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire, calling the attention of the Senate to Canada's continued lack of commitment to the prevention and elimination of mass atrocity crimes, and further calling on the Senate to follow the recommendation of the United Nations Secretary General in making 2012 the year of prevention of mass atrocity crimes.

**Hon. Roméo Antonius Dallaire:** Honourable senators, I come with this inquiry with not only personal experience, but also in the capacity of being a senior fellow at the Carr Center for Human Rights Policy at the Kennedy School at Harvard, where we have been engaged in assisting the Obama administration to bring in new direction from his office in regard to the prevention and elimination of mass atrocities; and as a senior fellow at the Montreal Institute for Genocide and Human Rights Studies at Concordia University, which produced the report entitled *Mobilizing The Will To Intervene: Leadership and Action to Prevent Mass Atrocities*. Again, the Obama administration has acknowledged that report and we have met with the Minister of Foreign Affairs to discuss.

Finally, I come to honourable senators as a member of the United Nations Secretary-General's Office of the Special Advisor on the Prevention of Genocide, with colleague Gareth Evans, who is the lead in the "responsibility to protect" concept, and also Desmond Tutu, who has been one of our primary advisers.

I bring honourable senators a bit of history. I will go further than CNN history, which is last week, and take honourable senators to 18 years ago when, in the first days of the commencement of conflict in Rwanda, nations sent in reconnaissance parties to look at the situation and to recommend to their nations whether or not they would intervene in stopping this catastrophe. As no one had intervened, no one responded to the calls for the prevention of this previous to that date.

They all responded that they would not recommend sending in forces because nothing there worthy of their intervention. There were no strategic resources — oil or so on — and the country was not in a strategic location. All that was there were human beings, and there were too many of them anyway; it was overpopulated. The human dimension did not sway any of the decision-makers of the world in any of the 191 countries of the world.

On April 28 of that same year, three weeks into the genocide, with approximately 175,000 bodies floating in the rivers and in various fields, I got a call from the military adviser to the Secretary-General. At that time, it was General Baril, a Canadian,

who essentially told me that the cavalry was not going to be coming over the hill and that the UN had pulled out 2,100 of my troops, even though I had submitted a plan of reinforcement to stop the genocide. We were essentially left to our own devices, and no one wanted to engage in the plan, although the UN had accepted the plan.

The genocide was called such on May 17, which was six weeks into the genocide, and by then there were close to 400,000 bodies and nearly 3 million internally displaced refugees. Although the Security Council did approve that finally I would be reinforced to stop the killing and the movement of people, no country came. Not one country responded during the genocide. Only after the fact did we actually throw nearly \$2 billion in humanitarian aid to help the nearly, at that time, 4 million refugees and internally displaced people.

• (1140)

This was an inability to respond. Even though there were countries in Africa prepared to send troops, they did not have the means to get there or the equipment to be employed. In fact, they even refused to give us ammunition to be able to intervene. That inability to respond was reflective of the time of the post-Mogadishu/“Black Hawk Down” scenario where American soldiers were dragged through the streets. There was the complete reversal by Bill Clinton of wanting to engage in any humanitarian effort, particularly if there was a risk of casualties. There was no self-interest there, except human beings.

In 1996, Prime Minister Chrétien agreed and launched a team in order to go into the eastern Congo and attempt to bring back the nearly 300,000 refugees who were under attack and get them back into Canada. Canada was leading a mission that ultimately failed. It failed because, one, it was not there in time; and, two, we did not have the capacity to lead that mission, both in intelligence and strategic lift. As such, many of the countries that could have provided assets did not do so.

In 2005, Senator Jaffer and I, with Ambassador Fowler, were called to Prime Minister Paul Martin’s office to have a meeting with the then-Chief of the Defence Staff and some of his principal staff to look at what we would do with Darfur, where over 2.5 million people were under attack at that time. They were being killed, murdered and raped. The African Union was attempting to deploy forces to stop the slaughter.

The meeting was ad hoc as there was no planning available at National Defence, Foreign Affairs or even CIDA to respond to a mass atrocity and how we would engage, with whom, with what assets, through the UN or a regional power. Since then, we have been able to lead the way in advancing our concerns in that regard and trying to respond.

The approval in September 2005 of the “responsibility to protect” concept has been a guide, if not a doctrine, to try to respond when we see massive abuses of human rights within a nation state. It has been used a couple of times in Côte d’Ivoire. It was used even after the Kenyan elections a few years ago when four genocidal radio stations were launching ethnic disasters. It was used — although not called such — in Libya and to great success.

[ Senator Dallaire ]

With those tools there, the question is: How well have we actually operationalized our ability to respond to not only the crisis of mass atrocity and potential genocide but how are we going to prevent them, that is to say, to build a credible capacity to deter people from wanting to go that route within a nation state?

Let me read some of my notes in this regard. When I spoke in May on Canada’s commitment to the prevention and elimination of mass atrocities, I knew I was not speaking alone. I knew I was speaking to the same concerns shared by many honourable senators and fellow Canadians.

Today, this is even clearer to me. Senators from both sides have spoken out and reinforced what I already knew to be true. As Canadians, we are deeply affected by what happens to our fellow citizens across the globe. We are deeply affected when human beings of flesh and blood like us are stacked on the sides of the roads like cord wood, when mothers and daughters are systematically raped as a means of warfare, and when families are bombed out of their homes and left exposed to disease and starvation. We are deeply affected because we know that this is not about images on the screen or words on pages; it is about real people whose eyes you can look into.

I want to thank Senator Eggleton for his insightful comments and particularly Senator Segal, the internationalist and humanitarian that he is, for his support and perspective on this subject.

I want to particularly mention Senator Jaffer, who gave us — not because it was emotional — a reality check of how there are Canadians who have lived through these catastrophic scenarios and have been affected by them. Those scenarios could have been abated, if not even prevented, if we had had the will and the capabilities at the time to respond to them.

I want to recognize them and I would like to recognize the other Canadians who have stood together in the midst of unimaginable suffering and depravity in Rwanda, Kosovo, Sudan, the Republic of Congo, Libya, et cetera, and who are still there, both in uniform or as civilians, diplomats, development people, humanitarians and members of NGOs.

[*Translation*]

Honourable senators, the message is clear: it is absolutely imperative that we immediately increase our capacity to prevent and eliminate mass atrocities. This is both a moral duty and a practical responsibility.

We can take concrete action and use the benefit of our knowledge to reduce the likelihood of mass atrocities as much as possible. When this is not possible, we must act as quickly, effectively and decisively as possible.

To this end, we must develop, within our institutions, a framework for preventing and eliminating mass atrocities. Some countries have already undertaken this task and we can thus benefit from their expertise.

The Interagency Atrocities Prevention Board in the United States has already been mentioned in this regard. In the end, however, we will have to determine what works best for us. One thing is clear: our primary objective must be prevention, and not just reaction.

Honourable senators, prevention does not help when atrocities are taking place. When we start counting the number of casualties, it is already too late. We have to look at the root causes of violence and instability in order to prevent them.

To attack these root causes, we need a coherent policy that goes above and beyond our diplomatic and military capacities, a policy that uses diplomatic leverage, development projects and security intelligence data. All this is essential for anticipating catastrophes.

With regard to development and capacity building, we have to be aware of countries' internal dynamics, not only in terms of economic potential but also in terms of social and political dynamics. In other words, we have to be aware of the unresolved grievances and social divides that are lead to repression and massive outbreaks of violence.

In addition to capacity building, we have to make the most of all of the early warning mechanisms available to us. We have a lot to gain from direct contact with NGOs. They know the situation on the ground. They are the eyes and ears of the world.

The same goes for our diplomats, who, in addition to disseminating Canadian values and fulfilling their missions under the UN or regional, intraregional or bilateral authorities, can make good use of their intimate knowledge of the local political and social situation to sound the alarm.

Even when there is an information shortage, we still have options. The Canadian Security Intelligence Service is responsible for investigating and reporting on threats to Canada's security, including terrorism, the proliferation of weapons of mass destruction, espionage and information security breaches.

**The Hon. the Speaker *pro tempore*:** Order. Honourable senators, Senator Dallaire's time is up.

**Senator Dallaire:** I would like five more minutes, please.

**The Hon. the Speaker *pro tempore*:** Is it your pleasure, honourable senators, to grant Senator Dallaire five more minutes?

**Hon. Senators:** Yes.

• (1150)

[*English*]

**Senator Dallaire:** That brings me to my recommendations, which is probably more appropriate at this time.

Let me walk through the recommendations with regard to this inquiry, which I hope is passed so that I can return to the Minister of Foreign Affairs to seek his support and his advice on implementation.

Last month I began by giving an overview of the big picture detailing the growing significance of mass atrocities in international peace and security and the impact that it has on us, as a nation, including right down to the municipal levels where diasporas are being dragged into some of these complex scenarios. Today I wish to give you a few specific recommendations on how we might move this agenda forward.

First, I recommend that the Prime Minister should make the prevention and elimination of mass atrocities a national priority. President Obama is looking for that support in this initiative that he has taken within his country. This will send a message about the seriousness with which Canada approaches the issue of mass atrocities, and it will allow us to take advantage of our unique opportunity to engage strategically with the U.S. government on this shared priority.

Second, we need an international security minister in the cabinet, or an analogous position with a clear mandate, who can assume ownership and take responsibility of directing timely and decisive responses to situations of mass atrocities when necessary. We created a capability when we were engaged in a conflict to assist a nascent democracy to bring good governance, rule of law, human rights and gender equality in the case of Afghanistan, but in the case of these atrocities, that capability has been brought neither to fruition nor to their attention.

As Senator Segal suggested, this individual, this position, could be a senior appointee who could coordinate an inter-agency group consisting of, as a starting point, National Defence, the Department of Foreign Affairs and International Trade and CIDA.

Third, the Parliament of Canada could convert the All-Party Parliamentary Group for the Prevention of Genocide and Other Crimes Against Humanity into a standing joint committee. We are all aware of the importance of parliamentary committees in pursuit of national goals, yet prevention and elimination of mass atrocities is addressed through a disparate group of parliamentary committees, which ultimately leads to a fragmentation of efforts. If we are to pursue seriously the prevention and elimination of mass atrocities, we need a permanent committee with an exclusive mandate to monitor areas of concern and study the prevention and elimination of mass atrocities and look at contingency plans.

Fourth, we should develop specialized training and operational standards to guide our Armed Forces. The work we have been doing out of Harvard has now been adopted by the U.S. army, and they are including it in their doctrine. A coherent policy will help us avoid the use of our Armed Forces unnecessarily and at risk and even the fear of their use; but, should the occasion arise where we are called upon to use robust force even beyond what was employed in Libya, it is of the utmost importance that our men and women in uniform are specially trained and prepared to respond in a secure and effective manner to this very complex situation where the civilian population of a nation is both the target and the element that must be protected.

Fifth, we need to promote public dialogue on the role of Canada in the prevention of mass atrocities. The government should take part in and host discussions in the public domain on the roles that we, as Canadians, will take in the prevention of

mass atrocities. It is only by coming to a common understanding of our stance that we can truly move forward in a unified, cohesive manner and not continue to crisis manage ad hoc and, hopefully at times, even learn lessons.

Sixth, and last, I want to end with a recommendation that is readily achievable and that will take us a great deal forward. A few weeks ago, on May 30, the All-Party Parliamentary Group for the Prevention of Genocide and Other Crimes Against Humanity, chaired by myself, with as vice-chairs MPs John McKay, Megan Leslie and Chris Alexander, brought in Dr. Simon Adams from the Global Centre for the Responsibility to Protect in New York City to speak about a project that is being undertaken for permanent missions in the UN to implement a centre of government efforts within governments in order to coordinate between willing governments the ability to respond to these crises.

I am out of time and I thank you for your attention.

**The Hon. the Speaker:** Honourable senators, Senator Dallaire has exercised his right of final reply, and this inquiry has now been debated.

(Debate concluded.)

#### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, if I might interrupt, I wish to draw your attention to the presence in the gallery of a distinguished visitor in the person of Ms. Thérèse Bishagara, who is from Rwanda. She is the guest of the Honourable Senator Dallaire.

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

**Hon. Senators:** Hear, hear!

#### SENATE REFORM

##### INQUIRY—DEBATE ADJOURNED

**Hon. Hugh Segal** rose pursuant to notice of June 5, 2012:

That he will call the attention of the Senate to the reasons that democratic reform of the Senate is:

- (a) essential to Canada's future as a robust and effective federal state, with respect for fundamental freedoms and the supremacy of the rule of law;
- (b) reflective of the values of fairness, cooperation and confederation; and
- (c) consistent with the objective of providing pan-Canadian public policy at the federal level.

He said: Honourable senators, I defer to the Honourable Senator Brown.

[ Senator Dallaire ]

**Hon. Bert Brown:** Honourable senators, I speak regarding Inquiry No. 46. I start, colleagues, with a question. When I came to this chamber there were 19 Conservatives and about 77 Liberals. The Prime Minister allowed 18 vacancies to accumulate before a Liberal senator moved a motion to force the Prime Minister to fill the vacant seats. Suffice to say, he did.

My hope was, and is still, to have democratic elections for both sides of this chamber, and I have engaged in conversations on this topic with a good number of senators on both sides of the chamber over the five and a half years since my election by the people of Alberta. Quite a few Conservatives are in favour of future elections, but only one Liberal.

Honourable senators, we now have 58 Conservatives, 3 vacancies — and one more next week — and 41 Liberals. Before the next federal election there will be at least 10 vacancies because there are only two caucuses in this place. When 10 Liberals retire, they will likely be replaced by 10 Conservatives. We will then have 71 Conservatives and 31 Liberals.

My hope when I went to work on convincing the parties that the people of Canada want to elect their future senators was that there would be a balance over time. When the Liberals were in power, there was no balance. Now the numbers are heading towards another imbalance.

Regarding Conservatives over Liberals, so far I have not convinced the Liberals to embrace the idea of electing future senators. The people of Canada, the voters, have not changed their minds. They want to elect senators, on average 75 per cent across the country, with the lowest support at 68 per cent and the highest at 80 per cent.

The first Liberal province will hold a senatorial election at the end of the year. The voters will not change their minds anywhere in Canada.

• (1200)

When will my Liberal colleague realize that the Prime Minister has said, as I have repeated many times, that when a province has a law on electing senators and intends to hold a Senate election, the Prime Minister will wait for the outcome before filling the vacancy?

When the Prime Minister was first elected, he said in a meeting with about 20 senators, some of whom are now in this chamber, that he wanted a democratic Senate with a fixed term.

On page 7 of The Constitution Act, article 22 is headed, "Representation of Provinces in Senate," before listing the number of senators to represent each province. We are here to represent provinces, not the party of the Prime Minister of the day or the Leader of the Opposition. For those who believe this effort will not win, turn to page 75 of The Constitution Act, paragraph 47(1), and read it carefully until you understand the ramifications.

Honourable senators, I will end my inquiry by asking: When we debate these bills today or for weeks or months, will the results of voting have changed? No. Only with an elected Senate will the votes have a chance to change. Until then, we will be led.

**The Hon. the Speaker:** Honourable senators, is it agreed that this inquiry remain standing in the name of Senator Segal? [Translation]

(On motion of Senator Segal, debate adjourned.)

#### FISHERIES AND OCEANS

##### COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF MANAGEMENT OF GREY SEAL POPULATION OFF CANADA'S EAST COAST

**Hon. Fabian Manning,** pursuant to notice of June 20, 2012, moved:

That, notwithstanding the order of the Senate adopted on October 20, 2011, the date for the final report of the Standing Senate Committee on Fisheries and Oceans in relation to its study on the management of the grey seal population off Canada's East Coast be extended from June 30, 2012 to December 15, 2012.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

#### ADJOURNMENT

#### MOTION ADOPTED

Leave having been given to revert to Government Notices of Motions:

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, June 26, 2012, at 2 p.m.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, June 26, 2012, at 2 p.m.)

---

## CONTENTS

Friday, June 22, 2012

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>			
<b>The Honourable Joseph-Georges-Gilles-Claude Lamontagne, P.C., OC, C.Q., C.D.</b> Valcartier Family Centre Honours. Hon. Roméo Antonius Dallaire . . . . .	2277	<b>Visitor in the Gallery</b> The Hon. the Speaker . . . . .	2288
<b>The Honourable Mobina S. B. Jaffer</b> Eleventh Anniversary of Appointment—Expression of Thanks. Hon. Mobina S. B. Jaffer . . . . .	2277	<b>Criminal Code (Bill S-209)</b> Bill to Amend—Third Reading. Hon. Bob Runciman . . . . .	2288
<hr/>			
<b>QUESTION PERIOD</b>			
<b>Delayed Answer to Oral Question</b> Hon. Claude Carignan . . . . .	2278	<b>Criminal Code (Bill C-310)</b> Bill to Amend—Third Reading. Hon. Mobina S. B. Jaffer . . . . . Hon. Joan Fraser . . . . . Hon. Consiglio Di Nino . . . . . Hon. Nancy Greene Raine . . . . .	2289 2293 2293 2293
<b>Environment</b> Giant Mine Question by Senator Sibbeston. Hon. Claude Carignan (Delayed Answer) . . . . .	2278	<b>Federal Framework for Suicide Prevention Bill (Bill C-300)</b> Second Reading—Debate Adjourned. Hon. Salma Ataullahjan . . . . . Hon. Roméo Antonius Dallaire . . . . .	2294 2295
<hr/>			
<b>ORDERS OF THE DAY</b>			
<b>Business of the Senate</b> Hon. Claude Carignan . . . . .	2278	<b>Breast Density Awareness Bill (Bill C-314)</b> Second Reading—Debate Adjourned. Hon. Asha Seth . . . . .	2295
<b>Pooled Registered Pension Plans Bill (Bill C-25)</b> Third Reading—Debate Adjourned. Hon. David Tkachuk . . . . .	2278	<b>Aboriginal Peoples</b> Budget—Study on the Evolving Legal and Political Recognition of the Collective Identity and Rights of the Métis— Seventh Report of Committee Adopted. Hon. Dennis Glen Patterson . . . . . Hon. Joan Fraser . . . . .	2299 2299
<b>Immigration and Refugee Protection Act</b> <b>Balanced Refugee Reform Act</b> <b>Marine Transportation Security Act</b> <b>Department of Citizenship and Immigration Act (Bill C-31)</b> Bill to Amend—Third Reading—Debate Adjourned. Hon. Yonah Martin . . . . . Hon. Mobina S. B. Jaffer . . . . . Motion in Amendment. Hon. Mobina S. B. Jaffer . . . . . Allotment of Time for Debate—Notice of Motion. Hon. Claude Carignan . . . . .	2279 2279 2284 2285	<b>National Security and Defence</b> Budget and Authorization to Travel—Study on East and West Coast Navy and Air Force Bases—Seventh Report of Committee or Adopted. Hon. Pamela Wallin . . . . . Hon. Joan Fraser . . . . .	2299 2299
<b>Criminal Code (Bill S-9)</b> Bill to Amend—Third Reading—Debate Adjourned. Hon. Hugh Segal . . . . . Hon. Roméo Antonius Dallaire . . . . .	2285 2285	<b>Prevention and Elimination of Mass Atrocities</b> Inquiry—Debate Concluded. Hon. Roméo Antonius Dallaire . . . . .	2299
<b>Prohibiting Cluster Munitions Bill (Bill S-10)</b> Second Reading. Hon. Roméo Antonius Dallaire . . . . . Referred to Committee . . . . .	2285 2288	<b>Visitor in the Gallery</b> The Hon. the Speaker . . . . .	2302
		<b>Senate Reform</b> Inquiry—Debate Adjourned. Hon. Hugh Segal . . . . . Hon. Bert Brown . . . . .	2302 2302
		<b>Fisheries and Oceans</b> Committee Authorized to Extend Date of Final Report on Study of Management of Grey Seal Population off Canada's East Coast. Hon. Fabian Manning . . . . .	2303
		<b>Adjournment</b> Motion Adopted. Hon. Claude Carignan . . . . .	2303





*If undelivered, return COVER ONLY to:*  
Public Works and Government Services Canada  
Publishing and Depository Services  
Ottawa, Ontario K1A 0S5