



CANADA

Debates of the Senate

1st SESSION

•

39th PARLIAMENT

•

VOLUME 143

•

NUMBER 75

OFFICIAL REPORT
(HANSARD)

Tuesday, February 27, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

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

Tuesday, February 27, 2007

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

Prayers.

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, I am pleased to introduce two House of Commons pages who are participating in the page exchange this week. Ms. Maeve Byrne of Edmonton, Alberta, is enrolled in the Faculty of Social Sciences at the University of Ottawa where she is majoring in political science. Ms. Brittney Rabinovitch of Midhurst, Ontario is studying at the Faculty of Social Science at the University of Ottawa where she is majoring in international development and globalization.

SENATORS' STATEMENTS

PRIVY COUNCIL OFFICE

CREATION OF PUBLIC APPOINTMENTS COMMISSION—LEADER OF THE GOVERNMENT— CORRECTION TO RECORD

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, in Question Period of last Thursday, my response to a question from Senator Milne was not as precise as it should have been. While the balance of my answer clearly indicated that I was well aware that the Federal Accountability Act contains provisions to establish a public appointments commission, I began by saying that this was not the case. My intention was to indicate that the commission in the Federal Accountability Act was not in place yet, partly because a proposed candidate for the position of commissioner was not accepted by the other place. I wish to apologize to honourable senators for any confusion or misunderstanding my words may have caused.

• (1405)

IMMIGRATION ACT

SUPREME COURT RULING ON SECURITY CERTIFICATES

Hon. Serge Joyal: Honourable senators, last Friday, the Supreme Court of Canada, in the case of Charkaoui, Almerai, and Harkat, in a unanimous decision of its nine judges, ruled that the security certificates provided under the Immigration Act are in violation of three sections of the Charter of Rights and Freedoms. The impugned sections are section 7, "the right to life, liberty and security of the person. . ." and sections 9 and 10, declaring the "right not to be arbitrarily detained, and the right to be promptly informed of the reasons therefor."

The court concluded that Parliament should amend within a year the Immigration Act to serve the principles of fundamental justice, even in times of the fight against terrorism.

The court stated in its opening remarks that:

One of the most fundamental responsibilities of a government is to ensure the security of its citizens.

The court did not recognize, as such, a right to security but, rather, the responsibility of the government to enact legislation against terrorism that conforms to the Constitution and, in particular, the guarantee stated in the Charter of Rights and Freedoms.

The Supreme Court of Canada judgment is opportune; it strikes the right balance and leaves Parliament with its responsibility to enact amendments that serve the principles of our democratic values that respect the importance of human life, liberty and the rule of law.

Last Thursday, February 22, the day before the Supreme Court of Canada decision, the special Senate committee established three years ago to review the Anti-Terrorism Act tabled its unanimous report in the Senate Chamber. The committee sat on Mondays, held 34 sessions and heard 150 witnesses, reviewing not only the anti-terrorism legislation but also the security certificates contained in the Immigration Act and used in the fight against terrorism. The committee devoted 25 pages of its report and 11 of its 40 recommendations to amendments that it concluded are needed to make the security certificates conform to the principles of fundamental justice. Let me remind you that the title of the Senate committee report is *Fundamental Justice in Extraordinary Times*.

The point I want to make is the following: The substance of the recommendations on security certificates made last Thursday by the Senate committee are to the same effect as the conclusions of the Supreme Court of Canada judgment of last Friday. Let me state them: First, a special advocate should act as an independent counsel in the Federal Court reviewing the reasonableness of the proof justifying the issuance of a security certificate, in order to maintain the right balance between the need to not disclose secret information and the right of the detainee to be provided with a fair defence.

Second, the foreign national or permanent residents who are the subject of a security certificate should be brought before a judge within 48 hours of their detention, and not 120 days as provided in the act.

Finally, the length of detention of a person under a certificate should be reviewed by the court on a regular basis to avoid unlimited time of detention.

The expertise developed by the members of the Senate committee should be useful to our chamber when, within the next year, the government introduces the amendments to the Immigration Act that the Supreme Court of Canada decision has requested.

Honourable senators, the Senate has lived up to its constitutional duty to consider in depth respect for the Charter of Rights and Freedoms on one side and the need for efficient anti-terrorism measures on the other.

INTERNATIONAL WOMEN'S DAY

Hon. Nancy Ruth: International Women's Day is coming soon. It is a day for community, celebration and commitment. It is a day to dance with women in our own communities and around the world. You all still have time to join in the celebration in your community, as there are many going on across Canada.

The Grain Grower's Guide of July 1914 has a wonderful, pro-suffrage post card with the caption: "I want the vote. I mean to have the vote and that is the sort of girl I am!"

Since the middle of the 19th century, women in Canada have wanted equality; they mean to have equality and they set out to achieve equality for themselves, for their families and for their communities. That is the sort of women we are.

A hundred years ago, in 1907, Marie Gérin-Lajoie and Caroline Beïque co-founded the Fédération nationale Saint-Jean-Baptiste in Quebec. It was an association of Francophone women who wanted to promote their civil and political rights. They sought reforms to the Civil Code and pushed for a commission of inquiry into the rights of women.

• (1410)

Fifty years ago, in 1957, Jean Lumb sat beside Prime Minister John Diefenbaker, the only woman in a large group at a meeting marking Canada's commitment to changing immigration laws that separated Chinese families. She played a pivotal role in the movement for change. Jean Lumb was the first Chinese-Canadian woman to receive the Order of Canada.

Twenty-five years ago, we were on the eve of the coming into force of Canada's new Constitution. Its key equality rights provisions owed their promise to the women who demanded that they be strengthened and the women who proposed the changes.

This year, Sheila Watt-Cloutier has been nominated for the Nobel Peace Prize. International Chair of the Inuit Circumpolar Conference, she is working to bring the world to understand her community and how it is threatened by environmental degradation.

I will not be here 25 years from now, and the Senate will have changed. There will be more women, and they will reflect and represent the diversity and depth of our country. They will be working on new issues. That is because we, in Parliament today, intend to get it right. We will make progress on early childhood education, safe spaces for girls and women in and outside of the home, and equal access to work and compensation. Senators, let's do it.

Hon. Mobina S. B. Jaffer: Honourable senators, in celebration of March 8, I attended a conference on "Gender, Peacekeeping and Peace-building," hosted by the United Nations Association of Canada. Participants ranged from journalists to independent human rights consultants and academics.

I was fortunate enough to attend, this March 8, an International Women's Day conference where prominent issues regarding women in conflict zones came to the forefront of our agenda. There was a public forum of women peacekeepers in the evening.

Honourable senators, I spoke on the need for Security Council Resolution 1325 to be adopted in order to address the culture of war that women experience and to underline the importance of Canada's participation in all aspects of UN operations so that we can include more women in decision-making.

The former Secretary-General, Kofi Annan, stated in his report on women, peace and security, that:

We can no longer afford to minimize or ignore the contributions of women and girls to all stages of conflict resolution. . . . Sustainable peace will not be achieved without the full and equal participation of women and men.

The panel discussion centred on Central Asia, particularly where the plight of Afghan women remains dismal. Honourable senators, let me remind you what Afghan women are facing: 85 per cent of Afghani women are illiterate; about 95 per cent are routinely subjected to violence in the home; and the average life expectancy for a woman in Afghanistan is around 42 years. Women doctors in Kabul maternity hospitals describe terrible, life-threatening wedding night injuries that husbands inflict on child brides. In the countryside, far from medical help, girls die. In 2003, scores of cases of self-immolation were reported in the city of Herat. The following year, as many were recorded in Kabul. In the countryside, the situation is even worse.

Honourable senators, there was real concern at the conference for the dire condition of women in Afghanistan and that only 3 per cent of aid is going specifically for women's programs. The clear message from the conference was that we need to do more for Afghani women in order for us to become partners for change.

Further, the message I was asked to bring to this honourable chamber was that Canadians are expecting us senators to be more vigilant in protecting the rights of Afghani women and ensuring that more aid is given to them.

[Translation]

Hon. Andrée Champagne: Honourable senators, as we celebrate International Women's Day today, some time before the traditional date of March 8, I am sure that many will remind us of those women who, through their hard work and perseverance, guided us along unfamiliar roads not so long ago. During this special day, we will talk about people like Roberta Bondar and Julie Payette. We will hear about Jeanne Sauvé and Michaëlle Jean. We will talk about all of these women and so many others who have risen to heights that we, in our youth, would have thought impossible.

• (1415)

Thinking back, we will remember that, right here in Canada, we had to wait until 1929 for women to be recognized as persons. We must continue to do all we can to improve the lives of women here at home regardless of where they come from, and we must spend time and money helping women here and abroad. If we look closely, it is sad to see how much still needs to be done in our world.

Little girls are still forced to remain illiterate, to marry once they reach puberty or to undergo female circumcision. Around the world, women are sexually assaulted, beaten and raped. In what we think of as a better world, qualified women are still refused jobs just because they are women, or are forced to accept a lower salary than a man doing the same work.

Taking the time to remember these realities once a year is not nearly enough. We are trying to rekindle our desire for equality on behalf of all women.

Yet, on this special day, I cannot help but think of all the women we never talk about, women who, for generations, have worked in the shadows, women who have paved the way and are still paving the way for others, women who have secured and will secure for all women the place they deserve in our universe.

Today, after their day at work, how many women will return home with a smile to take care of their children and household? How many grandmothers will look after the next generation after raising their own children? How many teachers, in addition to teaching square roots and grammar rules, will sow seeds of hope and pride in the hearts and minds of their students? How many nurses will hold the hands of people who are seriously ill or dying?

These women will not win the Nobel Prize or the Pulitzer, but they still play a hugely important role in our lives.

On International Women's Day, we will naturally salute all the women who have done great things to improve our world. Let us also think about all the women who quietly go about spreading smiles and love to everyone around them and all the women who invite us to continue working to make equality a way of life.

Although International Women's Day is still, unfortunately, a day for making demands, it should also be a special time for thanking the women who chose to give us life, teach us and motivate us to make a better world for women everywhere. Today, I am talking to them, I thank them and I encourage them to carry on.

TOLERANCE CARAVAN

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, today I want to thank one of our colleagues, Senator Yoine Goldstein, for agreeing to attend the ceremonies marking the official launch of the Caravan Against Racism and Discrimination in Brooks, Alberta, last Friday.

The presence of Senator Goldstein, one of the founders of the Tolerance Foundation in Quebec and co-chair of the foundation's board, raised the profile and elevated the importance of the Caravan Against Racism and Discrimination in Alberta. This event is inspired by activities organized by the Tolerance Foundation in Quebec.

The Alliance Jeunesse-Famille de l'Alberta Society organized the event. The purpose of this initiative is to promote greater understanding of marginalization, prejudice and discrimination, while increasing cooperation among schools, youth, the police, the media, and the community.

[Senator Champagne]

The AJFAS partnered with French school boards, immersion schools, and a number of other local and government partners with the goal of putting an end to racism. This year, the Tolerance Caravan will travel to 14 regions in Alberta, which is a significant increase over last year.

[English]

As Canadians, we need to address the issues surrounding the racial, cultural and ethnic diversity that composes our country. As a people, we face many challenges and we need to instill positive values in our youth — such as understanding, accepting and appreciating those differences that form the fabric of Canadian life.

[Translation]

I can assure you, honourable senators, that our colleague's presence at the event was greatly appreciated by the francophone community of Alberta and helped call attention to the important work achieved by that organization.

• (1420)

[English]

INTERNATIONAL WOMEN'S DAY

Hon. A. Raynell Andreychuk: Honourable senators, I rise today to acknowledge International Women's Day and to urge all Canadians to renew efforts to make the issue of equality of women a top priority for legislators.

While we often laud the more developed countries for their progress in achieving equality for women in Parliament, the Inter-Parliamentary Union has noted that setting targets of 30 per cent, which is the critical mass to make a difference, creates its own glass ceiling. Those countries that have set targets of 30 per cent seem to be unable to move beyond this target to achieve real equality.

It is worth noting that new and emerging democracies and countries emerging from conflicts have provided mechanisms in their constitutions, electoral systems and other processes for ensuring a certain level of women's participation in government and in governmental structures. While women bring their own styles, their own perspectives and their own methods of work, changing the culture for full acceptance is still a challenge.

The Standing Senate Committee on Human Rights recently pointed out, in its report entitled *Employment Equity in the Federal Public Service — Not There Yet*, that while the target set for women in the public service has been reached, the growth has been primarily at the lower levels. The executive category is still under-represented. The need for more representation in Parliament and our legislatures is obvious.

Honourable senators, we in the Senate can demonstrate to the public service and to Canadians that we take women in leadership seriously. As pointed out in our report, it is not the need for more laws, or indeed policies; it is the need to embrace change, differences and real support. We are privileged that two leaders have chosen women to represent both the government and the official opposition in the Senate. We can show our support for

Senator LeBreton and Senator Hervieux-Payette in their leadership capacities by working with them all year long and not only on International Women's Day. We can also show support for the women who work in the Senate by ensuring that our procedures and practices are inclusive.

As the Inter-Parliamentary Union has stated:

Women transform parliaments by being themselves. Their presence in parliament and their active participation in the legislative process are necessary for the articulation of women's issues. Women change parliament to make it reflect the society they want to create. . . . While it is true that one woman can make a difference, it is equally true that women will only make a significant impact in parliament if they are present in sufficient numbers.

[Translation]

ROUTINE PROCEEDINGS

MISSION IN AFGHANISTAN

REPORT TO PARLIAMENT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of tabling, in both official languages, the report to Parliament on Afghanistan entitled *Canada's Mission in Afghanistan: Measuring Progress*.

THE ESTIMATES, 2007-08

MAIN ESTIMATES TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 28(3) of the *Rules of the Senate*, I have the honour to table, in both official languages, Parts I and II of the 2007-08 Estimates for the fiscal year ending March 31, 2008.

CLERK OF THE SENATE

2006 ANNUAL ACCOUNTS TABLED

The Hon. the Speaker: Honourable senators, pursuant to Chapter 3:05, paragraph 5(1) of the *Senate Administrative Rules*, I have the honour to table the statement of receipts and disbursements for the fiscal year ended March 31, 2006.

THE ESTIMATES, 2007-08

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY MAIN ESTIMATES

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 2008, with the exception of Parliament Vote 10.

NOTICE OF MOTION TO REFER VOTE 10 TO STANDING JOINT COMMITTEE ON LIBRARY OF PARLIAMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament Vote 10 of the Estimates for the fiscal year ending March 31, 2008; and

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

• (1425)

QUESTION PERIOD

JUSTICE

ANTI-TERRORISM ACT—RECOMMENDATIONS OF REPORT OF SPECIAL COMMITTEE

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. This government has introduced a motion to extend by three years the provisions of the Anti-terrorism Act. The Prime Minister probably misinterpreted the Senate committee report when he said that the Senate supports extending these provisions.

We in this chamber know that this is not the case. The committee has proposed a whole host of changes for improving this legislation in a broader context. Prime Minister Harper seems to be saying, "Trust us; let us extend these provisions and maybe we will not worry about human rights, or maybe we will, later."

For over a year now, we have seen how difficult it is to trust this government and to take it at its word. Does the Leader of the Government in the Senate intend to impress upon the Prime Minister that he has to take into consideration all the committee recommendations, and not just the ones that appeal to him?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I wish to thank the honourable senator for her question. The Anti-terrorism Act is an important act designed by the previous government to protect Canadians against acts of terrorism.

Today, the families of the Canadian victims of the events of 9/11 are here urging parliamentarians to support the extension of provisions of the Anti-terrorism Act. The Prime Minister made it clear that he would like the opposition in the other place to pay

heed to the recommendations of the Special Senate Committee on the Anti-terrorism Act. He indicated that all of the recommendations of the Senate committee warranted careful study, and he specifically urged all parliamentarians to support this important piece of legislation which, as we know, has been widely supported by many members of the party opposite.

As I said in my speech in the Senate last Thursday, we have proof positive that these types of measures work. They were mandated initially by the United Nations, and we saw tangible results when those same provisions were used in the United Kingdom to prevent a serious terrorist attack, where many planes might have been brought down into the Atlantic Ocean enroute to the United States from Great Britain.

Hon. David P. Smith: Honourable senators, my question is also for the Leader of the Government in the Senate. Senators are aware that last week the Special Senate Committee on the Anti-terrorism Act tabled its report, representing more than two years of work. The committee heard from about 150 witnesses and made 40 recommendations. Its members functioned on a non-partisan basis and achieved a unanimous consensus on the report. That is healthy and desirable when possible, although it is not always possible. Our committee believes that our report represents a balance between security and human rights issues, and I hope we will continue on that basis.

• (1430)

I would like an indication from the Leader of the Government in the Senate that the first five recommendations will be treated as a package. They all deal with one issue, and I hope to get an understanding of the government's reaction to them.

We have to redefine in the Criminal Code what constitutes a terrorist activity, and this relates to the first five recommendations. Establishing "terrorist activity" requires that the motive be political, religious or ideological. I readily concede that this provision was drafted by the previous government. It is not perfect. The problem is that in establishing a motive, that part of the code focuses particularly on the religious aspect. Many people, particularly from the Muslim community, felt that this had a lot to do with what caused racial profiling.

Is the Leader of the Government in the Senate in a position to advise this chamber as to whether the government is committed to changing or removing that requirement?

Senator LeBreton: Honourable senators, I agree with my honourable friend's comments that the Senate committee produced a serious and outstanding piece of work, in a non-partisan way, and made some valid recommendations. Senator Nolin and Senator Andreychuk briefed our caucus.

As the Prime Minister has indicated, the government is willing to implement the committee's recommendations that a clear statement and explanation indicating whether provisions remain warranted be included in each annual report on the use of these provisions. The Prime Minister was clear that he thought the recommendations of the Senate were a means to resolve this matter.

Several options were given to the opposition to be considered. Unfortunately, all the overtures in the other place by our House leadership and the Minister of Justice have met with a firm "no"

from the leadership of the Liberal Party there. That is an unfortunate set of circumstances because it will have an impact on how Canada is viewed by the world community.

As I mentioned in my speech on Thursday, it is fairly well-known that the United Nations mandated member states to put provisions in their laws that would work to prevent acts of terrorism happening within their own countries. I believe that the actions in the other place will send a bad signal to our NATO partners, our UN partners and our North American neighbours.

IMMIGRATION ACT

SUPREME COURT RULING ON SECURITY CERTIFICATES—TIMELINE OF REVIEW

Hon. David P. Smith: Honourable senators, I would like to raise the question of timing. As the Leader of the Government in the Senate knows, the Supreme Court of Canada last week, by a vote of nine to zero, said that certain matters had to be addressed that they identified as problematic and that Parliament would have a year to do so. That is fair enough; there is no argument.

• (1435)

To get this exercise underway, can the Leader of the Government in the Senate identify an approximate date of when the government might bring forward a legislative package on these issues? To give an example, can we know that we can work on them before the summer break, say at the end of May, about three months from now? Is that a reasonable target to see a package so that we do not lose the summer and we might be in a position to work on the package throughout the summer? I am trying to get a feel for when we might be able to roll on this.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. I do not know exactly what timetable the government is considering, except that the government is reviewing the Supreme Court decision on the security certificates carefully. As Minister Day responded publicly, we intend to respond in a timely and decisive fashion to address the court's decision. However, I cannot give the honourable senator a specific timetable as I am not a clairvoyant, but I will certainly let my colleagues know his views on this matter.

NATIONAL DEFENCE

AFGHANISTAN— SUPPORT OF OTHER NATO COUNTRIES

Hon. Jane Cordy: My question is also for the Leader of the Government in the Senate. One of the biggest problems facing NATO and Afghanistan is the issue of national caveats. Many of the 37 countries contributing to the NATO-led International Security Assistance Force, ISAF, in Afghanistan have set restrictions on their troops or the use of their equipment. The caveats significantly reduce the personnel a commander has at his disposal.

During the NATO summit last fall in Riga, the supreme commander of NATO urged allied countries to remove national restrictions on their forces' operations in Afghanistan, saying that such caveats adversely affect commanders' abilities in fighting Taliban insurgents.

Can the Leader of the Government in the Senate tell us what this government is doing to ensure that other NATO allies are willing and able to relieve Canadian troops in Afghanistan? What are this government's plans if NATO countries other than Canada, the United Kingdom, the Netherlands and the United States refuse to remove caveats allowing their troops to be in Kandahar and southern Afghanistan?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I cannot respond to a hypothetical situation about, what if other NATO countries do whatever. A report was tabled yesterday, an update on the situation in Afghanistan, as was promised last year when the mission was extended. Yesterday, an announcement was made of an additional \$200 million to aid the people in Afghanistan, not only to train police, but also to train medical workers and teachers. The progress is slow but serious work was done in Afghanistan and the work will continue to be done.

I am aware of the recommendation at the NATO meeting. I will take that particular portion of the honourable senator's question as notice.

Senator Cordy: Thank you.

Honourable senators, the situation is not hypothetical. Canada, the U.K., the Netherlands and the U.S. are the ones who are losing their young people, their armed forces in the south of Afghanistan. That situation is happening now. I was in Brussels last week and was interviewed by the media from the Netherlands on that question specifically.

My supplementary question is about the Canadian combat mission in Afghanistan set to end in February of 2009. This government has a responsibility to NATO to send a clear signal of Canada's intentions to establish 2009 as a firm end date. We must insist that other NATO nations share the burden of building a stable and democratic Afghanistan.

• (1440)

Will the government signal Canada's intentions to NATO so that they can begin the process of looking for a replacement? Are we developing an exit strategy so we are not shutting the door but rather putting a plan in place that serves the Afghanistan people well when we leave?

Senator LeBreton: I thank the honourable senator for the question. I was not suggesting that our involvement, or that of the Dutch, the British or the Americans, was hypothetical. The honourable senator asked me about other NATO countries. There have been some hopeful signs that other NATO countries are prepared to step up.

Concerning the question of the honourable senator with regard to 2009, we are one year away from the commitment that was made by the previous government to move into Kandahar. We have been there for a year. To make an assessment in February 2007 about a situation that may exist in 2009 is a bit premature.

JUSTICE

JUDICIAL APPOINTMENTS—PLACEMENT OF POLICE REPRESENTATIVES ON SELECTION COMMITTEES

Hon. Mobina S.B. Jaffer: My question is also to the Leader of the Government in the Senate. All of us have a great deal of respect for the work of our police forces and for the professionalism they display day in and day out. They are great representatives of our country.

However, the government's recent move to add a member from the police forces at the expense of a vote from the judicial representative on judicial appointments committees has me baffled. These committees make recommendations for appointments to the superior courts. The work of the court is overwhelmingly in the field of civil and family law. Several jurisdictions have superior courts devoted entirely to family law.

The police in our country are exposed to a relatively small part of the bar, with expertise of limited value to the court. The police can have little say about the civil and family bar. The point of appointing more lawyers, presumably for prosecutors perceived to be tough on crime, with no experience in the majority of fields in which the court operates is counterproductive.

Why appoint policemen on a judicial committee that recommends judges to the whole judiciary system?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. I answered a similar question before Christmas from Senator Milne. We have made changes to the judicial advisory committees, which were, by the way, as I pointed out, set up in 1988 under the previous Conservative government.

If the honourable senator were to go back and check the record at the time that those committees were set up — Senator St. Germain will remember this — she will see that there was a great hue and cry that we would influence the judiciary unfairly by having these judicial advisory committees, and the committees turned out to be a valuable resource.

We made 16 changes by adding 16 members to the committees across the country, and we added a police officer. Police officers are first responders, the front-line people who deal with victims of crime and are well positioned to understand, and do understand, the law. We know the police are in our court system working on court cases.

Frankly, I do not see or understand why the addition of a police officer in any way would undermine the ability of the committees to provide advice — it is only an advisory committee. Ultimately, the decision is the Minister of Justice's and the government's.

I think the fears of having a police officer added to these committees are unfounded because I am confident that at the end of the process we will appoint people to the judiciary who are extremely competent and will represent the law in a competent and unbiased way.

• (1445)

Senator Jaffer: Honourable senators, I have a supplementary question, if I may, to ask of the leader. When appointing a policeman to these boards, why do they see it as necessary to take away the voting power from the judiciary?

Senator LeBreton: Honourable senators, first of all, these are advisory committees and the judiciary will have a vote when there is a tie. Anyone I have talked to who has served on these various committees, whether they happen to be Liberal, Conservative or non-partisan, have told me that, by and large, when names come before these committees, there is pretty broad consensus. It usually never comes down to a situation where people are divided. However, if there was a divided opinion and it ended up in a tie, the judge on the committee would then break the tie.

INTERNATIONAL TRADE

GERMANY—BAN ON SEAL PRODUCTS

Hon. Lorna Milne: Honourable senators, yesterday Germany's agriculture minister stated that he intends to introduce a national ban on the import of all seal products. The seal hunt represents an average of about \$3,000 in annual income for each of the approximately 5,000 Canadians involved in this industry. In areas that experience considerable unemployment rates — in fact, unemployment rates that are 30 per cent higher than the Canadian average — this is a significant amount of income.

My question for the Leader of the Government in the Senate is as follows: What proactive measures is this government taking to combat the introduction of this ban? What steps is this government taking to ensure that the livelihood and the reputations of thousands of citizens of Quebec, New Brunswick, Newfoundland and Labrador, Nunavut, and Canada's Aboriginal peoples, are preserved?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. There is no dispute that the seal industry is a very vital industry on our East Coast, in particular, and in the North. I was made aware just this morning of the decision in Germany, and I will simply take the question as notice. I do not know what the official response will be. I would be happy to obtain an answer as quickly as possible.

The seal hunt, of course, has a great defender in the person of Senator Hervieux-Payette. I remember last year when she put up a vigorous defence of the sealing industry and was applauded for it, an accolade which she quite rightly deserved. However, I will be happy to take the honourable senator's question as notice.

Senator Milne: I thank the honourable senator for that answer. However, I would point out that, as President of the Canada-Europe Parliamentary Association, I have been fighting this battle at the Council of Europe for more than three years now. It is now out of the hands of parliamentarians. It is into the ministerial level, and it is essential that the Prime Minister of Canada step up to the plate. I urge the leader to ask him — to plead with him — to please take some proactive measures as soon as possible.

Senator LeBreton: I thank the honourable senator for her question. I will be happy to take her very strong support of this industry and her views to my cabinet colleagues. Of course, the sealing industry always does attract a lot of attention at this time of the year. I remember, just as an aside — and Senator Segal will remember this — back in the 1970s when Mr. Stanfield was the leader of the party and I was in charge of correspondence. I was very sympathetic to those cute little white faces, and I kept drafting letters and drafting letters. Finally Mr. Stanfield said to me, "I think we had better get a new drafter for the letters, because this ain't cutting it."

In any event, I decided thereafter to make myself very familiar with the importance of the sealing industry, and I take the honourable senator's comments seriously.

• (1450)

Senator Milne: In light of the letters that she once wrote, I would remind the Leader of the Government in the Senate that Canada has not been killing those cute little white animals for well over 20 years now.

Senator LeBreton: Actually, I knew that, and I am really dating myself, but this incident occurred more than 20 years ago. It was actually in the early 1970s. I am well aware of the situation that has prevailed for 20 years. Unfortunately, that is one of the myths that is still perpetuated around the world.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

QUESTIONS TO CHAIRMAN

Hon. Tommy Banks: My question is to the Leader of the Government in the Senate. Last Tuesday the Standing Senate Committee on Foreign Affairs and International Trade presented to the Senate an excellent report which has received a lot of positive attention in the country. It was accompanied by an excellent speech by the then chair of the committee, Senator Segal, who informed us at the time of its provenance and of the hard work that had been done by his committee and by its predecessors on that report, and on the logic and context of the 40 recommendations that are contained within it.

That drew to our attention the important matters having to do with Canada's involvement in Africa, and I took the opportunity of reading the report, as did many Canadians, on the subsequent day, which was Wednesday.

On Thursday during Senators' Statements, Senator Segal rose and made a speech in which he referred to having resigned from that committee. On that day, I had wanted to ask a question about the report, and I will do so when the time arises. When that matter came up in the ensuing Question Period, I asked the Leader of the Government in the Senate of whom I should ask questions regarding the report, since Senator Segal has told us that he is no longer chairman.

Her response to me was:

Honourable senators, this is supposedly a chamber of sober second thought. A childish question like that does not warrant an answer.

I have come here for the specific purpose of asking stupid questions; that is my job. Could the honourable leader please explain to me how and in what way my question was childish?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Obviously, the whole Question Period the day before was involved with these particular issues of internal caucus matters. Senator Segal's speech on the Africa report was, I agree, a very thoughtful and splendid speech. The report was widely praised and acknowledged, and I would simply say to the honourable senator that I took his question in the context of the timing when it was delivered and, as I said at the time, I will not respond to questions on internal caucus matters.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to an oral question raised in the Senate by Senator Dallaire, on February 21, 2007, regarding the Aboriginal Healing Foundation.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

ABORIGINAL HEALING FOUNDATION— SHORTFALL IN FUNDING

(Response to question raised by Hon. Roméo Antonius Dallaire on February 21, 2007)

The Aboriginal Healing Foundation is to receive an endowment of \$125 million on the implementation date of the Indian Residential Schools Settlement Agreement. This endowment will allow the Aboriginal Healing Foundation to continue to provide support and healing to former students and Aboriginal communities across Canada.

Canada's New Government is working with the Aboriginal Healing Foundation to ensure that its important work continues as we move toward the implementation of the Settlement Agreement. The minister has instructed his officials to bring forward for his consideration options to bridge the gap in funding between the beginning of the next fiscal year and the anticipated implementation date of the Settlement Agreement later in 2007.

[English]

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

Leave having been given to revert to Notices of Motions:

Hon. Joyce Fairbairn: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That pursuant to rule 95(3)(a), the Standing Senate Committee on Agriculture and Forestry be authorized to sit between Monday, March 5, 2007, and Friday,

March 9, 2007, inclusive, even though the Senate may then be adjourned for a period exceeding one week.

• (1455)

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Eyton, for the second reading of Bill C-9, to amend the Criminal Code (conditional sentence of imprisonment).

Hon. Mobina S.B. Jaffer: I am pleased to rise to speak to Bill C-9, and to respond to the remarks our colleague Senator Tkachuk made last week.

There is mutual respect between the two of us, though I think the respect he has for me might have less to do with the fact that I am a lawyer than it does with the fact that I am the daughter of a farmer.

Senator Tkachuk called for us to proceed in a spirit of bipartisan cooperation, and I think that is appropriate. In fact, bipartisan cooperation in the other place made this bill what it is today. The bill is different from the one introduced in May of 2006. Senator Tkachuk also gave a good summary of why he believes conditional sentences were added to the Criminal Code in the first place. I want to revisit some of the things he said, because it is important that we understand the basic principles behind criminal sentencing.

As honourable senators know, conditional sentencing was introduced in 1994 in Bill C-41. That bill added new sections to the Criminal Code and, for the first time, defined the purposes and objectives of sentencing. This definition gave the courts direction from Parliament when imposing a sentence. Furthermore, judges were required to give reasons for sentencing in all cases. This requirement was meant to increase public accessibility to the law concerning sentencing, to make sentencing more understandable and predictable. The purposes of sentencing set out in section 718 of the Criminal Code is as follows:

- (a) To denounce unlawful conduct;
- (b) to deter the offender and other persons from committing offences;
- (c) to separate offenders from society, where necessary;
- (d) to assist in rehabilitating offenders;
- (e) to provide something for victims and the communities;

- (f) to promote a sense of responsibility in offenders, and acknowledgement of the harm done to victims and to the community.

At the time Bill C-41 was introduced, Canada had an extremely high rate of incarceration compared to most other industrialized countries. This incarceration was expensive, and studies showed that it was not effective. Sometimes incarceration even had the effect of reducing the chance that a first-time or a minor offender could be rehabilitated and returned to society as a law-abiding citizen.

The Department of Justice during Mr. Mulroney's government was among those saying that Canada's overreliance on incarceration was counterproductive. In the 1990s, a discussion paper set a framework for sentencing, corrections, conditional release and direction for reform. The report said we instinctively look to long sentences to punish offenders, yet the evidence shows that long periods served in prison increase the chance that the offender will offend again.

In the end, public security is diminished rather than increased if we incarcerate and then return offenders to the streets when their sentence expires, unreformed and unsupervised.

This brings us to the topic we are concerned about in Bill C-9, conditional sentencing. Bill C-41 gave the courts the flexibility to allow the conditional sentence for any offence that was not subject a minimum prison term, where the court imposed a sentence of less than two years' jail time.

These sentences must comply with the principles of sentencing I outlined earlier, and the court must be convinced that there is no risk to public safety.

• (1500)

As I mentioned before, judges must give detailed reasons for sentences handed down. I would like to take a moment to lay out exactly what a conditional sentence is. According to section 742.3(1) of the Criminal Code, a conditional sentence requires that the offender:

- (a) keep the peace and be of good behaviour;
- (b) appear before the court when required to do so by the court;
- (c) report to a supervisor within two working days, or such longer period as the court directs, after the making of a conditional sentence order, and thereafter, when required by the supervisor and in a manner directed by the supervisor;
- (d) remain within the jurisdiction of the court unless written permission to go outside that jurisdiction is obtained from the court or the supervisor; and
- (e) notify the court or the supervisor in advance of any change of name or address, and promptly notify the court or the supervisor of any change of employment or occupation.

In addition, a court that imposes a conditional sentence may require an offender to:

- (a) abstain from the consumption of alcohol or other intoxicating substances, or the consumption of drugs except in accordance with a medical prescription;
- (b) abstain from owning, possessing, or carrying a weapon;
- (c) provide for the support or care of dependants;
- (d) perform up to 240 hours of community service over a period not exceeding 18 months;
- (e) attend a treatment program approved by the province; and
- (f) comply with such other reasonable conditions as the court considers desirable . . . for securing the good conduct of the offender and preventing a repetition by the offender of the same offence or the commission of other offences.

Honourable senators, there is a common misconception that conditional sentences and prison sentences are the same, except that the person serving a conditional sentence gets to live in the comfort of his or her own home and gets to move about the community, subject to modest restrictions. This is not true. Conditional sentences must be served full term; there is no remission. A breach of conditions imposed by the judge, for which there is a very low threshold, results in incarceration to the end of the term. In those respects, conditional sentences can be much harsher than incarceration. The range of conditions that can be imposed, including complete house arrest, can effectively result in a very serious reduction of liberty.

For judges, it is mandatory, not optional, to consider the conditional sentence provisions of the code where the threshold conditions are met. This is Parliament's explicit direction; not an example of judicial softness on crime.

Honourable senators, this gives judges discretion in laying down a sentence that keeps in mind the need to maintain public safety while evaluating the offender and the case on an individual basis. Catch-all rules, like those proposed in the original version of Bill C-9, severely limit that discretion.

The Canadian Bar Association noted in their brief to the committee of the other place that this could eliminate an important alternative to incarceration in cases where it may well be appropriate. They "trust in judges' extensive legal and practical experience and their independent role in the justice system."

They go on to say that:

The judge at trial has the opportunity to observe the accused, learn of the accused's history and current circumstances, hear all the facts of the particular case, and become aware of the prevailing conditions in the local community.

It is my observation that the present government believes that judges have overstretched this discretion, and that they have failed to adequately punish violent crime. That is why they have changed the judicial appointment process with the stated intention of appointing more judges who share their ideology. That is also why they introduced Bill C-9 in its original form. I agree with the Canadian Bar Association that this bill, had it

passed, would have severely undermined judicial independence and discretion and led to a dramatic increase in the rate of incarceration.

Honourable senators, the bill before us today strikes a balance, clarifying Parliament's will on sentencing for the courts without reducing our judges to the level of machines, unable to weigh the circumstances and context of a given case. I want to continue by further underlining the principle that I believe is really at the heart of conditional sentencing.

Incarceration is not always the answer. We could just throw everyone who offends into jail, but in most cases we cannot throw away the key. Most prisoners or convicted people sooner or later are released from prison and they must learn to live in our society. It can be beneficial to both the individual in question and society as a whole if the individual learns new skills and lives within society.

Our colleague has given us a number of cases in which he believes conditional sentencing has failed. Senator Murray made note of the fact that sometimes these cases, when seen in their proper context, can seem to be more justified than they originally appeared. I agree with him because, in my career as a lawyer, I have seen conditional sentencing work for everyone involved.

I will not go into the specifics or names of any case, but I want to add some examples of my own. A few years ago in British Columbia, a man sexually assaulted his young son. Rather than being sent to jail, he was given a conditional sentence. It was an awful crime, perpetrated by a father who had abused his position of trust and authority. If we had left this case here, it would probably contribute to the loss of public confidence in the sanction and administration of justice that the honourable senator spoke about; but consider some of the circumstances that led to this decision. First, the family was dependent on this man for child support payments and alimony. Unless he continued working, they would lose this source of income and likely become completely dependent on our welfare system. What is more, in prison there would have been no way to compel this very sick individual to seek counselling for his problems.

The judge in the case saw that the man was resistant to seeking treatment. Had he been incarcerated, he might have been released without condition after two years or less without ever having received any treatment, and with few or no conditions. What is more, under the terms of his conditional sentence, he was confined to his home between the hours of 6 p.m. and 7 a.m., and allowed to leave his home outside of those hours only for work, counselling and grocery shopping. He was required to continue paying child support and spousal benefits, and to attend counselling sessions a minimum of once per week — more if his counsellor felt it was necessary.

It was not an easy sentence for this man; he might have even preferred prison. However, it was what was best for his family, best for society and, ultimately, best for him as well. Under the version of Bill C-9 that was introduced last May, this option would not have been available.

Another case involved a young man from Afghanistan who was convicted of assault. Once again, the court chose to impose a conditional sentence. Once again, it might be taken as an example

of failure on the part of the court if we do not look at the individual factors of this case. This young man had been severely affected by the violence in Afghanistan. In fact, he had, at one point, been imprisoned against his will in a small room in isolation. The judge felt that imprisonment might only serve to further traumatize and reinforce the problems that had contributed to the original offence. Society would not be served by a sentence of incarceration.

The court ordered that he find work, reporting regularly to his supervisor on his employment; that he perform 40 hours of community service per month for as long as he did not have a job; that he undergo regular counselling; and that he remain indoors from 7 p.m. to 7 a.m.

Honourable senators, these are examples of conditional sentences that would be impossible under the version of Bill C-9 that was tabled in the House of Commons last May. Even under what my colleague proposed in his remarks, it is unlikely that there would have been any alternative to incarceration in these cases.

I know and I respect Senator Tkachuk's wishes to compromise; and I know that in committee we will be looking at this bill very thoroughly, and we will then come back and put the recommendations of the committee to this chamber.

• (1510)

Honourable senators, I want to address another aspect of Bill C-9 — the impact it will have on the administration of justice. In particular, I want to talk about the impact that this legislation will have on our legal aid system. This issue is of great importance to me. It is important in my province of British Columbia, in my community and in communities around this country. This issue affects the most vulnerable Canadians. If I may quote once again from the Canadian Bar Association's submission to the committee in the other place:

In its current form, the proposal will undoubtedly lead to more trials as a result of fewer guilty pleas. That factor alone will eliminate any perceived justice efficiencies, and certainly increase demands for legal aid funding. In addition to the huge costs of incarcerating people, particularly in circumstances where the offender and the offence committed do not represent a danger to the community, there will be enormous social costs. . . . Further, the lack of judicial discretion to achieve a just result in a particular case will have a disproportionate impact on populations already over-represented in the justice system, notably the economically disadvantaged, Aboriginal people, members of visible minorities and the mentally ill.

The program threatens individuals who depend on the legal aid system. Single mothers seeking unpaid child support, women trying to break away from abusive relationships and divorced fathers seeking visitation rates to their children will be hurt by this legislation. As legal aid funding is drawn toward the criminal side, legal aid for civil cases will invariably suffer. Both types of legal aid are already stretched to the limit.

Honourable senators, I respectfully state that it is telling that the first budget of this government provided additional money for prisons to accommodate the influx as we turn back to an overreliance on incarceration. However, despite unanimous calls

from provincial premiers and warnings from the legal aid community in my province and elsewhere that this legislation would break the back of legal aid in this country, the government has not moved to restore or stabilize legal aid money they send to the provinces to administer the system.

Despite positive changes to the legislation proposed by the other place in this bill that is before us today, I still believe that the bill deepens the problem that already exists. I continue to urge the government to restore and stabilize legal aid funding. There will be a budget in less than one month, and I sincerely hope that money is set aside for legal aid.

Honourable senators, I look forward to the opportunity to examine this proposed legislation in detail in committee, to address the issues that my honourable friend and I have raised, and to bring those recommendations to this honourable chamber.

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

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 Tkachuk, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

[Translation]

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

INTERIM REPORT OF OFFICIAL LANGUAGES COMMITTEE AND MOTION REQUESTING GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the fourth report (interim) of the Standing Senate Committee on Official Languages (*proposed Regulations introduced in response to the Federal Court decision in Doucet v. Canada*), tabled in the Senate on February 22, 2007.—(*Honourable Senator Chaput*)

Hon. Maria Chaput: Honourable senators, I move:

That the fourth report of the Standing Senate Committee on Official Languages pertaining to the proposed changes to the *Official Languages (Communications with and Services to the Public) Regulations*, tabled in the Senate on February 22, 2007, be adopted and that, pursuant to Rule 131(2), the Senate request a complete and detailed response from the government, with the President of the Treasury Board being identified as Minister responsible for responding to the report.

She said: Honourable senators, the Standing Senate Committee on Official Languages has submitted its report concerning proposed regulations introduced in response to the Federal Court decision in *Doucet v. Canada*.

[Senator Jaffer]

On October 7, 2006, the Government of Canada published proposed regulations in the *Canada Gazette* amending the Official Languages (Communications with and Services to the Public) Regulations in order to make them consistent with the decision handed down by the Federal Court in *Doucet v. Canada*.

The *Doucet* case began in March 1998 when the applicant was arrested for speeding on the Trans-Canada Highway in Amherst, Nova Scotia. The RCMP officer was unable to speak French. The applicant contested, explaining that significant demand should be determined according to the number of francophones travelling on the Trans-Canada Highway. The Federal Court ruled that the number of francophones travelling on the Trans-Canada Highway was high enough to constitute significant demand.

In the fall of 2006 and early winter 2007, your committee heard evidence from several witnesses, including the Commissioner of Official Languages, representatives of the Association des juristes d'expression française de la Nouvelle-Écosse, the President of the Treasury Board and representatives of the Royal Canadian Mounted Police.

Commissioner Graham Fraser described the change to the regulations as minimalist and would have preferred that the government take advantage of the opportunity to modernize the regulations more comprehensively. Mr. Fraser added that he could not support the regulations as they were currently worded. According to him, the requirement to show an annual demand for services of at least 5 per cent disregards the Federal Court's decision, because the judge accepted the evidence that the demand for services in French from the travelling public in that region largely exceeded 5 per cent. The commissioner suggested that the regulation be amended accordingly.

The Association des juristes d'expression française de la Nouvelle-Écosse also recommended amending the regulation so as to recognize the special mandate of RCMP detachments patrolling the Trans-Canada Highway, in order to ensure that services are always available in both official languages. The association also suggested amending the "significant demand" criteria to recognize the right of the public travelling on the Trans-Canada Highway to receive services from the RCMP in the official language of their choice.

• (1520)

The President of the Treasury Board, the Honourable John Baird, told the committee that the proposed regulations were a specific response to a specific problem, but he maintained that he was open to suggestions.

Having analyzed the witnesses' testimony, the committee is of the opinion that the proposed regulations reflect a minimalist approach and could have had a broader reach.

While recognizing that the RCMP has made some progress in recent years in increasing the bilingual capacity of its police force, the committee believes that it is time the RCMP took a proactive approach and developed a plan to improve the offer of bilingual services along the Trans-Canada Highway.

It is also the committee's view that the time has come for an in-depth revision of the Official Languages Regulations on communications with and services to the public to ensure,

among other things, that the regulations take into account the language rights of all those travelling on the Trans-Canada Highway.

I thank all the members of the Standing Senate Committee on Official Languages for their commitment and their cooperation, and we look forward to the government's response.

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?

Motion agreed to and report adopted.

[English]

IMMIGRATION POLICY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the importance of Canadian immigration policy to the economic, social and cultural development of Canada's regions.—(*Honourable Senator Tardif*)

Hon. Mobina S. B. Jaffer: Honourable senators, today I rise to speak on this important issue of citizenship and immigration in Canada.

Canada is the land I am proud to call my home. As you all know, I was welcomed into this great country as a refugee myself when I was fleeing from Uganda. Millions have taken similar actions and continue to come to our great country.

Our immigration system must be good enough to keep up with that demand and to deal with each person in a dignified and respectful manner.

Honourable senators, today I share with you some of the cases that have come to my attention since I have come to this august chamber. The one issue that continually comes to my attention is the issue of skilled workers class applications.

The parents of a woman from the United Kingdom were living here in Canada when her father died suddenly. Her sick mother was alone and had no one to care for her. The mother had chronic kidney problems, a heart functioning at only 20 per cent, high blood pressure, and had had a previous heart attack. This woman from the United Kingdom applied for permanent residence as a skilled worker eight months prior to her father's death.

Desperately, after the death of her father, she wrote to immigration asking that her application be expedited so her mother could receive the assistance she needed. She was told that it would take 54 months before immigration would even look at her file. In the meantime, her mother was left to the care of people here in Canada.

I put this question to honourable senators: Should allowances be made for people who, in the end, will come to our country?

Challenges with sponsorship applications many. Well-educated immigrants want to come to Canada to open their own business. They are also coming to care for their aging parents and their parents' needs here in Canada.

In June 2004, they sent in their application. Upon arrival at the immigration office, their application is processed with a "received" date and enters our system. The application sits there collecting dust for another 28 months. These people want to improve our economy. Within those 28 months, their father dies. They are stricken with grief about their father's death and worry about their mother, who is now in India.

They ask me how I can help them. There is little I can do for them. Their mother's file is first reviewed in New Delhi in six months. The final average processing time is another 36 months. These people, who have now set up a business in Canada, are told that it will take three years to bring their aging mother to join them here.

As of today, sponsorship applications for parents that were submitted in November 2004 are being processed in 2007. Honourable senators, I respectfully ask you to examine what is wrong with our system.

On humanitarian and compassionate applications, a well-educated Jordanian woman is a principal at a local school. Her children see her as a modern, educated woman and they strive to be like her. She has two beautiful daughters. In her community, she is a wealthy and respected woman. For all intents and purposes she seems to have the perfect life, living in Jordan. However, behind the closed doors of her house, she endures beatings and threats to her life at the hands of her husband.

Jordan is a country known routinely to practice honour killings. Honour killing is the killing of a woman supposedly for showing disrespect or dishonour to a man or his family. This dishonour could come from simply speaking up to the man about what a woman's rights should be.

This woman escaped to Canada, and she came to see me when I first became a senator. She was absolutely traumatized. She could not cope with everyday life because of the years of torture she had undergone. She needed help to pick up the pieces. She needed help just to tell the story of what had happened to her. She thought people would not believe her.

Let me share her story with you. Her husband routinely beat her and tried to kill her several times, almost succeeding. She had four children. All four children saw their father beat their mother, leaving them with deep scars.

After her husband's repeated attempts at killing her, she found the strength to leave. She left her children, her career and family for one thing: her security, her safety.

We, in Canada, know that honour killings happen in many parts of the world, but our immigration system does not cope well with this practice. This woman applied as a refugee and was denied. She applied under the then Post-Determination Refugee Claimant of Canada class and was denied. She applied under the

Pre-Removal Risk Assessment and her application was denied. Thankfully, she received a positive decision under humanitarian and compassionate grounds. Honourable senators, she filed her first application in 1997. On January 12, 2006, many years later, she finally received her permanent resident status. It took her nine years to find safety. Why?

Honourable senators, imagine you are a woman in Iran, a country that treats women as property and not as human beings. Each day of your life, you are told how to dress, how to walk, how to look and what to do. Each day you are reminded of the horror that lies around the corner if you do not follow the rules. Your brother, cousin, and the boy next door have all spoken out, and they carry the physical and mental scars of torture. When you return home, you enter into your own torture. Your husband sexually assaults you and beats you to make you believe you are worth nothing, that you are “just a worthless woman.” While this is happening to you, you worry about your children. You repeat to yourself over and over, “Please don’t hurt my children. Just keep quiet and maybe the assaults will stop.”

• (1530)

For years this woman put up with this torture. Her children were taken away from her and she was forced to be the second wife in her husband’s family. Somehow she managed to find the courage to seek asylum in Canada. When she came to Canada to find relief, she was nurtured by a Christian family. She changed religions, which is a crime punishable by death in Iran. For five years she went painfully through our immigration system. Thoughts of her children alone without their mother made her cry many times. Some days she wanted to return to Iran, yet somehow she kept on going, thinking that Canadians would not let her down. Sadly, the immigration system failed her. She was days away from deportation, days away from her impending death if she returned to Iran as a Christian, when she approached my office.

I am very happy to say that this woman was given humanitarian and compassionate class status and now is a permanent resident. However, her challenges continue. She is still fighting to bring her daughters to Canada.

Another example I would like to share with you is that of a woman who stood for the human rights of all people in Iran, despite living in a country that only sees human rights for people of one religion. For her belief, she was tortured for two months and suffered severe traumas that have left evidence of torture on her body. I would not be able to describe her injuries such that you could understand the severity of them. She now suffers from post-traumatic stress disorder.

Immigration officers questioned her credibility, even though they saw the marks on her. She was denied status in our great country through all levels. Finally, at the last stage of humanitarian and compassionate grounds, she was granted status to remain here. This woman began being processed by the immigration system in 2001. Her file for permanent resident status will now process for another year. She is still waiting for status in our great country.

We hear much about refugee applications. We all know what recently happened in Lebanon. A Lebanese man endured tragic circumstances in his life and sought refugee status in our peaceful

country. He was found to be a refugee in 1999. In 2006, when all eyes were on Lebanon after the earthquake there, my thoughts turned to this man. His wife and five children were living in Lebanon when the earthquake hit. As our country was welcoming refugees devastated by that earthquake, we told this man that he had to wait longer to have his family come to Canada. Eight years after he was accepted here as a refugee, he is still waiting for his family to join him. That is why we need to do this study on how to make our process more dignified and respectful.

I would like to share another example with you. A woman living in China was desperate to care for her husband and mother. They lived in a very poor part of the country, having just enough food for their family. She felt that the only opportunity she had was to respond to an advertisement to be a waitress in Vancouver. She was told that she would make much more money in one month in Canada than she could in five years in China.

Upon her arrival in Vancouver, she was told she would not be working in a restaurant, but instead she would be working in a bawdy house. A steep debt was imposed on her. She was told that once she had worked off her debt, she would be set free. Her identification papers were taken from her. I have seen many who have been tricked into coming to my province, and they are in a desperate situation.

Honourable senators, we need to look into the situation of women trafficked into our country under our immigration system and then made to work in bawdy houses. There is much work that we must do to fix our immigration system. I join with Senator Callbeck in urging colleagues to study the immigration and refugee system and to make recommendations to eliminate these problems.

Finally, if I may share with you a personal story, in 1975 I was very warmly welcomed into this country. I was given permanent resident status before I arrived here, for which I have always been very grateful. If I had had to go through our refugee system, I would not have made it. When one has been tortured and threatened, it is very difficult to sound credible when you come to a new country because you do not trust the people who are asking the questions, which makes it difficult to get through the system. I would not have been accepted as a permanent resident.

On motion of Senator Andreychuk, debate adjourned.

THE SENATE

MOTION TO URGE CONTINUED DIALOGUE BETWEEN PEOPLE’S REPUBLIC OF CHINA AND THE DALAI LAMA—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Andreychuk:

That the Senate urge the Government of the People’s Republic of China and the Dalai Lama, notwithstanding their differences on Tibet’s historical relationship with China, to continue their dialogue in a forward-looking manner that will lead to pragmatic solutions that respect the Chinese constitutional framework, the territorial integrity of

China and fulfill the aspirations of the Tibetan people for a unified and genuinely autonomous Tibet.—(*Honourable Senator Jaffer*)

Hon. Mobina S.B. Jaffer: Honourable senators, I stand today in support of this motion of Senator Di Nino, and I adopt everything that he has said on it. I wish to add only one thing.

In the last few years, I had the great privilege and honour of meeting with His Holiness the Dalai Lama. I urge honourable senators to pass this motion, because I fear, as I am sure you do, that His Holiness the Dalai Lama has not many years to live. I fear that if we do not support the return of His Holiness the Dalai Lama to his homeland, we will lose the benefit of his experience and wisdom. He is not asking for a separate state. He is asking only that his people be allowed to practise their religious faith and their culture.

Honourable senators, I urge you to pass this motion.

Hon. Jane Cordy: Honourable senators, I also rise to add my support to Senator Di Nino's motion to encourage the Government of the People's Republic of China and the representatives of Tibet's government in exile to continue dialogue to reach a peaceful solution.

The minimal progress that has been made by China with regard to the treatment of the Tibetan people is not enough. His Holiness the Dalai Lama has publicly stated that he is not seeking a sovereign Tibetan nation, but rather a Tibet remaining under Chinese rule while enjoying the right to freely practise their religion, culture and language without fear of government persecution.

Canada's international reputation dictates that we must not sit idly by but, rather, add our support and use our influence to facilitate an acceptable solution to this serious human rights issue. International support is growing for this initiative and I believe it is time for Canada to add its voice.

I hope that we will all support continued dialogue between the People's Republic of China and the Tibetan government in exile to come to a peaceful conclusion. Canada should have a role in influencing and supporting talks between China and Tibet, and for this reason I support Senator Di Nino's motion.

It is to be hoped that the issue of Tibet can be resolved by meaningful dialogue between the two sides.

On motion of Senator Cools, debate adjourned.

The Senate adjourned until Wednesday, February 28, 2007, at 1:30 p.m.

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