



# DEBATES OF THE SENATE

---

1st SESSION • 42nd PARLIAMENT • VOLUME 150 • NUMBER 32

---

OFFICIAL REPORT  
(HANSARD)

Wednesday, May 4, 2016

The Honourable GEORGE J. FUREY  
Speaker

## CONTENTS

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

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

---

Published by the Senate  
Available on the Internet: <http://www.parl.gc.ca>



## THE SENATE

Wednesday, May 4, 2016

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

Prayers.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Mme Camille Desjardins Nolin, wife of our late colleague, the Honourable Pierre Claude Nolin, forty-third Speaker of the Senate. I would also like to draw your attention to their three children: Louis, Simon and Virginie.

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

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

### DISTINGUISHED VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I also wish to draw your attention to the presence in the gallery of our former colleague and Speaker, the Honourable Noël Kinsella.

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

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

## SENATORS' STATEMENTS

### ALBERTA

#### WILDFIRES IN FORT MCMURRAY— EMERGENCY APPEAL

**Hon. Claudette Tardif:** Honourable senators, today our hearts and prayers are with the people of Fort McMurray. Indeed, a massive wildfire fueled by abnormally hot and dry temperatures has been wreaking havoc in Fort McMurray since yesterday. All of the city's 80,000 residents were forced to evacuate and had precious little time to do so. This evacuation is the largest in Alberta's history, but fortunately it appears that everyone has managed to flee safely. Entire neighbourhoods have been

destroyed. Many others are still at risk. Things are only expected to get worse today as hot, dry and windy conditions persist.

[*Translation*]

Fortunately, help is coming together quickly across the country. Canada as a whole is concerned by what is happening in Fort McMurray, and Canadians are rallying together at this time to find ways to provide help.

Our thoughts are with the firefighters and first responders who are risking their lives to try to get this worrisome situation under control and get the people of Fort McMurray out of harm's way. Many worked hard through the night and are still at it today. More first responders will lend a hand to those who are already there, as reinforcements are on the way.

Preparations are under way at the Department of National Defence to help the people in the region. A contingent of soldiers and equipment has already been deployed and will arrive in Fort McMurray shortly. Several companies and organizations, including the Red Cross, are mobilizing to provide support to the evacuees.

[*English*]

Prime Minister Trudeau has already indicated that the federal government will offer its full support and further assistance in the long term. I am certain that provinces, municipalities and all Canadians will come together and answer this call for assistance. I know many people are wondering how they can help. The Red Cross has set up an emergency Alberta fires appeal. Please go to their website for additional information.

• (1410)

[*Translation*]

My thoughts are with my fellow Albertans. I sympathize with everyone in Fort McMurray who has lost their home, their job and all their belongings and is left with nothing for the immediate future because of this terrible fire. Again, I want to acknowledge the invaluable support of Canadians who are banding together to offer their help to the people of Fort McMurray at this time.

Many thanks.

[*English*]

**Hon. Betty Unger:** Your Honour, I would like to add to the comments that have just been made by my colleague. Over the past 24 hours, we have all been gripped by the news coming out of Fort McMurray in northern Alberta. The entire city of 80,000 people has been evacuated in the face of a fire raging

through a tinder-dry forest. It's the largest evacuation in the history of Alberta. With as little as 30 minutes notice, people have fled to safety. Some are being housed at oil industry work camps to the north, while thousands have headed south to Edmonton. Everyone is now in need of basic essentials such as food, water and shelter.

The fire has already destroyed over 500 homes and damaged countless others. There is great concern that the situation will grow worse. Right now, firefighters, emergency workers, and forest fire crews are battling to save the city. Police are going door to door to ensure that everyone has been evacuated. The challenges are overwhelming and the losses heartbreaking, and yet we are so thankful that no injuries or casualties have been reported at this time.

Colleagues, once again, in the face of this tragedy, we are seeing Albertans and Canadians pull together to help and support one another in great times of need. The response has been incredible. Great acts of charity are commonplace. Last night Twitter was overwhelmed with expressions of concern and support for the residents of Fort McMurray.

Hotels and oil and gas companies have provided rooms to house evacuees and first responders. Oil and gas companies have cut production to ensure their employees get to safety. Stories of people helping one another are commonplace.

Fear and concern are palpable, but this situation is far from over. High winds, high temperatures, low humidity and extremely dry conditions have created a very dangerous situation. In closing, I would like to thank everyone who is working so hard to ensure the safety of others while putting themselves at risk. Your bravery, selflessness and tireless efforts make us proud. And to everyone who has been impacted by this fire and is unsure of what tomorrow will look like, our hearts and prayers are with you. Be strong and stay safe. Thank you.

### MENTAL HEALTH WEEK

**Hon. Jane Cordy:** Honourable senators, this is National Mental Health Week. I was honoured to attend the fourteenth annual Champions of Mental Health Awards last evening. My congratulations to the 2016 champions of mental health who are making a difference in the lives of Canadians.

Honourable senators, we know that there is a high prevalence of mental illness in Canada. Twenty per cent of Canadians, that is one in five, will suffer from poor mental health at some point in their lives. In some cases it may be for two weeks or two months; in other cases it may be something a person will have to work with for the rest of their life. If we consider the impact on the lives of families and friends, we know that poor mental health touches the lives of many Canadians. We know that people in our families, our workplaces and our neighbourhoods may suffer from poor mental health.

Honourable senators, you know we are not always aware of what others are struggling through in their personal lives on a daily basis, but good things are happening. Many corporations,

like Bell Canada, are working to help reduce the stigma associated with mental illness. Of course we know that the Mental Health Commission, which was established as a result of the Senate report entitled *Out of the Shadows at Last*, continues to work in partnership with many organizations to combat stigma.

Honourable senators, I would like to draw attention to an excellent initiative called Darkness Into Light, a five-kilometre walk or run for self-harm and suicide awareness. My assistant, Susanna Doherty, is on the organizing committee of the Ottawa Darkness Into Light event. Darkness Into Light is an early morning experience that begins in the darkness at five o'clock as people walk or run the five-kilometre route while the dawn is breaking. The early dawn represents hope bringing people from darkness back into the light. It is an incredible experience and one that people remember for a long time.

Now in its eighth year, the event takes place in over 100 locations around the world, including Toronto, Vancouver and Calgary. It occurs on the same day everywhere, Saturday, May 7, 2016, this year. Ottawa will be taking part for the first time.

To quote Linda Boland, the Ottawa event coordinator:

This is a very emotional event and a different experience for everyone who participates. It is an awareness campaign, a community event, to get people talking, to remove the stigma attached to mental health. We will be encouraging people to walk and talk; to walk with someone, to not let anyone walk alone, to shorten their journey, to lighten their load.

The event in Ottawa will take place at Mooney's Bay Park with the sun scheduled to rise at 5:40 in the morning.

I encourage any senators who may find themselves in Vancouver, Calgary, Toronto or Ottawa this Saturday to support or take part in a Darkness Into Light event. The Ottawa event is organized in conjunction with Pieta House in Dublin, Ireland. The event raises awareness of suicide and self-harm, and the proceeds will go to support Pieta House and the Youth Services Bureau of Ottawa, which helps youth in crisis.

Honourable senators, let us all continue to work to reduce the stigma of mental illness. As the Bell Let's Talk initiative states, "... start a conversation about mental health with everyone close to you because everyone has someone in their life that has been impacted by mental illness. Talk about it and you'll be taking a big step in helping to create a stigma-free world where those who need help don't fear asking for it."

### BLADDER CANCER AWARENESS MONTH

**Hon. David Tkachuk:** Honourable senators, May is Bladder Cancer Awareness Month. This is an initiative that has been around for some time, but this is the launch year for Canadian participation, and as one who has suffered from bladder cancer, I am grateful. As anyone who has had any form of cancer knows,

every day becomes cancer awareness month; but for those who have been fortunate enough not to be stricken, issues like these raise awareness of the risks, and they are not small.

Bladder cancer is the fourth most common cancer for men and twelfth most common cancer for women in Canada, yet most people remain unaware of this potentially deadly disease, and that is not good. As with any form of cancer, early detection is critical because it results in better outcomes for people. I was fortunate to have mine detected early, and with the help of a great doctor and a treatment known as BCG, I have been able to keep my cancer in remission. It does require monitoring and it does require periodic treatment.

On a per-patient basis, it is expensive. In fact, it is the most expensive cancer on a per-patient basis to treat. I urge everyone here to become aware of the symptoms and risks of this deadly disease. I urge all of you to visit Bladder Cancer Canada's website, and tell your friends and family, too, as well, and there you'll find valuable information that may save your life. And you will also find valuable information on Bladder Cancer Awareness Month. Write a letter to the editor or participate in the walk, wear yellow and, above all, learn more and spread awareness. Thank you.

• (1420)

## ROUTINE PROCEEDINGS

### THE SENATE

#### NOTICE OF MOTION TO AFFECT QUESTION PERIOD ON MAY 10, 2016

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, May 10, 2016, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;

That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;

That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and

That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

[ Senator Tkachuk ]

## JUSTICE FOR VICTIMS OF CORRUPT FOREIGN OFFICIALS BILL (SERGEI MAGNITSKY LAW)

### BILL TO AMEND—FIRST READING

**Hon. A. Raynell Andreychuk** introduced Bill S-226, An Act to provide for the taking of restrictive measures in respect of foreign nationals responsible for gross violations of internationally recognized human rights and to make related amendments to the Special Economic Measures Act and the Immigration and Refugee Protection Act.

(Bill read first time.)

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

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

[Translation]

## CANADIAN NATO PARLIAMENTARY ASSOCIATION

### PARLIAMENTARY TRANSATLANTIC FORUM, DECEMBER 7-8, 2015—REPORT TABLED

**Hon. Michel Rivard:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association respecting its participation at the Parliamentary Transatlantic Forum, held in Washington, D.C., United States of America, on December 7 and 8, 2015.

[English]

## QUESTION PERIOD

### PUBLIC SAFETY

#### ASSISTANCE FOR VICTIMS OF FIRE IN FORT MCMURRAY

**Hon. Douglas Black:** Honourable senators, my question is for Senator Harder, the Government Representative in the Senate.

It's with grave concern and terrible sadness that I rise to address the devastating situation currently unfolding in my home province of Alberta. As we have all heard in this chamber this

afternoon, the entire city of Fort McMurray has been abandoned. People have left their homes and their valuables in the largest evacuation in Alberta's history. Neighbourhoods are burning and are destroyed. Businesses are being lost, and public spaces are being destroyed. The airport is now at risk.

I am sure all honourable senators join me in extending our thoughts and prayers to those impacted.

Senator Harder, I understand the Prime Minister has spoken with Premier Notley. Would you please inform the Senate and all Canadians what federal resources have been or will be deployed to help the people of Fort McMurray?

**Hon. Peter Harder (Government Representative in the Senate):** I want to thank the honourable senator for his question and express, as the house and this chamber already have, that the thoughts of Canadians are with the residents of Fort McMurray, the people of Alberta and, indeed, all Canadians. I am particularly bearing in mind the first responders who are dealing so effectively with an incredibly volatile situation.

As the Senate will know, the Province of Alberta has requested federal assistance, including air assets to support evacuations, firefighting and delivery of essential aid. An MOU with the Department of National Defence was signed only hours ago. I can confirm that the government is providing assistance in these areas and others.

The Government Operations Centre, which is the coordinating mechanism for emergency response, is well advanced in the staging of resources and pre-deployment and deployment of all the assets available countrywide, both Government of Canada assets and others.

The Minister of Public Safety is in active contact with his provincial counterparts and members of the region, as well as the President of the Métis Nation of Alberta.

Local RCMP and support members from detachments throughout Alberta are fully involved and supporting the search and evacuation efforts as directed by the Regional Municipality of Wood Buffalo's emergency operations centre, and the Government of Canada is committed to providing assistance both immediately and in the longer term.

Using the Federal Emergency Response Plan, the Government Operations Centre brings together provinces, territories and key federal departments and agencies to assess the risks that fire events pose to Canadians, critical infrastructure and, of course, the economy, and to develop plans to address these issues. That is all happening actively at this moment.

This is a very evolving situation. I would be happy to update this chamber on a regular basis as the situation evolves from emergency to full response.

## FOREIGN AFFAIRS

### HUMAN RIGHTS IN IRAN—ECONOMIC SANCTIONS

**Hon. Linda Frum:** My question is for the Leader of the Government in the Senate. Leader, sanctions are in place on Iran for a reason. Escalation of Canadian sanctions started in 2003 with the rape, torture and murder of Iranian Canadian photo journalist Zahra Kazemi by Iranian authorities. Iran imprisons, abuses, rapes and tortures innocent journalists, students and political dissidents simply for wanting freedom from tyranny.

Iran is a state sponsor of the terrorist organizations Hamas and Hezbollah.

Will the Liberal government commit to keeping the current economic sanctions regime on Iran in place? If not, will it commit to linking the lifting of Canadian economic sanctions with the advancement of human rights in Iran?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question. The situation of human rights in Iran is of ongoing and high concern to the Government of Canada, especially at a time when, as the senator references, we see a rise in executions and restrictions on freedom of expression, the rights of women, and ethnic and religious minorities.

I am pleased to note that Canada led the UN resolution on the human rights situation in Iran, which was adopted at the UN General Assembly in December of last year, December 17. Canada continues to lead international efforts on this resolution for this fall and to work with like-minded countries with respect to ongoing pressure on Iran with respect to human rights performance.

Re-engaging Iran, in the government's view, is a way that we will be able to directly discuss our concerns with respect to human rights with Iranian authorities, and that remains a high priority for the Government of Canada in the days and months ahead.

[Translation]

**Hon. Claude Carignan (Leader of the Opposition):** My question is also about Iran, and it is for the Leader of the Government in the Senate.

Iran says it has changed and wants to sign a political agreement to lift the sanctions on the Iranian regime.

Let's look at what Iran is doing. Iran's historical position on nuclear proliferation and states that support terrorist groups, such as Hezbollah and Hamas, not to mention its atrocious human rights record, raise serious concerns about whether we can trust it as an ally. We would like to know why the Liberal government is in such a hurry to lift sanctions against this repressive regime.

Can the leader tell us if the government puts more stock in Iran's words than in its actions?

• (1430)

[English]

**Senator Harder:** Thank you, Leader of the Opposition.

With respect to Iran, the view of the Government of Canada is that we need to work in close cooperation with our allies to encourage and engage Iran in a way that promotes stability and security in the region and, indeed, in the world.

We do so with our eyes wide open and alert to the sponsorship of terrorism abroad, aggression towards Israel and the human rights abuses of Iran, of which I just spoke. Canada still has concerns about Iran's nuclear ambitions, but we believe that the P5+1 negotiation with Iran, provided it is fully and verifiably implemented, will effectively constrain Iran's nuclear program while this arrangement is in effect.

This arrangement, as you know, was signed in July 2015, and Iran has conducted a number of ballistic missile launches. We continue to monitor the development of its ballistic missile program with concern and share that concern amongst our allies.

Iran's testing of ballistic missiles would be counter to the spirit of UN Security Council Resolution 2231 (2015), and Canada will maintain robust sanctions and tight controls on export proliferation of sensitive goods in Iran, including goods and technologies that could assist in the development of its ballistic missile program.

As senators will know, in February of this year Canada added six individuals and one entity under the Special Economic Measures (Iran) Regulations for their role in assisting the development of Iran's ballistic missile program. This is an issue of high interest and concern in the Government of Canada, and I look forward to reporting to the Senate on a regular basis on how this situation evolves.

#### CHINA—RESTRICTIVE REGULATIONS FOR ORGANIZATIONS—HUMAN RIGHTS

**Hon. Thanh Hai Ngo:** This question is for the Leader of the Government in the Senate.

On Thursday, April 28, Chinese officials in Beijing announced new harsh restrictions for foreign non-governmental organizations. This new law in China further controls and limits the good work of Canadian non-governmental organizations by narrowing space for civil society and constraining contact between individuals and organizations. With this new law, foreign groups will be forced to find official Chinese partners and register with the police, who will be permitted to examine every aspect of their operations, including their finances, at any time. Treating foreign NGOs as a primary security threat undermines not just the ability of those organizations to promote Canadian values in China, but also the ability of our companies to do business there.

Last Friday, Minister Dion noted this new Chinese law but did not say how it would affect our trade relations with Beijing, nor did he stress the importance of respecting human rights in his statement.

My question to you, leader: How many Canadian organizations will this new harsh law affect, and will the Canadian government protect the ability of independent Canadian organizations to operate in China? Finally, when will the Trudeau government urge China to respect the rights and freedoms of human rights defenders, journalists, business groups and development organizations in China?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. The issue of human rights in China is an ongoing one for successive governments in Canada's overall relationship with China, and it is not new to this government. Mr. Dion has, as you know, met his counterparts several times, as has the Prime Minister, and I am sure that issues of human rights form part of the overall discussions. I am certainly aware of the situation that you are describing. The role of civil society in an evolving China is an important one, and one that the Government of Canada maintains a close interest in.

#### FAMILIES, CHILDREN AND SOCIAL DEVELOPMENT

##### ESTABLISHMENT OF NATIONAL COMMISSION ON CHILDREN AND YOUTH

**Hon. Jim Munson:** My question is for the Leader of the Government in the Senate. I recognize he may not have an answer for me today, but maybe he can show the government's intentions in this regard.

Mr. Speaker and fellow colleagues, we all know that most Canadian children are healthy, have access to health care and education, and are being raised by caring families and communities. Outside of this mainstream reality, though, there are millions of children whose basic rights are being denied, ignored and violated. Particularly, they are Aboriginal children, children living in poverty and those with disabilities. These are the most vulnerable people within our population.

Their struggles do show us, Mr. Leader, that Canada is failing to fulfill its obligations under the UN Convention on the Rights of the Child. Children's rights are for all children. As you may or may not know, the Standing Senate Committee on Human Rights has repeatedly called for the creation of a national commissioner for children and youth, and our former Minister of Justice, Irwin Cotler, along with Minister Marc Garneau, have both sponsored private members' bills on the other side to establish this position. UNICEF and other organizations specializing in children's rights, including a council representing nine provincial and two territorial children and youth advocates, also believe a national commissioner would be instrumental in improving equality among Canadian children.

I have two questions for you, Mr. Leader of the Government in the Senate. Where does the government stand on establishing a national commissioner on children and youth to independently



represent and give a voice to, and ensure that policies, laws and social programs accommodate the interests of, our most vulnerable citizens?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question, as well as for his advocacy on this issue. I will consult with the government and be happy to respond to his question.

**Senator Munson:** I thank you for that.

I have a supplementary question. I just want to emphasize that here in the Senate, collectively — and this is how the Senate can work and does work well — when you do sit on the Human Rights Committee, or other committees, you work with like-minded senators on these issues that really matter and that sometimes they don't have enough time to pay attention to on the other side.

We like to think we're one of the greatest countries in the world, but we do have our issues in dealing with children. We haven't lived up to the UN Convention on the Rights of the Child. Sometimes people don't like to hear that, but it's true, if you listen to the evidence from advocates.

As you're considering that, Mr. Leader, would the government consider creating this position as a means to, among other goals, fulfill its promises to children under federal jurisdiction? I speak here, of course, of Canada's Aboriginal children.

**Senator Harder:** I note the supplementary to the original question and will include it in my response.

## THE SENATE

### TIME LIMITS FOR ANSWERS TO WRITTEN QUESTIONS

**Hon. Percy E. Downe:** My question is about written questions that are tabled in the Senate. We have a rule that states there's no time frame to answer them, unlike in the House of Commons. I'm hoping the new Leader of the Government in the Senate will change the rule and have the same conditions as the House of Commons. It's very difficult to get information through access to information and other means. Forty-five days is a reasonable time for a department to get the information and get it to us. Would you take that under consideration?

**Hon. Peter Harder (Government Representative in the Senate):** Not only will I take it under consideration, I want to assure the honourable senator and all senators that I have had discussions with those who I interact with in written responses and have impressed that the historic record of response is not acceptable. Without any comment on anybody, I find that, in order to do the

business of the Senate, 209 days for a response isn't respectful, frankly. I hope to have the first tabling of responses as early as this week, but certainly no later than next, and I look forward to establishing more regular mechanisms so that I can respond within time frames that are associated with the other place.

**Senator Downe:** That's wonderful news. I put two easy questions on there to give you a good start. I knew they wouldn't take you much time, given your previous career as Deputy Minister of Foreign Affairs.

## FINANCE

### FINANCIAL SUPPORT FOR COMBATTING TAX EVASION

**Hon. Percy E. Downe:** Honourable senators, I have another question that I did not have an opportunity to ask the Minister of Finance yesterday, and I'm wondering if you could find something out. He discussed, in some detail, the \$444.4 million in additional funding for the Canada Revenue Agency and the fight against tax evasion. The department had a press conference. They set out some very high standards that we will be monitoring over the next year.

• (1440)

But I'm intrigued by the \$444.4 million. Was that a figure suggested by the department? Did the department have another figure in mind? How did that amount come about? I'm wondering if you could find out that information.

**Hon. Peter Harder (Government Representative in the Senate):** I will endeavour to find that out.

From my experience, departments never get what they ask for, but I will see whether the department is more successful than any that I led.

## FOREIGN AFFAIRS

### IRAN—WEAPONS SALES

**Hon. Dennis Glen Patterson:** My question is to the Government Representative in the Senate, and it's also about Iran. Not long after sanctions were lifted against Iran, Russia rushed in to sell fighter jets and missile systems to the regime in Tehran.

Senator Harder just spoke about Canada working with our allies. Our allies have rightly deemed that this weapons sale violates a UN arms ban, but our government seems to be warming up its relations with both Iran and Vladimir Putin.

Will the government condemn this massive weapons sale that threatens peace and stability in the region rather than turning its back on our allies and refusing to take a leadership role against this dangerous arms transaction?

**Hon. Peter Harder (Government Representative in the Senate):** I will certainly follow up on the question. It would not be for me to answer on behalf of the government directly.

However, I do want to reference my earlier point that the government does believe that engaging with Iran gives us an opportunity to raise, at the highest level, issues of human rights, and that we are in a close working relationship with our allies, particularly the P5+1, on issues around the nuclear arrangement.

In the context of Russia, the Prime Minister has expressed his views directly to the President of Russia. The diplomatic relationship is supportive of the ongoing concerns of the Government of Canada with respect to the actions taken by the Government of Russia on a wide range of issues.

#### ALISON AZER

##### ABDUCTION OF CHILDREN

**Hon. Daniel Lang:** Colleagues, a number of weeks ago, I brought to the attention of this house the question of Ms. Alison Azer and her four children who have been kidnapped by their father and taken, initially, to Kurdistan. If you recall, when I brought this to the attention of the house, I asked the question of the government leader also on the same question and raised it with him.

I want to go further with the question of Ms. Azer and the four children. Since that time, those four children who were seen to have been or we were led to believe to have been abducted to Kurdistan now have been identified in Iran. This being Iran Accountability Week, I think it's appropriate that this particular issue be brought to the floor of the Senate for the government leader's attention and to ask the government exactly what they have been doing since this issue has been brought to both the Senate and to the House of Commons in respect to the situation that Ms. Azer faces.

Second, the other question, along with the update I would like to have the government leader bring to our attention, is this: Have the Iranian authorities been made fully aware of the background of Mr. Azer who, as we all know — and it has been identified — when he first came to Canada as a refugee, he was for many years denied citizenship because of the information that CSIS had on his activities back in Kurdistan, which was for the PKK, the terrorist organization that Canada obviously does not support? Could the government leader please update us in respect to Ms. Azer, the four children and their future?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for raising this question again. I can report to him and to the whole chamber that the government is fully seized of the importance and urgency of this case. Consular officials from the Government of Canada are working closely with appropriate government authorities both in Canada and abroad, including law enforcement, with respect to the return of these children safely to Canada.

The Minister of Foreign Affairs, as well as the Parliamentary Secretary to the Minister of Foreign Affairs (Consular Affairs), has met with Ms. Azer to discuss the situation, to inform her and hear from her directly. Consular officials continue to be in touch with the family, and we're pursuing the safe return of the children.

As in all consular cases where privacy considerations are involved, I'm unable to comment in detail. In addition, this is an evolving situation where a comment probably wouldn't be helpful. But I want to assure the honourable senator that the safety and well-being of these children is a priority for the Government of Canada. I look forward to reporting progress, on a regular basis, as it evolves.

**Senator Lang:** As a supplementary, I would ask the government leader to undertake to bring to the attention of the government the realities of Mr. Azer's background, his previous activities prior to coming to Canada and his activity while he was in Canada, which, unbeknownst to Canadians, he was involved in and is now again involved in, so that the Iranian government is fully aware of who he is and what he is. Perhaps they will take the appropriate action that would bring these children back to Canada.

**Senator Harder:** I will, indeed.

#### FOREIGN AFFAIRS

##### HUMAN RIGHTS IN IRAN—ECONOMIC SANCTIONS

**Hon. Yonah Martin (Deputy Leader of the Opposition):** My question is for the Leader of the Government in the Senate. Our Conservative government had a very principled and consistent policy with regard to Iran, particularly regarding human rights violations. Today in committee, it was confirmed by some very good witnesses — experts — who confirmed the horrific human rights violations that continue in Iran. We know that imposing or lifting economic sanctions do not deter, lessen or change these human rights violations.

Can the government assure Canadians that Canada will use our influence with our world partners so that changes in economic policies or engagement will not in any way compromise our vigilance and abhorrence of human rights violations in Iran and that we will also consider human rights sanctions as we go forward if these infractions do not in any way improve in the way that we demand?

**Hon. Peter Harder (Government Representative in the Senate):** Again, I want to assure the Senate that the human rights situation in Iran remains of high concern to the Government of Canada. The work that the government and its diplomats are doing at the United Nations with respect to particular resolutions, both last December and again working up to this fall, are very active, so that we are part of the like-minded countries concerned with these issues, and we will pursue them on a matter of principle.

## TRANSPORT

### SUPPORT FOR BOMBARDIER—BILLY BISHOP AIRPORT

**Hon. Leo Housakos:** My question is to the Government Leader in the Senate and has to do with Bombardier Aerospace. Bombardier, which is an important enterprise in my backyard of Montreal, is a company that creates thousands of jobs and which all Canadians are proud of. There has been consideration; we know that cabinet is looking at the possibility of providing financial aid to Bombardier. Canadian taxpayers, of course, want to support that important aeronautics industry in the country, but they're also concerned that the government might be engaging in doling out billions of dollars in aid without any strings attached.

I was wondering if you can share your perspective on whether the government has also looked at the other possibility as an alternative to just giving a taxpayer handout to Bombardier — that is, allowing the private sector to continue to do what it does best. Bombardier received a substantial order from Delta Airlines a few days ago in the billions of dollars, which is a vindication and indication that the product they have is a good product and it has a lot of merit in the industry. Air Canada also placed an order a few months back, supporting Bombardier. Air Canada has said they would be willing to place an even larger order if the federal government would allow for Billy Bishop Airport in Toronto to expand its runway and facilities.

• (1450)

Clearly there's an economic demand for Billy Bishop Airport in Toronto to expand, which would benefit the economy of Toronto and Ontario. Subsequently, it would provide billions of dollars in additional orders to Air Canada, which would resolve the issue of protecting jobs and encouraging the enterprise, while not at the expense of taxpayers. I'm wondering if the leader can share his views on that.

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. Like the senator, the Government of Canada values the Bombardier enterprise highly. Its workforce is significant, both around the world and in Canada, with around 24,000 jobs in Canada and three times that internationally. As you well know, senator, this is a key anchor to Canada's aerospace hub in Montreal. The sale to Delta Airlines of the C-series jet is a significant announcement, particularly as it gives confidence to other global enterprises in the quality and superior performance of this aircraft.

You referred to the federal assistance request that is under active consideration. The minister responsible is deeply engaged in this, and the interests of Canadians are very much at the heart of any action that the government may take. The minister has been clear that this decision will be taken only after due diligence and careful consideration of the business case.

With respect to the Billy Bishop Airport, which you raised, it is the Government of Canada's view that the existing tripartite agreement governing Billy Bishop Airport strikes the right balance between commercial and residential interests, and environmental and cultural challenges, including the evolution of the Toronto waterfront.

## FOREIGN AFFAIRS

### HUMAN RIGHTS IN IRAN—ECONOMIC SANCTIONS

**Hon. Thanh Hai Ngo:** My question is for the Leader of the Government in the Senate. Prime Minister Trudeau has stated that safeguarding human rights and freedom, both here and abroad, is of utmost importance to his government. However, his foreign policy includes engaging with Iran, a country that consistently violates basic human rights, jailing innocent people for disagreeing with the government and directly sponsoring terrorist groups, such as Hezbollah, Hamas, Al-Qaeda and the Taliban. This government has closed the Office of Religious Freedom, one of Canada's best tools to defend the rights of religious minorities, in theocratic Iran.

The freedom of religion is still under attack in Iran today. Religious minorities, such as Baha'i, face persecution for their beliefs. Since 2013, at least 108 Baha'i have been arrested on false charges because of their religion and hundreds of businesses have been shut down. Freedom of expression is also threatened. Three journalists were convicted and charged with collusion against national security and for spreading propaganda.

How can the government justify the blatant contradiction of claiming to safeguard human rights when it is warming up to state-sponsored terrorism and one of the greatest human rights violators of them all?

**Hon. Peter Harder (Government Representative in the Senate):** Senator, it is the view of the Government of Canada that we need to engage countries, even those that are unpleasant or antithetical to our values, so that we have the mechanism of approaching them and discussing our concerns directly, face to face. That is the approach that this government is taking with respect to Iran. I referenced earlier the strong human rights position that the government is taking in respect of Iran's record.

The honourable senator is right to raise the issue of religious freedom as an element of human rights. That is why the government has strengthened the capacity of the Department of Global Affairs to integrate human rights issues across a wide range of issues of concern to Canadians and internationally.

## ORDERS OF THE DAY

### POINT OF ORDER

#### SPEAKER'S RULING RESERVED

**The Hon. the Speaker:** Honourable senators, before proceeding to Orders of the Day, I wish to inform the chamber that I received a request this morning from Senator Carignan, who wishes to speak again to the point of order he raised yesterday. Senators are no doubt aware that rule 2-5(1) gives a fair amount of discretion to the Speaker to hear as much or as little as he or she wishes on a point of order.

I also wish to inform the chamber that I have not yet made a decision on this matter. For that reason, I am prepared to hear from Senator Carignan again. I will also be prepared to hear from one other senator, if there is a senator who wishes to speak to or debate Senator Carignan's comments. Other than that, colleagues, I believe I have heard a fair amount of debate, if not enough, on this particular matter.

[Translation]

**Hon. Claude Carignan (Leader of the Opposition):** Honourable senators, I would like to thank His Honour the Speaker for agreeing to hear a new argument.

As you are aware, a point of order was raised yesterday. However, I did not hear about the titles of the two new members of the other party's leadership until just a few minutes before entering the Senate chamber. Nevertheless, we wanted to raise the point of order at the earliest opportunity. Later, I read the description of the duties that the government conferred on the liaison and the legislative deputy. I wondered about it yesterday, but I did not have time to check the rule on the appendices to our Rules during the course of the debate.

Senators will recall that the Rules, as they now stand, contain an appendix with definitions. In the past, these definitions were not incorporated into the Rules. When they were adopted in 2013, the appendix was also adopted as an integral part of the Rules.

I remember that on June 13, 2012, it was proposed that the report that provided for amendments to the Rules be amended. The report proposed the following, and I quote:

1. Replace the first recommendation in the report, at page 412 of the *Journals of the Senate*, with the following:

"1. That the existing *Rules of the Senate* be replaced by the revised *Rules of the Senate* contained in the First Appendix to this report, including the associated

appendices to the Rules, effective from September 17, 2012;"

A few days later, the Rules, including the appendices, were adopted on a motion of Senator Oliver, seconded by Senator Eaton, which said:

... for the adoption of the first report of the Committee of the Whole (*First report of the Standing Committee on Rules, Procedures and the Rights of Parliament (Revised Rules of the Senate), with amendments*), presented in the Senate on June 13, 2012,

as amended, it was adopted.

The Senate therefore adopted the Rules and the appendices.

What is in these appendices? Appendix I contains the definitions of the various titles that appear in the Rules, including the definitions of Leader of the Government, Leader of the Opposition, whip and deputy leader. The appendix defines these individuals' roles.

I want to draw your attention to the definition of "Government Whip," which I want to compare to the definition that Senator Harder, the Leader of the Government in the Senate, gave for the role of Government Liaison in the Senate. Now, they want to change the title of the whip to "Government Liaison." I want to read the duties that the Leader of the Government in the Senate wants to give to the Government Liaison. I quote:

It is the role of the Government's Representative group in the Senate to facilitate the passing of government legislation and to contribute to the effective functioning of the Senate in a non-partisan and open way. The Government Liaison position will be responsible for administrative and management roles and for liaison with all Senators. Specific responsibilities will include:

- Working with the caucuses' Whips and with independent Senators to help organize the business of the Senate, including, for example, the coordination of Senate Committee placements;
- Supporting sponsors of bills by ensuring that they receive the required input, briefings, and material from Ministers and government officials to present bills effectively;
- Assisting sponsors of bills to identify and deal with the issues and concerns raised by Senators in the debate and review of legislation.

The Government Liaison will exercise these responsibilities in a collaborative and non-partisan fashion.

• (1500)

Therefore, we welcome this new person, this Government Liaison, with his new role and duties, but is he a whip as defined by our Rules?

The title has been changed, but here is the description of the Government Whip's duties as set out on page 118 of our revised Rules:

### Government Whip

The Senator responsible for ensuring the presence of an adequate number of Senators of the Government party in the Senate for purposes such as quorum and the taking of votes, and to whom the Government Leader normally delegates responsibility for managing the substitution of Government members on committees.

Mr. Speaker, the Rules set out the whip's title and define his or her duties. The Leader of the Government's announcement makes no reference whatsoever to the title of Government Whip in the Senate and no mention of the duties of that position, which are set out in the Rules.

Not only are we without a Government Whip in title, we also have no one with the duties of the whip. We must have a title to relate to, and we must be told the duties that individual has been given. If we want to apply the Rules properly with respect to the whip, we must have an individual who bears that title, but we must also have a description of that individual's duties and a clear mandate that includes what is set out in the Rules.

This is also true in the case of the mandate of the legislative deputy, which would appear to be the equivalent, in intent, of the Deputy Leader of the Government, although the similarity seems to be a little more obvious in this case, aside from the title. As for her duties, we are told that the legislative deputy will assist the Government Representative by ensuring that due process is provided to government legislation and all other bills and businesses in the Senate. Second, the legislative deputy will follow the legislative work of committees, although technically, that is not part of a deputy leader's role. That individual will assist committees to provide more substantive reports on their specific study of bills. This is also not part of the role of the deputy leader. Lastly, that individual will informally assist senators with the rules and procedures of the Senate, another responsibility that is not included in the definition of the Deputy Leader of the Government, which can be found on page 117 of the *Rules of the Senate*.

In fact, the definition of Deputy Leader of the Government is as follows: "The Senator who acts as the second to the Leader of the Government." Therefore, that individual must be involved in the government, and he or she represents the government. "[He or she] is normally responsible for the management of Government business on the floor of the Senate." In addition, the deputy leader — and I want to draw your attention to this aspect in particular — is also responsible for negotiating the daily agenda of business with the opposition leadership.

This is an extremely important role. Here, in the chamber, this individual plays a role in preparatory meetings — commonly known as the scroll, during which the daily agenda of business is prepared. However, in no place is it written that the legislative deputy will be mandated to negotiate the daily agenda of business with the opposition leadership. Therefore, once again, an important piece is missing from the legislative deputy's mandate. This piece is necessary if the individual is to formally hold this title and benefit from the rights and privileges of a deputy leader of the government.

Mr. Speaker, today, I would like to say that not only do these people not have the titles set out in the Rules, but also the description of duties provided by the Leader of the Government in the Senate does not correspond to the definition of the duties set out and adopted by this chamber.

I respectfully submit this to you.

Thank you for giving me the opportunity to make a clarification for your consideration.

[English]

**The Hon. the Speaker:** I indicated, colleagues, that I would hear from one other senator who wished to debate the comments made by Senator Carignan because I believe I have heard enough from the comments and debates yesterday, with respect to all other aspects of it. I saw two senators rising. Is one of them prepared to debate or comment? I will go with Senator Bellemare first.

[Translation]

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** Thank you, Mr. Speaker. Senator Fraser no doubt has stronger arguments than I do. However, I'm pleased to learn that Appendix I is part of the Rules. One of the paragraphs at the beginning of Appendix I states, and I quote:

In these Rules, unless the context suggests otherwise, the following definitions apply, with such modifications as the circumstances require:

I think that these definitions come with some leeway. As we said yesterday, this is all completely new to us, and the transition must be smooth, since there are so many rules to draft. Changes must be made. That's all I wanted to say.

[English]

**The Hon. the Speaker:** I indicated that I would only hear from one. That is the beauty of having discretion on rule 2.5(1). The Speaker is allowed to change his or her mind. Senator Fraser has, over the years, added a considerable amount to debate on points of order. As Chair of the Rules Committee, I would like to hear from Senator Fraser.

**Hon. Joan Fraser (Deputy Leader of the Senate Liberals):** The Rules were written, and the annex to the Rules was written, quite carefully, as both Senator Carignan and I know because we were on the committee that did the work. But these definitions were not designed to restrict the generality of the work assigned. In my experience in this place, every leadership team divides the work slightly differently. It would be a grave error for us to start becoming restrictive in our interpretation of the work done by members of the leadership on either side. It would be quite dangerous.

**An Hon. Senator:** You sound like the Auditor General.

**Senator Fraser:** I do not sound like the Auditor General.

It would be appropriate, in my view, as I said yesterday, Your Honour, for you to clarify the titles, not to get into the definition of work.

• (1510)

To take one small example, the whip of the government has two other people to whip if he is only allowed to whip for the government.

**An Hon. Senator:** That's right.

**Senator Fraser:** But he will have a great deal of work to do moving around the chamber, inquiring of people where they plan to be. It would be insanity to say that he could only whip members of the government and do nothing else. So please, exercise your discretion in that sense as well, Your Honour.

**The Hon. the Speaker:** Thank you, colleagues.

## FOOD AND DRUGS ACT

### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Stewart Olsen, seconded by the Honourable Senator Johnson, for the second reading of Bill S-214, An Act to amend the Food and Drugs Act (cruelty-free cosmetics).

**Hon. Lillian Eva Dyck:** Honourable senators, I rise today as the critic to speak at second reading of Bill S-214, An Act to amend the Food and Drugs Act, (cruelty-free cosmetics).

First, honourable senators, I am basically in support of this bill. I believe there are many alternative methods of animal testing available that address the issue of cruel animal testing.

There is a caveat, however, that I'm a little bit concerned about, the issue of safety for people who use cosmetics, and I will go into that in greater detail as I go through the speech because that was

an issue that neither the sponsor nor the other speaker to this bill addressed, and I do believe we must take human safety into consideration as well as animal welfare. So that would be my main concern.

If we look at the bill itself, you'll see that it's composed of five clauses. The first clause basically sets out the title of the bill where it may be cited as the Cruelty-Free Cosmetics Bill. That word "cruelty-free" is used fairly often. We have to consider the types of animal testing. Are there animal tests that are not cruel? That will be an issue that I speak to at several points throughout my speech.

The second clause of the bill talks about amending the Food and Drugs Act. Really what it does is define what animal testing means and what cosmetic animal testing means as well. Clause 3 of the bill talks about inserting into the Food and Drugs Act an additional clause at section 16. If you go to the Food and Drugs Act, section 16, there are three subsections, (a), (b) and (c), which basically talk about who can sell a cosmetic. Basically, it says that no person can sell a cosmetic that causes injury to the health of the user and that is packaged in a way that is filthy or decomposed or is manufactured or stored under unsanitary conditions. Really it's talking about health safety.

Bill S-214 will add in a fourth subsection, 16(d), which will essentially say that no cosmetic can be developed or manufactured that has used cosmetic animal testing. It's banning animal testing in the manufacture or development of cosmetics.

Now, clause 4 of Bill S-214 also amends the act and says that:

No person shall conduct or cause cosmetic animal testing to be done in Canada.

Clause 5 of the bill also amends the Food and Drugs Act saying that:

No evidence derived from animal testing conducted after the coming into force of this section may be submitted or used to establish the safety of a cosmetic or an ingredient of a cosmetic under this Act or regulations.

I have a little bit of concern about this. It seems that is banning data that could have come from animal testing done during pharmaceutical research. Perhaps some of the pharmaceuticals that are being researched have used animal testing and, therefore, it might be excluding useful data that could be used during the manufacture of cosmetics.

Clause 5 also allows the minister to make exceptions if it turns out that there is a problem identified and that the minister has to conduct public consultation. So the minister can override and make decisions, and I was curious as to why this power given to the minister only arises when there has already been a health problem. So after there is a health problem, the minister can intervene, but only after conducting public consultation. And that just seemed to be a strange set of circumstances because the health concern has already occurred. I don't understand why there is a need for public consultation.

So these are the types of questions that I think should be addressed during the committee study of the bill.

The final clause of the bill talks about the Governor-in-Council being able to designate by regulation a drug that could be treated as a cosmetic. So, for example, there may be a drug that has been discovered that might have, let's say, use as an anti-aging ingredient in the cosmetic. I'm not sure what impact this power given to the Governor-in-Council might have. It's not clear what that impact might be. That is something that could be addressed during the committee study.

As I said, I'm basically in support of the bill once the committee finds out whether or not the safety issues are taken care of.

So overall, the bill would ban the sale of cosmetics which will have used animal testing. There is no grandfather clause in the bill so that if this bill is put into force then cosmetics that have been tested on animals will be banned. They won't be available for sale. It's basically banning all live, non-human vertebrate animal testing, even though, as I said before, there may be safety or efficacy issues involved. Clearly the safety issue is the more important of the two.

There is grandfathering of animal-derived test results. So there are thousands of chemicals that have been tested on animals throughout decades of research. As the sponsor and the previous speaker have pointed out, some of the models that were used for testing are really quite cruel. That is the word to be used. They are quite archaic and certainly not the type of thing that would happen today.

There are actually books. If you went to a chemistry library, you could pick out a book that would take a chemical like benzene and tell you what the LD50 of benzene is if you inject it into a rat. Those kinds of things would never be allowed to happen today.

• (1520)

As I said before, when going through the bill, it allows the minister to make exceptions after public consultations. Overall, the supporting arguments for this bill by the sponsor, the previous speaker, focused on the animal cruelty aspects, which I think are important, though they really didn't outline the degree of use of cruel tests. From what I have been able to see in the literature in my research, it's not really clear whether those cruel tests have been totally banned in countries around the world. Some clarity around that needs to be brought up during the committee study.

As I said before, more exploration of the safety issues is required, because we must look at the safety of cosmetics users. This may seem like a silly suggestion, but some of the cosmetics out there actually contain really quite awful chemicals. There are things like skin peels, where you're actually putting a mild acid to your skin to get rid of the upper layer of skin. Then it peels off, revealing the skin underneath, which is newer and younger looking.

Clearly, there can be some safety issues or maybe some allergen issues. For people who have particularly sensitive skin, those acid peels might create scarring or things like that. So safety needs to be looked at.

There are a number of questions or comments I generated as I was looking at the bill and thinking about it. I would just list some of them. Why ban all live, non-animal testing? Some animal testing is definitely cruel, and the sponsor outlined some things, like dropping chemicals onto the eyes of rabbits or feeding large doses of chemicals to rats, rabbits or other small animals to see what dosage will actually kill them. Those are definitely very barbaric animal testing methods, but I don't think they are actually being used today. I would be surprised. If we had someone who could tell us whether they were being used, it would be useful to know that.

In addition, as I already mentioned, there are the safety issues. Are there any safety issues related to cosmetics use? Have issues of safety been reported — things like scarring from the use of some of these acid peels I just mentioned? There were rumours about lipsticks years ago that might have contained large amounts of lead, and we all know that lead is a neurotoxin. You don't want that on your skin and absorbed into the body.

So are there any safety issues?

What evidence is there that cosmetics create serious adverse reactions? We know when it comes to health products or drugs that we do have a system set up to collect information with regard to adverse reactions in humans, but do we have a similar system when it comes to the use of cosmetics?

What types of safety issues have been reported so far, and are they of a serious nature? For example, have there been any reports of blindness, scarring or pitting of teeth, because tooth-whiteners are considered to be a cosmetic? Are there any sorts of serious rashes or, in the worst-case scenarios, incidents of cancer from application of things to the skin?

Another aspect of cosmetics use — and this is more related to the manufacturers — is with respect to liability issues for the industry. If there are safety issues, have there been liability issues for industry? If there are, I suspect that would be what would push industry toward making sure their products are safe. Do they need to put things like warning labels, like we have on drugs? Are warning labels an avenue that should be looked at? Have there been any litigation cases, or is there a history of litigation from which we can learn something with respect to the use of animals?

The other question that I brought up before, which I listed, is why does the minister need to conduct public consultation when there has already been a substantiated health concern? Why not involve the medical or the scientific community instead of the public as a whole?

I would like to say a few words about the cosmetic manufacturers. Apparently, very little animal testing has been done in Canada. This was brought up by the previous speakers.

How does this current situation create problems for cosmetics manufacturers, given the fact that already very little animal testing is being done here?

Marketing bans may decrease the sales of Canadian manufacturers that are doing animal testing. Marketing bans may decrease their sales to places like the European Union, which have banned cosmetics that use animal testing, but that's a business problem. It could be said to be a business problem for the manufacturers, which they could or should resolve voluntarily by stopping their own in-house use of animal testing.

You actually can see that happening today when you look at Earls restaurants. We're not talking cosmetics, but Earls just recently made the decision that they weren't going to buy Alberta beef, because they didn't think Alberta livestock was being treated or slaughtered in a humane way. The Alberta beef producers say, "No, that's not true." So first of all, Earls was responding to public pressure, saying you must treat your animals in the most humane possible manner. Then I guess Alberta was able to convince them that they do treat their cattle in a humane matter, and Earls has reversed their decision.

So public pressure is something we can't ignore. It isn't always just legislation that will change the way manufacturers create products. That's the aspect with respect to legislative action versus the market or consumer action that creates change in how products are on the shelf, whether it be a T-bone steak or a skin-lightening agent.

The sponsor and some organizations have advanced the notion that banning live vertebrate animal testing is necessary to prevent animal testing increasing in Canada, because animal testing is being banned in other countries, such as the European Union. I'm not sure this is really a valid argument, because Canada imports about 75 per cent of cosmetics from the U.S., which has not yet banned animal testing. And because Canada is more of an importer than a manufacturer, I'm not sure that argument holds a lot of water.

Nonetheless, as I said, I do believe the bill has merit, because we want to ensure that any animals we use are treated in the most humane manner possible. Having come from a background of being a neuroscience researcher, we were under the strictest possible guidelines when it came to our use of animals, such as rats and various rodents. We were actually monitored by the Canadian Council on Animal Care, which had a whole list of regulations. They would inspect your facility to make sure that you fed them and housed them — you know, make sure you treated them well and you euthanized them in the most humane possible manner. So I'm for treating animals humanely.

The question that came to me is that a cosmetics manufacturer should surely be under the same sorts of guidelines that we were under. We used to joke around and say that our animals were looked after better than our technicians. We didn't have to keep as good care of our technicians as we had to ensure that we took care of our animals. That's how strict the guidelines were. There was always regulation follow up every year. Forms go in, and your licence is renewed to continue on with your research.

So there should be some route to look at what goes on with animal welfare with respect to research and how that should apply to what goes on with the cosmetics industry.

• (1530)

The big question, as I said before, is: Why isn't there any monitoring — maybe there is, but we're not aware of it — of cosmetic manufacturers who use animal testing, so that we can be assured that they do not use these archaic methods? I highly doubt they would, not only for humane reasons, but also because newer methods use fewer animals and are less expensive.

As I said before, Senator Stewart Olsen, the sponsor of the bill, in her speech, argued that the bill:

... strikes a balance between protecting animals from backward practices and preserving the Canadian industry from undesirable market conditions.

She argued that we wouldn't be forced into having to conduct more animal testing if other jurisdictions like the European Union and maybe the U.S. decided to ban animal testing and somehow or other Canada would have to ramp up animal testing to make up the deficit.

As I said before, I'm not sure that I buy that argument, but I would suggest that the balance ought to be between protecting animals from inhumane testing and protecting humans from unsafe cosmetic products that cause significant health issues for the user. I think the balance should be between animal welfare and human health and safety rather bringing the cosmetic industry into it.

If we look at the sponsor's arguments, Senator Stewart Olsen argued that if Canada doesn't ban animal testing of cosmetics and the U.S.A. does, then cosmetic manufacturers from the U.S.A. and the European Union will push to have their animal testing done in Canada. She stated that:

Canada ... could find itself in the undesirable position where our country becomes a hub for animal testing.

As I said before, I'm not sure that this is a valid argument, given that the sponsor also stated that the cosmetic industry in Canada is geared towards importing products rather than producing them. Canada has really never had a history of being a leader in any kind of chemical production. I think most of the chemical production comes from countries like Germany, which has, for hundreds of years, produced hundreds and thousands of chemicals.

Furthermore, as the sponsor stated:

... the cosmetics industry ... is committed to the elimination of animal testing as alternative methods are developed, validated and accepted by Health Canada.



So there is an alternative. Frankly, I think that Health Canada, if they have not already done so, ought to give serious consideration to other reports, such as from the OECD. I have not yet met with anyone from Health Canada, but I will be meeting with representatives from Consumer Health Products Canada in the next week or two, presumably to get their take on what they think of the bill.

I did meet with representatives from the Humane Society, who sent me lots of links to information on alternative test methods, which is what I was interested in learning more about.

For example, the OECD has developed guidelines for testing of chemicals, and they have developed what are called humane end points for experimental animals used in safety evaluations. They have said, “This is the limit that you can undertake when you’re dealing with experimental animals.” Those limits should be the same ones applied to any industry. It shouldn’t just apply to experimental animals that would be used, let’s say, at various universities across our country.

The OECD states, in their guidelines, that their most noteworthy achievement happened in 2002, 15 years ago, when they deleted what’s called Test 401. This was alluded to in the previous speeches, and that test is called the acute oral toxicity test. That’s the test where you take a live animal — usually a rodent, like a guinea pig or a rat — and you feed it a whole range of doses of benzene or what have you; benzene is actually a highly toxic substance. You feed these animals a huge range of doses to find out what dose kills 50 per cent of the animals. Those kinds of tests have been conducted on thousands of chemicals. The OECD has now said that is a test that should not be conducted anymore, because it’s just not humane. That was deleted in 2002.

If you look at the OECD guidelines on animal welfare, they say that more than 25 years ago, they recognized the need to protect animals in general, and in particular those used in experimental work. They have come to what’s called a mutual acceptance of data. Countries that belong to the OECD can share data, so that if England has done a particular experiment on a new chemical to look at its safety, then Spain doesn’t have to repeat it; they will accept the data that was conducted in another country rather than repeat it themselves. That, then, saves having to put another set of animals through that same experimental set-up.

They endorse what they call the “Three Rs” principle, which was first laid down in 1959. These principles are a humane experimental technique of replacement, reduction and refinement. They will replace animals with something else where they can. Reduction means they will reduce the number of animals that they use in a given experiment rather than use as many animals as they used in the past. And refinement would mean they would refine their experimental methodology so that they treat the animal better and reduce the number of animals that are needed.

The Three Rs principle was introduced in 1959. They’ve also agreed, in principle, to validation studies. When new alternative methods are developed, they test and validate it, and then all the countries accept it. This is something that the cosmetic industry can access. This is what they can do, and is the type of thing that’s

been done already. The terrible ones, like the acute oral toxicity test, no longer happen, and I believe, too, that the cruel test that was mentioned before — where you’re actually dripping stuff onto a live animal’s eyeball — has been deleted as well. They have found alternative ways to get around that.

I am going to repeat my original suggestion that we have to, when we’re considering animal testing for cosmetics, think about reducing and making animal testing more humane, but we also have to balance that with the safety of cosmetics users. The question of protecting the safety of human users of cosmetics was not really addressed in the sponsor’s or the previous speeches on this bill. I think that’s something we absolutely need to do, to ensure that Canadians who use cosmetics — whose makers have banned the use of animal testing — are not being subjected to any increased risks.

While it seems reasonable to conduct animal testing for establishing the safety of a pharmaceutical agent but not for a cosmetic product, one has to determine whether a cosmetic is safe for human use. As I asked before, what is known about cosmetic safety? Is there literature on that or are cosmetics basically safe? We don’t know the answer to that yet. Have there been safety issues arising from cosmetic use in Canada or elsewhere? What regulations are in place now to establish the safety of a cosmetic or its ingredients? What is done now to ensure that cosmetics are safe?

• (1540)

Overall, the important question is this: Will banning all live, non-human vertebrate animal testing for cosmetic industries and all ingredient manufacturers increase the risk of adverse effects of cosmetics on people — the people that use these things, like the skin peels, the lipsticks, the eyeliners or what have you? As pointed out by previous speakers, there are alternatives to the cruel animal tests, and a long list of these is available. I’m going to go through a couple of them because I’m interested, and you might be, too.

For example, with respect to dropping chemicals onto the eyeball of a rabbit, which is the one we often see in the ads, there is now an alternative to live animal testing, but it’s not actually an *in vitro* test because you still need to use eyeballs. You have to get the eyeball from something. It’s called an *ex vivo* test. You collect eyeballs from rabbits that may have been used for meat production or from cows slaughtered for meat production. We have the Bovine Corneal Opacity Permeability, BCOP, test, which has replaced dropping chemicals onto the eyeballs of cattle or rabbits or what have you. For rabbits, we have the Isolated Chicken Eye, ICE, *ex vivo* test, which uses isolated rabbit eye or chicken eye. But those eyes have to come from a live animal; the source is still a live animal.

There are several other *ex vivo* tests; for example, there’s use of rat skin for testing things that you apply to your skin, and there are rat embryos. As I said, all of these at one time came from a live animal. In addition to a number of alternative safety tests available, the OECD and the European Union Reference Laboratory for Alternatives to Animal Testing — EURL ECVAM — have validated their usage. They have received a stamp of approval, you might say.

There's information regarding the validation and regulatory acceptance of these alternative tests at the European Union Reference Laboratory for Alternatives to Animal Testing. They have the same mandate or philosophy of the OECD in that it's based on the Three R's of alternative tests: replace, reduce and refine. I'll go through that again. You want to replace animals with something else, reduce the actual number of animals that you use in a test, and refine the procedure to minimize or reduce pain or suffering to the animal used. These have become accepted standards in OECD countries and the European Union. Certainly, they should be applied to anything that's done in industry where they use animals.

There are also cell culture alternative tests. I believe that previous speakers mentioned some of those as well. For example, carcinogenicity is always a concern when you're applying something to your skin. You want to make sure it doesn't cause any skin cancers. There are several in vitro cell transformation assays, and three listed on this site are recommended for use in testing for the development of cancers rather than developing cancers on a live animal by feeding or injecting them with the chemicals. A number of alternative tests are available.

In the 2015 Status Report from the EURL ECVAM on the development, validation and regulation of alternative methods and tests, they show clearly that the new non-animal tests are being developed, assessed and recommended, for example, skin sensitization because we apply a lot of cosmetic products to our skin. I, being one who has sensitive, allergic skin, was interested in this. One example they cite is the DPRA test, Direct Peptide Reactivity Assay. It's a chemical assay quantifying the reactivity of test chemicals to specific synthetic peptides. The synthetic peptide is applied to the skin to see whether the skin develops an allergic reaction.

The 2015 report from the European Union states that cosmetic industries are partnering with them. The cosmetic industries, at least in Europe, are already in line and doing this. They are already working with the European Union and research facilities. That's why they have banned animal testing. Much of the legwork has already been done. Clearly Canada should be in line with what's already been conducted in other parts of the world where we are very aware that their expertise is certainly transferable, and we have confidence in what they are reporting.

Clearly, the cosmetics industry in Europe is onside with respect to eliminating live animal testing. My sense, from what has been said previously, is that the Canadian cosmetics industry is also onside. I believe that a good part of that is due to public pressure and to the fact that many Canadians do not wish to cause suffering to animals. They would definitely be onside for changes.

Bill S-214 is an act to amend the Food and Drugs Act (cruelty-free cosmetics), but nowhere in the bill is a clear distinction made between animal testing in general and cruel animal testing. The only distinction was what was said here in the chamber. I believe that banning cruel animal testing is a good move, but is it necessary to ban all animal testing? Is it necessary to ban all live non-human vertebrates for testing? I'm not sure of that because no one has brought forward any evidence to say why we need to ban it all. There could be useful data with respect to

safety that could only come from the use of live animals. I'm hoping that during the committee study witnesses will address this and questions with regard to the safety issue and whether all animal testing has to be banned.

Not all animal testing is cruel. Clearly, from what you've heard with what is happening with the OECD and the European Union, they have refined many tests, so they're no longer inhumane. The terrible ones we've heard about have long gone. If they are actually being practised here in Canada, I would be surprised, and certainly it should be stopped.

One question I had was whether any cruel animal tests are currently being conducted in Canada. It would shock me if there were. We should find out if that has occurred. Certainly, the OECD and the European Union have outlined methods that reduce the number of animals used and reduce the pain and discomfort caused to the animal. Are these refined tests still considered cruel? This is a question. Are these refined tests still considered cruel by whoever has designated them as cruel or inhumane?

Are some of these refined humane animal tests still necessary to protect human health and safety? Are some of these more refined, more humane tests still needed? Do we still need animals to ensure human health and safety? Those are the big questions we have to address. Animal testing is not required for cosmetics testing in Canada and the U.S. It's not a requirement. Apparently it is required in China, but it's not a requirement here. If it's not a requirement here, do we really need to ban it, unless we know that cruel animal testing is being done? It's kind of like a chicken-and-egg question.

• (1550)

But cosmetic manufacturers have to prove their product is safe, I would think. If not by law or regulation, certainly the general public would want to know that the product they're buying off the shelf is safe. If I buy a skin peel, I want to know that it's safe, that I'm not going to end up with scars on my face. We have to ensure safety, and we have to ensure that the animal is looked after as well.

Senator Stewart Olsen told us that 99 per cent of all safety evaluations of cosmetics or their ingredients are conducted without animal testing. There is very little animal testing done in Canada, only 1 per cent. So it's not a huge problem in Canada. Probably, it's more of a huge problem in China and other countries in the world, but, by banning it, we do send a message to our global community.

Is the small percentage of animal testing being done in Canada because there is no other option? Is that 1 per cent there because we have to do it in order to ensure a particular aspect of safety? Are we putting cosmetic users at risk by eliminating this small 1 per cent? It always goes back to the question of human safety.

Colleagues, I've listed a huge number of questions for the committee to consider during the study of the bill. They all revolve around the question of the balance between animal welfare and human health.

To conclude, I would say that I agree in principle with the bill, with the banning of cosmetic animal testing. Cosmetics are something that we don't have to use. It's not like it's a drug that you need. If you have a particular condition, you have to use that drug, so you want to make sure it's safe. It's an optional type of thing. It's something that you purchase of your own volition.

Secondly, I'm still uncertain about banning all animal testing because there's very little animal testing actually been doing in Canada. We know that the European cosmetic industry is already partnering with the European Union to develop, validate and recommend alternative test methods. So the cruel animal testing is already being replaced by alternative methods. The cruel animal testing I don't think exists. Certainly, it doesn't exist in Europe, and I wouldn't think it exists here. Does it or doesn't it? That's something the committee should find out.

Related to that, banning ingredients that have been developed with animal testing, such as other pharmaceuticals, may not necessarily be a good idea. This bill will do that. Has the European Union done that in their bill? It wasn't clear to me that they had, whether or not they were banning animal testing only for cosmetic and ingredient production but allowing pharmaceuticals manufacturers to still conduct their own type of animal testing.

The third comment I would make is that the safety of cosmetic products was not addressed by the sponsor of the bill. I have suggested many questions in the speech that could be looked at during committee study of the bill to ensure that public safety will not be compromised by banning all cosmetic animal testing.

Fourthly, there is no grace period in the bill for banning cosmetics that have been developed with animal testing. What impact will this have on retailers? What will they do with their inventory, the majority of which comes from the U.S.A., which has not yet banned cosmetic animal testing? When this bill is implemented, if the bill is implemented, as it is now, manufacturers and retailers will have this relatively large inventory, I guess. What will they do with it? By this bill, they would have to just put it in the dump, as it were.

These are questions and concerns for the committee to address. To repeat myself, honourable senators, I agree in principle with the bill, with the proviso that human safety concerns are adequately upheld. But a number of questions remain that can be answered, I hope, during review of Bill S-214 by the appropriate committee.

(On motion of Senator Martin, debate adjourned.)

#### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Lord David Owen, British Foreign Secretary from 1977 to 1979 and Leader of the Social Democratic Party in the British House of Commons from 1983 to 1987. Later, he served the European Union as a peace negotiator in the former Yugoslavia and now sits as a cross-bencher in the House of Lords.

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

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

#### IMMIGRATION AND REFUGEE PROTECTION ACT CIVIL MARRIAGE ACT CRIMINAL CODE

##### BILL TO AMEND A BILL TO AMEND—SECOND READING—DEBATE CONTINUED

Leave having been given to proceed to Other Business, Senate Public Bills, Second Reading, Order No. 21:

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Baker, P.C., for the second reading of Bill S-210, An Act to amend An Act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code and to make consequential amendments to other Acts.

**Hon. Salma Ataullahjan:** Your Honour, I rise today with respect to addressing debate around legislation that seeks to amend the name of the Zero Tolerance for Barbaric Cultural Practices Act. The intended consequence of the bill before this chamber would see the removal of the act's short title. Our colleague the Honourable Senator Jaffer, in proposing this legislative remedy, informed this chamber that the essence of her concerns related to the pairing of the words "barbaric" and "cultural." She put forth the thesis that pairing these terms assailed a cultural group at large rather than the individuals committing such acts. Senator Jaffer distilled the issue very well when she made this fundamental observation:

... we can call terrorists barbaric, we can call violence barbaric, but we cannot call cultures barbaric.

Honourable senators, I support each of the original bill's provisions. I continue to support its intent to affirm our Canadian values and our morals: the equality of women in our society, the belief in marriage between only two people and based on mutual consent, and the determination to identify and deal with any practice or act our society deems barbaric or not reflective of Canada's social fabric.

We do not support forced marriages; we do not tolerate polygamy. We do support minimum age requirements for marriage. We affirm the requirements for free and enlightened consent by both parties regarding marriage in this country. I believe honourable senators will agree that, upon reflection, the legislation as passed was the right bill, containing the right provisions, introduced, studied and debated and passed in the right season.

Colleagues, we're living in a rapidly changing world where international and global circumstances are reshaping our realities, realigning our foreign policy and reconfiguring our communities. As we open our doors to those forced to contend with all manner of barbaric practices and treatments in the face of unmitigated turmoil, particularly in Africa and the Middle East, we welcome and embrace those who must flee from their homes into our society. We do so in tacit recognition that our freedom didn't happen by accident or without great cost. We here in Canada establish and reaffirm our values from the outset, while setting a clear expectation that they are to be accepted and guarded by citizens, both old and new, by those born here through family or born here by tragic circumstance. We are a multicultural society, but we must never mistake embracing multiculturalism as an

excuse for allowing behaviours, acts or attitudes that seek to undermine our Canadian values and morals.

We achieve this with the passage of Bill S-7, but we achieve even more if we take steps to better position and, in this instance, to better communicate the intent of our laws, especially when they're of such importance and consequence to new Canadians.

In discussion with members of the community over the past months, many have expressed their support for Bill S-7 and the important issues that it addresses. However, at the same time, they also expressed serious concerns with regard to its short title.

Honourable senators, I support this act to amend the short title of Bill S-7. I applaud and support the efforts of our colleague the Honourable Senator Jaffer in this regard, and I would urge you to support the removal of the short title of this bill.

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

(On motion of Senator Martin, debate adjourned.)

(The Senate adjourned until Thursday, May 5, 2016, at 1:30 p.m.)

---

## CONTENTS

Wednesday, May 4, 2016

	PAGE		PAGE
<b>Visitors in the Gallery</b>		<b>Families, Children and Social Development</b>	
The Hon. the Speaker. . . . .	582	Establishment of National Commission on Children and Youth. . . . .	586
		Hon. Jim Munson . . . . .	586
<b>Distinguished Visitor in the Gallery</b>		Hon. Peter Harder . . . . .	587
The Hon. the Speaker. . . . .	582		
<hr/>		<b>The Senate</b>	
<b>SENATORS' STATEMENTS</b>		Time Limits for Answers to Written Questions. . . . .	587
		Hon. Percy E. Downe. . . . .	587
		Hon. Peter Harder . . . . .	587
<b>Alberta</b>		<b>Finance</b>	
Wildfires in Fort McMurray—Emergency Appeal. . . . .	582	Financial Support for Combatting Tax Evasion. . . . .	587
Hon. Claudette Tardif . . . . .	582	Hon. Percy E. Downe. . . . .	587
Hon. Betty Unger. . . . .	582	Hon. Peter Harder . . . . .	587
<b>Mental Health Week</b>		<b>Foreign Affairs</b>	
Hon. Jane Cordy . . . . .	583	Iran—Weapons Sales. . . . .	587
		Hon. Dennis Glen Patterson . . . . .	587
<b>Bladder Cancer Awareness Month</b>		Hon. Peter Harder . . . . .	588
Hon. David Tkachuk . . . . .	583		
<hr/>		<b>Alison Azer</b>	
<b>ROUTINE PROCEEDINGS</b>		Abduction of Children. . . . .	588
		Hon. Daniel Lang . . . . .	588
		Hon. Peter Harder . . . . .	588
<b>The Senate</b>		<b>Foreign Affairs</b>	
Notice of Motion to Affect Question Period on May 10, 2016. . . . .	584	Human Rights in Iran—Economic Sanctions. . . . .	588
Hon. Peter Harder . . . . .	584	Hon. Yonah Martin . . . . .	589
		Hon. Peter Harder . . . . .	589
<b>Justice for Victims of Corrupt Foreign Officials Bill</b>		<b>Transport</b>	
<b>(Sergei Magnitsky Law) (Bill S-226)</b>		Support for Bombardier—Billy Bishop Airport. . . . .	589
Bill to Amend—First Reading. . . . .	584	Hon. Leo Housakos . . . . .	589
Hon. A. Raynell Andreychuk . . . . .	584	Hon. Peter Harder . . . . .	589
		<b>Foreign Affairs</b>	
<b>Canadian NATO Parliamentary Association</b>		Human Rights in Iran—Economic Sanctions. . . . .	589
Parliamentary Transatlantic Forum, December 7-8, 2015—		Hon. Thanh Hai Ngo . . . . .	589
Report Tabled. . . . .	584	Hon. Peter Harder . . . . .	589
Hon. Michel Rivard . . . . .	584		
<hr/>		<b>ORDERS OF THE DAY</b>	
<b>QUESTION PERIOD</b>			
		<b>Point of Order</b>	
<b>Public Safety</b>		Speaker's Ruling Reserved. . . . .	590
Assistance for Victims of Fire in Fort McMurray. . . . .	584	The Hon. the Speaker. . . . .	590
Hon. Douglas Black . . . . .	585	Hon. Claude Carignan . . . . .	591
Hon. Peter Harder . . . . .	585	Hon. Diane Bellemare. . . . .	591
		Hon. Joan Fraser . . . . .	592
<b>Foreign Affairs</b>		<b>Food and Drugs Act (Bill S-214)</b>	
Human Rights in Iran—Economic Sanctions. . . . .	585	Bill to Amend—Second Reading—Debate Continued. . . . .	592
Hon. Linda Frum. . . . .	585	Hon. Lillian Eva Dyck . . . . .	592
Hon. Peter Harder . . . . .	585		
Hon. Claude Carignan . . . . .	585	<b>Visitor in the Gallery</b>	
China—Restrictive Regulations for Organizations—Human Rights. . . . .	586	The Hon. the Speaker. . . . .	597
Hon. Thanh Hai Ngo . . . . .	586		
Hon. Peter Harder . . . . .	586	<b>Immigration and Refugee Protection Act</b>	
		<b>Civil Marriage Act</b>	
		<b>Criminal Code (Bill S-210)</b>	
		Bill to Amend a Bill to Amend—Second Reading—	
		Debate Continued. . . . .	597
		Hon. Salma Ataullahjan . . . . .	597





---

**Published by the Senate**

**Available on the Internet: <http://www.parl.gc.ca>**