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(HANSARD)

Tuesday, October 21, 2014

The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Tuesday, October 21, 2014

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

Prayers.

FALLEN SOLDIER

SILENT TRIBUTE

The Hon. the Speaker *pro tempore***:** Honourable senators, before we proceed, I would ask senators to rise and observe one minute of silence in memory of the member of the Canadian Armed Forces who passed away following yesterday's tragic event in Saint-Jean-sur-Richelieu in the province of Quebec.

Honourable senators then stood in silent tribute.

SENATORS' STATEMENTS

THE BLUE PUTTEES

Hon. Norman E. Doyle: Honourable senators, about two weeks ago the House of Commons passed a motion to have the Government of Canada participate in the American-led multinational air war against ISIS in northern Iraq.

I'm sure my colleagues would want to join with me in wishing the men and women of our Armed Forces Godspeed and a safe return from their mission in that very dangerous part of our planet.

Two days after the parliamentary approval of Canada's latest overseas military mission, thousands of people in St. John's, in my home province of Newfoundland and Labrador, were witness to a re-enactment of another march to an overseas war 100 years ago, the March of the Blue Puttees.

When World War I broke out in 1914, many Newfoundlanders flocked to the cause of King and Country. Our fledgling Dominion of a quarter million people decided to raise a regiment to answer Britain's call to arms. At the time, there was a shortage of the olive-drab cloth used to make a soldier's leggings, called puttees. A local cadet corps, the Church Lads' Brigade, had blue uniforms, and they came to the rescue with blue puttees for the troops.

On October 5, 1914, 540 men and boys of the Royal Newfoundland Regiment, sporting their new blue puttees, marched from their camp on the shores of Quidi Vidi Lake in the capital city's east end to a waiting ship in St. John's Harbour. They were taken to Scotland for further training before being sent off to war.

The Blue Puttees eventually became the only North American regiment to participate in the ill-fated Battle of Gallipoli in 1915. Many of the surviving Gallipoli Blue Puttees veterans paid the supreme sacrifice on the first day of the Battle of the Somme on July 1, 1916, when the Royal Newfoundland Regiment was all but wiped out trying to capture the German-held village of Beaumont-Hamel. Eight hundred and one soldiers went over the top on the morning of July 1. Fifteen minutes later the battle was over, and the following day, only 68 answered the call.

For Newfoundlanders, July 1 of each year is a day of mixed feelings. On that day, we honour the memory of the sacrifice made by the soldiers of our regiment 98 years ago, and we get to reflect on how lucky we are to live today in a country like Canada. About three weeks from now on November 11, we, like other Canadians, will gather at war memorials cross the country to remember our war dead.

Over time, our nation, any nation, will become involved in armed conflict. As citizens in a democracy, we may not always agree on the need for military action, but there's one thing on which all citizens and political leaders should be able to agree. We owe a debt of thanks and, above all, respect to our men and women in uniform who put themselves in harm's way when their country calls them to action.

Even when our soldiers walk the streets at home, they can be in danger as evidenced by the tragedy yesterday in the province of Quebec.

Re-enacting the March of the Blue Puttees is one way that Newfoundlanders are honouring their war dead on the hundredth anniversary of the so-called War to End All Wars — lest we forget. We will remember them.

JAMATKHANA

Hon. Mobina S. B. Jaffer: Honourable senators, I have risen in this chamber many times and talked about my journey to Canada. I have expressed my sincere gratitude to the Canadian people for welcoming my family, along with thousands of others Ugandan refugees who came to this country with nothing more than the clothes on our backs.

Although I have worked hard to integrate into Canadian society and was extremely grateful for the generosity shown to me by my neighbours, I missed home. I missed my friends, my house and my favourite foods. However, every time I felt homesick, I went to Jamatkhana.

• (1410)

For an Ismaili Muslim, Jamatkhana is a place of worship and socializing. It is a place of contemplation and friendship. It is where we give thanks for everything we have and seek solace. It is where we cleanse our hearts and enlighten our souls.

No matter where I am in the world, no matter how far I am from my loved ones, I always feel right at home in any Jamatkhana around the world.

Senator Ataullahjan and I attended an opening ceremony of a new Jamatkhana in Toronto where His Highness the Aga Khan explained:

> One of the ways in which Ismailis have expressed their identity wherever they have lived is through their places of prayer, known today as the Jamatkhana. Other Muslim communities give their religious buildings different names: from ribat and zawiyya to khanaqa. In addition, there are other places where Muslims of all interpretations can come together, such as non-denominational mosques.
>
> What we dedicate today is what we identify as an Ismaili Centre — a building that is focused around our Jamatkhana, but which also includes many secular spaces.
>
> And soaring above it all is the great crystalline dome that you have observed, through which light from the prayer hall will provide a glowing beacon, symbolizing the spirit of enlightenment that will always be at the heart of the Centre's life.

Honourable senators, being an Ismaili is more than just a religion I follow, and a Jamatkhana is more than just a place of worship. Both are very important pieces of my identity, which I would be lost without.

Canada is the only country in the world where His Highness has built two high-profile Jamatkhanas. I would like to once again thank His Highness the Aga Khan for choosing Canada to build the two Ismaili Centres and the Aga Khan Museum.

Your Highness, you have enriched Canada, and we thank you for your largess.

VISITOR IN THE GALLERY

The Hon. the Speaker *pro tempore***:** Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Devendra Gupta, Professor and Head of the Department of Pediatric Surgery at the All India Institute of Medical Sciences in New Delhi, India. He is the guest of the Honourable Senator Seth.

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

Hon. Senators: Hear, hear!

MATERNAL, NEWBORN AND CHILD HEALTH

Hon. Asha Seth: Honourable senators, parents only want to see their children grow up healthy and strong. The diagnosis of a serious, long-lasting illness can be frightening and devastating for a family. Unfortunately, evidence continues to show that by the age of 12, one out of five Canadian children already suffers from a chronic illness.

I want to highlight the key role that early childhood development plays in the prevention of adult chronic illnesses such as diabetes, cancer and heart disease.

Chronic diseases are a horrible burden on our health care system. They account for 67 per cent of all direct health care costs in Canada. But new studies show that early childhood development programs with health care and nutritional components can help prevent or delay the onset of adult chronic disease. This means that through proper education on nutrition and health we could have the power to reduce health care costs and improve the health and productivity of Canadians.

We must invest in early health to improve later health.

Monitoring and guarding the health of the mother and child during pregnancy are crucial because chronic diseases can start developing in the womb. Lack of medical care and poor education about nutrition can lead to seriously negative outcomes in the health of the child and the mother during and after pregnancy. Ensuring that mothers have access to regular prenatal and postnatal care, especially while children are less than five years old, is very important for a lifetime of health.

Our government is already investing millions every year in projects aimed at reducing the risk factors that underlie most chronic diseases in mothers and young children, including healthy eating and promoting an active lifestyle.

Today we continue these efforts by welcoming the Canada India Network Society, Fraser Health and other international stakeholders for a discussion on the role of maternal, newborn and child health in the prevention of adult chronic diseases.

We will also enjoy statements by Minister Rona Ambrose, Minister Jason Kenney and Ed Holder.

I am very grateful to all of the parliamentarians and stakeholders who support my efforts to expand the conversation around MNCH in the Senate, especially the initiative of creating a space to continue this discussion every year through International Maternal, Newborn and Child Health Week in May.

Honourable senators, as always, I will welcome you in room 256-S from 5:30 to 7:30 for an enlightening discussion. Please be there.

AUTISM AWARENESS MONTH

Hon. Jim Munson: Honourable senators, October is Autism Awareness Month, presenting us with a great opportunity to learn about and reflect on this disorder and its impact on people's lives.

Though I speak about autism at this time every year and, of course, on April 2, World Autism Awareness Day, I'm not at a loss to say something new. Thanks to the determination of a great many people, the tens of thousands of people who make up

Canada's courageous autism community, there is always some groundbreaking, innovative treatment or discovery to highlight. But we have new numbers now. It's amazing; after 10 years, the national rate of autism is now 1 in 68. It is moving to a range of a public health crisis.

In the early years, my messages were about autistic children and those who cared for them. Today those children are adults, and their parents and other family members are older, too.

With the transition of autistic children into adulthood, Canadian society is confronted with a fundamental challenge: dealing effectively with the lifelong needs of autistic people.

During the break week, I spent two days at the Ability Hub in Calgary, Alberta. Funded by the Sinneave Family Foundation, it's an impressive centre providing services for the autism community in Alberta. There are so many good things happening in Alberta and at this Ability Hub, such as the state-of-art software and data services program for autistic adults. It is called Meticulon, and here autistic adults can find meaningful work by being matched with a software company. There's also a community access program that trains and matches adults with companies like London Drugs, Tim Hortons and Safeway.

There's another program, called Launch, which focuses on improving the quality of life and level of independence of adolescents and adults with an autism spectrum disorder.

Some 425 families are utilizing the Ability Hub. They like to talk about promising practices there. I look at the Ability Hub in Calgary and see an opportunity to share those practices with the rest of the country. Step by step, we are moving toward the major recommendation in our Senate report, *Pay Now or Pay Later*, a national autism spectrum disorder strategy.

In many respects, the federal government has taken up the challenge with disability tax credits, job creation initiatives and research chairs, but there is so much more to be done. The key is to bring everyone together and to have everyone working from the same page.

I stand here today thinking of a little five-year-old boy I met last week also in Calgary. His name is Tahir. He was being nurtured at the autism organization called the Society for Treatment of Autism. My goodness, what great work they do! Tahir was with a behavioural intervention therapist in a sensory room, a room that offers a peaceful but stimulating environment. Tahir smiled and held my hand. Sometimes he would joyfully jump up and down, communicating the only way he knows how to. He is non-verbal, but he still speaks to you through his smile and his eyes. Tahir wouldn't even smile two years ago.

My hope during this Autism Awareness Month is that when Tahir reaches adulthood, there will be a real place in society for him to thrive, to work and to love. Step by step, we as politicians have a moral obligation to get him there.

We are all in this together.

[*Translation*]

ROUTINE PROCEEDINGS

JUSTICE AND ATTORNEY GENERAL

FEDERAL OMBUDSMAN FOR VICTIMS OF CRIME— 2012-13 ANNUAL REPORT TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2012-13 Annual Report of the Office of the Federal Ombudsman for Victims of Crime.

• (1420)

[*English*]

FEDERAL OMBUDSMAN FOR VICTIMS OF CRIME— GOVERNMENT RESPONSE TO 2012-13 ANNUAL REPORT TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the government response to the 2012-13 Annual Report of the Office of the Federal Ombudsman for Victims of Crime.

COMMISSIONER OF LOBBYING

LOBBYISTS' CODE OF CONDUCT—CORRESPONDENCE CONTAINING PROPOSED AMENDMENTS TABLED

The Hon. the Speaker *pro tempore***:** Honourable senators, with leave of the Senate, I have the honour to table, in both official languages, correspondence from the Commissioner of Lobbying containing proposed amendments to the Lobbyists' Code of Conduct.

Is leave granted, honourable senators?

Hon. Senators: Agreed.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SIXTH REPORT OF COMMITTEE PRESENTED

Hon. Vernon White, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Tuesday, October 21, 2014

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

SIXTH REPORT

Pursuant to rule 12-7(2)(a), your committee reports as follows:

On April 1 and June 16, 2014, the Senate adopted respectively the third and fifth reports of the Standing Committee on Conflict of Interest for Senators, which resulted in amendments to the *Conflict of Interest Code for Senators*, which has been renamed the *Ethics and Conflict of Interest Code for Senators*. The third and fifth reports of the Standing Committee on Conflict of Interest for Senators noted that consequential amendments to the *Rules of the Senate* would be required as a result of these amendments to the Code. The Standing Committee on Conflict of Interest for Senators therefore recommended that your committee undertake a study with the view to recommend the appropriate consequential amendments to the *Rules of the Senate*.

Your committee has therefore reviewed the *Rules of the Senate* in light of the new *Ethics and Conflict of Interest Code for Senators*, and now recommends that the *Rules of the Senate* be amended by:

1. **replacing the words "***Conflict of Interest Code for Senators***" by the words "***Ethics and Conflict of Interest Code for Senators***" wherever they appear in the Rules, including in the lists of exceptions and references;**

2. **replacing the words "**Standing Committee on Conflict of Interest for Senators**" by the words "**Standing Committee on Ethics and Conflict of Interest for Senators**" wherever they appear in the Rules, including in the lists of exceptions and references;**

3. **replacing the reference to the Code after rule 6-12(1) by a reference to subsection 51(2);**

4. **replacing current rule 9-7(1) with the following:**

   "Procedure for a standing vote

   9-7. (1) At the end of the time provided for the ringing of the bells, the Speaker shall:

   (a) announce the names of Senators present who have made and not retracted a declaration of private interest in the matter, and whose names shall not be called except to abstain;

   (b) inform the Senate, if applicable, that a Senator who is the subject of a report of the Standing Committee on Ethics and Conflict of Interest for Senators shall not vote on any motion relating to the report, and that Senator's name shall not be called; and

   (c) then ask the "yeas" to rise for their names to be called, followed by the "nays" and then any abstentions.**";**

5. **replacing the marginal note for rule 12-7(16) by "**Ethics and Conflict of Interest for Senators**";**

6. **replacing the marginal note for rule 12-27(2) by "**Quorum of Committee**";**

7. **replacing current rule 12-28 with the following:**

   "In camera meetings

   12-28. (1) Meetings of the committee shall be in camera unless the committee accepts the request of the Senator who is the subject of an inquiry report from the Senate Ethics Officer that the meeting be in public.

   REFERENCE

   Ethics and Conflict of Interest Code for Senators, *subsections 36(1) and (2)*

   Participation of non-members

   12-28. (2) When the committee is meeting in camera, only members of the committee or, by decision of the committee, a Senator who is the subject of an inquiry report may attend and participate in deliberations.

   REFERENCE

   Ethics and Conflict of Interest Code for Senators, *subsections 36(3) and (4)***";**

8. **replacing current rule 12-30(1) with the following:**

   "Motion deemed made

   12-30. (1) A motion to adopt a report of the committee concerning a Senator shall be deemed moved on the fifth sitting day following its presentation, if the motion is not moved earlier.**";**

9. **deleting the references to the code after current rules 12-30(2) and (3);**

10. **adding the following new rules 12-30(3) and (4) immediately after current rule 12-30(2):**

    "Referral back to the committee

    12-30. (3) For greater certainty, the Senate may refer a report of the committee back to the committee for further consideration.

    REFERENCE

    Ethics and Conflict of Interest Code for Senators, *subsection 51(4)*

    Former senator

    12-30. (4) If a report of the committee deals with the conduct of a former Senator, he or she shall be invited to speak to the report as a witness before a Committee of the Whole.

    REFERENCE

    Ethics and Conflict of Interest Code for Senators, *subsection 51(3)***";**

[Senator White]

11. renumbering current rule 12-30(3) as rule 12-30(5);

12. adding the following new rule 12-30(6) immediately after current rule 12-30(3):

"Voting

12-30. (6) A Senator who is the subject of a report of the committee shall not vote on any motion relating to the report.

REFERENCE

Ethics and Conflict of Interest Code for Senators, *subsection 51(5)*"**;**

13. renumbering current rule 12-30(4) as rule 12-30(7); and

14. updating all cross references in the Rules, including the lists of exceptions, accordingly.

Respectfully submitted,

VERNON WHITE
Chair

The Hon. the Speaker *pro tempore***:** Honourable senators, when shall this report be taken into consideration?

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

STUDY ON PRESCRIPTION PHARMACEUTICALS

FIFTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE TABLED

Hon. Kelvin Kenneth Ogilvie: Honourable senators, I have the honour to table, in both official languages, the fifteenth report, interim, of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *Prescription Pharmaceuticals in Canada: Unintended Consequences*.

The Hon. the Speaker *pro tempore***:** Honourable senators, when shall this report be taken into consideration?

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

[*Translation*]

CRIMINAL CODE
CANADA EVIDENCE ACT
COMPETITION ACT
MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-13, An Act to amend the Criminal Code, the Canada Evidence Act, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act.

(Bill read first time.)

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

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

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY INTERNATIONAL MARKET ACCESS PRIORITIES FOR THE CANADIAN AGRICULTURAL AND AGRI-FOOD SECTOR

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

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine and report on international market access priorities for the Canadian agricultural and agri-food sector. The study will focus on:

a) the expectations and concerns of stakeholders from the Canadian agriculture and agri-food sector;

b) sustainable improvements to the production capabilities of the supply chain;

c) diversity, food security and traceability; and

d) the competitiveness and profitability of Canada's agriculture and agri-food sector (including producers and processors).

That the Committee submit its final report to the Senate no later than December 31, 2015 and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

[*English*]

QUESTION PERIOD

JUSTICE

ASSISTED DYING

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate, and it is one again of a series of questions that we have received in response to our invitation to Canadians to ask questions on their behalf.

Today's question comes from Mr. David Moscrop of Vancouver, British Columbia. His question is as follows:

The people of Canada overwhelmingly support the legalisation of assisted-dying; evidence from abroad suggests that this right could be extended to citizens in a

safe, responsible way. The government, however, maintains that Canadians should not be granted the right to die. Given that a strong majority of Canadians disagree with the government's position, and given that the right to die could be safely and responsibly established, how can the government maintain their opposition to assisted-dying?

[*Translation*]

Hon. Claude Carignan (Leader of the Government): Honourable senators, a private member's bill was introduced in the House of Commons, and Parliament made a decision on medical assistance in dying. The government does not intend to reopen the debate.

[*English*]

Senator Cowan: Obviously the government doesn't wish to reopen the debate, but as Mr. Moscrop has indicated in his question, there is an evolving change of attitude on the part of Canadians. As you will know, the matter is before the Supreme Court as we speak and was argued last week.

I'm sure that there are divisions amongst Canadians, just as there are divisions amongst those of us who sit in Parliament, whether it is in the Senate or in the House of Commons.

At one of our open caucus meetings, the subject of which was end of life issues, your colleague Steven Fletcher presented a very eloquent case in support of a private member's bill that he has introduced. On the other hand, your colleague Justice Minister Peter MacKay has supported the position you have provided in answer to Mr. Moscrop's question.

Recognizing that this is an important issue, that Canadians appear to be strongly in support of a change to the existing law, would your government not consider at least publishing a white paper outlining the pros and cons of legislation so that Canadians would be provided with an opportunity and a context within which to carry out this kind of debate?

[*Translation*]

Senator Carignan: As I said, assisted suicide is an important, emotionally charged issue that many Canadians and families find divisive. The matter is currently before the highest court in the land.

In April 2010, a large majority of members of the House of Commons chose not to change the law. As I said, the government does not intend to reopen the debate now.

• (1430)

[*English*]

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, it is indeed a highly emotional question, very difficult, and the closer one looks at it, the more difficult and complicated it gets. But I would suggest, leader, that there may be a role here for the Senate to do what it has done so often and so well in the past.

In the mid-1990s, there was the Special Senate Committee on Euthanasia and Assisted Suicide chaired by Senator Joan Neiman, and it reported in 1995. At that time, a majority of the committee recommended that euthanasia and assisted suicide remain criminal but that research be done into the volume and basis for assisted suicide requests, and a minority of the committee actually recommended legalizing assisted suicide.

That was nearly 20 years ago, and as Senator Cowan suggested, there has been much public debate, considerable evolution in public attitudes and a significant amount of new research has been done, as I understand it. Would the government at least be willing to support the creation of a new special committee to go back and look in a very careful, thoughtful, sober way at this question, as the Senate did so well 20 years ago?

[*Translation*]

Senator Carignan: Twenty years ago, the Supreme Court also ruled on *Rodriguez* and now it is deliberating the matter again. As I said, the government has no intention of reopening the debate at this time.

CITIZENSHIP AND IMMIGRATION

FRANCOPHONE IMMIGRATION

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate and, once again, it has to do with francophone immigration.

I would like to reiterate how frustrated francophone minority communities are that the Francophone Significant Benefit Program has been cut. A number of employers in francophone communities in Manitoba are discouraged because they can no longer use this program to bring in the skilled francophone workers that they cannot find in Canada.

For example, a farmer back home said he is stunned and completely discouraged, while owners of pastry shops and bakeries do not understand the rationale behind the federal government's decision. This was the only tool available to minority communities to achieve tangible results with regard to francophone immigration here.

Leader of the Government in the Senate, this decision will have a major economic impact on our small francophone businesses. A number of these employers are talking about closing shop if they cannot access this know-how that they were seeking elsewhere because it is unavailable here.

Could you ask the Minister of Citizenship and Immigration to address this serious concern immediately and consider implementing another initiative to support francophone immigration?

Hon. Claude Carignan (Leader of the Government): As you know, the changes the government recently made to the francophone Temporary Foreign Worker Program will ensure that available jobs are first offered to Canadians. The primary objective of these changes was to ensure that our programs are coherent. That is why the exception under the Francophone Significant Benefit Program was eliminated as of September 30.

In 2013, the number of francophone newcomers who came to Canada under this program was less than one per cent of the total number of foreign workers in Canada.

I can assure you that the government will obviously continue to promote francophone immigration through its permanent immigration programs. Some immigration applications will be processed in six months or less as part of the Express Entry program. We will continue to do our job promoting francophone immigration.

Senator Chaput: Thank you.

It's hard to hear that some programs have an impact of less than one per cent. I've heard that many times and not just here. As a minority francophone, I have a hard time hearing that, because less than one per cent isn't much for a majority, but it's a lot for a minority. We can never forget that.

The Minister of Citizenship and Immigration promised that a consultation would be held, because he wants to support minority communities. He was pretty direct about that. The communities are patiently awaiting the consultations that the minster promised. My supplementary question is the following: When will the consultations promised by the minister be held with official language minority communities?

Could you please find out that information and get back to me?

Senator Carignan: Senator, as I said, our government will continue to promote francophone immigration through its permanent programs. As you also know, as part of the Roadmap for Canada's Official Languages 2013-2018, which focuses on education, immigration and communities, Citizenship and Immigration Canada has invested $29.4 million to support official language minority communities. The Government of Canada is funding 13 francophone immigration networks across the country. These networks bring together key stakeholders with the goal of working together to increase francophone immigration in the targeted communities. Recently, Minister Alexander committed to holding consultations to find ways of attracting the best and brightest francophones to help us meet our labour needs.

Knowing Minister Alexander, who is a minister in the Conservative government and a government that keeps its word, I can assure you that he will follow through.

Senator Chaput: I am confident that the minister will follow through, but I asked you to find out the information and then provide me with a response about when the minister will hold consultations with official language minority communities.

Senator Carignan: I think the minister was clear when he said he would hold consultations. When he decides to hold those consultations, if you insist, I will be sure to inform you.

Hon. Claudette Tardif: I have a supplementary question for the Leader of the Government in the Senate. Can you tell us why the government cancelled the Destination Canada program, which helped francophone organizations in various provinces travel to francophone countries for recruitment purposes?

Senator Carignan: Senator, as I said, there are groups, francophone immigration networks, that are funded throughout the country to ensure that we get high-quality francophone immigrants. It works well. If you have suggestions for improving the system, as we have mentioned, Minister Alexander will be holding consultations to find ways of attracting the most talented and gifted francophones. You can make your suggestions to the minister when he holds those consultations.

Senator Tardif: When?

Senator Robichaud: When?

[*English*]

NATIONAL SECURITY AND DEFENCE COMMITTEE

SECURITY THREATS—WORK OF COMMITTEE

Hon. George Baker: Honourable senators, my question is to the Chair of the Standing Senate Committee on National Security and Defence, the very capable Senator Lang, who sits next to the very capable Senator Neufeld. Between the both of them, they were cabinet ministers in at least 12 government departments in other jurisdictions.

• (1440)

The National Security and Defence Committee of the Senate, which was in the news this morning and last night, is studying the very serious subject of security threats facing Canada. I wonder if the chairman of the committee could bring us up to date on the activities of his committee relating to this matter.

Hon. Daniel Lang: Senator Baker, thank you very much for the question, and thank you very much for the recognition of myself and my colleague from British Columbia and the time that we spent in that part of the world in the world of politics.

First, colleagues, I would express on behalf of all members of the National Security and Defence Committee our condolences to the family of the young Canadian soldier who lost his life as a result of the attack yesterday. Our thoughts and prayers are with his family and that of the second Canadian soldier who sustained injuries as well.

In respect to our committee and the work that we're doing, I'd first like to refer back to an earlier study that was tabled in this house and agreed to in this house, the ballistic missile defence report. Just to bring you up to date in respect to that report, it was tabled here and agreed to, and I would give all members on both sides of the house who are on the committee a lot of credit and respect for the work that was put into making a report that has been very seriously considered by the government. I know that the Government of the United States has a copy of that report as well. It will be interesting to see what happens in the future as a result of all that hard work.

I would also like to bring you up to date that the committee is in the process of completing an in-depth report on the Canada Border Services Agency and the determination of individuals who are deemed inadmissible to Canada. We hope that report will be concluded before the end of the year.

Yesterday, colleagues, the committee commenced two new studies. The senator referred to one of them, and that is in respect to the question of the security threats facing Canada — and I just want to go through the terms of reference and remind everybody — including but not limited to cyberespionage, threats to critical infrastructure, terrorist recruitment and financing, terrorist operations and prosecutions.

This timely study I think is appropriate on the question of the very serious threats we face as far as terrorism is concerned. We are exploring the subject that I believe is foremost in the minds of Canadians and the questions that are being asked: What are the terrorism threats that we as Canadians face; how significant are these threats that we face; and what can reasonably be done by government, by the private sector and by the general public to meet these threats which are on an ongoing basis and ever escalating? This is, in my judgment, a public conversation that Canadians need to have to be reasoned and well-informed, and I'm pleased that the Senate has directed our committee to undertake this particular study.

Another area I just want to inform all senators about is that we are commencing a study on the national security and defence issues of Indo-Asia Pacific relations and their implications for Canada's national security and defence policies, practices, circumstances and capabilities.

With regard to the Indo-Asia Pacific region, we were told yesterday by Dr. James Boutilier, a special adviser on policy at Canada's Maritime Forces Pacific headquarters, that Canada is late to the region and we must focus on the defence and security issues equally to those relating to trade and commerce.

Honourable senators, as we go forward, I'm pleased to report that our committee is meeting from 1:00 to 5:30 on Mondays. We are doing everything we can to use the full four hours that has been allotted to us.

I will go back to the question that the senator put to me in respect to the anti-terrorism issue. I should point out to all colleagues and go back in time to the anti-terrorism Senate report that was tabled in this house I believe in 2011 by Senator Joyal. We are utilizing that as a basis, as a foundation, in respect to part of our study, so, in that respect, I just want to let senators know that the Senate reports tabled in this house are reviewed and are used for further reference.

Senator Baker: Excellent response, Mr. Chairman.

I should also note other members of the committee: Senator Mitchell, Senator Beyak, Senator Dagenais, Senator Day, Senator Kenny, Senator Ngo, Senator Stewart Olsen and Senator White.

I wonder if the chair would give the Senate some idea of when the committee might be hoping to complete its study on this very important subject?

Senator Lang: With our terms of reference, honourable senators, we are obliged to report on or before December 2015. I hope that we will be able to maybe have one or two interim reports prior to that, depending on what conclusions we come to.

I should point out for senators interested that this coming Monday we will have the Commissioner of the RCMP, Commissioner Paulson, appearing before the committee to further discuss and explore the question of terrorism and the responsibility that the RCMP is charged with. That should add to the information that's being provided to the general public.

I just want to conclude on the fact that I think it's really important that people understand the reason we, as the Senate, have undertaken this study is to have a public conversation, as I said earlier, in a reasonable manner and that Canadians become fully aware of what Canadians face as far as these threats are concerned.

[*Translation*]

NATIONAL REVENUE

PROVISION OF FINANCIAL INFORMATION TO THE UNITED STATES

Hon. Céline Hervieux-Payette: During the week before the Thanksgiving break, my colleagues may have had an opportunity to meet with several people here in Ottawa as part of the Canadian cooperatives conference. The last budget included provisions to implement an agreement with the United States under which the Canada Revenue Agency could be asked to provide the U.S. government with any financial information it has on U.S. citizens. This operation has already cost Canadian banks $750 million so far. Cooperatives, however, are exempt, and they even advertise this.

My question is very simple: Will cooperatives, which are made up primarily of people in rural areas and small- and medium-sized businesses, also be compelled to hand over all of their financial data on American citizens living here in Canada?

Hon. Claude Carignan (Leader of the Government): That is a technical question on the agreement, so I will take your question as notice and give you an answer at a later date.

Senator Hervieux-Payette: To make your task a little easier, I will continue in English, because that is the language we used when studying that act, called FATCA.

[*English*]

It's not just a treaty between Canada and the United States. All major countries are required to provide the U.S. Government with the same information. This means that a very large chunk of the information of the global financial system will be held by the U.S. Government, information that could be very lucrative should it fall into the hands of a private financial institution, extremely lucrative for an economy wanting to ensure its financial services dominate global finance, as we have seen with that Wall Street debacle.

What guarantees does your government have that all information will be secure within the Government of the United States and that no private or public financial institution in the United States will benefit with all this information?

[*Translation*]

Senator Carignan: I can assure you that any time this kind of information is shared, it is shared in accordance with the law. Every effort is made to protect people's privacy and the confidentiality of the information that is passed on.

Also, I can complete this part of the answer, if you would like, as part of my response to the first part of the question.

• (1450)

[*English*]

ORDERS OF THE DAY

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED

Hon. Judith Seidman moved third reading of Bill C-17, An Act to amend the Food and Drugs Act.

She said: Honourable senators, I am very pleased to once again speak to Bill C-17, a bill to protect Canadians from unsafe drugs, also known as Vanessa's Law.

I was privileged to be a part of the consideration of this legislation in my role as a member of the Standing Senate Committee on Social Affairs, Science and Technology. Our committee had the opportunity to hear from physicians, pharmacists, researchers, academics, drug safety and health law experts, stakeholders such as patient associations and the pharmaceutical industry, and of course Member of Parliament Terence Young and the Minister of Health.

Bill C-17 will bring significant improvements to the health and safety of Canadian families. Vanessa's Law, if passed, will give the Minister of Health new tools to better respond to drug safety issues such as the power to recall unsafe drugs, impose stiff financial penalties and require mandatory adverse reaction reporting by health care facilities.

Today, I would like to focus on one special population, our children, and the considerations included in Bill C-17.

Any parent who learns that their child is critically ill will tell you that their whole world turns upside down. You forget about work, daily routine, friends and even yourself. Your goal is to ensure that your child gets the best help possible in order to get better. You watch for improvements hour by hour, week by week, and quite often month by month. You spend every ounce of your energy focusing on helping. After all, you want your child to feel better, to go out again to play with friends and go to school. You simply want your child to be happy and healthy again.

As a parent you love and nurture your child through their illness. You may spend countless hours in hospitals and clinics. You get to know the hospital staff well: the doctors, the nurses, the front desk receptionists and even the staff in the hospital's coffee shop. You build trust in the health care professionals and the treatments they provide. You want the treatments for your child to be the best the system can offer.

Most importantly, you expect the medicines used for your child to be safe and effective. Indeed, honourable senators, let us not forget that this bill is named after one child, Vanessa, who tragically fell victim to an adverse drug reaction.

This is where I want to take a few moments to speak about the provisions proposed in Vanessa's Law that will strengthen Health Canada's ability as a regulator. Should Vanessa's Law be passed, it will ensure that treatments received by children are the most relevant, up to date and based on the most recent safety information about the drug or medical device.

If Bill C-17 is passed it will ensure that our knowledge about the approved drugs and medical devices continues to be gathered not just before but also after they are sold on the market.

In the past, treatment decisions involving the use of drugs in children were often derived from the data in drug studies on adults. However, we know that the safety and effectiveness of medications in children may be significantly different than in adults. Science has determined that children have very different physiology and disease presentation and they metabolize drugs differently.

Therefore, when a pharmaceutical company develops a treatment for pediatric use, it will gather knowledge about that drug before it is approved by Health Canada and sold on the market. In its development, the drug will make its way from bench top to bedside, through laboratory synthesis and, most importantly, through clinical trials.

Currently, clinical trials are a very important source of information. A clinical trial sponsor recruits children across the country, if not the entire continent, in various academic centres and hospitals to study and determine the appropriate use, dose, duration and delivery method of the drug. It also determines situations when the drug should and should not be used in that population. Health Canada then reviews all the results of these tests and studies, and if the product is safe, effective and of high quality, it gives the company a licence to market the drug in Canada for a particular use, in a particular pediatric population, and for a specified treatment duration.

However, once products reach the market, Health Canada's ability to gather knowledge about them has been limited, as has been the ability to take action when problems arise. When it comes to children and the treatments used, Health Canada must have the same abilities to take action before and after a drug reaches the market.

This is where the new provisions in Bill C-17 come in. If passed, Bill C-17 will give the Minister of Health the ability to set terms and conditions on an authorization and to make the terms and conditions publicly available. This means that, as part of the

authorization, Health Canada will be able to ask the pharmaceutical companies to continue to gather information in the real world after the product reaches the market and ensure that Canadians have easy access to this information.

In this circumstance, Health Canada may require the companies to gather information about children with multiple medical conditions. For example, Health Canada may require the companies to look at the effect of a drug in children with impaired kidney function. This information may not have been studied in the initial clinical trial, and the approved label would indicate that. However, this information may prove to be important later as we gather real-world experience and see children with that medical condition use the drug.

With this new ability, Health Canada will be able to do more than just issue warning letters. Health Canada will be able to compel the pharmaceutical companies, who benefit from the sale of these drugs, to conduct active safety surveillance among previously unstudied subpopulations or to look at how the product is actually being used in the marketplace.

If passed, Bill C-17 will allow the Minister of Health to compel a label change for the drug and make that information publicly available to Canadians. This means that when there is a safety concern about the drug, the label needs to be updated. With this new ability, such updating will be done immediately, without lengthy negotiations, in order for health care professionals treating children to be aware of the changes being requested and to receive the most recent, up-to-date information.

We know that adverse drug reactions are under-reported, and it is critical that we increase their reporting. Of course, Bill C-17 proposes mandatory reporting of serious adverse drug reactions and medical device incidents by health care institutions. These serious adverse drug reaction reports received from manufactures, health care institutions, health care professionals and the public are often the first sign of emerging safety issues related to a drug.

Bill C-17 will mandate Health Canada to take quick action and transfer this knowledge to other health care professionals and Canadians in order to prevent further harm and tragic consequences from occurring to another child who may be on the same drug.

These are just some of the new provisions proposed in Vanessa's Law which will ensure our knowledge about approved drugs and medical devices continues to be gathered not just before but also after they are sold on the market.

• (1500)

Honourable senators, thank you for giving me the opportunity to speak yet again on some of the benefits of Bill C-17 and how this legislation will improve patient safety and positively impact Canadians and their families. It has been an honour and a privilege to be a part of this landmark legislation in pursuit of a health system that is both safe and effective for Canadian families.

I know that all honourable senators will join in my thanks to Member of Parliament Terence Young and the Honourable Minister Ambrose for bringing this legislation before us. Thank you.

[Senator Seidman]

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

YUKON ENVIRONMENTAL AND SOCIO-ECONOMIC ASSESSMENT ACT NUNAVUT WATERS AND NUNAVUT SURFACE RIGHTS TRIBUNAL ACT

BILL TO AMEND—THIRD READING

Hon. Daniel Lang moved third reading of Bill S-6, An Act to amend the Yukon Environmental and Socio-economic Assessment Act and the Nunavut Waters and Nunavut Surface Rights Tribunal Act.

He said: Colleagues, I am pleased to move Bill S-6, the Yukon and Nunavut regulatory improvement act, for third reading. For the record, I would like to recognize the work of the chair, Senator Neufeld, and the deputy chair, Senator Massicotte, of the Standing Senate Committee on Energy, the Environment and Natural Resources, and their colleagues and staff, who did such a comprehensive review of the legislation that is now before you.

As most members know, the purpose of Bill S-6 is to update and modernize environmental regulatory processes in Yukon — the Yukon Environmental and Socio-economic Assessment Act, YESAA — and Nunavut — the Nunavut Waters and Surface Rights Board Tribunal Act.

During these hearings, the committee heard from witnesses from both Yukon and Nunavut who spoke to the necessity and benefits of Bill S-6 for their respective territories.

In particular, Yukon's premier, Darrell Pasloski, strongly endorsed the proposed amendments to the Yukon Environmental and Socio-economic Assessment Act. He noted that when the act was first brought in place in 2003, it was cutting-edge and the envy of the rest of the country because it promoted the principle of "one project, one assessment."

Since that time, this principle has been brought into place in all other jurisdictions in Canada. However, he said that due to additional changes to modernize environmental assessment legislation elsewhere in Canada:

> . . . we are now in a position where we are not as competitive with other jurisdictions. Quite frankly, we would like to get back on an equal footing with all other jurisdictions in this country.

This past summer, I met with numerous stakeholders in Yukon who told me the same thing.

One of the issues that was raised with me in regard to the challenges with the existing regulatory regime is that mining projects already granted approval and permits are often subject to new environmental assessments for only minor changes to projects. Several projects have been put on hold or even abandoned altogether due to this requirement, resulting in lost job and economic opportunities.

Honourable senators, not only is this a time-consuming and inefficient use of taxpayer dollars to force projects back into assessment when no significant changes to the project have transpired, it also creates an uncertain investment climate that places future economic development at risk.

Bill S-6 proposes to remove this red tape and instead require a new assessment only when a "significant" change is being pursued. This is consistent with changes made recently to other environmental assessment legislation. The bill also goes further to clarify that any one decision body can determine whether a project requires reassessment. In the case of settlement land, this means that the First Nation is the decision body.

The introduction of the "beginning-to-end" time limits through Bill S-6 will also serve to provide predictability for proponents and, in turn, promote economic certainty and investor confidence. The defined time limits will also ensure much-needed discipline of timely decisions in the regulatory process.

David Morrison, President and CEO of Yukon Energy Corporation, told the committee about the need for certainty for investment purposes, specifically commenting on the benefits of the time limits set out in Bill S-6. He explained that he has been through 3 executive committee screenings, 33 designated office screenings and 39 screenings through the YESAA process. As somebody with more practical experience with YESAA than anyone else in the territory, he outlined the challenges posed by the current system.

He described a recent situation in which it took 82 days to go from a draft screening report to a final screening report for a project involving a transmission line following a highway. He wondered why 30 days were required for public comment and 52 additional days to finalize a draft screening report already written.

He further explained how predictable timelines are imperative to getting resource development projects operational — on schedule and on budget — stressing, "When you are spending hundreds of millions of dollars, you need to know what the rules of the game are and you need to have them consistent." This is beneficial not only for mining companies but also for municipalities who rely on this process for infrastructure projects.

Concerns were raised in regard to this bill, particularly related to clause 6, which provides for the delegation of the Minister of Aboriginal Affairs and Northern Development's powers to a territorial minister, and clause 121, which provides for the minister to issue binding policy direction to the board.

These issues were raised at committee, and I just want to touch on them briefly.

The delegation of authority is in the spirit of the devolution of powers to the Yukon government and our government's belief that decisions are best made closer to home. That being said, the minister and premier both made it very clear that no delegation of authority is being contemplated at this time.

When it comes to policy direction, this legislation makes it clear that policy direction must be consistent with the Umbrella Final Agreement between the Crown and Yukon's First Nations.

Policy direction may only be given with respect to the exercise or performance of the board's powers, duties or functions under the act. It cannot be used to guide a specific project, nor can it impede the board's ability to perform its legal duties or expand or restrict the powers of the board.

As my honourable colleagues will be aware, the government did not arrive at Bill S-6 overnight. Rather, this bill is the result of extensive consultation with key stakeholders, especially the First Nations. The consultations lasted seven years, beginning with the first five-year review process in 2008, which continued until 2012. It resulted in agreement for 72 out of 76 recommendations on how to improve the process.

This five-year review process was followed by subsequent consultations on additional amendments to align YESAA with changes made to other environmental assessment legislation in the other Northern territories, as well as south of 60.

The committee was informed that funding was made available to all Aboriginal groups throughout the consultation process to review the legislative proposals, prepare written representations and attend consultation sessions. The committee heard concerns about the authority of this bill over the question of the authority of the Umbrella Final Agreement.

To address this concern, the committee added the following observation to Bill S-6:

> The committee notes the concerns raised around the issue of delegation of authority and urges the government to ensure that any delegation of authority to the territorial government be in keeping with the Umbrella Final Agreement signed with Yukon First Nations.

I would also like to point out that nothing in Bill S-6 changes the fact that YESAA is a co-managed process wherein First Nation participation and representation is guaranteed with their nomination of three of seven members of the regulatory board.

Finally, when it comes to the amendments to the Nunavut Waters and Surface Rights Board Tribunal Act, which manages and regulates the use of water in Nunavut, my colleague Senator Patterson from Nunavut would say the most important provision in this bill is section 76, which deals with the issue of over-bonding in Nunavut.

This provision will help to provide clarity for proponents and for Nunavummiat on how to deal with security agreements where both Inuit and Crown land is involved. This is very important, as Inuit own up to 18 per cent of the land in Nunavut, which makes the Inuit the biggest private landholders in the world, and almost every proposed mining project in Nunavut is either on or needs access through Inuit land.

In addition, the bill proposes to increase fines, establish administrative monetary penalties, put in place beginning-to-end timelines for decisions on water licences and provide for the development of cost-recovery regulations.

The Minister of Environment for Nunavut, Johnny Mike, when he appeared before the committee, described the bill as "an important step in creating an effective and modern regulatory regime for Nunavut" and said it "will give the board and regulators important new powers that will ensure that water use in Nunavut is sustainable and environmentally safe."

• (1510)

Colleagues, the ultimate goal of this bill, like our efforts to strengthen the Northern regulatory regimes, is to further unlock the economic potential of the North, while ensuring sound environmental stewardship. This will help the territories to remain an attractive place in which to invest, live, work and raise our families for years to come.

I urge all senators to join us in supporting the North's economic future through the passage of this bill.

Hon. Grant Mitchell: Honourable senators, I rise with pleasure to endorse the comments of my colleague Senator Lang. He has described what Bill S-6 is designed to do exceptionally well and I won't repeat that very exhaustive list of initiatives that are encompassed and undertaken in this bill.

I would like to congratulate Senator Lang and Senator Patterson, as well. They're both exceptionally passionate and effective representatives for their respective regions and I admire greatly the work that they do.

I also would like to congratulate, as has Senator Lang, the chair of the committee, Senator Neufeld, and the committee for their excellent and very exhaustive work on this piece of legislation. There was a long, comprehensive, broadly based list of witnesses, and I think we would all agree that it would be hard to argue against the conclusion that every feature of this bill was more than adequately discussed and that the testimony covered every feature very well.

I would like to congratulate the public servants, both from the side of the federal government and in each of the territories, who worked on this important piece of legislation. It was remarkable, in fact, to see their passion, the way in which they have grabbed this great initiative to build the North and build these two territories and the Northwest Territories and other legislation as well. They gave us direct answers, very comprehensive answers, and they went out of their way — in particular, in one of the later meetings, the federal public servants — to specifically address concerns that had been raised throughout the series of meetings and the testimony. I congratulate them and want to draw colleagues' attention to the quality of their work.

As Senator Lang has alluded to, there were some concerns raised in the witness testimony and these were taken extremely seriously, I know, by the committee. They were explored at length.

There was the concern raised, in particular, by Aboriginal groups about the level, the extent, the intensity, if you will, of consultation. I am sensitive to that issue, as sensitive as somebody who isn't Aboriginal can be, perhaps. I would hope that is the case, but I do believe that there was extensive consultation. It wasn't the fact that that consultation resulted in Aboriginal peoples getting everything that they had requested or would have wanted to get, but I think that there was a legitimate, intense, in-depth effort to consult broadly, genuinely, and with sincerity, with Aboriginal peoples.

There's also the question of capacity that is often an issue we have found in studying issues in the North, though perhaps not so much on the Yukon side, which is developed a little bit further than Nunavut. Not to be diminishing the greatness of Nunavut and its capabilities, but I think there is a concern that needs to be considered as we move forward under this legislation and under the devolution of authority and processes under this legislation. It is the question of the capacity of the public service and also the question of the capacity, particularly financial and other, of the many groups that are involved, particularly Aboriginal groups, in some of the processes for the development and for the processing of certificates and certification for various development projects.

I will say that, being somebody who is — and I know we all are — concerned with the environment, we have to be very careful with the environment in the North. Certainly, people in the North are aware of that. Aboriginal peoples are particularly aware of that, as well.

I think what can be said here for certain is that it would be unfair not to have the same kind of environmental process and advantages to economic development that apparently will come from those in the North as are available to development processes in the South. I think that, to that extent, for sure, that is a worthy initiative.

Senator Lang also mentioned the question of the powers of delegation of the minister and the retention of the minister's power to make policy direction within some of these environmental review and other processes. I would like to mention that that initially struck me, and probably others, as a concern, but we explored that quite deliberately and extensively.

It is interesting to note that, of course, the minister has those powers now and so the fact that they haven't been dealt with in this legislation isn't, in any way, a change. It simply sustains the status quo. It might be that some would say an opportunity was missed, but that opportunity is not forgone. There are still possibilities, over time, for that to be further addressed.

I specifically asked the federal public servants who were working on this how many times that power had been exercised by a minister and they specifically said four times. What was interesting, because this concern came, at least in part, from Aboriginal groups, is that they said that each of the four times the minister intervened to protect and promote the interests of the Aboriginal peoples, particularly those that have been captured in their various agreements and rights.

We have had experience with this power to impose policy direction and that experience, in fact, very much met, ironically, the concerns of people who seemed to raise it as a concern. So I'm not as concerned about that particular issue at

this time, and, as I say, the possibility of changing it in the future is not precluded and, as the capacities, history, traditions, processes and life in the North evolve, many more changes will come.

I think it should be noted that, in many respects, this bill is another bill, one of three, that constitutes nation-building. It doesn't happen all the time that we begin to build a region or a government. They're not provinces yet. One day, perhaps, they will be, but this is a step along that way. I'm not a lawyer, but I would finish by also saying that it may well be that this kind of initiative to strengthen the institutions in the North and the presence in the North in that way will have a great deal to do with our claim to Arctic sovereignty as that becomes increasingly an issue, as we already all know that it is.

I will be voting for this bill, and I congratulate the territories, the premiers, the governments and all of those who have worked on it.

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

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

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Batters, seconded by the Honourable Senator Beyak, for the second reading of Bill C-36, An Act to amend the Criminal Code in response to the Supreme Court of Canada decision in Attorney General of Canada v. Bedford and to make consequential amendments to other Acts.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise to speak at second reading of Bill C-36, an Act to amend the Criminal Code in response to the Supreme Court of Canada decision in *Attorney General of Canada v. Bedford* and to make consequential amendments to other Acts, better known by the short name, the Protection of Communities and Exploited Persons Act. As honourable senators are aware, the Standing Senate Committee on Legal and Constitutional Affairs did a
pre-study of Bill C-36, and I would like to thank Senator Batters, the sponsor of the bill, for the extensive work she has already done on it.

• (1520)

I have always believed that the House of Commons votes on bills with consideration of the rights of the majority and that the Senate was created to protect the rights of minorities. I believe that our role is to protect the most marginalized and the rights of minorities.

Honourable senators, I would first like to outline the fundamental changes that Bill C-36 brings forward. The Minister of Justice stated explicitly that this bill will make prostitution illegal in Canada. For the first time, prostitution will be illegal in Canada under Bill C-36.

Bill C-36 is rooted in the belief that all sex workers are victims. Justice Minister Peter MacKay stated that the bill "treats sellers as victims of sexual exploitation, victims who need assistance in leaving prostitution." This is the foundation of Bill C-36. Its value rests in treating this assumption as fact, yet this is inconsistent with what we heard over the past few months at the House Justice Committee hearings, at the Senate Legal and Constitutional Affairs Committee pre-study and in the respective discussions that followed.

We heard that some sex workers choose to be in this industry. In fact, that is the primary reason that Terri-Jean Bedford, Valerie Scott and Amy Lebovich took their case to the Supreme Court in the first place in *Attorney General of Canada v. Bedford*. As active sex workers, in that they choose sex work as their profession, they found their Charter protections being violated by the existing laws in Canada.

The Supreme Court of Canada, our highest court, ruled in their favour. The court found that those who actively choose to pursue sex work are also entitled to the same Charter protections as the rest of our citizens. Thus, the existing laws that violated these rights will cease to be in effect this December. By ruling that these laws violate the rights of these active sex workers, the Supreme Court implicitly acknowledges that there are people in this industry by their own intention; but the foundation of Bill C-36 rejects this claim.

I would like to pause and reflect on this concept in more detail because I believe that this is the fundamental issue at play with this proposed legislation, especially given the conversations that have surrounded it. The Minister of Justice, his officials and supporters of this bill in its current form all believe that sex workers, in every circumstance, are victims.

Honourable senators, I understand the misperception made by these individuals. In fact, I can greatly empathize with their point of view because I believed that as well until last September. For the whole summer and into the fall, I have talked to many people in Vancouver and Ontario about this bill. I learned many things that I wasn't aware of before, and that is why I have changed my position and now believe that sex workers should be protected; and this bill will not protect them.

Honourable senators, when I walk on the streets with outreach workers and see what the effect of this bill will be, it has really troubled me. I have to say it took me a long time to come to the realization that sex work can be an active choice. My life, my experiences and my society had framed all sex work around the victimization of predominantly women.

After countless meetings with sex workers and sex worker advocacy groups, and over the duration of the pre-study in the Senate Legal and Constitution Affairs Committee, I now understand that there are two types of people in sex work: those who are victims — people who are exploited or coerced — and those who are there by their own active, conscious intention. How do I know this? I asked that very question to a panel of sex workers. I asked them to tell me if they identified as victims. Some sex workers said they did not feel like victims. There was a resounding "no" from a panel of sex workers, who worked in the

industry by choice, at the pre-study by the Senate Legal Committee. They refuted this claim and rejected identifying themselves as victims.

Honourable senators, I would like to dispel a few myths that this victimization of sex workers rests upon. No one in this chamber or in any legislative capacity is saying that we should condone the exploitation of any member of our society. But this bill has been masquerading as something it is not. It is not there to protect the victims of the sex trade. We already have legislation in place for that. This is not an anti-trafficking bill or a sexual assault bill.

For example, there was a lot of testimony over the span of the hearings before the House Justice Committee and the Senate Legal Committee about the exploitation of girls under the age of 18 to be trafficked into the sex trade. Honourable senators, it is already illegal in Canada to do this. It is illegal to traffic any person, including an underage person. It is also illegal to exploit any person, including an underage person.

The concerns of human trafficking are real. It is a cruel industry. The most trafficked commodity in the world today is people. This is a brutal and dehumanizing industry that needs to be stopped; but this bill does not legislate against that. Anti-trafficking laws are engrained already in our Criminal Code.

Supporters of Bill C-36 also claim that it will protect the most vulnerable members of society, especially those vulnerable to sex trafficking. We know that Aboriginal women are disproportionately targeted in the forced-sex trade; but this bill will not increase the safeguards for these Aboriginal women.

When I walked on the streets in Vancouver and spoke to the women who are in this business, they told me there was nothing in the bill that would protect them and, in fact, it would hurt them. To be clear, allow me to restate my point: this is not a bill about sex trafficking; this is a bill about sex work — consensual sex work between consensual adults, not forced-sex labour. All of the issues I just outlined are of incredible importance and deserve to be given more attention.

Honourable senators, I firmly believe, after hearing witnesses' testimonies, that we need to allocate more resources to protecting these vulnerable members of our society. This bill will not achieve this, because that is not its purpose and those groups are not its primary focus. That is another conversation for another day that I firmly believe we need to have.

The legislation in place combating these atrocities, such as trafficking, should be bolstered, or initiatives supporting those important laws should be given more attention. The government should demonstrate that they are serious about supporting them. I believe that a good place to start would be for the government to call an inquiry into missing and murdered Aboriginal women in our country to demonstrate they are serious about targeting abusers in our communities and to show we are seriously concerned for the welfare of our women.

Making consensual sex work illegal is not going to stop these acts of exploitation from happening — they are already happening underground. These are not legal acts. Sexual exploitation, underage exploitation, human trafficking — none of these are legal in Canada and they will remain illegal, with or without this bill. I strongly support that.

[Senator Jaffer]

As honourable senators know, I am a dedicated advocate against human trafficking and have worked closely for many years with organizations doing wonderful work around the world to stop trafficking and help trafficked victims regain their freedom. One such organization is the International Justice Mission. It is no secret that one of the primary reasons humans are trafficked is for forced sexual labour. I, like everyone in this chamber, reject that repulsive activity and will continue to fight against it in every way I am able to do so.

The distinction between real victims of the sex trade and sex workers who choose to be there by their own intention is a distinction that I cannot emphasize enough.

• (1530)

Victims of underage abuse, sex trafficking and any other form of sexual or human exploitation are protected under already existing legislation in Canada. To say that we are now, with Bill C-36, going to be protecting those victims is a false claim. It is misleading and it is attempting to change the conversation around the legislation to something else. It is hiding behind the rhetoric while at the same time making it more difficult for the individuals who choose to be sex workers to be safe.

Ms. Valerie Scott, the legal coordinator at Sex Professionals of Canada, and also one the people who took the *Bedford* case to the Supreme Court of Canada, testified before the Standing Senate Committee on Legal and Constitutional Affairs at the pre-study of Bill C-36 in early September. Testifying before my colleagues and myself, she put it quite bluntly:

> The debate about Bill C-36 has been hijacked by individuals and groups who have focused on the evils of human trafficking and child exploitation. However, none of those laws were challenged and none were affected by the Supreme Court decision [in *Canada (Attorney General) v. Bedford*]. This deliberate misdirection has taken the focus off what we should be discussing, which is how the proposed law will affect consensual adult sex work.

I would like to spend the remainder of my time speaking to how these individuals will be affected by the proposed legislation.

Honourable senators, these are the individuals that the Supreme Court called on us to better protect when it ruled in *Canada (Attorney General) v. Bedford*. Bill C-36 in its current form does not improve their security. In fact, it threatens to worsen their security.

Honourable senators will remember that the *Bedford* decision was ruled in December 2013. The case was brought by Terri Jean Bedford, Valerie Scott and Amy Lebovich. The act of trading sex for money is currently not illegal in Canada, but certain activities surrounding this trade are. These women brought forward three sections that they found violated their constitutional rights: Section 210, which makes it illegal to be an inmate of a bawdy house or be an owner/ landlord, et cetera; section 212(1)(*j*) which makes it illegal to live on the avails of another person's prostitution; and section 213(1)(*c*), which makes it illegal to stop, attempt to stop or communicate with someone in a public place for the purpose of engaging in prostitution or hiring a prostitute.

The Supreme Court ruled in their favour. They stated that these women are entitled to their own security while functioning in their role as a sex worker. Those are the three provisions that will be suspended in December this year.

In the Supreme Court decision of *Canada (Attorney General) v. Bedford*, the Supreme Court was clear in its principle of the protection of women. Within the context of *Bedford* and Bill C-36, ensuring the protection of women includes creating laws around prostitution that do not render the trade of sex for money more dangerous for the vulnerable women or persons involved. In other words, within this context, the way in which the government will protect women is to not exacerbate that already dangerous act of prostitution through law. To borrow from the Supreme Court ruling itself, it states:

> The applicants are not asking the government to put into place measures making prostitution safe. Rather, they are asking this Court to strike down legislative provisions that aggravate the risk of disease, violence and death.

For me, honourable senators, all summer when I worked on this issue and when I studied the ruling of the Supreme Court of Canada, the most important paragraph for me, the kernel of the judgment, was paragraph 89. It states:

> It makes no difference that the conduct of pimps and johns is the immediate source of the harms suffered by prostitutes. The impugned laws deprive people engaged in a risky, but legal, activity of the means to protect themselves against those risks. The violence of a john does not diminish the role of the state in making a prostitute more vulnerable to that violence.

Honourable senators, Bill C-36 does not satisfy this role. Instead it is attempting to mirage as a bill that protects vulnerable members of our society. No one is suggesting that we remove any legislation that exists to work against these societal evils, but criminalizing consensual sex workers will not achieve the goal. Making it harder for sex workers to execute their job will not reduce the demand or the supply of sex work. Instead, it will force it underground and worsen the conditions of these individuals.

We have heard from many sex workers that they have said this bill will only make their safety conditions worse. This is the exact opposite of what the Supreme Court decision in *Bedford* attempted to achieve.

Honourable senators, I want to be clear: The government has a responsibility to protect the safety of sex workers, those that are there by choice. Bill C-36 does not address this, to ensure the protection of these women. In fact, it will reduce their safety.

Honourable senators, I would like to take a closer look at what Bill C-36 seeks to achieve. Minister MacKay has stated that Bill C-36 will reduce prostitution. I am in support of this goal. I believe that sex work should be reduced so there are no victims in this industry. If the sex industry is reduced to only women and men who are choosing to be in sex work, then that is the ideal. No one should be exploited for their bodies. But even Department of Justice officials acknowledged that people who continue to engage in prostitution need to be protected by the government. I quote Mr. Piragoff at the House of Commons hearings. He said:

> The overall objective of Bill C-36 is to reduce prostitution, discourage entry into prostitution, and to deter participation. It also recognizes that the process of trying to deter prostitution is not an easy avenue, and that in the course of that people who engage in prostitution and selling sexual services need to be protected.

I entirely agree and support him on this point.

I would like to point out that by striking down the existing laws that violated the constitutional rights of sex workers, the Supreme Court indicated the rights of these individuals. We have a duty and obligation to protect these rights, and Department of Justice officials who drafted Bill C-36 are aware of this fact.

While Bill C-36 states the aim of reducing prostitution, there are no clear provisions for how this will be achieved. How will it create more economic options for the individuals who use this to financially support themselves or their families? Where are the support systems that will actually do this, and where is the funding for this support?

Imagine being a woman or a man trying to provide for your family and your chosen profession provides you with a reasonable income, but it is a job reliant on clients. Suppose your client base was cut dramatically and all that remained were the clients that you turned down to work for because they would harass you, make you uncomfortable, or even harm you. By criminalizing the client, we will not be making it safer for women to screen clients or create sufficiently secure working conditions. By criminalizing the client — the purchaser of the services — the government is putting the onus on the sex worker to protect the identity of the client in order to still have work.

There is no evidence that reducing the client base will reduce demand or that it will result in an end to prostitution. We all know that prostitution has been with us since time immemorial. The only thing guaranteed is that the clients who remain will be dominated by those who are comfortable with the criminal world. I am functioning on an assumption here, but I believe it is safe to say that these clients will pose more of a risk to sex workers than clients who are not comfortable in engaging in a criminal behaviour.

• (1540)

Again, I would like to borrow from Ms. Scott's testimony:

> In 2001, the City of Montreal adopted a version of the Nordic model.

This is basically what Bill C-36 is doing. This model relies on criminalizing the act of purchasing sex, not selling it.

> Police exclusively targeted clients for arrest. During the three-month period following the crackdown, Stella, a Montreal sex worker rights organization, documented a threefold increase in violent attacks against sex workers and a fivefold increase in attacks with a deadly weapon.

She went on to describe a case in my home province of British Columbia:

> In 2013, the City of Vancouver made the Nordic model their official policy, although it had been their practice for five years. Last June, the BMJ Open reported that the result of this Canadian experiment to criminalize clients was to expose sex workers to health and safety risks. This happened because, to avoid police detection, sex work was displaced into isolated areas. Time for screening and negotiation was practically eliminated and workers were unable to access police protections.

She concluded this line of thought with a powerful message:

> It is clear that it doesn't matter whether you criminalize the sex worker or the client, the results are the same.

We need to look at this situation under any other circumstance. Making the purchasers of this industry the ones willing to break the law is not an effective way of ensuring the safety of sex workers.

Honourable senators, I fear that sex workers will be further deterred to go to the police to disclose any abuse that happens behind closed doors, because they know their clients will be charged and they will likely lose a client base, making their selection even smaller and higher risk. I will again remind you that government's role is to reduce the risk for sex workers and to ensure their safety.

A pivotal component of ensuring the safety of Canadians is ensuring a healthy relationship between citizens and our law enforcement officials. Yet, at this point, we know that this type of criminalization will only foster a lack of trust between the two parties. A healthy relationship between these two groups will not be cultivated with the implementation of Bill C-36, and that in itself threatens the safety of sex workers.

Now I come to what I believe is the biggest problem with Bill C-36. The minister has said that sex workers are not going to be made vulnerable to being criminalized — yet section 213 of Bill C-36 does that explicitly. Section 213(1) of Bill C-36 maintains that:

> Everyone is guilty of an offence punishable on summary conviction who, in a public place or in any place open to public view, for the purpose of offering, providing or obtaining sexual services for consideration . . . .

This restriction prevents sex workers from procuring safety measures. As outlined in *Canada (Attorney General) v. Bedford* in paragraph 69:

> The application judge found that face-to-face communication is an "essential tool" in enhancing street prostitutes' safety.

Section 213(1)(*c*) goes further. It places restrictions on communication in a public place to provide sexual services. As outlined in paragraph 70 of *Canada (Attorney General) v. Bedford*:

> The application judge also found that the communicating law has had the effect of displacing prostitutes from familiar areas, where they may be supported by friends and regular customers, to more isolated areas, thereby making them more vulnerable.

Bill C-36 would continue to make sex workers susceptible to this vulnerability.

While the House of Commons Justice Committee amended the section from a restriction that banned discussing the sale of sex anywhere children could "reasonably" be expected to be, to the newly amended form which states it cannot be discussed at or near a "playground, school, or daycare," the restriction placed here is still relevant. The implications of this wording are the same as the initial provision that was struck down by the Supreme Court.

Additionally, Bill C-36 criminalizes the purchaser of sex but not the seller. But as the provider is intrinsically linked to the relationship with the purchaser, it seems that this will not actually immunize the sex worker. And a close reading of section 213 further confirms that the sex worker will not be immune from criminalization.

Honourable senators, I will attempt to make an amendment at third reading. I am just bringing this to your attention as we have had a pre-study of this bill.

To this end, I would like to propose one simple amendment: the complete removal of section 213 of Bill C-36. Based on the decision in *Bedford*, this section will not hold, and until it has the chance to be challenged again in court, it will subject too many to the harmful effects of this legislation. This is my primary concern with this bill, and many others agree with me.

Honourable senators, I live in Vancouver. Over the summer I had many dealings with women who had been at the Pickton farm, women whose friends and relatives were killed at the Pickton farm. The women tell me that this will again send them to the Pickton farm. Honourable senators, we in this chamber have to protect these women.

This section has been repeatedly addressed by both supporters and explicit opponents of the bill as something that needs to be at minimum amended, and ideally removed. Sex workers cannot be criminalized under any circumstances if we want to adequately protect them.

We have a responsibility to protect these individuals, as made clear in the *Bedford* decision. The men and women who choose to be sex workers have made it clear — criminalizing the sex worker under any circumstance would do more harm than good. If the minister is serious about the protection of these women, he will remove this section.

The Minister of Justice himself has acknowledged that government has a responsibility to the safety of those who choose to remain in sex work. Criminalizing the sex worker, under any circumstance of the transaction, would prevent us from delivering our responsibility to the Canadian people.

Ms. Scott outlined what the work behind *Bedford* was for. As a result of the tireless work done by these three women to fight for their rights, I would like to share with you what she said:

> After the Supreme Court ruling, we were hoping to be able to implement occupational health and safety rules, labour law protections, work with the Canada Revenue Agency and develop pension plans. We can all forget that under Bill C-36, because Bill C-36 is based on legal moralism and the politics of disgust. An entire group of Canadians who are working in what is still a legal occupation will once again be forced to work on the run and under the gun, simply because we have consensual adult sex outside of proscribed family value settings.

Honourable senators, we have a responsibility to think critically as we consider the legislation before us. As I have stated many times, we in this chamber have a responsibility to protect the rights of all minorities. We have a responsibility to think beyond our personal biases, our narrow understandings of matters in our society; to look at the reality of the situation in front of us; to use reason over emotion.

We all know that sex work exists. We all know that after Bill C-36, sex work will exist. Sex work is not going to disappear. Therefore, we cannot ignore the voices of Valerie Scott, Terri Jean Bedford, Maxime Durocher and other sex workers that appeared before us at the Senate pre-study that stated very clearly that they do not identify themselves as victims. We cannot ignore the voices of the other Canadians who have chosen sex work as their profession. The reality is that consensual sex work exists. As a result, we have a duty to protect their safety, to make sure that their constitutional rights are upheld.

This bill is going to have a profound effect on the lives of these Canadians, and their safety matters to us. Every citizen has a right to security of life. If we pass Bill C-36 as it currently exists, we will be threatening this security for consensual sex workers in Canada.

Honourable senators, I ask you, is this really what we want the impact of our legislation to be?

I urge you to carefully consider the implications of this bill. I am aware that this bill will now be sent to committee, and I urge you to take all the time possible to really study this bill. That is our responsibility. Thank you.

• (1550)

Some Hon. Senators: Hear, hear.

Hon. Denise Batters: Will the Honourable Senator Jaffer take a question? You quoted extensively in your speech from Valerie Scott, who testified before our Senate committee, and you referenced her as delivering a powerful message. To me, when she testified before us, I thought one of the most potent messages she relayed was how she wanted to be a prostitute from the time she was a little girl. I found that statement extremely shocking.

She referred to the old western saloon girls she used to watch on television. I told her when I questioned her that I thought that was very offensive. This is not *Pretty Woman*, and Richard Gere is not coming to sweep you off your feet. I come from Saskatchewan, a place where the average prostitute is probably a 14-year-old Aboriginal girl who has been beat up by her pimp that morning and is likely drug-addicted.

I also referenced the Supreme Court of Canada judgment where Valerie Scott admitted, as well at our committee, that she wanted to open a brothel after the successful completion of the *Bedford* judgment.

When I spoke to this bill on the Thursday before we broke, I indicated that if Bill C-36 means that the tiny minority of people who claim to freely choose prostitution as their profession cannot do so, then that is the necessary result of protecting the vast majority of vulnerable people exploited by prostitution.

Senator Jaffer, you have an extensive background in human rights, and to me prostitution is an inherently gendered, racist and unequal practice. I wonder how you can support the position that you've just enunciated.

When Trisha Baptie was before our committee, a former prostitute, she was talking about whether prostitution was consensual, and she stated:

> Money does not equal consent. . . . Whatever the reason we found ourselves out there, men took advantage of that inequality, that desperation, for their own sexual gratification, and they used their money to appease their guilt.

How can you support that particular position in light of all of that?

Senator Jaffer: Senator Batters, you were not in the chamber when I thanked you for the work you have done, and I know you've worked really hard on this issue. I understand what you're saying.

When I started in June, when I knew I was going to be the critic of the bill, in talking to people the first thing I said was that I'm an activist on this issue. When the Nordic model was being set up I went to Sweden and worked with many women on the Nordic model. I was a fan of that model. Immediately I would say that I am in favour of this bill because I believe it will protect women.

Throughout the summer, I met with many women. It has been a very difficult summer for me because — since you asked, I wasn't going to say it — I've had to examine my personal beliefs. I'm a Muslim woman brought up in a very conservative manner with certain specific ideas. For me, this was a world I had never visited before, and I did not know of the existence of many things I saw this summer.

By the time September came I had a very tough decision to make. As a human rights activist, I cannot decide whose human rights I protect. That is not my job. My job as a senator is to protect everybody's human rights.

I've had to do a lot of personal growth, because this is not something that my biases are open to. But I have realized that if I am to look at myself in the mirror, I cannot say that I will wake

up today and protect the rights of women who are like me, who look like me and who need protection. I have to protect the rights of all women of Canada.

Hon. Linda Frum: Just a follow-up point on Senator Jaffer's last statement, because we all respect and admire her work on human rights.

I appreciate that this has probably not been an easy bill for you to be critic on. Do I extrapolate from what you just said that it is a human right for men to buy women's bodies, or it is a human right for a woman to be able to sell her body? Is that a human right?

Senator Jaffer: That's a very difficult thing, because I've always worked on issues of exploitation of women. That's why, first, I believed that there shouldn't be any prostitution, but that was when I was younger and didn't know enough. I realized that we will never be rid of prostitution. Then I worked with Swedish female parliamentarians. Just as a matter of interest, the reason the Nordic model came through is because they had a lot of female parliamentarians in Sweden who were able to bring in the Nordic model.

Now, when I've been reading all the studies of how the Nordic model is not working and is harming women, I have been re-examining my own values.

Senator Frum, Senator Batters, we sat through those hearings. It has absolutely torn me apart. That's probably one reason I have become sick. It has absolutely torn me apart, because my whole belief system is that women should not be exploited for money. That's my belief system.

But after talking to hundreds of sex workers, especially in Vancouver, I have also come to understand that I have to rise above my belief system and that sex work will not disappear.

Then what is my job as a senator? My job as a senator, as a human rights activist, is to make sure those women — I'm not talking about trafficking or exploitation, but those women and men who choose to be in the trade — I, as a senator who is supposed to protect the rights of minorities, must also find a way to protect the rights of those people.

Hon. David Tkachuk: I know part of the rationale that you used in your speech was that this will not eradicate prostitution. All the law does is say this is what society says about this particular act. It could be a speeding car or the thievery of a 7-Eleven. We don't eradicate any of those things from society totally. They all exist; it's just that society has said that we don't approve of this behaviour and therefore we want to discourage it in every way we can. There is no law on the books that eradicates a criminal act. We don't have any of those. I keep hearing that argument and I don't quite understand it.

Senator Jaffer: Senator Tkachuk, thank you for giving me this opportunity.

I have often said when I've been working on bills that a bill alone will not eradicate prostitution; it has to be a comprehensive approach. I agree with you.

Let me give you an example. When I came to this country 40 years ago, I would attend parties where there would be drinking and then we would drive. I'm sorry to say this and I'm not very proud of this behaviour, but we would ignore a person who would drink and drive. Then laws were set up to stop that behaviour, but it didn't stop there. Then we had education programs; we had comprehensive ways to deal with this behaviour.

Over the 40 years that I've been in this country we have changed our attitude. We have changed the way we look at drinking and driving. So it is not just the law. It's a comprehensive way of educating and providing resources to change people's attitudes.

What I find most offensive about this bill is the way the minister gets up and says that Bill C-36 will eradicate prostitution. It will not. We have to have a comprehensive approach.

Tomorrow I will get on another bill and have an opportunity to explain what I mean by a "comprehensive effort" that I've seen in other parts of the world to eradicate this kind of behaviour.

What I'm saying is that this bill alone is not enough. Just providing $4 million a year is not enough.

Manitoba on its own spent $8 million to deal with this problem. Canada-wide we are going to provide $4 million. If we are serious about changing people's attitudes about prostitution, we have to, yes, have the bill, and we have to provide comprehensive ways in which we can help women get out of the trade.

I work in Calcutta, India. There, we recruit women who are in sex work. We have set up garment factories. Canadian church groups have set up garment factories that will enable the women in the sex trade to go and work in the garment factories.

We have to have a comprehensive approach. Bill C-36 will not do it.

• (1600)

Hon. George Baker: Would Senator Jaffer agree that the bill itself is very confusing? There is now a preamble. You don't normally see a preamble in criminal law, but there's a preamble that says that prostitution should not be taking place and here is the reason that it shouldn't take place. Then, when you look at the bill, as the minister pointed out, because of the Supreme Court of Canada decision, we're now going to allow prostitutes to carry on their business in their homes. The minister said we are now going to allow prostitutes to carry on their business in their apartments. They can hire a receptionist now. They can hire a guard now. They can hire a driver now. They are now free because they're all excepted. There's an exception at the end of each clause that excepts those who are prostituting themselves.

You have a preamble against. You have the content of the bill allowing prostitutes to carry on their business. Then you have a speech by the minister saying that, for the first time in Canadian history, the act of prostitution will be made illegal and unlawful.

Would you agree that most Canadians would say, "Look, if you're going to make it illegal, make it illegal. If you're going to make it legal, make it legal. But don't give us such a confusing bill as the one we have before us?" Would you agree with that?

Senator Jaffer: Senator Baker, you are the dean of this committee. I can't say it any better than you have. I will give you one example.

Last week, I was talking to women in a number of massage parlours, saying, "Look, you will still be able to do what you are doing, but now you can do it from your home." One of the things that I heard from woman after woman is, "Are you kidding? If we worked in our homes, we would be evicted. We're not going to be able to work in our homes, and we're not going to be able to work in the massage parlour, because that may become illegal. We are working in a safe place, protected. If there are any issues, we have a bell to get support. From all that, now we will be thrown out on the street because this bill will destroy the security under which we are working."

The Hon. the Speaker *pro tempore***:** There are two more minutes in the time allotted to Senator Jaffer.

Hon. Jacques Demers: Honourable senators, we have to start somewhere. I am a father of three daughters and have a granddaughter who is going to be 14. I had the opportunity last year to spend a night with a police officer in some of the toughest places in the city of Montreal. For those who know Montreal, it was at the corner of Sainte-Catherine and Saint-Laurent. There was also a woman police officer.

We are starting something, or hoping to start something, because street gangs are totally controlling these young girls. Their parents are divorced, or the mother and father are both on drugs. They're on the street. There's nobody to protect them. They don't want to do that. That's not something they want to do.

We have to start somewhere. When you start to build a house, you start with the basement, and it takes time. Eventually, you close the roof and you move in. We have to start somewhere and be very specific and precise, and we have to save our young kids.

If a woman of 35 years decides to be a prostitute, I have no control over that. I'm worried about the young kids in our society. The baby boomers are moving on, and there are more young girls in school, 14, and street gangs are following them home after school, because their parents are not there, and they give them drugs and the next thing you know — that's my biggest concern. A lot of us should be concerned about that. Thank you very much.

Senator Jaffer: Senator Demers, I agree 100 per cent with what you have said. I have spent my life working on those issues. Even now, I am working on these issues, and tomorrow, on another bill, I will speak about that. I don't have the time now.

I'm talking about what you just mentioned: the 35-year-old woman who is making the choice. I don't want her to be thrown out on the street and have no security. That's the person I'm speaking about.

The Hon. the Speaker *pro tempore***:** Seeing no senators rising, are honourable senators ready for the question?

Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

An Hon. Senator: On division.

The Hon. the Speaker *pro tempore***:** On division.

(Motion agreed to and bill read second time, on division.)

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore***:** When shall this bill be read the third time?

(On motion of Senator Batters, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIFTH REPORT OF COMMITTEE—MOTIONS IN AMENDMENT AND SUBAMENDMENT—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator White, seconded by the Honourable Senator Frum, for the adoption of the fifth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (amendments to the *Rules of the Senate*), presented in the Senate on June 11, 2014;
>
> And on the motion in amendment of the Honourable Senator Cowan, seconded by the Honourable Senator Fraser, that the report not now be adopted, but that it be amended by:
>
> 1. Replacing paragraph 1.(j) with the following:
>
> "That an item of Other Business that is not a Commons Public Bill be not further adjourned; or";
>
> 2. Replacing the main heading before new rule 6-13 with the following:
>
> "Terminating Debate on an Item of Other Business that is not a Commons Public Bill";

3. Replacing the sub heading before new rule 6-13 with the following:

"Notice of motion that item of Other Business that is not a Commons Public Bill be not further adjourned";

4. In paragraph 2.6-13 (1), adding immediately following the words "Other Business", the words "that is not a Commons Public Bill";

5. In the first clause of Paragraph 2.6-13 (3), adding immediately following the words "Other Business", the words "that is not a Commons Public Bill";

6. In the first clause of paragraph 2.6-13 (5), adding immediately following the words "Other Business", the words "that is not a Commons Public Bill"

7. In paragraph 2.6-13 (7) (c), adding immediately following the words "Other Business" the words "that is not a Commons Public Bill";

8. And replacing the last line of paragraph 2.6-13(7) with the following:

"This process shall continue until the conclusion of debate on the item of Other Business that is not a Commons Public Bill".

And on the subamendment of the Honourable Senator Mitchell, seconded by the Honourable Senator Day, that the amendment be not now adopted but that it be amended by adding immediately after paragraph 8 the following:

9. And that the rule changes contained in this report take effect from the date that the Senate begins regularly to provide live audio-visual broadcasting of its daily proceedings.

Hon. Jim Munson: Honourable senators, I'm pleased to rise on this particular report. The committee is dealing with our rules on broadcasting, on private members' bills, amendments, subamendments and this whole thing.

I was just thinking before I started my speech that what we heard from Senator Jaffer was a tour de force, and what we heard from the government side in terms of questions was excellent. I will be pleased to hear the critic on the government's side in this debate.

We are having this debate in this room behind these walls, and who is seeing us? Who is listening to us? I think the time has come — I will get into that in my speech — to see this kind of debate that you really don't see in the House of Commons. We may not change each other's minds, but we are better informed in terms of what we're doing and making up our minds, and informing Canadians of how we work here. I will get into that in a moment.

I'm thankful for this opportunity to speak on the motion on the Subcommittee on Broadcast's report to the Standing Committee on Rules, Procedures and the Rights of Parliament and amendments proposed to this report. The stream of debate so far has focused on the impact of a proposed rule for time allocation on debates concerning non-government business. I will only touch on this matter and related issues at the outset of my speech. The main thrust will follow.

Senator Smith, the deputy chair of the Rules Committee, has talked about the significance of this motion. It is a break from our culture for the Rules Committee to operate and to change the rules by which we abide without consensus. In a meeting of the committee, Senator Smith referred to "abandoning our culture" and suggested to members that they "keep working at it and try a little harder."

• (1610)

Like him and others here, including Senator Cowan, whose speech last month in this chamber raised the same concerns, I appreciate the values and history that are the basis and reason for consensus on rules.

Last spring, Senator Nolin launched an inquiry on the many facets of the Senate, including the role of this institution in protecting minorities. Only a few months later, our obligations to minorities could be undermined by a proposed rule on time allocation. Senator Cowan explained this in his speech as follows:

> These changes would give the majority the ability to fast track those items of non-government business that it finds commendable, while delaying indefinitely those items it disagrees with, without ever having them come to a final vote.

It is strange and frustrating to me that the amount of time devoted to debates is of such concern, when it is the quality of debates that could really use improvement. I guess that is what happens when the majority has the power. You have it. So why would logic and persuasiveness matter when outcomes are already assured?

The impact of the rule we are discussing is actually contradictory to a keystone promise of this government. I'm talking about Senate reform, the government's long-awaited and yet-to-transpire plan to, among other things, give senators more independence.

I'm grateful to Senator Mitchell for so succinctly pointing out in his speech that, in light of Senate reform promises, the change to Senate rules being proposed is, in his words, "senseless." He says:

> What this reform in this motion will do is extend the power, the influence and the direction of the executive branch of the House of Commons, the Prime Minister and his cabinet, over these proceedings.

The proposed rule stands to affect private members' bills, which just happen to be the vehicles of choice for the government to slip through the back door significant legislative changes. It also aims to legitimatize time allocation, which is one of the government's often-used tactics to push through its bills.

Apparently, the thinking behind the rule was that limiting the time allowed for debate on non-government business would help to make broadcasts of our deliberations more interesting to

audiences when the Senate is broadcast, as it hopefully will eventually be, but this just doesn't hold up. There are too many indications of other motives. Also, the idea of altering our rules to enhance the quality of a televised product goes against all the good reasons we have to broadcast what goes on in this chamber.

I believe that for Canadians to take our work seriously, they must see us at work. I believe we need a televised Senate. I believe we need it now. I go home to northern New Brunswick every year, to our little cottage in Bathurst, New Brunswick. I'm there and turn on the television set at night, and there, on Rogers television, are the mayor and councillors. They're all debating, and it is all on television. In one of them, they're debating which sewer should be placed where. That might be boring, but at least I'm seeing the politicians at work.

This is happening in 2014. It has happened for a long time in communities across the country. Local companies are producing programs where you see your politicians doing what they have to do. You do see in these things, as they move through motion after motion at city hall, the boring part of it all, and then you see a feisty debate. If you are a political junky, you will watch through all of those things that are "stand, stand, stand." When they say "stand," I always say, "I am standing."

After many years of experience as a broadcast reporter, I know just what broadcasting can achieve in terms of public awareness and understanding. The purpose of broadcasting our exchanges and contributions here is not about entertainment. It is far more important and respectful of Canadians' interests than that.

For the past several months the eye of public scrutiny and cynicism has been directed on us, and it has been a difficult time for us all. Knowing and believing in the necessity of this institution to social progress has made many of us feel apart from the very people we are honoured to serve. The best we can extract from this experience is the certainty that Canadians could benefit from the opportunity to see beyond the headlines and through these walls into the Senate as it really is.

My experience in journalism taught me that nothing is more convincing than the truth, than seeing things as they are. The greatest offering to viewers with an appetite for information and knowledge are facts, accuracy and authenticity. Those viewers who are willing to tune in and stay tuned in as we explore and debate issues at length and without hindrance will be rewarded.

The natural course of our discussions yields its share of revelations. It would be wonderful for Canadians to realize with their own eyes and ears that our work is thorough and meaningful, that we can be cooperative, as we have seen even with Senator Mitchell today, on the bill dealing with the Yukon, praising Senator Dan Lang. You don't see that every day. That would be a wonderful thing for people to see.

Senator Mitchell: I'm never going to live this down.

Senator Munson: I'm beginning to think that I'm going to start a new party called the RSPP because Senator Lang spoke, Senator Mitchell spoke and I'm speaking. It could be the Real Short People's Party. But I digress. That is what everybody will remember in this speech now, not the rest of what I'm talking about. That's too bad.

There are unfounded events here that would go much further than catchy or contrived promotions to build confidence in this place. Honourable senators, we have the advantage of witnessing and participating in situations that inspire and strengthen a belief in the purpose and effectiveness of the Senate and our parliamentary system. It is only fair to extend this advantage to others.

Not long ago there was a really interesting debate. I find myself working in tandem with Senator Nancy Greene Raine on so many things, on the Fisheries Committee, on fitness reports, on going on walkabouts on the Hill with an MP from British Columbia, just getting together and knowing each other. You walk and talk at the same time. She has a bill called the National Health and Fitness Day Bill, and I wanted details on it. I'm excited about that. It is an excellent, well-intentioned bill. We have an icon delivering that speech here in the Senate and talking with passion. I don't know her as Nancy Greene Raine; it's Nancy Greene. We were with her yesterday at the Movember launch, and her presence was as strong as Erik Karlsson's, who was also there. We worked together, and to see her debating it and then somebody else reacting to it would be good for Canadians to see. I just think it is so important. By "together," I mean cooperatively. I do not mean in a partisan way or for the sake of strength in numbers.

We don't need rule changes to broadcast legitimate viewpoints in the Senate. Senator Cowan has presented an amendment to the proposed rule regarding time allocation. Senator Mitchell has added to the debate with a subamendment that, if passed, would mean that Senator Cowan's amendment would not come into force until we go to live broadcast.

My argument stems from something we used to say in reporting days, and it is not frivolous: If it hasn't been on television, it never happened. Our debates here are real and fuelled by passion and concern for the lives of Canadians. Last spring, for instance, Bill C-279 elicited strong emotions and words when we debated its content and potential impact. Senator Plett and Senator Mitchell were among those of us who expressed deeply held convictions about human rights and the social implications of the private member's bill popularly known as the "trans rights bill." Their points of view were in opposition, but their words came together to enrich our thinking on the bill. Why can't Canadians see that debate?

I cannot think of a place more conducive than this chamber to exchanges of thought, knowledge and beliefs, ardent yet informed debate.

With the prospect of broadcasting, we have the opportunity to open the doors and welcome Canadians inside so that they can see firsthand the benefits of a democratic debate. Maybe we will help some of them catch up on their sleep. Maybe we will open a few eyes. Either way, broadcasting makes sense and is the right thing to do. The Subcommittee on Broadcasting was struck to sort out committee roles as they relate to broadcasting. It is unfortunate that this subcommittee has moved into other areas, as Senator White stated during the Rules Committee meeting, explaining how this report had come about.

Broadcasting is one of the most promising means we have on the horizon to engage the public. It should not be misused to bring about unrelated outcomes, and I would urge that more time and effort be invested in considering the best way to introduce broadcasting into our practices. I would urge, too, that we treat it as our best hope to bring us closer to bringing Canadians closer.

I'm thankful for your attention, honourable senators, and for the time I needed to express what I know and strongly believe.

(On motion of Senator Martin, debate adjourned.)

• (1620)

THE SENATE

MOTION TO URGE THE GOVERNMENT OF VENEZUELA TO IMMEDIATELY END ALL UNLAWFUL ACTS OF VIOLENCE AND REPRESSION AGAINST CIVILIANS—DEBATE ADJOURNED

On the Order:

> Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Johnson:
>
> That the Senate of Canada take note of the ongoing tensions in the Bolivarian Republic of Venezuela, and that it urge the Government of Venezuela to:
>
> 1. immediately end all unlawful acts of violence and repression against civilians, including the activities of armed civilian groups, and
>
> 2. commit to meaningful and inclusive dialogue centred on the need to:
>
> (*a*) restore the rule of law and constitutionalism, including the independence of the judiciary and other state institutions;
>
> (*b*) respect and uphold international human rights obligations, including the freedoms of expression and the press; and,
>
> (*c*) take swift and appropriate measures to curb inflation, corruption and lawlessness, and to ensure the safety and wellbeing of all Venezuelans.
>
> That the Senate of Canada further encourage all parties and parliamentarians in Venezuela to:
>
> 1. encourage their supporters to refrain from violence and the destruction of public and private property; and,
>
> 2. commit to dialogue aimed at achieving a political solution to the current crisis and its causes.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I thank Senator Andreychuk for having brought this motion forward. Oddly enough, I spent a fair portion of my childhood living in a country next door to Venezuela. I think that we have not paid enough attention to what has been going on there. Unfortunately, I have not yet had time to complete my research on this matter and so I move the adjournment for the balance of my time.

(On motion of Senator Fraser, debate adjourned).

ROLE IN PROTECTING MINORITIES—INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Nolin calling the attention of the Senate to its role in protecting minorities.

Hon. Serge Joyal: Honourable senators, Senator Nolin has introduced an important inquiry in relation to the role of the Senate in protecting minority rights or minorities generally. I would like to address that issue on three grounds: First, I would compare the role of the Senate of Canada and its structure to other upper chambers in the world. I would like to pay particular attention to how the American Senate functions and addresses the issue of minorities, if it does so, of course; how the House of Lords in the mother of Westminster-style Parliaments addresses the issue of minorities; and how the Canadian Senate does that.

Second, I want to propose for reflection following the initiative of Senator Nolin how the Canadian Senate was structured by the Fathers of Confederation to address the issue of protecting minority rights.

Third, I would like to pay attention to the Supreme Court of Canada ruling in April 2014 and the comments and conclusion drawn in respect of the protection of minorities.

Those will be the three parts of the address I would like to propose to you. Considering the late hour, I would reserve the remainder of my time.

(On motion of Senator Joyal, debate adjourned.)

MALALA YOUSAFZAI

MESSAGE FROM COMMONS—MOTION TO GRANT HONORARY CITIZENSHIP TO MALALA YOUSAFZAI ADOPTED

The Hon. the Speaker *pro tempore***:** Honourable senators, a message has been received from the House of Commons, as follows:

> That, whereas over 57 million children around the world are denied access to primary education;
>
> Whereas girls are still disproportionately denied access to basic education around the world;

Whereas Canada supports global efforts to ensure that all girls and boys have access to basic education;

Whereas Malala Yousafzai fearlessly documented her challenges simply to attend school under the barbaric rule of the Taliban, a listed terrorist organisation under Canadian law;

Whereas she suffered a horrific attack perpetrated by the Taliban who, to this day, wish for her to be silenced;

Whereas Canadians and the civilised world were united in standing against this attack and are intent on honouring the bravery of Malala Yousafzai;

Whereas she has been recognised on numerous of occasions as a champion for fundamental human rights and access to education, including most recently being awarded the Nobel Peace Prize in recognition for her advocacy for universal education;

Whereas she continues to fight for the empowerment of girls and women;

Whereas she serves as a role model and an inspiration to all Canadians and the world in her fight for universal education,

Therefore _____ the House of Commons resolve to bestow the title of "honourary Canadian citizen" on Malala Yousafzai; and

ORDERED,—That a message be sent to the Senate requesting that House to unite with this House in the said resolution by filling in the blank with the words "the Senate and".

ATTEST

MARC BOSC
Acting Clerk of the House of Commons

• (1630)

Some Hon. Senators: Hear, hear.

The Hon. the Speaker *pro tempore*: Honourable senators, When shall this message be taken into consideration?

Some Hon. Senators: Now.

The Hon. the Speaker *pro tempore*: With leave?

[*Translation*]

Hon. Claude Carignan (Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 5-5, I move:

That the Senate does agree with the House of Commons in the said resolution by filling in the blank space left therein with the words, "the Senate and"; and

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

Honourable senators, we can be proud of paying tribute today to Malala Yousafzai because this Pakistani young woman has touched people around the world by fighting for girls' right to education and, especially, their right to an equal place in society — not only in her society, but also in all societies around the world.

She also touched the whole world when she was violently attacked in 2012 because of her beliefs. With strength and determination, supported by leading experts in war injuries, she survived her serious head and neck injuries and recovered quickly to continue, against great odds, to deliver her message of equality and freedom.

Honourable senators, I urge you to support the motion moved today in the other place in honour of Malala Yousafzai and to vote in favour of this motion so that Malala Yousafzai can be made an honorary Canadian citizen.

[*English*]

Hon. James S. Cowan (Leader of the Opposition): Colleagues, it is with mixed feelings that I rise to second the motion to grant honorary Canadian citizenship to Malala Yousafzai, or simply "Malala" as she is known the world over.

On the one hand, Malala's strength, courage and determination to speak up and to stand up for women's rights and girls' education are awe-inspiring. On the other, how terrible it is that in the 21st century such courage is needed by so many young women seeking education and basic rights.

On October 9, 2012, just over two years ago as Senator Carignan has said, Malala was shot point blank by two young Taliban men who flagged down her school bus a hundred yards from her school in the Swat Valley of Pakistan. They boarded the bus and asked, "Who is Malala," and without waiting for her to answer, shot her in the face. She was 15 years old. Her crime? Writing a blog and speaking out about the importance of education.

Malala was shot in an attempt to stop her and other young girls from learning and to silence her voice. The best that I can do is to add my voice to strengthen hers, to speak her words here in the Senate of Canada.

On her sixteenth birthday, addressing a UN world assembly, she said:

> I raise up my voice — not so that I can shout, but so that those without a voice can be heard.
>
> Those who have fought for their rights:
>
> Their right to live in peace.
>
> Their right to be treated with dignity.
>
> Their right to equality of opportunity.
>
> Their right to be educated. . . .
>
> They —

She was referring to the Taliban.

> — thought that the bullets would silence us. But they failed. And then, out of that silence came, thousands of voices. The terrorists thought that they would change our aims and stop our ambitions but nothing changed in my life except this: Weakness, fear and hopelessness died. Strength, power and courage was born . . . . The wise saying, "The pen is mightier than sword" was true. The extremists are afraid of books and pens. The power of education frightens them. They are afraid of women. The power of the voice of women frightens them.

Malala spoke of some of what she has learned and told the world youth gathered at the UN that she did not seek personal revenge against the Taliban or any other terrorist group, but rather wished "to speak up for the right of education of every child."

She said:

> I want education for the sons and the daughters of all the extremists especially the Taliban.
>
> I do not even hate the Talib who shot me. Even if there is a gun in my hand and he stands in front of me. I would not shoot him.

In fact, when interviewed last year by Anna Maria Tremonti on CBC Radio's "The Current," Malala spoke of what she wished she had an opportunity to say to the young Taliban who attacked her.

This is what she said:

> I would tell him shoot me but first listen to me. And I would tell him that education is my right and education is the right of your daughter and son as well. And I'm speaking up for them. I'm speaking up for peace.

That is a theme that shines in all of Malala's speeches, interviews and in her book: Education is the key to peace.

She told Anna Maria Tremonti:

> There are many problems, but I think there is a solution to all these problems, it's just one and it's education. You educate all the girls and boys. You give them the opportunity to learn.

She continued:

> When I look at my goal, my goal is peace. My goal is education for every child.

Education. Malala and her friends and millions of others around the world all understand that knowledge is the key to unlocking the possibilities of this world, while ignorance and lies are the true enemies of us all.

Colleagues, I've often thought that you can take the measure of a society by looking at the women, their freedom, their role and equality. I don't know why so many men are afraid of or threatened by educated, powerful women, but we see the evidence in the determination with which young women like Malala are denied the right to an education — silenced without an opportunity even to answer their attackers, denied the right to speak in their own names. Malala speaks for all women and girls when she stands today and proudly says, "I am Malala."

Colleagues, we're honouring Malala today, but really it is our honour for us to bring her within the family of Canadian citizens because her aspirations mirror the very best of our own values. Today we are standing as a nation and telling the world, "We are all Malala."

• (1640)

Hon. Salma Ataullahjan: Honourable senators, I first spoke to you about Malala Yousafzai two years ago, on October 11, the International Day of the Girl.

As you and the world now know, Malala showed extraordinary courage in the face of evil. She was targeted and shot by the Taliban on her way home from school because she defied the ban against girls in school and she also blogged about it.

Malala's story touched my family deeply, as we are both Yusufzai — the warrior tribe of ethnic Pukhtuns. The Yusufzai women are known for their bravery, their resilience and resourcefulness, and have had to overcome many challenges throughout our history.

I shared with you a poem my daughter wrote for Malala.

> On Sunday afternoons,
> My father would weave stories of honour.
> Like those whose family trees are rooted in foreign lands,
> I was taught of my heritage.
> I would learn of my ancestry,
> My forefathers,
> My line.
> As my mother would kiss me on my forehead,
> She would whisper "You are a Pukhtun and a Yusufzai.
> This blood running through your veins carries with it obligation.
> You fight for honour,
> My child.
> You are a warrior."
> So, I imagine, little Malala was told,
> Our women are accustomed to carrying burdens heavy for our slender shoulders.
> We have learnt long ago that honour is ours to protect,
> So we load our backs with the expectations and hopes of our fathers.
> Malala,
> Only 11 years old,
> When she lit a candle in the darkness,
> Defiant and bold.
> True to her namesake who fought the Battle of Maiwand,
> As a child,
> She did what most grown men would not.
> Fear was as foreign to her as the two bullets that ripped into her young flesh,
> Little Malala, Innocent Malala,
> Brave beyond her years, Malala,
> It was a name I had hoped to give my daughter.
> Malala,
> A veritable Pukhtun woman,
> And revolution is carried in our wombs.

In June 2013, the Senate adopted my motion to "express its support for Malala Yousafzai in light of her remarkable courage, tenacity and determined support for the right of girls everywhere to an education." Now, in 2014, another chapter in Malala's extraordinary story unfolds. She is the youngest ever winner of the Nobel Peace Prize, shared with India's Kailash Satyarthi.

Today, I urge the Senate to adopt this motion. She is fully deserving of this privilege. I am proud that she is Pakistani and I would be proud to call her a Canadian.

Hon. Senators: Hear, hear.

Hon. Mobina S. B. Jaffer: Before I make my remarks, I want to recognize the work Senator Ataullahjan did to support Malala even before we had heard about Malala. At her own expense she flew to London to support the family of Malala and has been at the side of Malala's family for a long time.

Senator, I think I speak for all our colleagues here when I say that you have represented us well. I know that you are also a Yusafzai as she is, and we thank you for the leadership you have shown supporting Malala. Thank you very much.

Hon. Senators: Hear, hear!

Senator Jaffer: On October 9, 2012, the world watched horrified as a 15-year-old Malala Yousafzai was shot in the head. The only reason she was shot was for attending school. She wanted to obtain an education.

In Pakistan, the Taliban were sending a loud message and trying to scare off any other girls trying to take what was rightfully theirs.

Allow me to quote from Malala herself, who said:

> The terrorists thought they would change my aims and stop my ambitions. But nothing changed in my life except this: weakness, fear and hopelessness died. Strength, power and courage was born.

Malala fought through the pain and survived. She is now fighting for the right for all young girls to be educated. We are humbled by her bravery and strength.

What would terrify most people into paralysis only spurred Malala into greater action, and over the years we have seen her become the voice for girls all around the world. These girls are our future. They are deserving of better, and Malala is helping to create that better future.

The issue of girls' education is of utmost importance. The current state of affairs is extremely concerning. According to a 2013 UNESCO report, there are still 31 million girls of primary school age out of school. Of these 31 million, 17 million are expected never to attend school. There are 4 million fewer boys than girls out of school. Two thirds of the 774 million illiterate people in the world are female. Malala's home country of Pakistan is among one of three countries that have over 1 million girls not in school.

Terrorists like the Taliban try to incite fear in the world. They thrive on breaking the foundations of strong societies. They revel in disrupting peace and stability. Based on who they target, we see who they feel is their scariest opponent: an educated girl.

Nicholas Kristof at *The New York Times* penned a powerful speech in May on why terrorists fear educated girls so much. As he said:

> Why are fanatics so terrified of girls' education? Because there's no force more powerful to transform a society. The greatest threat to extremism isn't drones firing missiles, but girls reading books.

By refusing girls their education, terrorists are ensuring that poverty will thrive. Nothing promotes social mobility more than an education. Educated girls grow up to be educated women, who will have jobs, earn an income, and be independent. Educated girls grow up to be educated women who wait until they are older to have children of their own, and who are dramatically less likely to suffer child mortality because of the information they have learned. Educated girls grow up to be educated women who boost their economies, lead their communities, and protect the next generation of girls and boys alike.

It is no wonder why they fear young girls so much. Terrorists cannot thrive in a society where women and men are equally united, so they continue in their mission to target young girls.

We saw this happen when they targeted Malala in 2012. We saw this happen when Boko Haram captured a group of 200 Nigerian girls exactly 190 days ago. Unfortunately, there have been far more events like this than we have time to recount here today.

This is a daily occurrence, where girls have to fight for their lives to get what they are rightfully due, a right that their brothers get but they do not, a right to the most powerful tool a human being can own: an education. Girls are denied an education. This is a devastation to humanity.

In a world where a girl's education is so gravely threatened, Malala serves as a guiding light, a symbol of hope and courage.

The Taliban hoped to silence her, but her voice is as strong as ever, and it reminds us every day that we must do better; we must continue the fight for our children's rights; we must fight for their education to be protected.

Through her work with the Malala Fund, she aims to "create a world where girls are empowered to reach their potential through a quality education." At 17, Malala has already figured out that this is the way we are going to effectively defeat global extremism.

Education is the key to solving many of the problems our globalized world faces, and we have to make it a priority.

Malala connects us globally, reminding us that no race, no religion and no country has a right to stand in the way of a child's education.

It is because of her pureness of intention that her work is so resonant around the world. We congratulate her, along with Kailash Satyarthi for his work to combat child slavery, on winning the Nobel Peace Prize on October 10.

To be only 17 years old and have such a grasp on humility, commitment and courage is inspiring. I have no doubt that she will continue to bring positive change to our world.

Honourable senators, as you know, for many years I was the envoy to Sudan. One of my proudest moments as a Canadian was that every place I went to there were schools built by the Canadian government. We can all take pride that we have done a lot for education around the world, especially for the education of girls.

• (1650)

What I observed is that the boys were getting Quranic services and the girls were getting a proper education. Honourable senators, our taxpayers' money was being used to educate girls. I think we can all be proud of that.

I also want to take this opportunity to thank Mr. Ziauddin Yousafzai, Malala's father. He has been so supportive of his daughter. He was supportive of his daughter by founding a school so she could receive the best education. He has provided her medical care when she was badly wounded and he remains instrumental in supporting Malala's work today. You, sir, set an example to all of us as to the importance of girls' education and for this we salute you.

In this chamber we know that, for a girl to succeed in her education, a father's support goes a long way. We have often heard how Senator Ataullahjan's father, Mr. Saranjam, supported her with her education; how Mr. Saranjam made sure she received the best education in the world; how Mr. Saranjam sent her to one of the best schools in the world; and how Mr. Saranjam continues to support her in her work to this day.

Honourable senators, you have also heard me speak of my own father, Sherali Bandali Jaffer. My father helped to build a kindergarten because the one in my neighbourhood would not accept me because of my colour. My father encouraged me and spent a lot of money with great hardship for me to become a lawyer. He sent me to one of the best universities in the world.

Honourable senators, in the 1960s there were not many female lawyers, and I can still hear people discouraging my dad. They would ask, "Why waste money educating a girl as a lawyer? She will go to her husband's house; she will have children and not use her education." My dad persisted. To this day, my greatest supporter in everything I attempt is my father, Sherali Bandali Jaffer.

Not all girls have this kind of support, and I am very grateful that I did, as are Senator Ataullahjan and Malala.

I am sure Senator Ataullahjan can relate to you that what she has accomplished is because of the support of her father. Malala's father has been there every step of the way for her, and we commend him because we know what personal sacrifice that takes.

But, honourable senators, we must also think about those children who do not have strong support systems at home. This is where strong institutions matter a great deal. I will speak from personal experience, because that is what I know best. The schools that I attended in Uganda were built by His Highness the Aga Khan. They were the best schools in the country, and I would like to share with you the thoughts of His Highness the Aga Khan on the matter of educating girls. It is something that reaches far beyond the values of Ismailis. It represents the values of the world:

> I think the message of Islam is the dignity with which we must treat women in society. Now, the notion of how that happens in practice, is very much a question of interpretation. But the basic premise, is the dignity and equality of women in society. . . . But that doesn't happen if women are not given a proper education. We believe and I think it's correct that education dignifies women.

In another statement, His Highness said:

> Quality education at all levels is, and has been, critically important for all societies at all times.

Honourable senators, that is why it is really important that we continue making sure that education is provided to girls, because that is a very important Canadian value. My point is this: Those of us who were lucky to have support at home know it and show our appreciation every day. We try because of their support. We stand on their shoulders. But it is also the responsibility of institutions and governments to make sure that there is education for girls. Those sorts of efforts need to be met with the state's willingness to create an environment where girls' education is an accepted norm.

In fact, I would go further: where girls' education is mandatory. Worldwide we need to make the education of girls mandatory. We commend Malala on the work of her fund to get closer to this goal. As we all here in this chamber know, when you educate a girl, you educate her family, you educate her village and you educate her community. Malala is a living example of how the voice of one girl can shape society and get the attention of the whole world.

Determined, strong and humble, Malala does the work that we not only appreciate but should all strive to emulate. She's doing her part and we must do ours to make sure our children are all educated.

Honourable senators, I encourage you to pass this motion and join me in welcoming Malala Yousafzai, a true global leader, as an honorary Canadian citizen.

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

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

MOTION TO AUTHORIZE COMMITTEE TO REFER PAPERS AND EVIDENCE FROM STUDY ON BILL S-10 DURING FIRST SESSION OF THE FORTY-FIRST PARLIAMENT TO CURRENT STUDY ON BILL C-6—DEBATE ADJOURNED

Hon. Suzanne Fortin-Duplessis, pursuant to notice of October 9, 2014, moved:

> That the papers and evidence received and taken and work accomplished by the Standing Senate Committee on Foreign Affairs and International Trade during its study of Bill S-10, An Act to implement the Convention on Cluster Munitions, during the First Session of the Forty-first Parliament, be referred to the committee for the purposes of its study of Bill C-6, An Act to implement the Convention on Cluster Munitions, during the current session.

She said: Honourable senators, I will be brief. Senator Andreychuk asked me to move the adoption of this motion on her behalf, before the Standing Senate Committee on Foreign Affairs and International Trade starts studying Bill C-6.

The motion seeks to bring to the attention of the committee all the substantive work already undertaken in the previous session during its study of Bill S-10, the forerunner to Bill C-6. This motion will serve to refresh the memories of the senators who sat on the committee during the study of Bill S-10, and to bring to the attention of new members the papers received, evidence taken and work accomplished by the committee during the first session of the 41st Parliament.

This approach will allow the committee to focus its study of Bill C-6 on the amendment that distinguishes it from Bill S-10. We hope that this will also make it possible to conduct a more in-depth study of the bill. Thank you, honourable senators.

Hon. Joan Fraser (Deputy Leader of the Opposition): Would Senator Fortin-Duplessis take a question?

Senator Fortin-Duplessis: With great pleasure, Madam Senator.

Senator Fraser: This procedure is not unprecedented. Committees often refer to documents and testimony from previous meetings, but I just want to be sure that this won't encourage the committee to conduct a hasty study.

You mentioned an in-depth study. Can you expand on that? That's important because this isn't the same bill that was introduced in the last parliamentary session. I just want to be sure that you'll be taking a close look not only at the text of the amendment, but also at the implications for the bill as a whole and the system it will be integrated into.

• (1700)

Senator Fortin-Duplessis: I would like to begin by saying that it was very important for the government to delete the word "using" from clause 11(1)(*c*) because we wanted to reassure the opposition that the government decided to delete the word "using" from the list of exceptions.

As far as Bill S-10 is concerned, it implemented the convention and nothing more, while "prohibiting the use of cluster munitions" goes further. I do not currently have before me the list of witnesses who will be heard during review of Bill C-6. However, I can assure you that we intend to give the bill sober second thought.

At no time does Bill C-6 authorize members of the Canadian Forces to order the use of these devastating weapons or support their use by other countries that are not signatories to the convention. The Canadian Forces are aware that the ban on using cluster munitions is absolute. I would also like to remind you that UN Secretary General Ban Ki-moon is already aware that Bill C-6 passed at the other place.

I hope that we will do excellent work. I am sure that the witnesses at committee will be heard and then we will see what happens.

Senator Fraser: I didn't really get an answer to my question, but I have no intention of getting into a debate on the content of the bill this evening. I simply wanted to be sure that there would be a real study with the contribution of all the witnesses who have the expertise and other information to add to the study.

Transferring everything that has previously been done in a committee should never be used as an excuse to hasten or cut short a review of a bill before the Senate, especially a bill as important as this one.

Senator Fortin-Duplessis: We have no intention of cutting corners or doing this too quickly.

Hon. Fernand Robichaud: Madam Senator, I would like to be reassured that adopting this motion will not result in limiting the appearance of witnesses who were previously heard when the bill was before us, and that we will be entirely free to invite them back so we can hear from them again.

Just because we have all the documents before us doesn't mean we don't need to hear these witnesses. I would like us to be able to invite them, even if they've appeared in the past for a previous version of the bill.

Senator Fortin-Duplessis: Thank you very much, Senator Robichaud. Personally, I can't promise that the committee will be able to hear from the same witnesses who have already appeared. It is a question of hearing from the witnesses who have asked to appear. I know our committee will work hard and carefully examine this second version of the bill on the Convention on Cluster Munitions.

[*English*]

Hon. James S. Cowan (Leader of the Opposition): I appreciate that Senator Fortin-Duplessis is perhaps in a difficult position, but it seems to me that maybe we ought to consider this a little further. Therefore, I move the adjournment of the debate.

(On motion of Senator Cowan, debate adjourned.)

(The Senate adjourned until Wednesday, October 22, 2014, at 1:30 p.m.)

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