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(HANSARD)

Tuesday, November 3, 2020

The Honourable GEORGE J. FUREY,
Speaker

This issue contains the latest listing of Senators,
Officers of the Senate and the Ministry.

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Debates Services: Josée Boisvert, National Press Building, Room 831, Tel. 613-219-3775
Publications Centre: Kim Laughren, National Press Building, Room 926, Tel. 343-550-5002

THE SENATE

Tuesday, November 3, 2020

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

Prayers.

VICTIMS OF TRAGEDIES

QUEBEC CITY AND CFB WAINWRIGHT—SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, let us take a moment to reflect upon the tragic and senseless attacks that took place in Quebec City on October 31, 2020, and that claimed the lives of two victims and left five more injured.

I know we all stand together in offering our deepest condolences to the families and friends of those who have died and wish a swift recovery to those who were injured in these atrocities.

The day before, our nation saw another tragedy, with the death of a member of the Royal Westminster Regiment while participating in a training exercise at CFB Wainwright.

Our thoughts and prayers are with the family, friends and colleagues of Corporal James Choi.

I now invite all honourable senators to rise and observe one minute of silence in memory of the victims.

(Honourable senators then stood in silent tribute.)

BUSINESS OF THE SENATE

The Hon. the Speaker: Today's sitting is taking place with senators across Canada attending by video conference, as well as in the Senate Chamber.

In order to ensure an orderly sitting, I would like to outline a few guidelines to follow.

Senators on video conference are asked to have their microphones muted at all times, unless recognized by name, and will be responsible for turning their microphones on and off during the sitting.

Before speaking, please wait until you are recognized by name. Once you have been recognized, please pause for a few seconds to let the audio signal catch up to you.

When speaking, please speak slowly and clearly, at a normal volume, and use the microphone attached to your headphones.

To choose the interpretation for this video conference, click on the globe symbol at the bottom of your screen and select either English or French interpretation or no simultaneous interpretation.

When speaking, please do not speak in English on the French channel, and do not speak in French on the English channel. If you plan to alternate from one language to another, you should turn interpretation off.

Should senators want to request the floor to raise a point of order, please unmute your microphone and say your name followed by "point of order." This process can be used if senators are experiencing serious technical difficulties related to interpretation.

If you experience other technical challenges, please indicate this via the chat function at the bottom of your screen or by emailing ISD, using the instructions in the confirmation email.

Please note that we may need to suspend at times as we need to ensure that all members are able to participate fully.

A few words about security. Video conference screens should not be copied, recorded or photographed. You may use and share official proceedings posted on the SenVu website for that purpose.

Please also note that the use of this technology does not guarantee speech privacy or prevent eavesdropping. As such, all participants should be aware of such limitations and avoid the unwanted disclosure of information.

Senators must set up in a private area and to be mindful of their surroundings so they do not inadvertently share any personal information or information that could be used to identify their location. Only senators should be visible. Your video must be on at all time and you must be visible.

Finally, to avoid risk of acoustic shocks to people listening on video conference, senators must avoid shouting.

• (1410)

[Translation]

SENATORS' STATEMENTS

QUEBEC CITY TRAGEDY

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I rise today to express my great sadness about the events that took place in Quebec City on Halloween night. This was a senseless, deliberate attack on innocent victims chosen at random. Two people were killed and five others were injured by a young man in a costume who was carrying a sword. No one could have foreseen such hatred on this night of fun.

Authorities believe that the young man planned the attack and went to Quebec City with the intention of causing as much damage and violence as possible. They are not attributing his actions to religious beliefs or terrorist intentions.

Honourable senators, regardless of what we see or read in the media from around the world, witnessing such events here in Canada is extremely disturbing. Losing a loved one to such a senseless act causes heartbreak and unimaginable pain.

On behalf of this chamber, I want to offer my sincere condolences to the family and friends of Suzanne Clermont, age 61, and François Duchesne, age 56.

Suzanne was a hairstylist and had a very close circle of friends. She was described as kind and friendly. She had organized socially distanced gatherings in the park across from her house, where she and her friends met in the evenings to talk and laugh during these difficult times. Everyone is mourning her loss.

François Duchesne was the director of communications and marketing at the Musée national des beaux-arts du Québec. He was out jogging when he was attacked. His sister described him as a truly good man, and his colleagues said he was always smiling and made everyone feel comfortable. He was also very involved in his community and a key volunteer with Operation Red Nose. The families of both victims are devastated.

To those who were wounded during this nightmare, our prayers are with you as you begin your recovery.

As a senator, I represent a portion of that wonderful part of Old Quebec. This tragedy breaks my heart.

Please know that I share your great pain.

Thank you.

Hon. Senators: Hear, hear.

MENTAL HEALTH

Hon. Pierre-Hugues Boisvenu: Honourable senators, like our colleague, Senator Gold, I rise today to pay tribute to the victims of the terrible tragedy that took place Saturday evening in the streets of Old Quebec. Three days after that tragedy, life reminds us that it is fragile and shows us that yesterday's decisions can catch up with us and affect today's society.

On Halloween night, a 24-year-old man fatally stabbed two people, François Duchesne and Suzanne Clermont. He also wounded five other people.

My thoughts and prayers are with the family and friends of Ms. Clermont and Mr. Duchesne. I also want to offer the five injured people my best wishes for a swift recovery.

Esteemed colleagues, this tragedy once again raises many questions about the need to provide better care for people with mental illness in Canada. Mental health has become a public health and safety issue. This tragedy reopens a necessary debate

about our response to the danger that these illnesses pose to families, communities and the people with mental illness themselves.

As Senator Gold said, the media quickly reported that the criminal had known mental health issues and that he had planned to go to Quebec City and kill people.

We must recognize that, in our health care system, the treatment of physical illness is often given priority over the treatment of mental illness, which is too often ignored. Many people with mental health problems are not supported as they should be, and some end up homeless and battling addiction.

There are no shelters for these individuals, who too often find themselves on the street. In Montreal and Quebec City, most police interventions in the overnight hours involve people suffering from mental disorders.

From what I read in the 2018-19 report of the Office of the Correctional Investigator, 75% of incarcerated women suffer from mental disorders compared to 30% of incarcerated men. Is it possible that we've substituted prisons for health care facilities? I'm inclined to think so, especially considering this population is declining in health care facilities and growing in prisons and penitentiaries.

I think that we, as a responsible society, need to make decisions that reflect this sad reality in order to significantly reduce the public safety risks caused by mental health disorders.

This problem is not just about a lack of resources, but rather a lack of political will. Too many tragedies continue to occur, and we, as members of the Senate of Canada, must not ignore the loss of innocent lives.

I would like to underscore the incredible search effort that was undertaken to find the killer on the loose. I thank the Service de police de la Ville de Québec for its courage and professionalism. With so many lives at risk, this tragedy reminds us how crucially important police services are to our society.

In closing, I want to once again offer my deepest condolences to the families of the victims. I'm sure that all my colleagues will join me in wishing them great courage for what lies ahead.

Thank you.

Hon. Senators: Hear, hear.

[English]

VICTORIA FORUM 2020

Hon. Jim Munson: Honourable senators, I'm pleased to rise to speak about the virtual Victoria Forum taking place over three days: Thursday, November 12; Friday, November 13; and also on November 19.

Senators, many of you know of this unique partnership between the Senate and the University of Victoria. And Senator Furey, Your Honour, I want to thank you so much for leading this initiative.

This timely forum is called “Bridging Divides in the wake of a global pandemic,” and deals with economic divides, social divides, environmental divides. I’m very proud of this partnership and I am honoured to play a role in helping to facilitate the forum.

Like most things these days, the forum has shifted to an online platform and the message has been adapted to meet the needs of the immense challenges we are facing. In doing so, the University of Victoria hosted a series of 11 webinars this past summer and fall, offering invaluable information leading up to this Victoria Forum. Attendees from around the world gave evidence aimed at breaking down the multiple ways this pandemic has amplified inequalities.

Knowing that eight senators participated in the webinar series and though many of you know most of this information, I feel it’s worth repeating. These impressive conversations offered invaluable knowledge and insight into pressing world issues. They present a road map to recovery, a road map that all countries can benefit from, especially ours. These are solutions for a better world.

Looking back on my role as the moderator of the second webinar that took place on June 11, I’m reminded of the importance of paying special attention to the experiences of people. When we do this — I mean truly pay attention to the experiences of people — we as policy-makers are able to enact fair and balanced laws that respect all of the values which define us as a country.

• (1420)

Take the most recent webinar, for example, which took place just last Thursday. It reinforced the idea that sustainable development should be at the forefront of actions addressing climate change and so much more. Through this partnership between the Senate of Canada, the University of Victoria, the Victoria Forum, senators have truly demonstrated a shared commitment to create a society that is enriched by diversity. The contributions of senators has greatly supplemented the success of the Victoria Forum, and a number of you will be asked to facilitate the round tables next week.

I want to thank Senator Paul Woo and Senator Yonah Martin for their participation in helping to facilitate this. It was very important to me and the forum. In addition, I want to give a special thank you to Dr. Adel Guitouni and Dr. Saul Klein, and all the members of the forum’s executive team for their continued dedication.

The forum’s 2020 agenda is jam-packed with experts from 23 countries over a three-day period and will work to find solutions. There is no cost to attend; all are welcome. Now with this pandemic, our world is divided in so many ways and along many different fault lines. We have work to do. It is in this spirit that I ask you to join me at this year’s Victoria Forum. Thank you.

THE SENATE

ACKNOWLEDGEMENTS

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to thank all the people who have worked tirelessly to ensure that the Senate Chamber was kept open and safe during these very difficult times.

I would like to start off by thanking the maintenance staff, who have always worked hard for us and are now working even harder to make sure that our spaces are safe and sanitized. I would like to thank the messengers, who are always on standby to accommodate our last-minute requests.

Honourable senators, Ottawa is much colder than Vancouver, so it is no surprise that I am particularly grateful to the bus drivers who take us to the chamber and to meetings. We all know that one of the hardest jobs in this place is that of the Parliamentary Protective Service. They are always watching out for our safety, and much of their hard work goes unseen. Thank you for your unending work to keep us safe.

For several years now, the Senate communications team under the leadership of Mélisa Leclerc has put a lot of effort into ramping up our presence online. The Senate’s Information Services Directorate has the important and often challenging job of ensuring we know how to utilize new devices and platforms. As you can imagine, their jobs became much more difficult during the pandemic. Under the leadership of David Vatcher, they are doing a tremendous job preparing us for the new hybrid model, which will help to connect us all.

While I couldn’t possibly give thanks to all the hard-working staff in the Senate Administration, on their behalf, I would like to thank Richard Denis, Pascale Legault and Philippe Hallée, who have been doing a yeoman’s job in making sure that the Senate continues to function in these unprecedented times, and have been complemented by the efforts of all the table officers, Blair Armitage and the committee clerks.

The Black Rod, Greg Peters, and his staff, have been thinking of all the different scenarios to keep us safe, and we know that has certainly not been easy.

Finally, to you, Your Honour, Speaker George Furey, you have been faced with a tremendous challenge of supervising Senate sittings. You and your capable right hand, Stuart Barnable, have made it easier for us.

Honourable senators, I want to thank all the people who have been working so hard so that we senators can continue to serve Canadians. I want all Canadians to know that under COVID-19’s difficult circumstances, we know our first duty is to serve you and to keep you safe. This is something we take very seriously and we do our best. Please stay safe. Thank you.

[Translation]

FREEDOM OF RELIGION

Hon. Leo Housakos: Honourable senators, there has been a deeply troubling trend in the news lately. Several terrorist attacks have been perpetrated at places of worship. These types of attacks are entirely unacceptable. Churches, synagogues, mosques and any other place of worship where people can freely express their faith are sacred. People who go there have to be able to gather and celebrate their faith knowing that they are safe.

What happened in Vienna and in France over the past week, as well as the attacks in Christchurch, Pittsburgh and the Quebec City mosque, which are not so fresh in our minds, but just as awful, are cowardly, inhuman acts. Brutally killing innocent souls simply because their beliefs are different from yours is not just unacceptable to the victims' loved ones and every member of their religious community, it is also a direct attack on the most important values of western society.

Democracy as we know it would never be possible without that precious freedom, freedom of religion. Every individual has a vested right to believe what they wish, and those beliefs must not jeopardize the life of that individual or their loved ones.

In these tumultuous times when, for many people, faith is one of the only pillars they can still lean on, freedom of religion is all the more important. For those who are among the most vulnerable or even those we believe to be among the least vulnerable, religion helps them cope with the difficulties we are all experiencing. Today more than ever, all of us, together, must defend everyone's right to openly practise and profess their faith.

It is our duty to ensure that all precautions are taken. It is imperative that our governments do everything in their power to prevent these despicable acts from happening again. They must prevent citizens from being radicalized by ideologies and certain religious sects that encourage violence in pursuit of their ideals, as we saw in the recent Islamist attacks in France and Vienna.

We owe it to our citizens, because they deserve to have peace of mind when they exercise their right to practise the religion of their choosing, without fear of persecution, much less execution.

Thank you very much, dear colleagues.

[English]

COVID-19 PANDEMIC

RESPECT FOR OFFICIAL LANGUAGES

Hon. Josée Forest-Niesing: It looks as though I have the honour of being the first to deliver a statement through virtual means. It is my pleasure.

[Translation]

Honourable senators, I would like to talk about respect for official languages during this crisis. This isn't something we've spoken about much since the beginning of the pandemic, but it deserves our attention.

[English]

The pandemic has had an unequal and unfair impact on the most vulnerable. Serious and justified concerns have been expressed regarding our long-term care facilities, racialized and Indigenous populations, the increased demand on an already overloaded health system and increased risks for domestic violence, to name but a few.

Many of my fellow honourable senators have rightly argued that the uncertainty of a crisis like this one should never be compounded by disregard for our human rights. The same applies to our language rights.

[Translation]

On top of the serious gaps highlighted in the Commissioner of Official Languages' annual report, there are many examples of the impact of emergency situations on respect for language rights in the commissioner's latest report, released last week.

He said:

... federal institutions are aware that they should provide communications in both official languages but perceive it as an unnecessary slowdown when urgent messages need to be issued, and so they sometimes forgo translation for the sake of being expeditious.

The entire country is facing the same emergency situation. Everyone has a fundamental need to receive clear information, guidelines and messages. The health and safety of every Canadian is at stake.

• (1430)

[English]

Added to this is the fact that virtual meetings, an essential tool for the new conditions of working from home, were conducted exclusively in English for many federal public servants during a considerable period at the beginning of the current pandemic. The Senate was no exception. Many virtual meetings of committees and working groups that were formed during the pandemic were conducted in English only, due to a lack of technology or logistical challenges.

[Translation]

In times of crisis or when anxieties are high, it is important to know what is going on and what to do. Canada's two official languages have equal constitutional status. One is not the main language which then gets translated into the other. We need to

ensure that both official languages have equal status in everyday life and pay particular attention to this matter during these uncertain times. Thank you.

[English]

ROUTINE PROCEEDINGS

COMMITTEE OF SELECTION

FIRST REPORT OF COMMITTEE PRESENTED

Hon. Terry M. Mercer, Chair of the Committee of Selection, presented the following report:

Tuesday, November 3, 2020

The Committee of Selection has the honour to present its

FIRST REPORT

Pursuant to rule 12-2(2) of the *Rules of the Senate* and the orders of the Senate of October 27 and 29, 2020, your committee submits below a list of senators nominated by it to serve on committees.

Your committee recommends that the Leader of the Canadian Senators Group (or designate) name the specified number of senators to the committees listed below, by notice filed with the Clerk of the Senate following the process pursuant to rule 12-5 of the *Rules of the Senate*.

Standing Senate Committee on Aboriginal Peoples

Independent Senators Group

The Honourable Senators Anderson, Christmas, Coyle, Hartling and Pate

Conservative Party of Canada

The Honourable Senators Martin, Patterson and Plett

Canadian Senators Group

The Honourable Senator Tannas

Progressive Senate Group

The Honourable Senators Francis and Lovelace Nicholas

Non-affiliated

The Honourable Senator LaBoucane-Benson

Standing Senate Committee on Agriculture and Forestry

Independent Senators Group

The Honourable Senators Bellemare, Deacon (*Nova Scotia*), Hartling, Mégie, Miville-Dechéne and Petitclerc

Conservative Party of Canada

The Honourable Senators Oh, Plett and Seidman

Canadian Senators Group

The Honourable Senators Black (*Ontario*) and Griffin

Progressive Senate Group

The Honourable Senator Mercer

Standing Senate Committee on Audit and Oversight

Independent Senators Group

The Honourable Senator Dupuis

Conservative Party of Canada

The Honourable Senator Wells

Canadian Senators Group

The Honourable Senator Downe

Standing Senate Committee on Banking, Trade and Commerce

Independent Senators Group

The Honourable Senators Bellemare, Deacon (*Nova Scotia*), Loffreda, Moncion, Ringuette and Wetston

Conservative Party of Canada

The Honourable Senators Marshall, Smith and Stewart Olsen

Canadian Senators Group

The Honourable Senator Wallin and one other senator to be named by the Leader of the Canadian Senators Group (or designate)

Progressive Senate Group

The Honourable Senator Klyne

Standing Senate Committee on Energy, the Environment and Natural Resources

Independent Senators Group

The Honourable Senators Anderson, Galvez, Massicotte, McCallum, Miville-Dechéne and Simons

Conservative Party of Canada

The Honourable Senators Carignan, P.C., MacDonald and Patterson

Canadian Senators Group

The Honourable Senators Black (*Alberta*) and Verner, P.C.

Progressive Senate Group

The Honourable Senator Cordy

Standing Senate Committee on Fisheries and Oceans

Independent Senators Group

The Honourable Senators Busson, Christmas, Cormier, Kutcher, Ravalia and Ringuette

Conservative Party of Canada

The Honourable Senators Ataullahjan, Manning and Poirier

Canadian Senators Group

The Honourable Senator Downe and one other senator to be named by the Leader of the Canadian Senators Group (or designate)

Progressive Senate Group

The Honourable Senator Francis

Standing Senate Committee on Foreign Affairs and International Trade

Independent Senators Group

The Honourable Senators Boehm, Coyle, Deacon (*Ontario*), Dean, Ravalia and Saint-Germain

Conservative Party of Canada

The Honourable Senators Ataullahjan, Housakos and Ngo

Canadian Senators Group

The Honourable Senators Black (*Alberta*) and Greene

Progressive Senate Group

The Honourable Senator Harder, P.C.

Standing Senate Committee on Human Rights

Independent Senators Group

The Honourable Senators Boyer, Hartling, Mégie and Pate

Conservative Party of Canada

The Honourable Senators Ataullahjan, Martin and Ngo

Canadian Senators Group

One senator to be named by the Leader of the Canadian Senators Group (or designate)

Progressive Senate Group

The Honourable Senator Bernard

Standing Committee on Internal Economy, Budgets and Administration

Independent Senators Group

The Honourable Senators Dean, Forest, Forest-Niesing, Jaffer, Marwah, Moncion and Saint-Germain

Conservative Party of Canada

The Honourable Senators Carignan, P.C., Marshall, Plett and Seidman

Canadian Senators Group

The Honourable Senators Tannas and Campbell

Progressive Senate Group

The Honourable Senators Dawson and Munson

Standing Senate Committee on Legal and Constitutional Affairs

Independent Senators Group

The Honourable Senators Boniface, Boyer, Cotter, Dupuis, Jaffer and Keating

Conservative Party of Canada

The Honourable Senators Batters, Boisvenu and Carignan, P.C.

Canadian Senators Group

The Honourable Senator Campbell and one other senator to be named by the Leader of the Canadian Senators Group (or designate)

Progressive Senate Group

The Honourable Senator Dalphond

Standing Joint Committee on the Library of Parliament

Independent Senators Group

The Honourable Senators Duffy and Ravalia

Conservative Party of Canada

The Honourable Senators Frum and Plett

Canadian Senators Group

The Honourable Senator Black (*Ontario*)

Progressive Senate Group

The Honourable Senator Mercer

Standing Senate Committee on National Finance

Independent Senators Group

The Honourable Senators Boehm, Deacon (*Ontario*), Duncan, Forest, Galvez and Loffreda

Conservative Party of Canada

The Honourable Senators Marshall, Mockler and Smith

Canadian Senators Group

The Honourable Senators Dagenais and Richards

Progressive Senate Group

The Honourable Senator Klyne

Standing Senate Committee on National Security and Defence

Independent Senators Group

The Honourable Senators Boniface, Busson, Cotter, Duffy, McPhedran and Moodie

Conservative Party of Canada

The Honourable Senators Boisvenu, Martin and Oh

Canadian Senators Group

The Honourable Senators Dagenais and Richards

Progressive Senate Group

The Honourable Senator Dalphond

Standing Senate Committee on Official Languages

Independent Senators Group

The Honourable Senators Cormier, Jaffer and Mégie

Conservative Party of Canada

The Honourable Senators Mockler, Plett and Smith

Canadian Senators Group

The Honourable Senator Dagenais

Progressive Senate Group

The Honourable Senator Lovelace Nicholas

Non-affiliated

The Honourable Senator Gagné

Standing Committee on Rules, Procedures and the Rights of Parliament**Independent Senators Group**

The Honourable Senators Bellemare, Duncan, Dupuis, Lankin, P.C., Massicotte, McPhedran and Ringuette

Conservative Party of Canada

The Honourable Senators Batters, Frum, Housakos and Wells

Canadian Senators GroupThe Honourable Senators Black (*Ontario*) and Greene**Progressive Senate Group**

The Honourable Senators Bovey and Dalphond

Standing Joint Committee for the Scrutiny of Regulations**Independent Senators Group**

The Honourable Senators Boyer and Woo

Conservative Party of Canada

The Honourable Senators Martin and Seidman

Canadian Senators Group

One senator to be named by the Leader of the Canadian Senators Group (or designate)

Standing Senate Committee on Social Affairs, Science and Technology**Independent Senators Group**

The Honourable Senators Dasko, Kutcher, Forest-Niesing, Moodie, Omidvar and Petitclerc

Conservative Party of Canada

The Honourable Senators Manning, Plett and Poirier

Canadian Senators Group

Two senators to be named by the Leader of the Canadian Senators Group (or designate)

Progressive Senate Group

The Honourable Senator Bovey

Standing Senate Committee on Transport and Communications**Independent Senators Group**

The Honourable Senators Cormier, Dasko, Keating, Miville-Dechéne, Simons and Woo

Conservative Party of Canada

The Honourable Senators Boisvenu, MacDonald and Manning

Canadian Senators Group

The Honourable Senators Griffin and Wallin

Progressive Senate Group

The Honourable Senator Dawson

Pursuant to rule 12-3(3) of the *Rules of the Senate*, the Honourable Senator Gold, P.C. (or Gagné) and the Honourable Senator Plett (or Martin) are *ex officio* members of all committees except the Standing Committee on Ethics and Conflict of Interest for Senators, the Standing Committee on Audit and Oversight, the joint committees and subcommittees.

Respectfully submitted,

TERRY M. MERCER
Chair

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

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

CRIMINAL CODE

BILL TO AMEND—LEGAL AND CONSTITUTIONAL AFFAIRS
COMMITTEE AUTHORIZED TO STUDY SUBJECT MATTER

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(d), I move:

That, in accordance with rule 10-11(1), the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine the subject matter of Bill C-7, An Act to amend the Criminal Code (medical assistance in dying), introduced in the House of Commons on October 5, 2020, in advance of the said bill coming before the Senate, when and if the committee is formed.

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

Hon. Senators: Agreed.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY SUICIDE PREVENTION AND MENTAL HEALTH NEEDS AMONG CANADIAN BOYS AND MEN

Hon. Patrick Brazeau: Dear colleagues, I would like to say a few words in Algonquin.

[*Editor's Note: Senator Brazeau spoke in Algonquin.*]

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

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on suicide prevention and mental health needs among Canadian boys and men, and the overrepresentation of Indigenous peoples in suicide statistics, when and if the committee is formed; and

That the committee submit its final report no later than December 31, 2021.

THE SENATE

NOTICE OF MOTION PERTAINING TO MI'KMAW FISHERS AND COMMUNITIES

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

That the Senate affirm and honour the 1999 Supreme Court of Canada *Marshall* decision, and call upon the Government of Canada to do likewise, upholding Mi'kmaw treaty rights to a moderate livelihood fishery, as established by Peace and Friendship Treaties signed in 1760 and 1761, and as enshrined in section 35 of the *Constitution Act, 1982*; and

That the Senate condemn the violent and criminal acts interfering with the exercise of these treaty rights and requests immediate respect for and enforcement of the criminal laws of Canada, including protection for Mi'kmaw fishers and communities.

NOTICE OF MOTION TO CALL ON THE GOVERNMENT TO ADOPT ANTI-RACISM AS THE SIXTH PILLAR OF THE CANADA HEALTH ACT

Hon. Mary Jane McCallum: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate of Canada call on the federal government to adopt anti-racism as the sixth pillar of the Canada Health Act, prohibiting discrimination based on race and affording everyone the equal right to the protection and benefit of the law.

[*Translation*]

TWENTIETH ANNIVERSARY OF THE ADOPTION OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 1325 ON WOMEN, PEACE AND SECURITY

NOTICE OF INQUIRY

Hon. Mobina S. B. Jaffer: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the twentieth anniversary of the adoption of United Nations Security Council Resolution 1325 on women, peace and security.

[*English*]

QUESTION PERIOD

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before we proceed to Question Period, please note that after a senator has asked their question and received a response, I will ask that senator if they have a supplemental question before proceeding to the next questioner on my list.

AGRICULTURE AND AGRI-FOOD

AGRISTABILITY

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, my question is for the government leader in the Senate.

Leader, last week I met with the National Cattle Feeders' Association. Like everyone else in the agricultural industry, they are suffering tremendously from this pandemic. Inflation is up 47%. The price of finished cattle is up 50%. Feedlot input costs are up 70%. An MNP study estimates a 25,000-head feedlot will sustain a minimum of \$6.5 million in losses this year. Less than half of this loss is covered by the AgriStability program, which caps at \$3 million, leaving significant feedlot production exposed. Total cumulative losses from mid-March to mid-October add up to \$450 million.

Leader, when will the government respond to our hard-hit farmers and cattle feeders and increase the AgriStability cap, which has been stuck at \$3 million for some 20 years and is not nearly enough in these highly unusual times?

• (1440)

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you for the question. The government is very aware not only of the importance of the industry to which you refer but also of the challenges that industry and many others are facing. The government remains committed to providing assistance to the agricultural sector through various programs, which I've outlined in this chamber before. I don't have the specific answer with regard to the change in the cap to which you refer. I'll certainly make inquiries and report back.

Senator Plett: The government seems to be aware of every problem that every industry is facing and seems to have a problem doing things about it.

Cattle feeders argue that the cap should be upwards of \$20 million, leader, not \$3 million. Leader, in the lead-up to this month's meeting of federal and provincial agricultural ministers, can you tell us if the government has had any discussions about increasing the cap? Can you give us a sense of the number under consideration? And if you're not considering increasing the cap, why not? And if you can't give us those answers, could you please find out what those answers would be and report back to us?

Senator Gold: Thank you. As Government Representative in the Senate, I'd be pleased to make those inquiries and report back.

PRIVY COUNCIL OFFICE

CABINET COMMITTEE ON OPERATIONS

Hon. Denise Batters: Senator Gold, as Senate government leader, you were invited to attend the Trudeau Cabinet Committee on Operations. In late June, you told me that that committee had not met since the pandemic shut down in March. This used to be known as the most powerful committee of cabinet. For how many months during a health and economic crisis did the Cabinet Committee on Operations stop meeting?

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you for your question. I am indeed a member of that committee. The committee has resumed its meetings, and I'm pleased to attend.

The fact that that particular committee suspended its operations during the period to which we refer in no way should suggest that ministers and others, including my office, did not remain in close contact to monitor all the ongoing issues for which we are responsible.

Senator Batters: Senator Gold, when did it resume? During this pandemic, the Trudeau government has dodged parliamentary oversight of \$350 billion of taxpayers' money it has blown out the door. At the very least, close scrutiny at the

executive level of government should have occurred. That's why it's hard to fathom that the Cabinet Committee on Operations was sidelined for so long. Maybe a properly functioning operations committee would have stopped your government's WE scandal, because the COVID cabinet committee, then chaired by Deputy Prime Minister Freeland, approved that \$900 million WE contract. Why is the Trudeau government so allergic to scrutiny at every level?

Senator Gold: Thank you for your question. The government is not allergic to scrutiny. I think you misunderstand the function of the operations committee, and the government remained focused on addressing the pandemic for the benefit of Canadians throughout this entire period.

PUBLIC SAFETY

DE-ESCALATION AND ANTI-RACISM TRAINING

Hon. Rosemary Moodie: This question is for the Government Representative in the Senate.

Senator Gold, yesterday the CBC reported that the RCMP is looking to update its de-escalation training and to introduce mandatory anti-racism training.

Senator Gold, you will recall that when Minister Blair appeared before our Committee of the Whole back in June, he responded to a question from Senator McCallum by committing to:

... make changes to the RCMP Act to establish a stronger and more robust civilian oversight mechanism that addresses complaints in a timely manner; establish zero tolerance policies on the use of excessive force ... more robust supports for mental health, substance abuse and youth ... and the mandatory use of body cameras for officers ...

Senator Gold, could you please update this chamber on what concrete steps the government has taken to fulfill these commitments to date?

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you for your question and for raising this issue.

The government is deeply troubled by the state of affairs and has acknowledged on a number of occasions that systemic racism is a problem across law enforcement and in other government institutions, including the RCMP. I don't have the status on all of the items, but the government, I am advised, is working hard to advance these priorities, including legislation to enhance civilian oversight of law enforcement, including the RCMP.

With regard to other issues, for example, body-worn cameras, due to the very disturbing acts of violence that have occurred in Nunavut and based on consultations with community members there, the government will be equipping RCMP officers in Iqaluit with body-worn cameras to increase transparency for all involved.

Senator Moodie: Senator Gold, in follow up, the collection of disaggregated racial data of police interactions, such as the use of force, drawing of firearms and traffic stops, is vital to holding police accountable in advancing the conversation on policing reform.

Could you please update this chamber on the measures that the government has taken to ensure that such data is collected and is available to the public?

Senator Gold: Thank you for your question. The government recognizes that having good-quality data helps government and law enforcement organizations and researchers make informed and good policy decisions. The government understands that we need better race- and gender-based data to better understand the lived realities of Canada's diverse groups.

Your advanced notice of this question enabled me to make inquiries with the government, but I have not yet received the specific details that you've requested. When I hear back from the government, I will report back to the chamber in a timely fashion.

CANADIAN HUMAN RIGHTS COMMISSION

FEDERAL HOUSING ADVOCATE

Hon. Frances Lankin: Honourable senators, it's good to see you all.

My question is to the Government Representative. Senator Gold, I want to ask you about the National Housing Strategy. Even before the pandemic, Canadians were certainly in desperate need of a coherent and effective housing strategy. Since COVID, we've seen many instances of people who have lost their income or who have not been able to provide their rental payments to landlords. We've seen evictions. Some jurisdictions have put a halt on evictions, but not all. We've certainly seen many challenges in housing the tens of thousands of homeless people in safe conditions for isolation and just for general social distancing and safety.

The Trudeau government has started to address this. We know it will take time to build a fulsome policy, but in that National Housing Strategy — which, by the way, was enshrined in law — they established a framework for the National Housing Council and established a position entitled the Federal Housing Advocate. This legislation received Royal Assent over a year ago. Nonetheless, these positions remain vacant.

Senator Pate and I sent a letter to Minister Hussen just over a month ago, asking him to move urgently on filling the positions — and he's the minister responsible for the housing advocate position, by the way — and if he is not moving urgently, to explain to us why not. We have not heard a response. We reached out to your office in advance of this question, and I want to put to you — I'm not hearing what that intervention was, sorry.

The Hon. the Speaker: Sorry, senator, but if you have a question, we have a long list of people who wish to ask questions and you've been going on at some length. If you could pose your question, please.

Senator Lankin: That's my occupational hazard. Do you know, senator, when the government intends to appoint the housing advocate, and, in light of the urgency, can you explain to Canadians why there has been this delay? Thank you very much. My apologies, Your Honour.

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you for the question. Nice to see you, albeit on the screen. Thank you for raising this important issue.

I've been advised the public application process for the National Housing Council is now closed, and the Canada Mortgage and Housing Corporation received over 260 applications from a diverse range of applicants representing all vulnerable groups targeted by the strategy to which you referred in your question. The government has been reviewing these applications in anticipation of nominating the first council members.

I'm assuming that the government has also been reviewing applications and candidates for the Federal Housing Advocate appointment.

• (1450)

With regard to your inquiry that you alluded to, I've been advised that Minister Hussen does indeed plan to get back to you and Senator Pate on the letter you sent him in September.

AGRICULTURE AND AGRI-FOOD

FERTILIZERS REGULATIONS

Hon. Diane F. Griffin: Honourable senators, my question is for Senator Gold.

Back in February, the fertilizer industry was told by the minister responsible for agriculture and agri-food that updates to the Fertilizers Regulations were to be published in the *Canada Gazette* within weeks. Unfortunately, due to COVID, this timeline was pushed; and at this time the government has not committed to publishing them before 2021, although they are needed now.

These regulatory updates have the support of the industry, the CFIA and farm groups. They will bring Canada in line with international jurisdictions and ensure the safety of our farmers, all the while providing a no-cost way to economically stimulate the agricultural sector.

Can you tell us when the government will post the new regulations in the *Canada Gazette*?

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator, for your question. I thank you for the advance notice of your question, which allowed me to make

inquiries of the government in anticipation of today's sitting. Unfortunately, I haven't heard back with the answer, but I will report back in a timely manner when I do get that information.

FOREIGN AFFAIRS

CONFLICT IN ARTSAKH

Hon. Leo Housakos: Honourable senators, my question is for the government leader in the Senate.

Senator Gold, the situation in Artsakh is growing more and more grave by the day. The Armenian people are facing a hopeless and uphill battle. We heard just on Friday a freelance journalist, Neil Hauer, say clearly — and he's a journalist on the ground right now in Artsakh — that we're on the precipice of seeing another Armenian genocide.

Government leader, when will the Trudeau government acknowledge the realities happening on the ground? When will they call it out? And when will Canada stand up before it's too late?

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you for your question. As Government Representative in the Senate, I'm pleased to advise the chamber that the government continues to work hard to seek a peaceful end to the tragic circumstances to which you refer. This is a complicated geopolitical situation with a history that cannot be ignored, should not be ignored, and can't be fully elaborated here. The government remains committed to working with its allies to secure an end to the hostility and to provide a peaceful resolution to this situation.

Senator Housakos: Government leader, we have a situation where the current government has contravened its own ban to Turkey on selling military weapons. That has been proven. Now, after the fact, we also have proof that technology has been used — it has been proven by independent news outlets, *The Globe and Mail* amongst others — on the ground to attack the Armenian people.

Government leader, the situation in Artsakh is getting worse and will become a genocide if we don't move quickly. Are we any closer to figuring out who gave the directive to bypass the government's embargo? Who gave the exemption to sell Canadian military technology to the Turkish government that was siphoned off to the Azeris, which has been used? Was it Mr. Trudeau, in his phone conversations with President Erdoğan, who gave the exemption?

Senator Gold: Thank you for your question. Regarding the issue to which you refer, immediately upon hearing of these allegations, officials were directed to investigate these claims. In line with Canada's robust export regime, and in light of the ongoing hostilities, the government has suspended the relevant export permits to Turkey so as to allow time to further assess the situation.

Measures must be taken immediately to stabilize the situation on the ground. It is the position of this government — and I repeat — that there is no alternative to a peaceful negotiated solution to this conflict.

[Translation]

JUSTICE

JUDICIAL APPOINTMENTS

Hon. Pierre-Hugues Boisvenu: My question is for the Leader of the Government in the Senate. In April 2019, the *Globe and Mail* reported that the Liberal Party of Canada, under the supervision of the Prime Minister's Office, was appointing partisan judges using a list prepared by the Liberal Party itself based on Liberal candidates' donations and interest in judicial vacancies. A Radio-Canada article published online yesterday provided more details. François Landry, a political aide who worked on the judicial appointment process at the Department of Justice, wrote in an email exchange with the minister's chief of staff that he was experiencing strong pressure from the Prime Minister's Office. I quote:

What we are doing is similar to what led to the Commission d'enquête sur le processus de nomination des juges, back in 2010 in Quebec . . .

Senator Gold, as a lawyer, you know that the separation of political and judicial powers is essential to a democratic society. Can you explain this very serious matter?

Hon. Marc Gold (Government Representative in the Senate): I thank the honourable senator for his question. As the Government Representative in the Senate, I assure you that the Government of Canada remains committed to ensuring that judges reflect Canadian diversity. As he has so clearly stated several times, the Minister of Justice, Mr. Lametti, has "never been pressured to appoint any particular person to the bench." He alone makes the decision to recommend a judge. The minister appoints judges based on their quality, the needs of the court, and diversity on the bench. I have been assured that partisanship does not play a role in the decision-making process.

Senator Boisvenu: Senator Gold, we have all heard what Minister Lametti said a few days ago about having an appointment process for judges that eliminates all partisanship. However, on October 31, *La Presse* published a series of emails between Liberal MPs, the Prime Minister's staff and ministers. Clearly, these emails are of concern to the government.

In the spring of 2019, the then justice minister delayed recommending judges because MPs had not provided their advice on these appointments. As a result, in Quebec in particular, criminals were released due to delays caused by a shortage of judges. As the Government Representative in the Senate, don't you find it worrisome that the government is defending interference with the judiciary?

Senator Gold: I thank the honourable senator for his question. I repeat that the Minister of Justice has stated several times that he was never pressured with respect to judicial appointments.

Committees were created to identify the best candidates for the judiciary, no matter their political background or party affiliations. I am convinced that the system put in place in Canada will continue to ensure that the candidates appointed to the bench are of the highest calibre.

[English]

CANADIAN HUMAN RIGHTS COMMISSION

FEDERAL HOUSING ADVOCATE

Hon. Kim Pate: Honourable senators, my question is also for Senator Gold and concerns the federal housing advocate.

Canadians have now been waiting for over a year for this appointment, as Senator Lankin pointed out. The UN Special Rapporteur on the right to adequate housing acknowledged the housing strategy as a step forward that recognized housing as a fundamental human right essential to the inherent dignity and well-being of the person.

With 235,000 homeless people in Canada; 1.34 million households in need of core housing; acute affordability problems in several cities; and with Indigenous, Black and people of colour disproportionately excluded from adequate housing, the rights to housing will not be meaningfully realized without implementing the accountability measures set out in the act, in particular, the independent oversight provided by the federal housing advocate.

Among the other goals, Canada has committed to reducing chronic homelessness by 50% by 2027-28. In the absence of external oversight by the federal housing advocate, how is this progress being independently evaluated in order to ensure accountability and results?

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you for raising this issue. The government agrees that the right to adequate housing is a fundamental human right. That's why it enacted, in the Budget Implementation Act, the National Housing Strategy Act.

• (1500)

As I explained in my answer to Senator Lankin, however, things have moved — unfortunately for reasons too familiar here — more slowly. But nonetheless, as I indicated, applications have been closed, candidates are being evaluated and announcements will be made in the appropriate time.

Senator Pate: Is it possible to get an update on how accountability has been monitored in the interim?

Senator Gold: I will certainly make inquiries and report back.

Senator Pate: Thank you very much.

[Senator Gold]

FOREIGN AFFAIRS

CONFLICT IN YEMEN

Hon. Mobina S. B. Jaffer: Honourable senators, my question is also to the Leader of the Government in the Senate. Leader, you answered part of my question on Yemen last week, and I appreciate your answer on the humanitarian crisis in Yemen. It has been six years of armed conflict in Yemen, and the multi-party war continues with no end in sight for the suffering of the millions of Yemenis caught in its grip. All sides of this endless war are guilty of the devastation that exists in Yemen today.

Leader, from the start of the war until October 2020, the most conservative estimates are that 112,000 people have been killed as a direct result of armed conflict; 12,000 of them were civilians and 2,000 were children. And the carnage continues. We see this almost regularly on television. We see the pain of the people of Yemen.

Leader, when will Canada stop selling arms to Saudi Arabia?

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator, for your question. The Government of Canada remains deeply concerned about the situation in Yemen and supports a political solution as the only way to end this ongoing conflict. That's why the government acceded to the Arms Trade Treaty through Bill C-47, which received Royal Assent a few years ago. Human rights considerations are now part and parcel and, indeed, at the centre of Canada's export regime. The Minister of Foreign Affairs will deny any permit application when there is a substantial risk of human rights violations.

Senator Jaffer: Leader, I really appreciate your answer. I do know that the Minister of Foreign Affairs has been taking an active part, but it is my understanding — and I may be mistaken, leader — that the provisions of the Canada Export and Import Permits Act and the country's obligations under the arms treaty you just mentioned are not stopping the mayhem. When are we going to follow our own rules and stop enabling Saudi Arabia from killing so many Yemenis?

Senator Gold: Again, senator, thank you for your question. As senators will know, the government reviews and continues to review export permits on a case-by-case basis. Again, the government, I'm advised, and the Minister of Foreign Affairs has advised that he will deny any permit application when there is a substantial risk of human rights violations.

[Translation]

HEALTH

COVID-19 VACCINE

Hon. Jean-Guy Dagenais: My question is for the Leader of the Government in the Senate. You know that I often criticize your government and its improvised decisions. I believe I have another example for you.

Effective tomorrow in the United States, starting with the east coast from Boston to Miami, authorities will be setting up outdoor vaccination booths in pharmacy parking lots in order to be able to quickly vaccinate the public against COVID-19. That is what I call governing intelligently. Here in Canada, all I hear is that the government is currently spending millions of dollars to get its hands on vaccine options in development. Once these vaccines are delivered, they need to be administered to the public in order to stop the virus.

Leader, can you tell us what Canada's vaccination plan is or whether this government has once again failed to plan like our American neighbours are currently doing? Is this going to cost more if we improvise a response at the last minute as usual?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, but as I have already mentioned several times, I disagree with some of your premises.

As you know as a senator from Quebec, while the recommendations regarding the vaccine came from the federal government, the responsibility for vaccination falls to the provinces and continues to fall under the provinces' exclusive jurisdiction over health. The government has worked and will continue to work with the provincial governments to come up with a national plan that will respect and reflect the diversity and different needs not only of the provinces but also of the different regions. It is not a matter of improvisation, it is a matter of responsible management during a pandemic in a federation like Canada.

Senator Dagenais: Leader, I am having a hard time following you. The federal government is forking out millions to support vaccine development research. I imagine that it must have some idea of where the vaccination will take place. You're always passing the buck to the provinces, just as you did last week when I asked you a question about border security in Alberta. Shouldn't the government take responsibility for once? It needs to stop improvising and be prepared to not only provide funding for finding and acquiring vaccines, but also determine where those vaccines should be distributed. The government must not wait until the last minute. Obviously, as you said, the government is passing its responsibility to the provinces. You know, it's easy to do that all the time, but I think this is the federal government's responsibility.

Senator Gold: Thank you. Once again, let's imagine a scenario in which the federal government decides tomorrow that it knows better than the provinces and that it is taking over all other governments' responsibilities, regardless of constitutional jurisdiction. With all due respect, I can tell you that this is

inconceivable. The federal government has worked and will continue to work to ensure the well-being of Canadians by securing access to vaccines produced by several potential providers. The government is working closely with the provinces to figure out the order in which to make decisions so they can be made responsibly, in a manner that takes into account the expertise of the regions, provinces and municipalities.

The Hon. the Speaker: Senator Smith, there's a minute left if you want to ask a question.

[English]

Hon. Larry W. Smith: Your Honour, I can delay that until tomorrow.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before we proceed to items on the *Order Paper and Notice Paper*, please note that the table will be calling every item. If no senator has indicated that they want to speak, I will call stand. If a senator wishes to intervene, please unmute your mic and ask to intervene.

If senators wish to ask a question of another senator during debate, they can rise if they are in the chamber or they can use the "raise hand" feature.

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

SECOND REPORT OF COMMITTEE PRESENTED DURING FIRST SESSION OF FORTY-THIRD PARLIAMENT ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Tannas, seconded by the Honourable Senator Patterson, for the adoption of the second report of the Standing Committee on Ethics and Conflict of Interest for Senators, entitled *Consideration of an inquiry report of the Senate Ethics Officer*, presented in the Senate on June 18, 2020, during the First Session of the Forty-third Parliament.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

• (1510)

[Translation]

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE ADJOURNED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate) moved:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Julie Payette, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

[English]

Hon. Robert Black: Honourable senators, I rise today to respond to the Speech from the Throne that was delivered in this chamber on September 23, 2020, by Her Excellency Julie Payette, Governor General of Canada, on behalf of the government.

The speech laid out the priorities of the government, presented in four areas: Protecting Canadians from COVID-19; Helping Canadians through the Pandemic; Building Back Better, A Resiliency Agenda for the Middle Class; and, The Canada We're Fighting For.

I must say, I was extremely disappointed by the lack of attention to Canadian agriculture in the speech. The government frequently speaks about its commitment to agriculture, yet the sector never seems to make the cut into their top priorities.

To me, this is unfathomable, given the importance of agriculture in the daily lives of all Canadians, and especially now, given the issues highlighted by the COVID-19 pandemic. Furthermore, agriculture is intrinsically connected to so many other areas, including climate change and the environment, the economy, natural resources, international trade, intergovernmental relations, rural economic development, health, innovation, industry, transport and much more. While agriculture continues to be a driving force in Canada, this government has continued to neglect the sector by failing to mention agriculture in the Speech From the Throne in both 2019 and 2020.

Today, I will highlight several ongoing problems the agricultural sector and rural communities continue to face. They are issues that I hope will be on the government's list of priorities during this parliamentary session.

With respect to the Barton targets, in 2017, the government's Advisory Council on Economic Growth, chaired by Dominic Barton, identified agriculture as a key sector for potential growth. The Barton Report set a target to grow Canada's agri-food exports from \$55 billion in 2015 to at least \$75 billion by 2025. Many within the industry have set an even higher goal and target of \$85 billion.

In order to meet these ambitious targets, we need to do a better job of promoting Canadian agriculture on the world stage. In our 2019 report, the Standing Senate Committee on Agriculture and Forestry made several recommendations to the government about how to grow our value-added food sector, which would provide a huge boost to our industry and assist in reaching the \$75 billion by 2025.

It is evident that agriculture can truly be a driver of the Canadian economy and can help us recover after this pandemic, but only if we allow it. To do so, this government must prioritize agriculture both now and into the future. I can only hope that the government sees this opportunity and utilizes it to the advantage of all Canadians.

With respect to international trade, Canadian agriculture is integral to our international trade relationships. We have many important trade partners who are interested in our agricultural products.

Recently, the government has engaged and/or concluded negotiations on a number of trade agreements, specifically the CPTPP, CETA and CUSMA.

These trade agreements were intended to benefit agriculture, and for the most part they do. However, there are certain sectors that have been harmed by them. For example, our supply-managed sectors, namely the dairy and chicken industries, have still not received all of the compensation that they were promised by the government in exchange for them losing some of their markets.

In the case of CETA, Europeans have been taking full advantage of Canadian markets for many products, especially cheese. Unfortunately, Canadians haven't been able to export their meat due to differing regulations.

At the same time, we have faced trade disputes on the international stage, most notably with China. China stopped accepting Canadian canola, beef, pork and other products. I am aware that this government has been working hard to resolve the dispute with China, and I have asked the Government Representative in the Senate about these disputes, yet we are still seeing these issues with China. We must look elsewhere to make up these shortfalls. While maintaining our trade relationships is an integral aspect of our economy, at the same time, we must diversify to ensure that Canada does not rely on only one market for our exports.

I would like to take this opportunity to again call upon the government to fulfil its promise of compensation for farmers negatively affected by these trade agreements. They cannot continue to wait on empty promises. Moving forward, I hope that the government will be cautious and not engage in deals that will further harm our country's food producers.

Another issue of concern to the agricultural industry is the interprovincial trade barriers that exist within our country. Earlier this year, I asked a question on this topic to the Government Representative in the Senate, and it is also addressed by last year's report of the Standing Senate Committee on Agriculture and Forestry, entitled *Made in Canada: Growing Canada's Value-Added Food Sector*.

I was pleased to hear in this year's speech that the government would be seeking to eliminate the remaining barriers between provinces to full, free internal trade. The COVID-19 pandemic has highlighted the importance of domestic trade relationships, and it is my hope that the government will move swiftly to address this issue.

It is, quite frankly, offensive that it is more difficult to transport agricultural products across provincial and territorial borders than it is to move them across oceans. I know that these difficulties are due in large part to inconsistent regulations and unnecessary red tape, but without being able to fully benefit from our internal trade, we will not be able to reach our full potential in international markets either.

With respect to access to broadband in rural, northern and remote areas, a major frustration I have heard time and again from folks in rural communities across the country is the limited access to reliable high-speed internet. In this day and age, it is absolutely unacceptable that so many of our rural, northern and remote regions are not connected, which inevitably leads to further disadvantages. It prevents farmers from using smart technology, it encourages young people to leave their communities, and it disproportionately affects Indigenous peoples. Again, this issue has been exacerbated in recent months as COVID-19 pushed many of our regular activities — work, school, clubs, social groups — online.

Yet again, this government's Speech from the Throne promised to invest in rural broadband infrastructure. Rural, remote and northern communities should not be made to wait any longer for adequate internet access in 2020. They have been waiting six years under this government, and they continue to wait today. I hope that the government's promises come to fruition during this term.

An Hon. Senator: Hear, hear.

Senator R. Black: Another concern is trespassing on farms. While many city dwellers may not have heard as much about this issue, it is top of mind for the agricultural industry. Protestors and activists have been breaking and entering on farms in various provinces to demonstrate their dismay with the meat industry. Of course, they are entitled to express their views, but they should not trespass to do so.

Not only is it stressful for the farmers, their families and the animals they care for, but it causes major biosecurity risks. The arrival of a group of people who do not follow proper biosecurity procedures upon entering the farm poses health risks to the animals that they are supposedly trying to protect. Additionally, there have been multiple instances of animals being harmed. In one case, a scared sow accidentally trampled some of her piglets due to the panic caused by the noise and stress. In more than one situation, protestors have stolen live animals or the bodies of dead ones.

In June of this year, the Government of Ontario passed a bill addressing this very issue, and I look forward to seeing how it works in practice. I do think, though, that there is also room for action to be taken at the federal level. In fact, a private member's bill was introduced in the other place, and I look forward to seeing this legislation debated in both houses of Parliament.

• (1520)

With respect to climate change, the Prime Minister, through the Governor General, has identified climate change as a cornerstone of the government's plan. As agriculture and climate change are inherently linked, I was pleased to hear that the government will recognize farmers, foresters and ranchers as key partners in the fight against climate change and support their efforts to reduce emissions and build resilience.

There are many ways in which climate change affects agriculture. There are also many ways — from carbon sequestration to urban farming — in which agriculture will be a crucial part in the fight against climate change. Across the agricultural industry, producers and processors have already been working hard to adopt sustainable practices and emissions. That said, they will need government support to further employ innovative farming methods, maintain soil-friendly practices and ultimately change the way agriculture has operated for decades.

As a long-time member of Ontario's agricultural community, I am aware of the importance of soil health, but I want to make sure that all Canadians know how integral soil is to the overall health of this country. In the three and a half decades since the Senate's last report on soil health in 1984, a concerning amount of Canadian soil has been eroded and continues to lose its organic matter. To address this, I intend to propose shortly that the Standing Senate Committee on Agriculture and Forestry conduct a new soil health study that will ultimately support this government's climate change goals.

The Greenhouse Gas Pollution Pricing Act and Canada-wide Clean Fuel Standard: This government has made it clear that the fight against climate change remains one of its key focuses for the upcoming session. While I wholeheartedly support the important goal of reducing greenhouse gas emissions, I am weary of the impacts of the carbon tax on the Canadian agricultural industry.

The carbon tax has been in effect in New Brunswick, Ontario, Manitoba, Saskatchewan and Alberta for some time now. It has the honourable and important goal of helping to reduce emissions, but in reality it has been hurting Canadian farmers, and grain farmers in particular.

In response to Bill C-206, An Act to amend the Greenhouse Gas Pollution Pricing Act, the Ontario Federation of Agriculture expresses their desire for a change to the existing definition of eligible farming machinery to explicitly allow for natural gas and propane to be used to generate heat for livestock barns and in grain drying. In combination with the change to the definition of qualifying farm fuel, these updates to the bill will have an immediate impact on the livelihoods of Ontario's farmers.

This government is also proposing a second carbon tax, known as the Canada-wide Clean Fuel Standard, or CFS. A number of stakeholders, including OFA, Canadians for Affordable Energy and agricultural news outlets across the country, have raised concerns regarding the CFS. The new proposed regulations have raised concerns for farmers, as it will introduce crop production constraints and does not address compliance verification.

The agricultural industry understands and supports the call to action to fight climate change. That said, to achieve our goals in greenhouse gas reduction, government and industry must work collaboratively. Canadian agricultural producers and processors need the government's support in transitioning to greener initiatives, but they also require their support while they seek to change decades-long practices and procedures.

Finally, COVID-19: We all know that 2020 has not played out as we had expected, largely due to the COVID-19 pandemic. None of us knew that we would be prevented from meeting and moving legislation forward for much of this year. This virus has affected Canadians across this country, and those in the agricultural industry are no exception. Throughout the course of the pandemic, I have stressed the importance of government support for farmers and the agricultural industry, so I will not repeat myself today.

I am proud of Canadian agriculture for its resiliency and adaptability over these past months, and indeed over many years. In spite of tough times, I truly believe that agriculture can come out of this crisis stronger than ever, and that agriculture can be the economic driver to help Canada through this pandemic. Despite its many downsides, the pandemic has given us all reason to reexamine our priorities, develop back-up plans and ensure that we're ready for anything.

I have spoken today about only some of the issues facing the agricultural industry. There are many others — I have previously spoken in this chamber about labour challenges and the need for a national labour strategy in agriculture, as well as about mental health and suicide prevention among farmers and others in the agricultural industry.

The Canadian agricultural industry works hard every day for us. Let's work hard for it too. It's an industry that constantly feels ignored by the government, which I don't think was helped by including nothing more than a passing reference to agriculture in the past two Speeches from the Throne by this Liberal

government. Canadian agriculture needs support. I'm going to continue to support it loudly and proudly inside and outside of this chamber, and I hope I won't be the only one.

Thank you for listening. *Meegwetch.*

The Hon. the Speaker: Senator Black, Ontario, will you take a question?

Senator R. Black: Yes.

Hon. Mobina S. B. Jaffer: Senator Black, thank you very much for your very comprehensive speech on the challenges in the agricultural field.

Senator, you spoke about the trespassing challenges on farms, and you also spoke about improving trespassing laws in Ontario. As we know, trespassing is a provincial issue, so do you think the time has come for the federal government to play a role in bringing all the provinces together to strengthen trespassing laws on farms to help all farmers? We know about the tremendous damage being done to animals on farms because trespassing laws aren't strong enough.

Senator R. Black: Thank you for the question. I absolutely believe this is an opportunity for the federal government to bring the provinces together.

I also think there is an opportunity for the Criminal Code to be amended. I mentioned in my speech that it would provide an opportunity to further strengthen the Criminal Code so that it has an impact across the country.

(On motion of Senator Gagné, debate adjourned.)

PROTECTING YOUNG PERSONS FROM EXPOSURE TO PORNOGRAPHY BILL

SECOND READING—DEBATE ADJOURNED

Hon. Julie Miville-Dechêne moved second reading of Bill S-203, An Act to restrict young persons' online access to sexually explicit material.

She said: honourable senators, I'm speaking today at second reading of Bill S-203, An Act to restrict young persons' online access to sexually explicit material.

Over the past 10 years people have watched the equivalent of 1.2 million years of pornographic videos, and 95% of this occurs on free commercial sites where there is no age verification. If you add up the videos viewed annually on the most popular porn sites, like XVideos, Pornhub, XHamster and YouPorn, you get the astronomical figure of 350 billion videos. And don't think that all these sites are operated outside of Canada; the most popular site, Pornhub, is owned by MindGeek and based two hours away from the Senate in Montreal.

• (1530)

There are an estimated 4.5 million porn sites around the world. More to the point, the content of porn videos has changed significantly. They have become hardcore, extreme and cruder than ever and are often violent and demeaning to women who are subjected to degrading treatment. The most popular practice is near-asphyxiation.

These platforms also carry amateur videos in which minors are sexually exploited and participants did not consent to their publication. Yes, this is illegal, but the sites are not prosecuted because they are not the authors of those videos. In the early days of the internet, these platforms, which are based on the YouTube model, were given a lot of freedom on the grounds that filtering people's amateur videos would be a violation of the freedom of expression.

This troubling reality is the backdrop to the thought process that led me to develop this bill. Its short title is Protecting Young Persons from Exposure to Pornography Act. The bill is very focused. It's about protecting minors because exposing children to increasingly violent online porn can damage their health at a time when they are rapidly growing and their cognitive and behavioural functioning is still developing. This is a matter of public health and safety that can no longer be ignored. I will return to this aspect later.

The internet has become an essential part of nearly every aspect of children's lives. Given their heavy use of smartphones and tablets, children are being first exposed to porn at the age of 11 on average. More than half of Canadian children access this content from their smartphones, instead of from a computer at home, making it difficult for parents to monitor and control their online activities. In short, kids can easily stumble across an anal penetration video while they are browsing.

It is estimated that 22% of minors who consume porn in Great Britain are children under the age of 10. Free porn sites make their money notably from advertising video games of a sexual nature that precisely target young people. In Canada we have few studies, but according to the most recent survey 40% of boys in high school have seen porn online; 28% look for it at least once a day or once a week; and 7% of girls declare having watched porn.

So why are these adult sites not filtering to prevent access to minors, especially the major sites that earn staggering profits? That's what we would expect, given that this has been going on for about 20 years and these sites have a self-regulatory system. However, no action has been taken because sites fear losing a good chunk of their users. Clearly, self-regulation has been a resounding failure. Porn sites do nothing but ask users to check a box stating that they are 18.

Online porn is a legal industry, but its functioning is not consistent with our consensus as a society. Porn is supposed to be only reserved for adults. The proof is that access to all porn, aside from online access, is regulated by law.

The provinces classify films to protect youth. In Quebec, for example, feature films that contain mostly scenes of explicit sexual activity are restricted to adults. Cinemas are to bar persons under the age of 18, 16 or 13. Retailers have to respect this classification when they sell or loan videos containing explicit sex scenes. Municipalities prohibit minors from accessing sex shops and porn magazines, which must be shelved at a specific height. That means our kids can freely watch Pornhub but they cannot buy a *Playboy* magazine. What a paradox.

At the same time, there has been an international effort driven by the United Nations to recognize that children are entitled to appropriate information about their sexuality and human reproduction. This is critical. In my previous roles, I strongly defended the importance of sex education at school, but sex education has nothing to do with porn. In 2016, the American College of Pediatricians issued this warning:

Because of its harmfulness to children, pornography must never be used as a tool to teach children human sexuality.

The many laws on porn show that legislators' intention is to ensure pornography is not available to minors. Why should it be any different on the internet?

[Translation]

Where are the parents in all of this? The main argument of those opposed to any legislative oversight is that this is a parental responsibility and that it's up to each parent to use filters. However, the proposed filters are not foolproof and can be turned off by resourceful teenagers, who can easily find instructions online. Furthermore, parents need to be aware of this to begin with.

According to an extensive survey in Britain, 75% of the 1,000 parents surveyed believe their children do not view pornography online, while in reality, 53% of children said they do. A European study even found that parental filters are ineffective at stopping adolescents from viewing sexually explicit material. Furthermore, these individual filters cause slower connectivity, do not adequately block explicit material or, on the contrary, allow access to too much content, but also prevent young people from viewing sex education materials.

Why should parents be solely responsible, when in many other areas of public health, retailers are asked to verify the age of customers buying cigarettes or alcohol, for example? Those checks are not foolproof, but they do represent an obstacle.

Parents are asking for help. According to a survey by the Canadian Centre for Child Protection, 60% of respondents said they are very concerned that their children are being exposed to pornographic or violent images. In Great Britain, 83% of parents surveyed in an extensive survey called for effective age-verification controls.

The real objective of this bill, as set out in clause 3, is to protect the mental health of young persons and, more broadly, to protect Canadians, in particular young persons and women, from the harmful effects of pornography, which is a public safety issue.

That is the crux of the bill. The harm done to children who are exposed to sexually explicit material is a real and urgent social concern. Scientific research is making more and more worrisome connections between the consumption of pornography and the health or behaviour of young people.

Here is what we know. When adolescents frequently view pornography, it can lead to compulsive consumption, create unrealistic expectations about their own experiences, generate fear and anxiety, and affect their self-esteem by distorting their perception of their own bodies.

Certain symptoms of depression are linked to the consumption of pornography by minors. Young people who view it may suffer an impaired level of social functioning. There is also a link between watching pornography and poorer academic performance. Since the teenage brain is at a unique developmental stage, exposure to pornography may compromise inhibition and self-control and may increase impulsivity.

What do young people, boys in particular, absorb from what they see? Repeated consumption of pornography by adolescents reinforces gender stereotypes and perpetuates sexist beliefs and the objectification of women. All this increases the likelihood of them viewing women as sexual objects reduced to their body parts whose purpose is to satisfy men's desires.

According to a three-year American study, adolescents who consume violent pornography are six times more likely to be sexually aggressive than those who consume non-violent pornography or no pornography. Other studies have shown that unprotected sex as depicted in pornography can influence young people to have unprotected sex.

It's important to note that a direct causal relationship between pornography and sexual violence has not been scientifically proven. However, alarming links between the two phenomena have been clearly established in the literature.

• (1540)

[English]

Despite these methodological limitations, there is enough research to believe that porn is a risk factor for minors. I would like to quote from the most comprehensive scientific review made at the request of the Australian government:

... the most dominant, popular and accessible pornography contains messages and behaviours about sex, gender, power and pleasure that are *deeply* problematic. In particular, the physical aggression (slapping, choking, gagging, hair pulling) and verbal aggression such as name calling, that is predominantly done by men to their female partners ... permeate pornographic content. ... In addition, this

aggression often accompanies sexual interaction that is non-reciprocal ... and where consent is assumed rather than negotiated.

Thirty-seven per cent of online porn scenes depict violence towards women. This distorted view of sexuality can traumatize children.

According to the respected Canadian Centre for Child Protection:

Adult pornography is not only harmful to a child's developing brain, it is also used to groom children for sexual abuse and to normalize sexual activity.

[Translation]

Pediatrician Jean-François Chicoine at Sainte-Justine Hospital observed the following in his practice, and I quote:

Exposure to pornography is always harmful, whether it occurs too young, too often or too intensely, but for certain children, it represents a real cataclysm that shatters their self-esteem and their relationships with others for all time. In children's brains, exposure to pornography is an intrusion that is disturbing, makes them anxious or causes nightmares. Worse, porn creates images, distorting their thoughts and expectations about the world. ...

Moreover, the Association des pédiatres du Québec and the Canadian Paediatric Society support this bill unreservedly.

I will now provide some definitions. The term "sexually explicit material" is defined in the Criminal Code as the representation of explicit sexual activity, the dominant characteristic of which is the depiction, for a sexual purpose, of a person's genital organs or anal region or, if the person is female, her breasts.

Within sexually explicit material, there is a category called "obscene material," the production and publication of which is strictly prohibited in the Criminal Code. Obscene material is defined as any publication, and I quote:

... a dominant characteristic of which is the undue exploitation of sex, or of sex and any one or more of the following subjects, namely, crime, horror, cruelty and violence. ...

Bill S-203 proposes to restrict children's access to sexually explicit material available online for commercial purposes with a view to reducing the harmful effect on their health. There have been alarming warnings in case law concerning the dangerous repercussions of exposure to obscene material prohibited by the Criminal Code. Exposing minors to this type of content is even more reprehensible. Consequently, in accordance with clause 8 of the bill, the court must consider as an aggravating circumstance the fact that a commercial pornographic site did not verify the age of the minors and thus made obscene material available to them.

I would like to quote the ruling by Supreme Court Justice Gonthier in *Butler*:

Obscene materials debase sexuality. They lead to the humiliation of women, and sometimes to violence against them. This is more than just a matter of taste.

Hence, clause 4 of the bill makes it an offence to make available sexually explicit material on the internet to a minor for commercial purposes. A first offence is punishable by a fine of not more than \$10,000 for an individual and \$250,000 for a corporation. Fines for subsequent offences are more substantial.

Nevertheless, for those who are concerned about the risk of censorship of educational or artistic material, I would like to say that there is an explicit exception in the bill about this. Sex education, whether on the internet or elsewhere, is necessary. Artists have always been inspired by nudity and sexuality, but again, that has nothing to do with pornography. Subclause 2 of clause 7 specifically provides that any sexually explicit material with a legitimate purpose related to science, medicine, education or the arts is not subject to the restrictions in the bill. Censorship is not an issue here.

What is more, under subclause 7(1), the accused has a defence if the accused implemented an effective age-verification method prescribed by the regulations that will accompany the act.

We have now come to the question of how to verify a user's age before they consult a site. Today, with advanced technologies, the age of online consumers can be verified safely.

On other internet sites, consumer age verification is already mandatory. For online gambling, there are identity checks up front, which are generally done by credit card. For online alcohol purchases, the customer picking up the bottles is carded. Throughout the world, an entire private age-verification industry has developed.

Technology keeps advancing, so a regulatory approach is the most prudent way to establish age-verification requirements. That is why such requirements are not in the bill. Experts agree that verification must be carried out not by porn sites but by third parties specializing in this service. This precaution is essential for ensuring that porn sites cannot access their clients' personal information. That barrier is crucial.

Yoti, a British company, explained to us that it verifies age using a liveness test and ID cards. The data are then encrypted. The whole process takes three to five minutes, after which internet users receive a certified age token in their browser that contains no identity information other than the fact that the user is 18 or older. Third parties authorized by the government to conduct age verification would be required to comply with information security standards.

[English]

Here is how the Age Verification Providers Association describes the process:

... age verification is not identity verification. They're very separate. What we try to do is have the minimum amount of data used in the first place and then retain going forward. For quite a lot of uses, you wouldn't need to retain any personal data at all. All you need to know is that person X — and we only know them as 'X' — has at some point proved, to a certain standard, that they are over a particular age or within a particular age range or they have a particular date of birth.

[Translation]

It is possible to use other methods, such as the purchase of a "porn pass" at a store that would check the buyer's age in person or a digital ID in the form of a smartphone app. That is a concept that would enable users to maintain full control over their data.

I am certainly not the first to think that action needs to be taken. Germany is going to make it mandatory for internet service providers to block access to the most popular foreign-based porn sites if those sites continue to refuse to implement an effective age-verification system.

In July, France adopted an amendment to its law to protect victims of domestic violence. The amendment states that the sexual imaginations of young people who are exposed to violent pornography can be shaped by the brutality of the images they see. They then mirror that brutality in their relationships, making pornography a vector of domestic violence.

As a result, administrators of pornographic websites could be subject to a sentence of three years in prison and a fine of €75,000 if they do not implement a stricter age-verification system than a page where users must declare on their honour that they are over the age of majority. Of course, that does not do any good.

A court could also authorize internet service providers to block pornographic websites and de-index them in France. That would be an even harsher penalty.

What expedited the process in France was that the number of requests for access to pornographic websites dramatically increased during the pandemic. Senator Marie Mercier, who proposed the amendment, believes that young people are watching more and more violent pornographic movies that used to only be watched by sado-masochists. She said, and I quote:

Today, violence has become normal, and young girls think it is normal for their partner to be violent.

• (1550)

A French study found that 42% of young people polled said that they had already tried to reproduce certain scenes they had seen in these porn videos.

France is the first western country to take decisive action, but it was Great Britain that paved the way in 2017, causing much ado. The British Parliament passed the Digital Economy Act, which requires commercial pornographic sites to put an age filter in place through certified third-party companies.

[English]

In Great Britain, debate on the benefits and risks of these controls has gone on for two years. The law was supported by the major child protection agencies like the National Society for the Prevention of Cruelty to Children. But more and more privacy advocates, especially the Open Rights Group, have spoken out against the potential abuses of this type of verification since privacy protection mechanisms were not mandatory. Critics said that Britain was heading for an inventory of citizens' porn preferences.

Theresa May's government pledged to move forward, but her successor, Boris Johnson, was embroiled in Brexit and an upcoming election. He reneged in October 2019.

Australia is ahead of us in many respects. It established an eSafety Commissioner in 2015 who is responsible for internet safety for children and youth. The commissioner can require a site to take down illegal or offensive content. The Australian government is also evaluating facial recognition technology to confirm the age of adult website users.

Earlier this year, in February, an Australian parliamentary committee, mandated by the government, recommended establishing a third-party age-verification system for accessing online porn and gambling sites in response to the widespread community concern. The committee's report, entitled *Protecting the age of innocence*, does not mince words:

The Committee heard that young people are increasingly accessing or being exposed to pornography on the internet, and that this is associated with a range of harms to young people's health, education, relationships, and wellbeing. . . .

In the committee's view, although age verification is "not a silver bullet," it would play a major role in preventing young people, especially young children, from being exposed to harmful content.

This observation applies to Bill S-203. The most determined young people could still defeat these controls, especially with VPN technology, which allows the user's country to be covered up. But even if the proposed mechanism is not perfect, it would still block access to a large number of children.

Where does Canada stand on this issue? We are very late. In a 2017 report, the House of Commons Standing Committee on Health concluded that there was too much uncertainty regarding pornography's negative and positive effects on young people to make a decision. Instead, the committee looked to the private sector to develop better parental filters for blocking harmful content.

Across the country, the apprehended risks of the exposure of young people to porn are of more concern to civil society than to the political world. Associations of parents, pediatricians, sex therapists and support groups are loudly demanding that the state play its role.

In Ontario, Marilyn Evans, a mother, launched Parents Aware to alert her community to the problem. She said:

. . . children are landing on these sites where they find extreme, violent, and often illegal sexualized content. It is both dangerous and irresponsible of Canada not to implement age verification on pornographic websites when we have the technology to do so.

In Calgary, Jocelyn Monsma Selby, an addiction specialist, launched the initiative Connecting to Protect to warn people of the mental health dangers facing children and young people who view online porn.

In Chilliwack, British Columbia, Dr. Robert Lees is urging public institutions and businesses that provide free internet access to install software that blocks pornography. He has called on us, as legislators, to help him.

In Quebec, sex therapist Marie-Christine Pinel made some disturbing observations in her practice. She said:

I am seeing some destructive trends emerge: an upsurge in dominance relationships, performance anxiety that leads to pain on penetration and erectile dysfunction, and an explosion in the demand for genital cosmetic surgery, all of these issues are due to the influence of pornography.

Let's get back to the bill. How do we ensure that commercial pornography platforms comply with these new rules? It is easy to identify the major players, but it is obviously very hard, if not impossible, to fine the thousands of small porn sites overseas. For that reason, clause 9 would authorize the Minister of Public Safety and Emergency Preparedness to ask internet service providers to take the necessary measures, such as, for example, blocking any offending porn sites. That is the ultimate punishment for a business: losing all of its customers in a given country.

In closing, I would like to touch on an issue that is on everyone's mind, which is COVID-19. This terrible pandemic and the resulting lockdown have created winners and losers. The porn sites have benefited from increased traffic and a captive, at-home audience. Visits to porn giant Pornhub have climbed 23% because of the lockdown and the companies' decision to give temporary free access to its premium site.

We can presume that many young people have followed the trend and thus exposed themselves to all the dangers associated with repeatedly viewing violent or demeaning pornographic images. It's time to hold distributors to account. I need your help, colleagues, to push forward this bill.

[Translation]

I need your help to protect our children. Thank you.

[English]

Hon. Pierrette Ringuette (The Hon. the Acting Speaker): Senator Frum, do you have a question?

Hon. Linda Frum: Yes, I do.

[Translation]

The Hon. the Acting Speaker: Senator Miville-Dechêne, would you take a question?

Senator Miville-Dechêne: Certainly.

[English]

Senator Frum: First of all, Senator Miville-Dechêne, thank you for all your hard work on this. As the critic of the bill, I applaud you for introducing a bill on this very important subject. The social impacts you so ably described just now cannot be more real or serious.

My question for you, though, is this: You specify in the bill that the Minister of Public Safety and Emergency Preparedness should be the lead minister on this bill. Why did you not choose the Minister of Heritage, who is responsible for safeguarding against the exploitation of children; the Minister of Innovation, Science and Industry, who oversees the Broadcasting and Telecommunications Act; or even the Minister of Health? Is there a particular reason you chose the Minister of Public Safety and Emergency Preparedness?

Senator Miville-Dechêne: It is because there is a public safety impact in the bill, not only for children but also for women. It seemed, because of its power to investigate, that it was the best minister to be able to measure if porn sites, whether they be abroad, small or without the right material to find them, should be shut out. We think it's the best minister to act, but obviously, there could be discussion on that matter.

Senator Frum: Thank you.

The Hon. the Acting Speaker: Senator Housakos, do you have a question?

[Translation]

Hon. Leo Housakos: Yes, I have a question for the senator.

Senator Miville-Dechêne, I congratulate you on your bill. I can't believe that there are people who are against it or who don't find it worthwhile. Your objective is very noble.

However, I have some concerns. As everyone knows, over the years, the internet has become a powerful tool that has to be closely monitored. The internet is a tool that is very useful for society, but it is unfortunately also used by forces doing illegal things, things that do harm, especially to young people, in this case.

• (1600)

For the benefit of people like me, who may not be as comfortable with new technologies, can you tell us more about how our government can succeed where other governments around the world have failed at putting an end to illicit or illegal activities online? I don't think we're there quite yet, even though we have managed to protect Canadians' confidential information and ensure their safety and protection in all other respects. Thank you.

Senator Miville-Dechêne: Thank you for your question, Senator Housakos. In fact, you asked two. Of course, it is very difficult right now, without any legislation, to make pornographic websites criminally liable if they host content that sexually exploits minors or involves non-consensual acts. In his mandate letter, Minister Guilbeault is tasked with addressing this issue and giving pornographic websites 24 hours to take down illegal material. That is the first thing.

However, I want to ensure that children under the age of 18 can't access this material at all. I think this is feasible because technology is advancing. The technology that I told you about exists. It's possible to verify a person's age while collecting as little private information about them as possible. We are now in a position to say that this is possible and that it is the pornographic websites that will have to pay for these intermediaries, these independent companies, to verify users' age in a way that respects their privacy as much as possible. As you know, there are now companies that encrypt information. Of course, they have to be certified by the government to ensure that the pornographic websites are not collecting personal information about their clients. All of this can now be done in a matter of minutes.

You're quite correct that this is all changing rapidly. However, based on my consultations with people in Great Britain and Australia, it is possible to move forward. In fact, we have no other choice, because, with the infamous parental filters, pornographic sites tell us that it is the responsibility of parents. Parents don't always know that their children are going to those sites. Kids can do it from someone else's phone. It's very difficult to supervise, and it's putting too much responsibility on them.

Yes, we need to act, and I don't understand why our government still hasn't done anything. I must acknowledge that this is a controversial area, and too many people tend to believe that this is a purely conservative issue. In my view, this can be a cross-party issue, because it's about protecting children. Personally speaking, I come from the feminist movement, and many feminists are very concerned about the growing impact of pornography in terms of how it portrays women. The younger they are when boys and girls start to see pornography, the more this unequal portrayal seeps into their brains.

Even coming from different perspectives, we can nevertheless agree that we must protect children from literal brainwashing that can do real damage, perhaps not always, but it remains a risk factor.

Hon. René Cormier: My question is for Senator Miville-Dechéne. Thank you very much, senator, for bringing this very important issue to our attention. People of all ages have more and more access to pornography through commercial pornography sites and also on social media sites for free. As you so aptly said, pornography debases women, and my research also indicates that this pornography often humiliates many young homosexual men who are members of the LGBTQ community. That is a very important and complex subject.

My question is somewhat along the same lines as that of Senator Housakos. Given that pornography is easily accessible all over social media, why does your bill only target commercial pornography sites and not social media as a whole? I want to ask you this question although it may be complex.

Senator Miville-Dechéne: Senator Cormier, thank you for this excellent question. I had to make difficult decisions. This is a private bill. By focusing on commercial pornography sites, we can have a better definition and state that we will use the Criminal Code to penalize pornography sites that fail to comply. However, if we try to police social media as a whole, we find perpetrators as well as young people sharing pornographic images, which makes it much harder to find one solution for all these problems. You know that in the case of sexting, for example, many police officers are now saying that it is not a good idea to criminalize children, even though the Criminal Code states that sexting may be a criminal act. Therefore, it is much more complicated and difficult to target social media as a whole.

Great Britain made a start by issuing a white paper on the potential harms that minors face on social media. Pornography is one negative aspect of social media, but there are others, including people encouraging suicide. I thought that in a private bill, which I have been working on for months with my excellent team, Mylène Alloto and To-Yen Tran, it was enough to go after 4.5 million commercial pornography sites, since they are for-profit companies, and that is why we can target them more easily.

[English]

Hon. Paula Simons: Firstly, Senator Miville-Dechéne, I want to thank you for your passionate and provocative speech. I think it is so important that you explained all of the social harms of young exposure to pornography so eloquently. Even if we acknowledge how quickly the internet can diffuse things, we will never be able to build a perfect fence. It's really important that you started this conversation.

My question is similar to that of Senator Housakos. My concern has to do with what you said about facial recognition software, for example. How do we strike the balance where we come up with a way that actually proves the age of young people without infringing on privacy — and it's a very private question — when adults choose to access pornography, which they are constitutionally allowed to do? How do we protect children and at the same time protect the very private sexual choices of adults?

[Translation]

Senator Miville-Dechéne: That's a very good question. Technology has helped pornography companies rake in huge profits, and it can also help us achieve what we want. Facial recognition is a very controversial technology that can only estimate a person's age, not pinpoint it exactly. This particular issue really bothered me, which is why I spoke to age-verification providers and, in particular, an expert from Great Britain who has been working on this issue for two years. He told me that the technology exists to do this securely.

• (1610)

As you probably know, when age verification is done, the information can be encrypted. Only a portion of the information can be obtained on the browser. We are heading toward digital identification, which essentially means that we can have our own data on our cell phones and share some data, of our choosing, with a company that verifies age. The only data that will be accessible to the pornography site is a token that says, "I am over 18," not the name or address. I can't ignore these questions, but they exist for any verification. When you go to a gambling site, your credit card is checked. Equifax verifies your credit card. Equifax has all your personal information, such as your date of birth, your name, and so on. All this information is already out there. No one can claim that age verification can't be done for a pornography site, when that same verification is done for online gambling and alcohol purchases, which means it is a double standard given the dangers of pornography.

[English]

Hon. Ratna Omidvar: I too want to congratulate Senator Miville-Dechéne on this initiative and her thorough deconstruction of the issue and her proposed solution. I noticed with interest, Senator Miville-Dechéne, that you spoke about other jurisdictions and what they are doing, because there is much we can borrow from them. I noticed in your speech a comment about Australia creating a safety commissioner to look after these matters and to weigh in on them. As you well know, our colleague Senator Moodie, in Bill S-210, has tabled a legislative proposal to call the children's commissioner into life. I wonder if you could comment on whether you see a role in this issue for the children's commissioner, beyond and complementary to your legislation?

Senator Miville-Dechéne: Certainly. I remember when Senator Moodie introduced her bill, I thought about the fact that we were working on issues that were crossing.

In Australia it's the eSafety Commissioner for children. It's a more pointed commissioner, and it is not to say that a commissioner in Canada that is in charge of children could not intervene. However, I think a bill is essential because the website — the pornography sites — have to know that if they don't control the age of the children —

[Translation]

The Hon. the Acting Speaker: Senator Miville-Dechéne, your time is up. Are you asking for five more minutes?

Senator Miville-Dechéne: Yes, but I don't want to slow down proceedings.

The Hon. the Acting Speaker: If senators object, they can say "no." You may continue.

Senator Miville-Dechéne: I will continue in French. We absolutely have to pass a bill to stop these porn sites and make them criminally liable for not verifying users' age. That is the change I want to see. Until now, these sites have had total immunity, which is incomprehensible. That is due to the fact that, back at the dawn of the internet, a choice was made to allow great freedom because unfettered freedom of expression was seen as essential. However, freedom of expression on sites like YouTube, which features singers, is not the same as complete freedom of expression for a porn site that does not restrict access by minors. This is not about preventing adults from visiting porn sites, but preventing minors from doing so is essential. The industry has exploded, and the law is not keeping pace. A children's commissioner could undoubtedly help in that regard.

The Hon. the Acting Speaker: Are there any more questions? Senator Lankin will not ask her question today.

[English]

Hon. Yonah Martin (Deputy Leader of the Opposition): Before I take the adjournment, I was going to raise a point of clarification more than a point of order, Your Honour.

The Hon. the Acting Speaker: Please do.

Senator Martin: This is a question I had posed during the rehearsal of the hybrid sitting. Today is our first day. I think it's a good opportunity to achieve some clarification, because in a debate like today where Senator Miville-Dechéne is the sponsor and has 45 minutes, and there is some extra time perhaps for questions, the leaders have unlimited time. Whoever raises a hand or stands in the chamber will all be able to ask questions, but there will be times when the debate is quite limited, so who you ask or whose name you call first could make a difference in the time limit that we have.

My question is, on the virtual list, it's a simple click of the button, and therefore a hand can be raised quite quickly, even before the speaker has finished, whereas in the chamber we have to wait until the speech is concluded. My question to you, Your Honour — and to His Honour as well and others who take the chair — is what will happen in a debate, such as today, when there are senators who must wait until the speech is concluded to rise, when those on the virtual platform could simply click and raise their hand?

All questions are important, but in certain debates it will be important where you start. The disadvantage of those in the chamber is that we have to wait until the speaker concludes. I would like clarification on this, please.

The Hon. the Acting Speaker: Thank you, Senator Martin.

From my perspective, I have in front of me a screen that also indicates the people who want to ask questions or intervene virtually in our deliberations. At the same time, I see all of you. It's not very complicated, and I think that unless there is a technical difficulty in regard to the people that are with us virtually, I believe that so far we are managing it correctly.

Senator Martin: Thank you, Your Honour. I'm not saying that you are not being fair or that our colleagues have a greater opportunity one way or the other. Simply, the fact is that those of us in the chamber have to wait until the speech concludes to stand, and online it will be easier. Just as votes are called in the chamber first, I'm wondering about clarification on this going forward. For certain debates, that order could make a difference to the next questioner and perhaps how many questions can be asked.

This is something that will have to be discussed carefully behind the scenes, but I thought I would raise it at this first opportunity since we experienced it before the next debate happens.

The Hon. the Acting Speaker: Thank you, Senator Martin.

(On motion of Senator Martin, debate adjourned.)

• (1620)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Boehm, for the second reading of Bill S-207, An Act to amend the Criminal Code (independence of the judiciary).

Hon. Yvonne Boyer: Honourable senators, I rise today in support of Bill S-207, An Act to amend the Criminal Code, which would remove mandatory minimum sentences. Mandatory minimums prevent judges from considering an individual's circumstances, which may warrant a lesser sentence. As our colleague Senator Pate has explained in detail, there are many different contexts and circumstances that might be taken into account by judges when sentencing. However, today I want to examine this bill through a culturally relevant, gender-based lens and clarify how it will affect Indigenous women.

Indigenous women in Canada report spousal abuse at a rate that is three times higher than non-Indigenous women. We have heard that 90% of Indigenous women who are incarcerated have a history of physical and/or sexual abuse. Sometimes Indigenous women are criminalized for defending themselves against abusive partners. Some women endure years of physical, emotional and/or sexual abuse before lashing out against their abuser. The mandatory minimum sentence for murder is life in prison, and because there is a lack of legal resources and a distrust of the legal system, Indigenous women will often take a

plea for manslaughter even when cases are in self-defence. Indigenous women are often overrepresented as homicide victims, but also accused of homicide. While all women in Canadian society are at a higher risk of intimate partner violence, research shows that Indigenous women and girls experience higher rates of violent victimization. This is not historically natural in Indigenous culture.

Indigenous women held a sacred place in First Nations, Métis and Inuit society. Early Indigenous societies understood the underlying principles of gender balance, and the common thread running through all Indigenous groups is that gender equality is the key to survival.

Men could not survive the harsh conditions without the women, and the women could not survive without their male counterparts. Women made integral decisions about family, property rights and education. They were the keepers of the traditions, practices and customs of their nations. They were admired for their capacity to create new life and new relationships with the creator.

Prior to colonization, Indigenous women enjoyed comparative honour, equality and political power in a way European women did not at the same point in history. We can trace the diminishing status of Indigenous women with the progression of colonization.

Sexism and enduring domestic abuse is a consequence of colonization and a result of the dismantling of Indigenous ways. This, combined with policies of assimilation and cultural genocide, has led to the situation we see today. The Indian Act, residential school policies, mental health laws and the forced removal of children in the Sixties Scoop, are some of the ugly determinants that have contributed to the erosion of women's roles in Indigenous cultures.

Elder and knowledge keeper Verna McGregor of Minwaashin Lodge, right here in Ottawa, agrees that policies of assimilation have been contributing factors to the abuse that many Indigenous women are subjected to. This is also evidenced by the high rates of incarceration of Indigenous persons in Canada. She confirms that crime is often linked to poverty, and with First Nations, Métis and Inuit peoples it is also related to issues caused by colonization.

When sentencing Indigenous women, judges should be able to use an intersectional lens. The principles outlined in the *Gladue* 1999 Supreme Court decision state that in sentencing an Indigenous offender, the judge must consider two things. The first is that he or she consider:

... the unique systemic or background factors which may have played a part in bringing the particular aboriginal offender before the courts. . .

And second, that he or she consider:

... the types of sentencing procedures and sanctions which may be appropriate in the circumstances for the offender because of his or her particular aboriginal heritage or connection.

Mandatory minimums prevent judges from applying these important *Gladue* principles. The National Inquiry into Murdered and Missing Indigenous Women and Girls found that mandatory minimum sentences are especially harsh for women, Indigenous women, girls, two spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex and asexual people, as *Gladue* principles for sentencing cannot be applied. Indigenous women's testimonies reveal that the *Gladue* decision has been ineffective in reducing the number of incarcerations. Removing mandatory minimums is needed to allow judges to consider Indigenous women's lived experiences of intersecting inequalities, thereby considering *Gladue* principles if the woman wishes it.

The Ontario Native Women's Association, in the Ottawa and Hamilton offices, have been producing *Gladue* reports since 2018. These *Gladue* reports provide recommendations that are culturally grounded and individually focused, and recognize the strength and resilience of Indigenous women.

Judges should be able to meaningfully apply these *Gladue* reports in the cases they oversee. They should also take judicial notice of *Gladue* principles and be able to use discretion when it comes to sending Indigenous persons to healing lodges, elder programs and other Indigenous-led programs that are more culturally appropriate and focus on rehabilitation rather than punishment. The Office of the Correctional Investigator's annual report found that Canada is failing to provide Indigenous offenders with the skills, training and learning opportunities they need to return successfully to their communities.

The annual report also outlines that the overrepresentation of Indigenous women is now at an all-time high of 42%. Mandatory minimums prevent rehabilitation by diverting resources away from crime prevention and rehabilitation programs and increase the likelihood of getting a criminal record. Elder Verna McGregor also expressed her concern that Indigenous women at Minwaashin Lodge are often denied employment opportunities as a result of having a criminal record, and that mandatory sentencing only increases the frequency of this happening. Many of these women support their children, and their marginalization will continue to impact our future generations.

Honourable senators, Bill S-207 constitutes an important step toward dismantling systemic racism in the criminal justice system. It would permit judges to acknowledge the role of colonialism and assimilative policies in perpetrating violence against Indigenous women. It would also allow for proper consideration of the specific circumstances of each case through a culturally appropriate gender-based lens, and promote better application of *Gladue* principles, which are fundamental to restoring a holistic, collaborative and humanizing approach to justice. I support this bill, and I encourage my colleagues to do the same. Thank you, *meegwetch, marsee*.

(On motion of Senator Moodie, debate adjourned.)

CRIMINAL RECORDS ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Kim Pate moved second reading of Bill S-208, An Act to amend the Criminal Records Act, to make consequential amendments to other Acts and to repeal a regulation.

She said: Honourable senators, we must let the scales fall from our eyes and reveal the impact of systemic racism on all our lives. Black and Indigenous peoples and other people of colour are overrepresented in the criminal legal system for reasons rooted in colonialism: decades and centuries of policies of assimilation and forced separation of parents and children, and such experiences of systemic inequality as racism, sexism, ableism, poverty and trauma.

When criminal convictions end, the punishment of criminal records continues. Public consultations, parliamentary committee work and parole board and ministerial pronouncements have all recognized the discriminatory impact of records and the reality that they create barriers to education, employment, volunteering, housing, and even access to long-term care.

For Indigenous peoples, Black Canadians and people of colour who now represent more than half of women in federal prisons, records entrench and exacerbate systemic racism.

• (1630)

Records keep people and their families living on the margins. They lock people into vicious cycles of poverty from which they cannot escape. Where relief from a criminal record is inaccessible, punishment is indefinite. Despite section 11 of the Charter — which prevents punishment for a conviction from extending beyond the end of a sentence ordered by a judge — people with records continue to be marginalized and stigmatized. This undermines public safety and perpetuates systemic racism by interfering with their ability to rebuild their lives and integrate into the community.

In 2018, the House Public Safety Committee released a cross-party report identifying concerns about increasing barriers within the record-suspension system that Canada currently relies on to provide relief from criminal records. As the result of changes in recent years, individuals now wait longer, pay more and face more records-related barriers. Liberal, Conservative and NDP committee members alike agreed that it was time for the government to “examine a mechanism to make record suspensions automatic” in at least some circumstances.

Bill S-208 is designed to improve access to timely relief from the burden of a criminal record for those who have been held accountable, served their sentences and are working hard to move on. It provides a streamlined system of conviction expiry, sometimes known as record expungement, after two or five years pass without new convictions or pending charges. It would not

require individuals to make an application or pay a fee in order to access record expiry. The bill is based on the understanding that accessible criminal record relief, equality and public safety go hand in hand.

As an exception to this streamlined deletion of criminal records, Bill S-208 would preserve the mechanism of vulnerable sector checks to detect expired records when someone applies to work with children or other vulnerable groups.

As barriers to criminal record relief have increased in recent years, so too has the use of criminal record checks as a gate-keeping function, keeping people out of the workforce, out of volunteer work, education, housing, and as I mentioned earlier, even long-term care.

Research shows, however, that past criminal convictions are not correlated with the likelihood that a person will commit an offence in the future. Research also shows that one of the surest ways to prevent people from being criminalized is by ensuring they have opportunities to find jobs and make meaningful contributions to the community.

What the current restrictions on criminal record suspensions are doing, in effect, is not keeping anyone safe. What they are doing is trapping more and more people at the margins, in desperate situations, without the means to support themselves and without a support network to turn to. We are creating a group of people who are infinitely further subject to criminalization, and the people this is happening to are disproportionately Indigenous, Black and people of colour.

People too often think of a record as a comprehensive portrait of a person. In reality, it is a snapshot of a person at one moment, usually the worst moment of their lives. It does not account for how one got to that point, including the role played by systemic racism, inequality, injustice, and denial of the opportunities and choices that many of us take for granted.

Nor does it account for how people have lifted themselves up since that point and what they could achieve if given a chance. One woman described to me the experience of having a criminal record as:

... a hall of mirrors in a carnival. Your record is like a distorted mirror, misrepresenting who you are to yourself and to the world. Everywhere you turn your record stares you in the face: at your job interview, at every meeting at your child's school council.

Everywhere.

In 2018, 60% of Toronto employers required police background checks for all of their new employees, and the majority of employers had never knowingly hired anyone with a record. The Canadian Civil Liberties Association estimates that the rate of records checks a person is subjected to has risen in recent years to close to 7% per year, a substantial increase.

Racist stereotypes and biases amplify the conclusions employers draw based on criminal record checks and the opportunities they are willing to offer. According to a study done in Toronto, callback rates for job applicants with a record of a summary conviction drop by about 40% if they are Caucasian. If they are Black, callbacks drop by 85%.

Even for Canadians with record suspensions who were charged but never convicted, past charges and convictions continue to leave their mark and linger on the internet as a result of the lack of a so-called “right to be forgotten,” such as exists in Europe. As one single mother put it:

I hold my breath every time I apply for work or try to volunteer to help others, not knowing how my past will continue to haunt me.

The criminal record reform proposed in Bill S-208 alone is not a sufficient response to discrimination and stereotypes that persist against people looking for a way to move on, but it is one step. Record reform is an opportunity for Canada to begin to redress the systemic racism and intergenerational trauma that not only contribute to criminalization of Indigenous peoples, Black Canadians and people of colour, but are exacerbated when people are jailed. Mass incarceration has too often left families and communities torn apart in ways that repeat the forced separation of children, parents and communities by residential schools — the so-called Sixties Scoop — and the child welfare system.

When people are released from the criminal legal system with records, children also bear the brunt of these costs. Most women with records are single mothers and many have young children. The effects of social exclusion and stigma are not confined to these women. They have a negative impact on the long-term physical and mental health of their children too.

Records prevent families from being able to make healthy choices, eat healthy food and find safe and stable housing. Children are affected when their mothers cannot volunteer at their schools. As Alia Pierini, a mother trying to get on with her life says:

My younger son, who I had after my incarceration and doesn't really know about prison, begs for me to come and volunteer at his school and come build gingerbread houses and come ... on field trips and I'm not allowed to My kids shouldn't be still paying for my crime.

But children clearly do pay. They pay when mothers lose custody, or when rising rates of record checks or civil screening hinder their mothers' ability to find work and make ends meet. Records affect the opportunities that children have to learn and socialize in ways that too often can last a lifetime. Increasingly, permanent criminal records are helping to pass down experiences of poverty, marginalization, oppression and systemic racism to future generations.

Between 3 and 4 million, or around 1 in 8 Canadians, has a record. Research confirms that within a relatively short number of years after completing one's sentence, the majority of Canadians with records are no more likely than others to commit

a crime. Beyond this point, there is no use and no justice in continuing to punish people with a criminal record. In fact, records hinder us in our goals of preventing harm and crime. Empirical evidence shows that sealing records and helping people find employment reduces the chances of them ever being criminalized again.

Over the past 15 years, more than 95% of Canadians who have received pardons or record suspensions have remained crime free. Community safety and the integration of people into society are sometimes pitted against each other as a zero-sum choice. This, colleagues, is a false dichotomy. Giving people a second chance provides them with a powerful incentive to turn a new leaf.

Bill S-208 will remove barriers to record relief for those who have long since served their time and been held accountable. In doing so, it would contribute to making communities safer, and redressing long-standing systemic racism and inequality within the criminal legal system. Bill S-208 would uphold equitable access to record suspensions by also making the process free. Currently, a record suspension costs \$645 in application fees alone, not counting hidden costs, including obtaining fingerprints or supporting documents or legal support.

• (1640)

For those of us accorded the privilege of sitting in this chamber, \$645 may seem negligible; however, for a single mother trying to get by on criminally low social assistance rates, unable to even accept help paying for groceries without risking losing her assistance and possibly the roof over her head, \$645 is prohibitive and completely out of reach.

Current application fees and procedures render the present criminal records system two-tiered and unjust. Those who can pay are able to remove their record, while those less well off and living in poverty cannot.

In public consultations, 96% of Canadians rightly expressed concerns that the current exorbitant application fee contributes to a vicious cycle in which people do not have employment and are unable to afford the fee, but they can't find employment because clearing criminal records is too expensive.

Records removal is particularly vital because of the way the Canadian Human Rights Act defines prohibitive grounds of discrimination for the purpose of upholding human rights:

... race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

Currently, only five jurisdictions in Canada — Yukon, British Columbia, Quebec, Prince Edward Island and Newfoundland — offer some form of protection, albeit too often inadequate in practice, against discrimination on the grounds of a criminal record that has not been pardoned or suspended.

In other provinces and territories, and under the Canadian Human Rights Act, only those with suspended or pardoned records have access to the human right to be free from discrimination under Canadian law, including as they seek adequate housing, pursue employment and in every other facet of their lives affected by records. Vast numbers of Canadians are being deprived of rights — despite having long since paid their dues to society — for reasons that have nothing to do with public safety and everything to do with the ability to pay, economic marginalization and systemic inequality and racism.

In January 2016, the then Public Safety Minister announced his intention to consider meaningful reforms to the Criminal Records Act, in particular to the application fee, which he identified as “punitive.” Application fees were suddenly raised to their present rates, between 2010 and 2012, in order to attempt to fully cover the cost for the government of providing record relief. Currently, the records system is the only program under Public Safety’s mandate that is expected to operate on the basis of “full cost recovery.”

Following this fee hike, applications for record suspensions went down by 40%. The system is simply unaffordable —

The Hon. the Acting Speaker: We have to suspend for a minute because we have a technical issue. We are not receiving the French translation. If you don’t mind, we’ll pause for a few seconds to make sure that everything is okay.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

Senator Pate: Thank you, Your Honour, and thank you to the translators.

In the years since the previous minister acknowledged this injustice, two public consultations — one by Public Safety and the other by the Parole Board of Canada — have demonstrated an overwhelming public consensus that the current onerous application process and fees are unacceptable.

Last month, the Speech from the Throne promised action to address systemic racism within the criminal records system. Meanwhile, the application fee continues to increase.

Precipitous costs have not always been the norm. At the time the pardon system was introduced in 1970, the application fee was the cost of a postage stamp. Colleagues, the cost to mail in a request was 6 cents.

The Honourable Robert McCleave, Conservative critic to the Solicitor General, offered the unanimous support of his party for the free and comparatively humane pardon scheme originally created by the Criminal Records Act. As he said:

It is of importance that people should not be punished in a monetary way because of an offence for which they have served their time or otherwise paid their debt to society. They should not have a bad name hanging over them for the rest of their lives.

Bill S-208 would restore Canada’s records system to this vision of simplicity, justice and effectiveness. The Parliamentary Budget Officer recently estimated that Bill S-208, primarily as a result of eliminating application fees, would cost \$5 million. While this is not a large amount when placed in the context of Canada’s significant spending on the criminal legal system, once downstream effects are factored in, the bill is actually expected to help generate revenue. According to Public Safety Canada, every dollar invested into improving access to criminal record relief results in \$2 that Canada can recuperate through taxes paid by individuals who have been able to find work or higher-wage work as a result of having their record removed.

Costs would likely be further offset by a streamlined process where eligibility for record expiry depends on having lived crime-free for a certain number of years since one’s conviction, removing the need for a review of files by the Parole Board in Canada in most cases. This emphasis on passage of time in the community crime-free as a single and simple condition for record expiry reflects two recent and key trends in criminological data: first, that once a relatively small number of years have passed, those with prior convictions are no more likely than anyone else to commit a crime; and second, that we can promote successful reintegration and prevent people from being criminalized again by supporting access to jobs and meaningful community connections. This includes lifting barriers to criminal records.

The current process for applying to the Parole Board for a record suspension is so complex and convoluted that if you lack time or resources or need additional supports, then relief is all too often inaccessible. Assembling the documents currently required to make an application can mean travelling, often long distance, to various offices or departments housing original versions of one’s records, as well as paying additional fees for fingerprinting and other recordkeeping. These steps can easily bring the cost of obtaining a record suspension well over \$1,000. In addition to these costs, too many are ensnared by businesses that will exploit those already marginalized with promises to guide them through the record suspension process.

In public consultations, more than four out of five Canadians urged the government to consider a more automatic process for relief from criminal record. Liberal, Conservative and NDP members of the House of Commons Public Safety Committee likewise supported investigation of the potential for a more automatic form of record relief.

Bill S-208's conviction expiry process reflects the principle that when we, as a society, decide to hold someone accountable for their wrongdoing, we must not do so by inflicting hardships that further perpetuate injustice. Records should not be a permanent source of stigma and marginalization, particularly for those dealing with the effects of systemic racism and inequality.

In public consultations, the majority of Canadians have also stated loud and clear that the record suspension system is overly punitive and that wait times are too long. Bill S-208 restores the original wait period following the completion of sentences: two years for summary convictions or five years for indictable offences. Without new convictions or pending charges, records will expire.

Data demonstrates that additional years make no significant difference in terms of the likelihood of an individual being criminalized again. The added years do, however, put people's lives and meaningful public participation on hold. Reducing wait times helps people to move on with their lives and contribute to the community.

As one woman recently wrote to us:

Giving my time to others gave me reasons to live and helped me rebuild my life. In giving back to the community. I found purpose and the hope to go on. But to a large extent my hands were tied by the system and by my record. I tried to volunteer at a local retirement home and when my volunteer check was not cleared, I was denied the ability to give back to the community.

Bill S-208 would also streamline the administration of the criminal records system to the benefit of the Parole Board of Canada.

• (1650)

The current criminal record system creates significant administrative complexity, costs and burdens by requiring the Parole Board to manage four separate systems for processing records: regular record suspensions, the pardon system that still applies to older convictions, the expungement system introduced by Bill C-66 and the cannabis record suspension system created by Bill C-93.

Bill S-208 would allow expiry of all these types of records through a single system. Our recent experiences, colleagues, with Bill C-66 and Bill C-93 provide examples of how the criminal legal system is too often a tool of discrimination and show that merely tweaking the existing application process for record suspensions is not sufficient to redress these glaring injustices in a meaningful way.

Bill C-66 decriminalized convictions arising from discrimination against the LGBTQ2S community. The expungement process it put in place aimed to attenuate some of the most punitive aspects of record suspension applications; it waived the requirement to pay an application fee and attempted to simplify the process as much as possible.

Even so, very few individuals successfully navigated the system. In the first four months of the program, only seven individuals submitted applications for record expungement out of an estimated 9,000 total eligible records. Worse yet, only two of those applications resulted in an expungement. Bill S-208 would simply permit these records to expire without individuals having to go through the application process or relive the indignity and stigma of the original wrongful punishment. This is the least we can do.

Bill C-93 fast-tracked the suspension of records for those with cannabis records prior to the decriminalization of cannabis. As the Prime Minister has acknowledged, young Indigenous and Black men are overrepresented among those with possession convictions. This is the result of both systemic and individual acts of racism, from racial profiling to over-policing of certain neighbourhoods. Like Bill C-66, Bill C-93 waived the usual application fee and aimed to create a more user-friendly application process. Yet, the most recent data indicates only 458 people have applied and only 257 people have been granted record relief. This is despite the reality that there were approximately 250,000 Canadians with some form of cannabis possession conviction.

The government's 2019 *Final Report on the Review of Canada's Criminal Justice System* recommended that we:

... adopt a whole-of-government approach to make pardons more accessible, to ensure that people have the opportunity to move on without a criminal record impeding their attempts to focus on the future ...

We know record expiry can work. We have only to look to the youth criminal records management system for a model for effective record expiry that already operates within the Canadian criminal legal system. Countries such as the U.K., France and New Zealand model how automatic forms of record expiry promote safety and enhance effective community integration. Criminal records are not supposed to be life sentences. People with criminal records who have served their sentences have paid their debt. Granting a person relief from a criminal record is not about erasing the past or asking victims to forget or forgive what happened to them. That may never be possible for some.

Rather, the record expiry system proposed by Bill S-208 recognizes that as a matter of fairness and humanity, at some point punishment has to end. As the Supreme Court of Canada has said, in no uncertain terms:

Individuals who have paid their debt to society are entitled to resume their place in society and to live in it without running the risk of being devalued and unfairly stigmatized.

In relatively short order in the vast majority of cases, criminal records stop serving any public safety purpose. In fact, they undermine public safety by interfering with opportunities for people to integrate into the community. What is worse, they become tools for continued discrimination and oppression of those who have too long been marginalized, particularly by systemic inequality, most especially racism. They become a pretense for looking the other way. People do better and communities thrive when all have opportunities to contribute and to support themselves.

Honourable colleagues, let us work together to bring about this long-overdue evidence-based change to the criminal records system in Canada. *Meegwetich*. Thank you.

Hon. Denise Batters: Would Senator Pate take a question? Under your bill, are there any proposed limitations to these more easily obtained record suspensions based on the severity of the criminal convictions, other than the distinction I see you've made in the bill between indictable and summary offences? And if there aren't, why not? Wouldn't you agree that the most serious crimes in the Criminal Code should result in a lengthier time frame than less serious indictable crimes, for example?

Senator Pate: There is a provision to ensure vulnerable record checks, which, of course, would cover the types of records you're talking about — sexual offences and some particularly violent offences — which would allow for the expiry process to be either delayed, not to be put in place or for the record to be resurrected if there was a need for it to be.

It's not that there's a particular definition of one that wouldn't be included — except, of course, life sentences because there's no end to them. For all of them, it would commence after the end of a set period after the end of sentence, unless the person has come to the attention of authorities, in which case there would be an investigation and appropriate proceedings.

Senator Batters: It sounded like you briefly referenced this issue in your speech today, but I wanted to perhaps give you a chance to tell us a little bit more.

As you referenced, right before the end of the Parliament, before the 2019 election, the Trudeau government did hurry through a bill regarding record suspensions for marijuana possession. As you indicated, there have been a minuscule number of what was termed as "pot pardons" that were granted because of that government bill. I would personally add that this was shocking because there was a lot of fanfare that the government gave to that particular bill before the election. I think Canadians may have been under the impression that more people were entitled to these record suspensions than actually received them.

Was this a significant factor in you determining to bring this particular bill forward?

Senator Pate: Thank you for that question as well, Senator Batters.

This bill is very similar to the previous bills I tabled before that information was brought forward by the Minister of Public Safety and by the government. But the reality is, yes, the fact that the provisions that the government brought in, trying to ameliorate and speed up the process and make it more accessible to people who shouldn't have those records hanging over their heads anymore, was part of the reason I reintroduced it and part of the reason why we included a provision requiring that records be entered into a central database to make that easier. That was the issue the minister of the day indicated was the impediment to this type of approach.

[*Translation*]

Hon. Pierre-Hugues Boisvenu: Senator Pate, the premise of your bill seems to be what you call systemic racism toward Indigenous communities, or at least toward Indigenous people who are incarcerated.

The first question I have for you is this. Why did you not introduce a bill that specifically targets people from Indigenous communities so that they can have quicker access to pardons?

Senator Pate: I'm sorry, but I will have to respond in English, Senator Boisvenu.

[*English*]

That's an interesting proposition. It's certainly something that, if you wanted to add an observation, we should in fact fast-track some of the individuals who are particularly discriminated against.

The issue is a broader one — particularly I mentioned women, as well as those trying to integrate into the community — so it's a measure that applies overall. It's the amplifier effect of other inequalities, whether it's sexism, racism and, in particular for Indigenous people and people of colour, that has amplified that issue. I don't think it would be appropriate to only include one group. We should, in fact, be looking at opportunities.

By focusing on the particular ways in which discrimination is exponentially amplified in our criminal legal system, it provides yet more reason why we should embark on this avenue.

[*Translation*]

Senator Boisvenu: I understand that you don't want your bill to focus on specific groups, but your entire speech focused on these specific groups. Perhaps you should change your speech.

I have a second question. If we compare the current process, where people can get what was once called a pardon, which wipes out their criminal record, to the process you are proposing, how many more people would be pardoned in the next five years?

• (1700)

[*English*]

Senator Pate: That's a very good question. We have, based on what the Minister of Public Safety has indicated in previous hearings related to segregation, on average approximately 5,000 people coming into the system. It would depend on how many are coming out at the other end. That's a good piece of information, and I will endeavour to find it for you.

[Translation]

Senator Boisvenu: I would like to ask one last question.

We know that the recidivism rate for some categories of criminals is over 50%. I am thinking particularly of sexual predators and pedophiles.

Bill S-208 excludes these repeat offenders and, when they obtain a pardon, the police have access to their criminal record only if a crime is committed. That means that if a police officer intercepts a sexual predator who is hanging around a school or a rapist who is hanging around a park, the police officer does not have access to that person's criminal record if the person was granted a pardon.

Do you agree that Bill S-208 excludes criminals who commit serious crimes against women and children?

[English]

Senator Pate: I would disagree with that because part of the reason that so many issues came up in the past about records and when the pardon process was changed to a record suspension process, it was regarding a number of high-profile cases that involved people with significant influence. I would posit it was in large part because violence against women and children, and in particular women, hasn't been taken very seriously historically, so there were disproportionate numbers who were receiving pardons. That was certainly an issue.

In this bill, you will see that it allows for the ongoing ability to look at the aspects that would contribute to the need for vulnerable sector checks.

So I would disagree. I don't think, in fact, it would put people at greater risk. It actually provides greater protection.

[Translation]

Senator Boisvenu: By way of information, Senator Pate, currently, when a patrol car sees a suspicious person near a park, if the police officer runs the individual's licence plate, there is nothing to indicate that the person has a criminal record because he obtained a pardon and his criminal record is strictly an RCMP record.

To get access to a criminal record, a crime needs to have been committed and a request for access to the record needs to be submitted to the RCMP. By eliminating the record of these dangerous criminals, aren't you putting the safety of women and children at risk?

[English]

Senator Pate: That's an excellent point, Senator Boisvenu, and precisely why a component of this version of the bill, unlike previous versions, ensures that all records must be entered on the CPIC system to obviate exactly the concern you've just raised.

(On motion of Senator Duncan, debate adjourned.)

[Translation]

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Boisvenu, seconded by the Honourable Senator Dagenais, for the second reading of Bill S-212, An Act to amend the Criminal Code (disclosure of information by jurors).

Hon. Lucie Moncion: Honourable senators, I rise today as the critic for Bill S-212, an act to amend the Criminal Code regarding the disclosure of information by jurors.

I gave a speech on this bill on February 6 in the previous Parliament. My intervention today will be relatively brief and will reiterate the importance of this amendment to the Criminal Code and argue for its relevance in the context of the COVID-19 pandemic.

It should be noted from the outset that this proposed amendment to the Criminal Code has the consensus of legal experts, mental health professionals and MPs of all political stripes on the House of Commons Standing Committee on Justice and Human Rights, who participated in drafting the report entitled *Improving Support for Jurors in Canada*. Also, in the Forty-second Parliament, this bill, which then went by the number C-417, was passed by the House of Commons.

The purpose of Bill S-212 is to implement the fourth recommendation of the twentieth report of the House of Commons Standing Committee on Justice and Human Rights.

Right now, the secrecy rule for jury deliberations prohibits jurors from disclosing any information pertaining to their deliberations to anyone. The amendments to the Criminal Code under Bill S-212 would create an exception to the secrecy rule to allow jurors who suffer from mental health problems related to their experience to disclose information about the deliberations to a mental health professional. The bill provides that the exception applies only after the deliberations have been completed, to ensure the integrity of the secrecy rule.

In the report of the Lamer Commission of Inquiry, published in 2006, Justice Lamer identified the principles underlying this rule. He specifically mentioned fostering free and frank debate among jurors, protecting jurors from harassment, censure or recrimination at the hands of convicted persons and their families, and ensuring the finality of the verdict.

In doing so, he highlighted the need for any amendment to the jury secrecy rule to strike a reasonable balance between the objective and respect for these principles. Therefore, extending the exception to deliberations, while consistent with the objective of improving the lives of jurors, would risk compromising these principles, in addition to violating the constitutional rights of

accused persons. The consensus among legal scholars is that the rule can be modified to provide a very specific exception without compromising its substance or functionality.

Bill S-212 provides that much-needed balance. In her testimony before the committee in the other place, Professor Vanessa MacDonnell, a member of the Criminal Lawyers' Association, echoed this sentiment. She explained that introducing a very narrow exception to the juror secrecy rule would in no way undermine the underlying principles of that rule. The state of Victoria, in Australia, was a trailblazer in this area, having introduced an exception to the juror secrecy rule in its legislation.

The House of Commons Standing Committee on Justice and Human Rights used Victoria as its inspiration in making its recommendations and recognized from the start that the regulation of juries falls to the provinces and territories, which have jurisdiction over the administration of justice. Nonetheless, this jurisdiction is limited when it comes to criminal law, which is a federal jurisdiction. This explains the depth and scope of Bill S-212, which amends a very specific section of the Criminal Code while respecting the division of powers.

That said, a concerted approach that fosters collaboration between the different levels of government and the relevant organizations is required here. To make a real difference, the proposed bill must be accompanied by other measures to assist jurors in Canada.

I am thinking of the third recommendation of the report from the other place, about offering debriefing sessions after the deliberations. The federal government could provide funding on its own initiative by exercising its spending power to support the administration of provincial and territorial programs as part of the implementation of the report's recommendations.

• (1710)

The federal government could also provide funding to organizations that support jurors' mental health, to ensure that they have the means to implement these recommendations.

The secrecy rule for jury deliberations prevents jurors from accessing mental health services. Mark Farrant, a former juror and president and CEO of the Canadian Juries Commission, shared his story with me. He suffers from post-traumatic stress as a result of his juror experience, and he has repeatedly been denied access to the services of a mental health professional. At the end of my speech, I will read some excerpts of Mark's testimony in the other place as part of the study of this bill.

Health care professionals are fully aware of this rule and have adapted their practices at the expense of the well-being and mental health of former jurors.

When a legal regime ends up denying access to essential health services, that is a big problem. The law, not the profession, is to be blamed for this bizarre situation. This experience, shared by former jurors, is just one example of the flaws associated with excessive latitude regarding the jury secrecy rule.

Jurors can develop anxiety, post-traumatic stress, depression and even problems with interpersonal relations. However, in most provinces, the well-being of jurors is not taken into account.

[English]

Let me give you some examples of what a person may be subjected to as a juror. Jurors may be exposed to disturbing evidence. They may experience stressful situations by rubbing shoulders with the accused at the entrance to the courthouse or in the parking lot. They may develop a sense of guilt, unable to come to the desired verdict expected by the victim or his family, or become a victim of the media's relentless harassment by coming to a verdict that would not render justice to the injured person.

In addition, jurors can be sequestered for a long period of time, sometimes weeks. During this period, they lose access to their support system, be it their family or friends, and feel guilty that they often leave their spouses or children alone for several weeks. These situations can explain why some former jurors develop mental health problems. In fact, when it comes to scientific evidence of the impact of jury duty on people's mental health, Dr. Patrick Baillie, who testified in front of the Justice Committee, confirmed that we know that some evidence points to the occurrence of post-traumatic stress, to symptoms of anxiety, depression, anorexia, sleeplessness and other forms of nervousness. With respect to the deliberation process specifically, research has shown that it can be the most difficult and stressful part of jury duty.

[Translation]

How can jurors manage those mental health problems appropriately at the end of a trial when the judge's final instructions include a reminder that they cannot discuss their deliberations with anyone?

Right now, our courts are creating victims, the jurors, and denying them access to the means of remedying the harm they have suffered while performing a civic duty. Other members of the justice system, such as judges, lawyers, clerks and staff, have access to psychological support programs. Jurors get nothing.

Many also agree that the jury secrecy rule makes it hard to study the impact of jury duty on individuals' mental health. The jury secrecy rule literally prevents progress in this area, leaving jurors themselves to shoulder this enormous burden virtually alone.

The COVID-19 pandemic has intensified mental health needs. Even so, the administration of justice continues, which means that the courts continue to hold trials, and the accused's right to a jury has not been taken away.

The difference now is that the pandemic is exerting unprecedented pressure on everyone who is essential to the proper operation of our justice system, including jurors.

[English]

Back in June, a spokesperson for Minister Lametti said that health and safety concerns are at the forefront for jurors serving on a trial during the pandemic. However, what we are missing here is the concern regarding mental health specifically. How can those concerns be at the forefront when jurors are legally forbidden to speak openly to mental health professionals about the struggles they experience as former jurors?

[Translation]

The purpose of Bill S-212 is to address this issue. The bill is a first step in enabling former jurors to get the help they need.

I want to point out that Bill S-212 is tackling a problem that transcends partisanship, namely the mental health of jurors in Canada. Jury duty is the cornerstone of our justice system. Besides being a civic duty that is sometimes crucial to ensuring the accused's fundamental rights, forming a jury is one way to introduce the public's perspective into the machinery of justice and ensure that civil society is represented in court to some degree.

However, serving on a jury should not negatively impact the mental health or well-being of jurors. Any situation that allows former jurors to express themselves helps with healing.

By expressing themselves verbally or in writing, jurors would have an opportunity to describe the psychological damage they sustained after experiencing events that put them either directly or indirectly in situations where they became victims.

[English]

Before I conclude, as I said before, I would like to read testimony that was given by a juror who attended the Justice Committee in the other place:

In January 2014, I was selected as a juror in a first-degree murder trial in Toronto, Ontario. Like a lot of Canadians, I had no experience with the criminal justice system prior to the events of 2014, nor had I even really been in a courtroom. I served as foreman in the deliberations and ultimately delivered the verdict in court.

The trial involved the graphic murder of a young woman, Carina Petrache, by her on-again, off-again boyfriend. She was attacked one morning in the rooming house apartment they shared. Her throat was cut from ear to ear. She was stabbed 25 times and was ultimately set on fire as her murderer attempted to set fire to the basement unit in a vain attempt to bring the building down in flames. His arson efforts failed, and Carina, mortally wounded, was able to vacate the unit, only to die of her massive injuries en route to hospital.

The accused also suffered horrible wounds stemming from the fire, suffering burns to 90% of his body, leaving him grossly facially disfigured and disabled due to amputations. He spent 12 months in a medical coma before being charged.

In the courtroom, he was a living ghoul, a reminder of the brutality of the attack, and he spent many hours staring down jurors in an attempt to intimidate and shock.

The trial lasted four months and was made complicated by an NCR defence, which is known as "not criminally responsible." Hours of testimony from the coroner detailed the graphic murder, including dozens of autopsy photos of the victim, descriptions of her significant and superficial wounds, and articulation of the defensive wounds on hands and feet, which suggested that the assault was excessively violent and unrelenting.

The macabre police video provided a walk-through of the crime scene by moving about the burned basement unit where the assault took place, moving up the burned stairwell, and following a trail of the blood of the deceased, complete with blood splatters, bloody handprints and footprints, and pools of blood up and down the hallway and in the bathroom. Testimony from the fire and emergency response officers on the scene was harrowing and disturbing, especially the testimony of a seasoned fire captain who broke down on the stand, stating that this was the worst thing he'd ever had to endure.

The accused was ultimately found guilty of second-degree murder. The accused later hanged himself at the Toronto West Detention Centre prior to receiving his sentence.

In court as a juror, I took all the evidence in silently, as was my role. As jurors, we ingest the evidence and the facts. We do not interact with it. We are not afforded an opportunity to look away or raise our hands and say to the courtroom, "Turn that off; I've had enough."

I remember a particularly brutal image being left on our screen during closing arguments for 45 minutes and wondering why this was even necessary. This image was not in any way going to influence my decision-making. At the time, I understood that any stress or sleeplessness and anxiety was my burden to bear in this particular role It's part of the job, I reminded myself.

As a juror, you are extremely isolated. You cannot communicate with anyone in any form about the events in court or even really with other jurors. I would leave the court in a trance, not remembering even how I got home. I would stare blankly into space during meetings at work or at home while my three-year-old daughter tried desperately to engage with me. My then pregnant wife, who had such an engaged husband during her first pregnancy, now had an emotional zombie in me, unable or unwilling to communicate.

I expected these feelings to subside as I left the courthouse on the day the verdict was delivered. I expected to experience a period of re-acclimatization as I re-entered my life, and then I would be fine. I expected there would be a thorough discharge and debrief prior to being dismissed,

and that perhaps a counsellor would be present who would direct us to services or mental exercises, or indeed talk to us. There was nothing.

My feelings didn't subside. They intensified and deepened.

• (1720)

This is for real, colleagues. This is a real story. These are real people. There are a lot of other cases, but I want to talk about Tina Daenzer. Tina was a juror on the Bernardo trial. She was there for a long time. She witnessed very ugly and harmful things that happened to young girls. She had to watch videos. That was 25 years ago. That person is still living with the impact of being a juror on that jury.

The other one I want to speak about is as awful, if not even worse. It's about a little 8-year-old girl who was murdered. She was raped. She was beaten and she was killed by an aggressor. I don't want to name his name because I don't think publicity should be made for these people. It was awful. There were people who had to sit and follow that trial all the way through.

Once they leave the courtroom, they have no resources. They have no one to speak to. They have to go back to their lives. It happened to me, and I'm glad mine was not as bad as what I have read to you here or as the Bernardo case or the case of that little 8-year-old.

You have to remember that the court system right now in Canada is creating victims. We have nowhere to go to find the help that we need. While I'm speaking to you, you can't see it but I am shaking because it has always bothered me.

To conclude, I would like to ask the following question. We have known for a long time about the psychological damage suffered by jurors when they exercise their jury duty. Why did we wait so long before discussing and legislating the well-being of jurors? Is it because the law of silence no longer holds for jurors or because mental health issues are stigmatized and relatively new to the political arena?

Most of the witnesses heard by the Justice Committee in the other place made statements in a personal capacity since there was no organization or lobby to oversee the interests of the jurors at the time. They had the burden of mobilizing to assert their rights and explain the problems associated with their experiences. Since then, thankfully, the Canadian Juries Commission was created, and the jurors are no longer alone on this journey.

[Translation]

Madam Speaker and honourable colleagues, by supporting Bill S-212, we can help Canadians who are called to serve on a jury to have a better experience as jurors and to survive the act of doing their civic duty.

[English]

And as they say, Your Honour, I rest my case. I thank you for your attention.

[Translation]

Hon. Pierre-Hugues Boisvenu: Senator Moncion, I want to thank you from the bottom of my heart for your presentation and more specifically for having shared your experience. I know that it is not easy, but you did it with courage and so much heart.

My question is simple. This bill passed unanimously in the other place before the last election, and every party was behind it. As you said, the entire judiciary supports this bill, which should have been adopted at least 30 years ago. Given this unanimity, do you agree with having this bill referred to the Standing Senate Committee on Legal and Constitutional Affairs as soon as possible so that we can proceed with studying and passing it?

Senator Moncion: Thank you for the question, Senator Boisvenu.

Absolutely, and I hope that all our colleagues, those who are here and those who are joining us virtually, will agree to refer this bill to the Legal Affairs Committee as soon as possible.

(On motion of Senator Pate, debate adjourned.)

[English]

DEPARTMENT FOR WOMEN AND GENDER EQUALITY ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Mary Jane McCallum moved second reading of Bill S-213, An Act to amend the Department for Women and Gender Equality Act.

She said: Honourable senators, I want to thank Elise Hurtubise-Loranger and Charles Feldman, who are the parliamentary counsel in the Office of the Law Clerk, for their expertise, direction and help with Bill S-213. I also want to thank my staffers James Campbell and Ovadia Lawrenchuk for their help and their support. I want to acknowledge the role many women across Canada have played in championing women's rights, including this bill.

Honourable senators, I rise today to move second reading of the bill, an act to amend the Department for Women and Gender Equality Act. I would like to begin by highlighting why this slight but powerful and timely piece of legislation is so critical.

This bill would enshrine the requirement of the Minister for Women and Gender Equality to table a statement that sets out potential effects of a bill on women and particularly Indigenous women.

This gender-lensed analysis or statement would be a requirement for every future piece of legislation to assess the gender-specific impacts of policies, legislation and programs on women and men. This allows decision makers to consider gender differences.

• (1730)

You will note the specific mention in this bill to “Indigenous women.” I would like to illustrate the importance of this by referring to an analogy from page 151 of Kimberlé Crenshaw’s *Demarginalizing the Intersection of Race and Sex*:

... Imagine a basement which contains all people who are disadvantaged on the basis of race, sex, class, sexual preference, age and/or physical ability. These people are stacked—feet standing on shoulders—with those on the bottom being disadvantaged by the full array of factors, up to the very top, where the heads of all those disadvantaged by a singular factor brush up against the ceiling. Their ceiling is actually the floor above which only those who are not disadvantaged in any way reside. In efforts to correct some aspects of domination, those above the ceiling admit from the basement only those who can say that “but for” the ceiling, they too would be in the upper room. A hatch is developed through which those placed immediately below can crawl. Yet this hatch is generally available only to those who — due to the singularity of their burden and their otherwise privileged position relative to those below—are in the position to crawl through. Those who are multiply-burdened are generally left below unless they can somehow pull themselves into the groups that are permitted to squeeze through the hatch.

As parliamentarians, will our efforts facilitate the inclusion only of those who are positioned to squeeze through this “hatch” or those for whom it can be said, “when they enter, we all enter”? What is this ceiling that, as parliamentarians, we need to pay particular attention to? It is important to know, as this ceiling prevents many from getting to the upper room and thereby having the privilege of substantive equality in their lives.

As senators, we make decisions and amendments on bills and laws that affect Canadians. We use a system to assess the impacts that laws have on Canadians: our committees. That is why the selection of witnesses is so important; the witnesses help us assess the potential impacts, positive or negative, of initiatives on Canadians, on communities and on our country. The witnesses help to identify risks and make recommendations for mitigation strategies. All of the work we do affects Canadians, and using a gendered lens helps us consider the full impact of government bills and initiatives from the perspectives of diverse people, and to identify potential challenges at an early stage.

It was through this lens that I saw the negative impacts that resource extraction specifically had on Indigenous women with Bill C-69. We all knew that the impacts of resource extraction did not affect everyone equally and that a certain segment of the population, the Indigenous women, were affected differently. It was our responsibility to know what barriers existed that impeded equality. It was also critical that we didn’t — and don’t — reinforce historical inequities.

[Senator McCallum]

With the reference “particularly Indigenous women,” this bill aims to mitigate some of the shortcomings of a single-axis perspective of disadvantage by facilitating the inclusion of those who stand at the intersection of multiple sources of disadvantage and thereby include the voices who can best articulate the shortcomings and considerations that are relevant to their situation — in this case, First Nations, Métis, Inuit and non-status women.

The First Nations, Métis, Inuit and non-status women have been, and remain, inordinately affected by the social conditions in which they live, because these social conditions were shaped and continue to be shaped directly or indirectly by the Indian Act. The social conditions that affect First Nations, Métis, Inuit and non-status women not only include features of individuals and households, such as income, educational attainment, family structure, housing and transportation resources, but also include the features of communities, both on- and off-reserve, such as the prevalence and depth of poverty, residential and geographic segregation, rates of crime, accessibility of safe places to play and exercise, availability of transportation for jobs that provide a living wage, welfare status, availability of good schools and sources of nutritious food.

As was evident through testimony on Bill C-69, countless resource extraction sites, toxic waste disposal and environmental degradation are situated near Indigenous communities. No other group has had to experience living with ongoing trauma from so many different institutions.

Martha Cabrera, who works on trauma recovery programs in Nicaragua, describes it best when she refers to her society as “multiply wounded, multiply traumatized, multiply mourning” after experiencing several decades of conflict. The ongoing collective multiply traumatized and grieving can be witnessed through the missing and murdered Indigenous women and girls, children in care, over-incarceration of Indigenous peoples, suicides, sex trafficking, environmental and climate degradation, increased cancers and mental health issues.

In the book *Little Book of Trauma Healing: When Violence Strikes And Community Security Is Threatened*, author Carolyn Yoder states on page 13:

Historical trauma is the “cumulative emotional and psychological wounding over the lifespan and across generations emanating from massive group trauma.”

She continues:

The “event” or institution is in the past, but the effects are cumulative and are seen in individual and group attitudes and behaviors in succeeding generations. . . . Cultural traumas are created when attempts are made to eradicate part or all of a culture or people. This has happened for many native and indigenous groups worldwide.

Honourable senators, in getting back to the bill itself, the statements generated by this bill would indicate whether or not there are potential effects of a bill on women, particularly Indigenous women, and if there were, what those effects are.

This statement would be tabled in the house in which the government bill originated no later than two sitting days after the bill is introduced. Furthermore, this bill would also require a gender-lens analysis to be undertaken by the minister for all private members' bills once they are referred to committee within their respective house of Parliament. This stage of committee referral was chosen as the statement trigger for PMB, as it is indicative that a bill is meaningfully progressing through its house. For PMB, the analysis must be tabled in the house of origin no later than 10 sitting days after the bill is introduced.

To close any loopholes, the minister would finally be required to table an additional statement on amendments that are made to a bill, theoretically ensuring that any potential effects on women are identified from first reading to Royal Assent. Of equal importance is the requirement of the minister to publish every statement on the departmental website, making them accessible to all Canadians.

The enhanced responsibility bestowed upon the minister has recent precedent; specifically, a similar clause is used in subsection 4.2(1) of the Department of Justice Act, which requires the minister to ascertain whether any of the provisions of new legislation are inconsistent with the purposes and provisions of the Canadian Charter of Rights and Freedoms. That minister is also required to report any such inconsistency to the House of Commons at the first convenient opportunity.

It has previously been insinuated that this Charter statement would encompass gender analysis for government bills. This is incorrect. To be clear, Charter statements do not list all of the possible implications a bill could have on the rights and freedoms described in the Charter. Rather, they focus on only the biggest and the most immediately apparent impacts on Charter rights. An analysis under Bill S-213, in contrast, requires that a focus be put on how the proposed legislation impacts women and Indigenous women specifically, which could serve to ensure the rights of these groups are not overlooked in broader analyses of proposed legislation. Moreover, since Aboriginal rights are not contained within the Charter, Charter statements do not outline the impact a bill would have on these rights, nor would Charter statements necessarily address equality issues with respect to these rights that could be impacted by a bill.

• (1740)

Colleagues, I would now like to address why this bill does not mention any specific instruments through which to undertake this analysis. This bill does not expressly mention gender-based analysis, the Charter, the Beijing Declaration or any other tool, domestic or international. The reason for that is one of prudence. I wanted to ensure that this bill is protected against change, essentially rendering it future-proof. If it were to mention the government's gender-based analysis and a new or better technique is developed, the statute would need to be amended to keep it current. The bill, in giving discretion to the minister, ensures that analyses undertaken do not fall out of step with trends in policy analysis. The minister will be expected to use the

most current and relevant means of undertaking this gender-based analysis, whether that be other statutes and legislation, declarations, agreements, treaties and so on.

Any time you give discretion to the minister, there is a risk that a narrow-minded minister could interpret this provision in an under-inclusive way. However, that is where Parliament plays a role in questioning and pressing the minister on their statement, if it becomes evident that they only engaged in this responsibility in a half-hearted way.

Colleagues, in the *2015 Fall Reports of the Auditor General of Canada* under Report 1, Implementing Gender-Based Analysis, the finding was that:

Overall, we found that in 20 years since the government committed to applying gender-based analysis (GBA) to its policy decisions, a GBA framework has been implemented in only some federal departments and agencies. In the departments and agencies that have implemented a GBA framework, we found that the analyses performed were not always complete and that the quality of the analyses was not consistent. This finding is similar to our finding in 2009.

The auditor continues:

However, the government did not make it mandatory for federal departments and agencies to conduct gender-based analysis and did not give authority to Status of Women Canada to enforce its application.

In the recommendation 1.61, the auditor states:

The Privy Council Office, Status of Women Canada, and the Treasury Board of Canada Secretariat, to the extent of their respective mandates and working with all federal departments and agencies, should take concrete actions to identify and address barriers that prevent the systematic conduct of rigorous gender-based analysis. Such actions should address barriers that prevent departments and agencies from taking gender-based analysis into consideration during the development, renewal, and assessment of policy, legislative, and program initiatives, so that they can inform decision makers about existing or potential gender considerations in their initiatives.

All three agreed. In the recommendation 1.63, the auditor recommends that:

Status of Women Canada should assess the resources it needs to deliver its gender-based analysis mandate and assign sufficient resources to its periodic assessments of and reporting on gender-based analysis.

The Status of Women was in agreement.

In 2019, the Treasury Board of Canada Secretariat, in consultation with the Women and Gender Equality Canada, developed a primer on *Integrating Gender-Based analysis Plus into Evaluation: A Primer (2019)*. The purpose of the document was to provide advice for evaluators, particularly those at the junior and intermediate levels, on how to integrate GBA+ into every stage of Government of Canada evaluations, in order to

support commitments and directions. The document is a general discussion of each key stage of an evaluation: planning, conducting and reporting.

Honourable senators, currently speaking, the memorandum to cabinet indicates that proposals for new bills must include a gender-based analysis. Although this is a positive step forward, it is insufficient for several reasons. The first is that this analysis is not a statutory requirement, so this government or any future government can stop the practice at any time. Moreover, the results of this internal GBA analysis are not public and there is nothing stopping cabinet from proceeding with a proposal for which the GBA analysis is not positive, or the analysis is not done at all; ill practices that may be happening now. Finally, this internal analysis, if done, is only being undertaken for government legislation and not PMB at the present time.

Through the requirements of this bill, the undertaking of a gender-lensed analysis would be enshrined into law and not determined by the whim of the government. It would require that the analysis be made public and it would ensure an analysis was done for all legislation; government and private members' bills alike.

Colleagues, as our world views come from different contexts, I feel it is important to understand the real-world application of this bill. Equality and equity for Indigenous and other women means equality and equity in real conditions, in material outcomes, and therein lies the need for a consistently applied gender-lensed analysis. It is my hope and belief that other women — and men for that matter — within this chamber will add their voices to mine over the course of debate on this bill and share their own stories and perspectives of why this bill is so crucial.

The perspective that I bring, colleagues, is that of a First Nations woman who grew up in the reserve system and whose life was controlled by the Indian Act. I didn't see the inequality and marginalization as something wrong. We were treated differently in residential school and on the reserve from the others who lived among us, such as teachers, nurses, nuns and priests, and I came to accept that inequality was the norm for us Indians and I didn't seek to challenge it then.

The need for gender-lensed analysis as an additional protection and oversight for all women in Canada is important. Within that context, First Nations, Métis, Inuit and non-status historical and current oppression is unique in Canada, hence the need to highlight "particularly for Indigenous women."

As our colleague Senator Boyer stated in her 2015 document entitled *Culturally Relevant Gender Based Analysis and Assessment Tool*, at page 4:

Section 35(4) of the Constitution Act, 1982 provides that notwithstanding any other provision, the Aboriginal and treaty rights referred to in subsection (1) are guaranteed equal to male and female persons. This is a fundamental constitutional recognition of the equality of Aboriginal women, and we find a similar fundamental acknowledgment of that equality in the Charter of Rights and Freedoms. Section 25 of the *Charter* prevents the guarantees of the *Charter* from detracting from Aboriginal treaty and other

rights and freedoms; section 25 is subject to section 28 of the *Charter*, which provides that all *Charter* rights are guaranteed equally to women and men. Thus, the Aboriginal rights protected by section 25, like those protected by section 35(1), must be made available on an equal basis to women. Not only do sections 35(4) and 28 protect the position of Aboriginal women within Aboriginal polities, but section 15 of the Charter guarantees that Aboriginal women cannot be discriminated against vis-à-vis non-Aboriginals. For Aboriginal women, the development of a culturally relevant gender based analysis is therefore a constitutional obligation.

• (1750)

Honourable senators, as parliamentarians we need to re-examine and challenge the idea of equality and claims to fairness, and that this ideal applies to all Canadians. It doesn't. We need to disrupt the ideas of a monoculture, including assimilation, as well as universality or pan-Canadian approaches as solutions. These approaches have never worked due to the lack of equity for those groups who require the resources needed to overcome the barriers and challenges that have been placed in their way. When all women are treated as a homogenous group, having a homogenous interest, it contributes to the invisibility of Indigenous women and the marginalization of their concerns and voices.

The right to vote and status were closely tied to gender as well. Indigenous women were excluded from the Canadian suffragette movement, which was dominated by middle- and upper-class White women. For all of their important work, leaders in the Canadian suffragette movement, specifically Nellie McClung and Emily Murphy, worked to keep female Indigenous voices out of the arena.

I left residential school as a young woman without life skills, without critical thinking skills, without parenting skills, without budgeting skills and without a safety net or knowing what it meant to be a human or a woman. I entered society as an easy target for predators, much like the children in care today. The marginalization and vulnerability make it easier for others to commit violent acts toward us without repercussion. Gender-based violence is intimately tied to analysis with a gender lens. Gender-based violence is a significant barrier to gender equality. Gender-based violence is a reality that I first encountered in residential school and remains so prevalent in society today, including here on Parliament Hill.

This is further explained by author Cynthia C. Wesley-Esquimaux within the book *Restoring the Balance*, which states on page 19:

As First Nations people became isolated from meaningful contacts with the externalized world, and increasingly cut off from inner traditional social meanings, their world views faltered and diminished. In effect, First Nations people began to walk backwards into the future, unarmed with the social and psychological strengths that would have been passed to their children if their societies had remained intact.

She continues on page 23:

For First Nations people, loss of their cultural identity was not an abrupt event, but continued in one form or another through centuries of pain and suffering, and so they were never able to reach a full stage of recovery in the cycle of grieving.

Still from the book *Restoring the Balance*, on page 16 it says:

Native women were removed from their traditional roles and responsibilities and pushed to the margins of their own societies. The missionaries brought into the New World an old-European social hierarchy where “a woman’s proper place was under the authority of her husband and that a man’s proper place was under the authority of the priests.”

Colleagues, when we came out of residential school, we were ill-equipped to understand ourselves as women in either the traditional cultural role or in the western role. Introducing this bill is one measure toward creating stability out of the social and economic chaos for First Nations women. It is an attempt at creating a new social reality out of unfavourable circumstances that have been thrust upon us through policy and law. It is a chance for lawmakers to reverse what was done and to do right.

In a policy paper entitled *Indigenous Gender-based Analysis for Informing the Canadian Minerals and Metals Plan*, Adam Bond and Leah Quinlan of the Native Women’s Association of Canada state on page 4:

Indigenous women have unique and more proximate social and cultural relationships with nature than non-Indigenous groups. The intersectionality of their gender and indigeneity equip Indigenous women and girls with special roles, knowledge and responsibilities, but also expose them to greater risks. The socio-cultural relationships of Indigenous women with nature and their physiology result in pronounced negative effects of local mining-related environmental impacts.

They continue later on page 4:

The purposeful exclusion of Indigenous women from community decision making, consultations, and negotiations with the private sector perpetuate the continued disproportionate negative environmental and social-economic effects of industrial activities on Indigenous women and girls. Consultation processes require good faith on the part of both the Crown and community. The marginalization of the voices and concerns of Indigenous women from these processes undermine the legitimacy of the ultimate decisions and agreements.

Sexual violence, harassment and discrimination are prevalent realities for Indigenous women that are often exacerbated by the presence of industrial projects, including mining projects. The persistence of “rigger culture” in

mining work sites and work camps perpetuates a form of racism and misogyny the undermines the human worth of Indigenous women and exposes them to heinous and entirely intolerable acts of sexual violence and discrimination. Whatever the positive economic effects of mining activities are or may be, the continued prevalence of these offences slides the scale firmly against a net socio-economic benefit for Indigenous women.

The failure of mining companies to exterminate rigger culture and the failure of governments to impose adequate administrative conditions and legislative and regulatory requirements to protect Indigenous women is not only a mammoth burden for Indigenous women to shoulder, it is a major obstacle for the industry to access a much-needed workforce and stands firmly in the way of developing trust-based relationships with local communities. Ultimately, so long as the presence of mining activities constitutes a threat of sexual violence, there cannot be a reasonable conclusion that the industry is a positive force for Indigenous women and girls. No community can ever be reasonably expected to support a project that puts their women and children at risk of rape.

Honourable senators, this shows that when capitalism is a major component in bills, those bills will require these critical gender considerations to be applied in future federal policies and laws. While I use the example here of the impacts of the resource industry on Indigenous women, it is important to stress that there are other areas, such as health, law, geography, et cetera, that impact different groups of women in unique and complex ways. In some circumstances, the intersectionality of capitalism, health, geography and law, with identity, gender and indigeneity, affects people as is shown above. In the CRI-VIFF no. 6, January 2011, it states:

This means that girls and young women often find themselves at the crossroads (intersecting sites) of various systems of oppression such as patriarchy, capitalism and colonialism as they encounter different forms of violence related to these systems simultaneously.

• (1800)

Honourable senators, the ever-changing relationships between governments and First Nations, Métis and Inuit peoples, and between industry and these Indigenous groups, makes it difficult to challenge the status quo. What is the status quo? It is the continuing dependency of the Indigenous populations and it persists in the face of concerted efforts to address it.

In her paper, *Separate but Unequal: The Political Economy of Aboriginal Dependency*, Frances Widdowson states on page 1:

Despite the serious nature and pervasiveness of aboriginal dependency, the subject has not been an area studied extensively in Canadian political economy. Instead —

The Hon. the Speaker: Excuse me, Senator McCallum. I'm sorry to interrupt you, senator, but it now being six o'clock, pursuant to rule 3-3(1), I must leave the chair, according to a new order, until 7 p.m., unless it's agreed that we not see the clock.

If any senators are opposed to not seeing the clock please say "nay" or "no."

All right then, we'll continue. Senator McCallum, my apologies for interrupting.

Senator McCallum: Frances Widdowson continues:

. . . Instead, most of the analysis of aboriginal marginalization and deprivation has occurred outside the discipline, where the expropriation of aboriginal lands by European settlers and the destruction of native traditions by the Canadian state are advanced as the dominant explanations. The focus is on the racist attitudes of Non-Aboriginals, rather than examining how the historical requirements of capitalism have influenced the current circumstances of aboriginal peoples.

She goes on to ask:

. . . why [did] aboriginal peoples become marginalized after the fur trade, while the rest of the country developed[?] Since labour shortages existed in Canada during the 19th Century, why weren't the natives proletarianized and integrated into the emerging economy, instead of being sidelined by workers from Europe?

A complex and tragic division dominates Canada today. Canada has emerged on one side as a pattern of great and increasing wealth, but First Nations, especially First Nations women, have yet to attain this; restrictive policies and legislation had cut them off before they could also go through the great movement of economic and social momentum. The gap between the rich and poor has become the most tragic and urgent problem in Canada today and Indigenous women continue to be the hardest hit by this reality, as is evidenced by research.

Honourable senators, changes produced haphazardly by colonialism in Indigenous communities didn't produce a new and coherent form of society as it did in other parts of Canada. The colonial impact introduced problems that offered immense difficulty in achieving any solutions. There were and there remain obstacles placed by federal and provincial departments that ensure change in the social and political environment among First Nations was and continue to be made difficult, and the result is that a dual society was formed. First Nations were caught between a world that had died and a new world that could not yet be born, and this is a recipe for psychological and social strain. Today, First Nations continue to be suspended between contradictory worlds of someone else's making, all because of the land and her resources — the greatest asset Canada has — and because Canada has not honoured the treaties.

In resource-rich areas, First Nations remain in an apparently unbreakable deadlock. Breaking out of this deadlock would allow the forces of modernization to flow through First Nations, Métis and Inuit communities. Yet, being intentionally placed in a powerless position allowed industry to overwhelm First Nations communities when these communities were "in the way." Research has found mostly negative outcomes regarding social, economic, cultural and health impacts for Indigenous and non-Indigenous women, when a resource development project is situated near their community. These include child care challenges, temporary low-skilled and low-paying jobs, increases in violence and harassment, increases in sex work, homelessness, lack of affordability of housing, decreasing health resources due to the influx of workers, and so on. Again, this is but one facet of life where discriminatory policies result in excessive hardships for women to deal with.

There is a term used by Steve Lerner to describe places as "sacrifice zones." These are low-income and racialized communities shouldering more than their fair share of environmental harms related to pollution, contamination, toxic waste and heavy industry. In the Senate, do we create our own type of sacrifice zones or support the existing ones by not taking into consideration how legislation we consider and pass affects the marginalized and the oppressed? How do we use the power and privilege bestowed on us to address the disparities in these environmental burdens? We need to take resistance by First Nations, Métis and Inuit seriously, rather than treating the concerns and protests as merely obstructionist.

Honourable senators, recognizing the extent of the problem and calling attention to it is only the most basic step toward actually addressing it. To stop there is an overt abuse of the privilege that creates and reinforces a flawed system. It is on us to go beyond this at every opportunity. With that, I see the impacts of Bill S-213 as twofold. The first is creating equity amongst all Canadian women. How has privilege afforded equality to one group of women and why are certain other groups left behind?

The underlying issues and individual needs of underserved and vulnerable populations must be effectively addressed by ensuring policies do not discriminate against marginalized groups. This includes the unique needs of all women and girls, First Nations, Métis and Inuit, LGBTQ2 and gender nonconforming people, those living in northern, rural and remote communities, people with disabilities, newcomers, children and youth, and seniors. I am sure women and men of different backgrounds and experiences can think of ways in which this bill would bring equity for these and other voiceless groups.

Alongside equity amongst all Canadian women, the second step this bill will take is to ensure equity of women to men. These two steps will naturally occur at the same time, as every instance during which a gender lens is thoroughly applied to legislation. It ensures women of all walks of life will be further protected from any negative consequences, intended or not. Once these steps are taken and equity is achieved, that is when we begin to operate on a sustained level of equality amongst all Canadians. Equality is the foundation from which everyone can lead happy, healthy and fulfilling lives.

It is said that a rising tide lifts all boats. I view this bill as the rising tide, which will inevitably work to lift all women and, by extension, all Canadians to new levels of equality and fairness, free of discrimination and individual and collective deficit.

• (1810)

Honourable senators, an ounce of prevention is worth a pound of cure. It is time to act to prevent further avoidable, discriminatory, policy-based and legislation-driven issues at the outset to avoid the need for future generations to correct our wrongs.

As First Nations, Métis, Inuit and non-status peoples, we want substantive equality and equity with all Canadians. There should be no place for inequity in this land of opportunity with a history of treaty relations.

I urge you to join me in supporting Bill S-213 and the consistent application of analysis with a gender lens to all future legislation. Thank you.

Hon. Marilou McPhedran: I wonder if Senator McCallum would take a question?

Senator McCallum: Yes.

Senator McPhedran: Senator McCallum, thank you for your very thorough analysis, and thank you for the initiative with this bill.

My question is directed to the actual experience that you had today in making your presentation. I noted that on several occasions colleagues across the aisle held sustained, whispered conversations back and forth. I also noticed on several occasions that colleagues had not turned off the audible alerts on their phones and that those alerts could be heard. I wonder if you could share with us whether that had any impact on you as a senator speaking to this chamber.

Senator McCallum: Thank you for the question. I actually was so intent on my speech, to give it the proper spirit and soul that it required, that I didn't notice that there were conversations going on. I know that it happens, and I make it a practice to listen to people when they have made the effort to give a 45- or 50-minute speech, because it honours the work they do and we're here to support each other. Thank you.

(On motion of Senator Boyer, debate adjourned.)

CHARITABLE SECTOR

FIRST REPORT OF SPECIAL COMMITTEE DEPOSITED WITH CLERK DURING FIRST SESSION OF FORTY-SECOND PARLIAMENT AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the first report of the Special Senate Committee on the Charitable Sector, entitled *Catalyst for Change: A Roadmap to a Stronger Charitable Sector*, deposited with the Clerk of the Senate on June 20, 2019, during the First Session of the Forty-second Parliament.

Hon. Terry M. Mercer moved:

That the first report of the Special Senate Committee on the Charitable Sector, entitled *Catalyst for Change: A Roadmap to a Stronger Charitable Sector*, deposited with the Clerk of the Senate on June 20, 2019, during the First Session of the Forty-second Parliament, and placed on the Orders of the Day in the current session pursuant to the order of October 27, 2020, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of National Revenue being identified as minister responsible for responding to the report in consultation with the Ministers of Employment, Workforce Development and Disability Inclusion; Families, Children and Social Development; Labour; Finance; Middle Class Prosperity; Innovation, Science and Industry; Economic Development; Justice; Public Safety and Emergency Preparedness; Public Services and Procurement; and the President of the Treasury Board.

He said: Honourable senators, I will be ready for the question very shortly. I want to remind colleagues that this is the third time we've tried to do this, and we continue to be interrupted by Parliament closing. This is a very important report, particularly now. Since the time we conducted this study, the need for this study and its recommendations has become even greater with the pandemic, the rise in unemployment across the country and the fact that many people with lower incomes have been affected. Charities have a very important role to play in helping them get beyond that.

Hopefully we can call the question now, Your Honour.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[Translation]

THE SENATE

MOTION TO CALL UPON THE GOVERNMENT TO IMPOSE SANCTIONS AGAINST CHINESE AND HONG KONG OFFICIALS FOR THE VIOLATION OF HUMAN RIGHTS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Oh:

That the Senate of Canada call upon the Government of Canada to impose sanctions, pursuant to the *Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law)*, against Chinese and Hong Kong officials for the violation of human rights, civil liberties and the principles of fundamental justice and rule of law in relation to the ongoing pro-democracy movement in Hong Kong.

Hon. Marilou McPhedran: As an independent senator from Manitoba, I recognize that I live on Treaty 1 territory, the traditional territory of the Anishnabeg, Cree, Oji-Cree, Dakota and Dene and the Métis Nation homeland, and that we are gathered here today on the unceded territory of the Algonquin Anishnabeg peoples.

[English]

Honourable senators, I rise today in support of applying the Canadian law on Magnitsky sanctions where we have evidence of violations of internationally recognized human rights.

I want to just pause for a moment to say that I am very pleased to have heard that my colleague Senator McCallum was able to stay on track with her speech, but I want to make a request to my colleagues on the other side of the aisle not to continue with the kind of whispering conversations that went on while I am speaking. I also want to ask for colleagues to check their cell phones and to turn off any audible alerts, please.

Over the past couple of months, we have seen and heard testimony about China's suppression of democratic rights promised to residents of Hong Kong. Pro-democracy demonstrators in Hong Kong are facing police brutality. Some are disappearing. While more than 1 million Uighurs and other Muslim minorities are forcibly detained in camps in mainland China, the evidence is now incontrovertible.

I thank Senator Housakos for this motion. We cannot sit by and watch the demolition of democracy, civil and political rights by the Government of China. We have the power to respond to such mockery of human rights, and we must join our allies in taking a collective stand against such cruel use of state power.

The Magnitsky Law was created to promote international justice and respect for human rights. It's time that our government uses its tools to stand up for human rights and prevent state actors from spreading their disdain for human beings and corruption of democratic values within and beyond their borders.

As a nation, Canada has always stood for freedom and democracy. We have never backed down from protecting fundamental freedoms, human rights and the rule of law. Dear colleagues, it is now time to turn those words into action and stand up against a regime that mercilessly cracks down on dissent, denying freedom of speech. China has broken its promise to the world to maintain the "one country, two systems" constitutional principle in Hong Kong. Hong Kong leader Carrie Lam has openly declared no separation of powers, despite the 1997 Sino-British Joint Declaration.

• (1820)

The situation has gotten worse since the passage of China's draconian national security law, which has endangered the lives and liberties of pro-democracy activists and their supporters. People living in Hong Kong, including the approximately 300,000 Canadians and their family members, face a grim future. We know their safety is at risk because threats have been made

openly and on the public record by China's ambassador to Canada, warning Canada against accepting refugees from Hong Kong.

The threat is real, colleagues, and it is at our door. China wants us blatantly to disregard human rights and the rule of law, and they are using Canadian lives as bargaining chips. We cannot allow this to continue.

Canada's Magnitsky Law provides for measures that can be taken against foreign nationals who have committed gross violations of human rights. This law allows the government to impose financial restrictions, freeze assets and prohibit financial transactions by known human rights abusers.

Are you wondering what this achieves? Consider, please, that tangible and timely consequences for abusers of human rights can be achieved. The sanctions block named officials from owning property or investing in Canada or doing business with Canadian entities operating anywhere in the world. The Magnitsky legislation delivers a decisive blow to the financial security of the abusers and their associates as a consequence for their choice to use their positions of power and privilege to violate human rights.

Canada has previously used this legislation to sanction human rights abusers from Russia and Venezuela, preventing them from using the Canadian banking system. In November 2018, Canada sanctioned 17 Saudi nationals who were responsible for, or complicit in, the torture and murder of journalist Jamal Khashoggi.

The law furthers Canada's support for human rights through the imposition of Magnitsky sanctions against foreign states and nationals. It better enables us to protect human rights defenders.

Not only do we have the power to stand against tyranny, but it is also our responsibility to take a firm stand against China and join our allies in protecting fundamental freedoms and human dignity. There have been reports of the Chinese government's systematic efforts to slash birth rates among the Uighurs, including the subjection of women to pregnancy checks, forced intrauterine devices, sterilization and abortion.

Colleagues, we cannot sit around and watch in horror the torture of Muslim minorities and the erasure of their religion, language and culture in detention camps in China. We cannot just roll over for China so that they can continue to apply their draconian security law that strips citizens in Hong Kong of their fundamental rights and freedoms.

Do not forget, colleagues, that this security law also extends to non-permanent residents, including those from outside Hong Kong. The Chinese are already holding Canadians Michael Kovrig and Michael Spavor in squalor and deprivation on arbitrary allegations of espionage. What is stopping them from arresting other innocent Canadians living in or visiting Hong Kong?

Our good faith has been abused. Our friendship, built up over 50 years, has been rejected, and some Canadians here and in Hong Kong are at risk of China's aggressions. China has shown us time and again its disregard for human rights and international human rights conventions.

What are we seeing? Are we watching one of the most powerful states in the world morph into a pariah, chomping at every right in sight? Canada needs to act, and we need to act now.

We have watched the Chinese authorities question the survival of Taiwan, clamp down on religious and cultural freedoms in Tibet. We have been hearing testimony of gross human rights violations from Uighur detainees in concentration camps. And now the Chinese government is looking to strip Hong Kong citizens of their fundamental freedoms and human rights. It is time we took a firm stand against Chinese tyranny, disregard for human rights and the rule of law. Let us urge our government to start by applying Magnitsky sanctions against Chinese and Hong Kong officials who have been instrumental in gross violations of human rights.

Honourable colleagues, I also want to remind you that applying the Magnitsky sanctions is one of many options for direct action. There are several other strategies that the government can employ in addition to the Magnitsky legislation, including expediting asylum applications from Hong Kong human rights activists, allowing the sponsorship of close family members, and welcoming more college and university students from Hong Kong to Canada.

Please join me in asking our government to take a much-needed stand. We need to join our allies and show oppressors and abusers of human rights that Canada will not sit by.

In the words of a cherished doyenne of our Senate, the Honourable Raynell Andreychuk, at second reading of her Justice for Victims of Corrupt Foreign Officials Bill, the Sergei Magnitsky Law, she said, "Canada must continue to be a voice for justice, rule of law and human rights adherence."

Colleagues, let us use this motion to stand together as parliamentarians for freedom and democracy, and to demonstrate that we are prepared to take action, beyond words, to protect human rights. Thank you. *Meegwetch.*

(On motion of Senator Jaffer, debate adjourned.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE FUTURE OF WORKERS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Deacon (*Ontario*), for the Honourable Senator Lankin, P.C., seconded by the Honourable Senator Pate:

That the Standing Senate Committee on Social Affairs, Science and Technology, when and if it is formed, be authorized to examine and report on the future of workers in order to evaluate:

- (a) how data and information on the gig economy in Canada is being collected and potential gaps in knowledge;
- (b) the effectiveness of current labour protections for people who work through digital platforms and temporary foreign workers programs;
- (c) the negative impacts of precarious work and the gig economy on benefits, pensions and other government services relating to employment; and
- (d) the accessibility of retraining and skills development programs for workers;

That, in conducting this evaluation, the committee pay particular attention to the negative effects of precarious employment being disproportionately felt by workers of colour, new immigrant and Indigenous workers; and

That the committee submit its final report on this study to the Senate no later than September 30, 2022.

Hon. Frances Lankin: Honourable senators, I participate today in our deliberations to reintroduce my motion that, as many of you may recall, would authorize the Standing Senate Committee on Social Affairs, Science and Technology to conduct a study on the future of workers in the gig economy.

Before I begin, I want to thank a couple of our colleagues who have been of great assistance to me. Senator Dean gave notice of my intent to reintroduce this motion before our hybrid virtual sittings were available; and in a similar situation, Senator Deacon, Ontario, moved the motion on my behalf. So today, I have the opportunity to speak to that.

My intent is to be relatively — for me, Your Honour, let me assure you — brief, because many of you will remember that I spoke to this motion in the last session before prorogation. I want to provide you the essence of what moves me in terms of bringing this motion forward.

First, I think all of us view our work as an important part of our life. It provides an opportunity for prosperity, for ourselves and our families, and to provide for our families. It is an opportunity for us to make social connections, whether they be virtual, as we see today, or within workplaces in real time. It is a place where we often would hope that we would find fairness and dignity in terms of the work that we are doing, and it is a way of contributing to and participating in our economy. Our work, our contribution, is at the base of what builds a prosperous country, so it is important to us individually and collectively.

• (1830)

Second, this motion would allow us to take a look at this broader issue of the gig economy from a particular perspective. My motion calls for an examination of the future of workers in the gig economy. There have been many studies about the future

of work in the gig economy, but not as much attention to looking at workers and what has been happening as the development and revolutionary evolution of the gig economy has been taking place. Things have moved so much faster than our thoughts of labour standards, protections, provisions and supports, even pensions and benefits and other sorts of things.

The structure of how all of our other laws interact and intersect with employment and jobs has really been left behind. We need to look at that in this country. I would say there are some initiatives that are being started in particular provinces, but more particularly in Europe, the United States and in some other jurisdictions there are advances being made that are ahead of us in our considerations of this issue here.

At the end of the day, we want a strong economy for all of us, and we want to ensure that we are building jobs, promoting the existence of quality jobs and a quantity of jobs that builds a strong Canada.

As I alluded to, this has been an issue that has been quickly developing over the last number of years. Contained within the development of the gig economy has been an acceleration of those who are working in precarious situations. I remember that for years we have had discussions about part-time temporary proliferation of those kinds of jobs, what that means to security of employment and security of attaining economic sustainability in our own lives and for our country.

As those conditions have accelerated, it brings to mind for me, as a former active trade unionist, the role that unions played for many years. There has certainly been a decline in that over the last few decades, yet we see enshrined in our Canadian Charter of Rights the right of freedom of association. Yet some of these jobs that are now created in the gig economy have certain classifications, and the way in which they have been constructed leaves people out of that opportunity, out of having the right to freedom of association, the right to developing a union and joining a union. In my view, the union movement has contributed to the strength of our economy. I am not purporting all jobs should be unionized jobs, but the loss of unionized jobs in our economy has meant worsening conditions for individuals and overall.

These changes have been happening very quickly. We have situations where we can see, in large employers in particular, developments at different speeds of classifying employees in this realm of gig workers as contractors, independent, not employees. That's created by differences in capabilities of adapting the job to technology-based, digital-based work. It is also, the size of companies. We're seeing an unfair playing field between companies in certain situations that have been developed here as well.

I can give you a quick example, but this is by no means the only example, of the ride hailing industries like Uber and Lyft. I think of all the conversations I have in Ottawa going from the airport and back and to other places by taxi, and hearing the lament of drivers in the taxi industry about what has happened, how that industry has been undercut and how the competitive landscape has moved not in a positive way, not in a way that

creates more opportunities, but in a way that undermines the ability to earn a decent living and provide for families and have sustainability in that.

This shift, which I said has been under way for quite some time and has been happening at a very rapid speed, has only been exacerbated by the pandemic, as many things have been, and as we heard in a number of speeches tonight dealing with very different subject matters. This is the condition we are living in, and we are rising to speak to these issues today.

Many people have lost their jobs, particularly in precarious employment. That has resulted in economic hardship for those individuals and their families, and as a spin-on effect for communities and our country. Many have turned to gig work as the only potential option for them as their employment opportunities have shut down with the impact of the pandemic. There's an instability that has been created in more and more people's lives as they've been pushed to even less stable and less secure work. Many of us find that truly frightening as we look around.

Those who were already in precarious work have also been among the hardest hit during this pandemic. In some cases, the gig that they had in this gig economy has collapsed, and therefore their access to income has collapsed. As we know, within our Parliament, our government and with the support of the parties in the House of Commons and the Senate as a chamber, we have moved emergency legislation to try and provide benefits and supports and create those lifelines of sustainability for people. What we do see, however, is that for those workers in the gig economy, many of these supports and protections are not available. For example, those workers do not have access, in most situations, to protections such as sick leave. Just think about that for a moment. In this pandemic, when getting sick and spreading the sickness is the main challenge facing us right now, that we're trying to do all that we can to control and flatten the curve, it makes no sense that there is not access to some protections and supports for people who are sick and isolating as a result of that or who are isolating as a result of being a caregiver to someone who is sick.

We also know that a disproportionate number of these workers are women, immigrants, Indigenous people and people of colour. In that sense, the benefit structures that we put in place on this emergency basis are leaving behind, once again, a broad swath of people, and it's unfortunate that it is, in most cases, the most vulnerable in our society and our economy. So the protections that we have rolled out, the most recent being the Canada Emergency Benefit, is only available to employees. In most cases, workers in the gig economy are not classified as employees. They're classified — I would argue, in most situations, incorrectly — by their employers as contract workers, so they're not getting the Canada Recovery Benefit. They don't have access to some of the same provisions and protections that are available for other workers, other employees in our society. So we see the people who are already being squeezed feeling this new pinch the greatest.

Many of them have been labelled essential. When you think about the use of that word, we mean they're core to our economy, our health and well-being, our supply chains, our food, our health care, our care for elderly people in long-term care facilities. More

and more, these jobs are being hived off into the classification of non-employee and, therefore, leaving people without access to their benefits.

We need to question the direction in which we're going, not just the pandemic-based experience of this but in general. The pandemic has brought to light more clearly, in a more focused and more urgent way than what we may have been seeing, but the challenge remains an ongoing challenge that we must strive to address.

• (1840)

I think that the issue of a Senate committee study, which affords us the opportunity to look longer term down the road, to consider what is happening in other jurisdictions and to look at what potential steps could be taken, is a really important vehicle and a really important contribution that our chamber can make to this debate, particularly, obviously, in Canada, but this is a debate that is going on around the world.

We're seeing a domino of court cases, some here in Canada, some in the U.S. and some in European and/or Scandinavian countries, which have overturned employer classifications of these gig workers as contractors, or deemed the classification to be incorrect and inappropriate, and also have either established those workers involved in those lawsuits with their status as employees, or to have indicated that they are employees who should be able to access a certain range of benefits, and that the range of benefits or protections need to be defined.

There was a time in which the discussion of these issues seemed to be heading towards saying, "stem the tide of the creation of the gig economy." Personally, I don't see that as a viable and/or as a useful and productive way to go. I think it is to question what new work that has been created and has been designed and has been constructed outside of our existing standards of protection and provision of benefits that we have deemed as a country and as a society, within our economy, to be appropriate. How do we ensure that some of those professions extend to this new kind of work?

The study that I am proposing would look at a number of things. Of course, it's up to the committee themselves to describe the work plan, but I think it would be helpful to look at gathering data on precarious work of all the natures that are involved in the new gig economy, studying the impact of technology on jobs and assessing Canadians' working conditions, particularly this growing class of Canadian workers.

I also think it's important to identify the knowledge gaps we have. The first StatCan study of this was released last year. It's based on older tax filer information and there are all sorts of gaps in that. I think the Senate could do a really important piece of work to identify those gaps and to look to make recommendations about how that data can be collected and how it can be reported in a useful way for us and for the government.

The Hon. the Speaker: Excuse me, Senator Lankin, for interrupting you, but your time has expired. There are a couple of senators indicating they would like to ask a question. Are you asking for leave for five more minutes?

Senator Lankin: Yes.

The Hon. the Speaker: Any senator opposed to leave will say "nay." Leave is granted.

Senator Lankin: In that knowledge gathering, we would be able to look at the precedents in other countries that have developed in the court cases and the court settlements that have taken place and we can take a look at the legislative or policy recommendations that are required to provide these kinds of protections and provisions.

Colleagues, I hope that I can count on you. Wherever our ideologies lay on the spectrum, I think we all have important perspectives we can bring to bear on this discussion. I have reached out to groups like the chambers of commerce and others and I'm hoping that we would be able to have the committee call a broad range of views and help us develop well-grounded, evidence-based recommendations. I'm happy to answer questions as there is time.

[Translation]

The Hon. the Speaker: Senator Bellemare, do you have a question?

Hon. Diane Bellemare: Yes. Senator Lankin, in your motion, you proposed that the committee submit its report at the end of September 2022. Don't you think that's a bit late considering that many of the recommendations will have to do with employment insurance?

[English]

Senator Lankin: Yes, it is.

[Translation]

Senator Bellemare: That being the case, could you maybe propose a special committee? Wouldn't that be better than choosing the Standing Senate Committee on Social Affairs, Science and Technology, which usually has a number of bills to study?

[English]

Senator Lankin: The fact that they have many bills to study is one of the reasons I proposed a long time frame. That is simply an outside date. We would hope that they would report earlier than that.

I did not propose a special committee because I believe that there is so much work on the plate of the Senate, and has been, and that those special committees that get created take up additional time beyond the ongoing committee time. There has been a reluctance in the past on the part of some senators and some groups in the chamber to support the idea of special committees — not all the time, but that has occurred. So I went the route of referring it to the Social Affairs Committee and giving it a long time frame knowing there would be times where they would have to be dealing with government priorities first.

Hon. Colin Deacon: Thank you, Senator Lankin, for putting this motion forward again. I want to speak to the precarious work of being an entrepreneur, and ask if you see entrepreneurs and small business owners as falling under this work that you're proposing as well. They are the ultimate precarious workers: they take on not just the risk of their jobs, but the jobs of many others, and of maintaining a business, and often, really, with no fallback position whatsoever. Can you please tell me what your thoughts are on that?

Senator Lankin: Thank you, Senator Deacon, for that question. Briefly, let me say that I think that has to be looked at. In many of those situations, those are self-employed people or small businesses that are incorporated. There are different regimes and protections there than there are for precarious workers who are not incorporated, and I think it is a question to be examined by the committee. I don't have a definitive answer for you at this point in time, but I agree with you around the issue of precariousness.

Hon. Kim Pate: Honourable senators, I rise today in support of Motion No. 27, and I thank Senator Lankin for your career-long dedication to upholding the rights of workers, and your leadership in urging this chamber to proactively consider and pursue policies to ensure the social and economic well-being of workers, and by extension their and our communities.

When this motion was first introduced last winter, most of us could not have imagined the impact that COVID-19 would have on the working lives of Canadians. Although this pandemic was unprecedented, the challenges that those who are employed, and who want to be employed, are facing today are not. The issues exposed are ones that have existed for some time and will continue once current emergencies subside.

The pandemic has brought these realities into sharp relief.

Too many Canadians have difficulty accessing paid work that is appropriate to their skill set; offers adequate benefits, stability and job security; and pays a liveable wage. Many of the types of jobs that were being created prior to the pandemic were in the undervalued and severely underpaid service industries. Invisible to those oblivious to the realities of subsistence wages for the recipients is the cruel Catch-22 this pandemic has exposed: too many people simply cannot afford to take the jobs available.

In most neighbourhoods across Canada, a single person working minimum wage cannot afford a one-bedroom apartment. In the past three years, the number of adults in Ontario with employment income who needed to use food banks to ensure that they and their kids did not go hungry increased by 27%. Half of all of those currently under the poverty line are working but not earning enough to get by. The result? The majority of Canadians are living paycheque to paycheque or, if they have the good fortune of the benevolent bankers I did when I was a single mom working for a non-profit, they might have the only slightly greater privilege of living overdraft to overdraft.

• (1850)

The constant stress and risk of such circumstances means that the kind of emergency that most of us, unfortunately, face from time to time from an accident or illness to housing, furnace, flood

or some other crisis, to job loss or sudden care responsibilities at home, can bring a tenuously balanced financial situation crashing down like a house of cards. Teetering financial stability is tipped further off balance by jobs that do not ensure access to benefits, such as paid leave, pharmacare, mental health care and dental care, Employment Insurance and pensions, all of which are necessary to support people as they negotiate the unforeseen, from personal emergencies to global pandemics.

Women, Indigenous peoples, Black Canadians and people of colour and undocumented migrant workers are overrepresented in these kinds of precarious situations. Unstable labour and the gig economy reinforce and worsen systemic racism and colonialism by excluding people from the kinds of fair wages and benefits designed to ensure that people's well-being increases as the economy's does.

Indeed, 2018 data from Ontario demonstrated that despite seven years of consistent economic expansion, instead of permanent positions, employers have been creating temporary positions that do not provide comparable benefits, a reality that, as we have witnessed first-hand, not only increases economic instability but also increases economic inequality.

This trend is having devastating impacts upon many. If we look at youth — our future — we see that in 2018, only 44% of those born between 1982 and 1997 had jobs that were full-time, secure and with some benefits. Another 32% were precariously employed. Three out of four post-secondary students have reported that COVID-19 will have a lasting impact on their financial situation.

This morning, student union representatives reminded me that improving accessibility and affordability of education will help build a stronger economy and better future for all. Decisions we have made and those we make today will define the future of communities and determine whether we will actually address issues of systemic inequality, in particular for those who are most economically marginalized, all the more so where such discriminatory realities are exponentially magnified by race, gender and ability.

COVID-19 has made painfully clear that the workers we recognize as essential, including personal support workers, cleaners, grocery store employees and delivery people are too often undervalued, underpaid and lack job security and benefits. Despite dire health risks, while those of us supported by employers enjoy the opportunities to practise safer health protections afforded by having homes and opportunities to work from them, too many in precarious work did not have the privilege of working from home.

Not only that, most stepped up, often at significant personal risk, and kept working their jobs, sometimes for wages so inadequate that they could have been earning the same or more if they were eligible for the CERB, putting themselves at risk for the benefit of their friends, their neighbours and their communities. For too many, exposing themselves to the risk of COVID was not a choice. It was an economic necessity and a question of survival. This is unacceptable in a country like ours that has long recognized that health should not depend on wealth.

The pandemic quickly underscored the links between the issues raised by Senator Lankin's work on the future of workers and guaranteed livable or basic income. Decades of evisceration of health care, economic and social services, not to mention the impact of systemic discrimination, especially racism, sexism and ableism, meant that those with the least disproportionately bore the health and social consequences of COVID-19.

As you know, honourable colleagues, those most marginalized are continuing to fall through the cracks of the government's emergency income supports. When we saw this at the beginning of the pandemic, 50 of us joined together to call on the government to evolve the CERB into a more accessible guaranteed livable income. Such a measure would provide income transfers to sustain all Canadians in their times of need, whether or not they were previously engaged in paid work. The CERB and a guaranteed livable income have in common that they are both far-too-rare examples of economic policies that recognize the vital importance of lifting and keeping people out of poverty in order to maintain a healthy economy.

In order to function successfully, a guaranteed livable basic income must be complemented by labour and employment measures adequate to ensure it is not merely used to subsidize or top up low wages. The same can be said for other vital services that workers and all Canadians need to ensure their health and well-being, including education, comprehensive health care, child care, accessible and affordable housing and adequate supports for those living with disabilities. Anything less could merely result in the sanctioning of employers paying non-living wages and precarious working conditions and inadequate benefits. Trying to use a guaranteed livable income to replace any of those rights and obligations that exist between workers and employers will not achieve the goal of enhancing equality and lifting people out of poverty. It will only perpetuate the status quo.

Senator Lankin's motion is an opportunity to examine vital measures that can work hand-in-hand with a guaranteed livable income. I hope it will also spark further conversation and consideration of the ways in which a guaranteed livable income might function, supported by robust labour and employment measures, to address some of the challenges associated with the impact of precarious labour. It could create time and space to search for a suitable job in one's field; to work one job instead of two or three; to have more time to care for family or tend to personal obligations; to take time to pursue education in order to access more stable, more fulfilling or higher paying opportunities; and to retrain following job losses.

A guaranteed livable income could also help ensure that workers aren't trapped in poorly paid, exploitative, unsafe or discriminatory working conditions due to a lack of other options. It could also provide Canadians with a more realistic opportunity to exercise their rights without having to worry about being unable to keep a roof over their heads or put food on the table.

Workers with disabilities in particular have reported that they seldom demand enforcement of their rights in the workplace because they are worried about how an employer might react. A

guaranteed livable income could help redress some of the power imbalances that exist between workers and employers when they represent sole sources of livelihood.

A guaranteed livable income could help Canadians take risks and leaps forward in ways that enrich the economy and society, choices like opting to launch businesses that create new jobs.

Communities could also decide to advocate for health and environmental standards with less fear of the consequences for the local economy of an employer choosing to leave in response.

It could also help ease stress and burdens for other workers, including health care workers, personal support workers and social workers who too often feel impotent, particularly when they realize the needs of their patients and clients are rooted in systemic experiences of poverty rather than the services they are trained to provide. Those whose work involves administering social assistance are essentially required to judge eligibility and police adherence to conditions as they churn through their duties without being afforded the time or tools to meaningfully assist people. A guaranteed livable basic income would relieve them of such functions and allow them opportunities to provide meaningful assistance and support.

It could allow us to redress harmful and discriminatory stereotypes about the reasons individuals may not engage in paid work. Pilot projects have demonstrated that barriers to work are often economic.

- (1900)

People cannot cover the cost of transportation to interviews or work, appropriate clothing or tools for the job, lunches during work hours, child care. The list, honourable colleagues, is unfortunately very long.

For too many on social assistance, the spectre of losing pharmacare benefits and income clawbacks can outweigh the benefits of employment where income is inadequate to raise an individual above the poverty line. Contrary to predictions that participants in the Ontario Basic Income Pilot would stop working, most, consistent with the data from other pilots, continued to work. Indeed, many moved to higher paying and more secure jobs, noting improved mental and general health, freedom from stigma and constant surveillance, respite from stress over food and housing and a feeling of restored dignity.

GLI could also better acknowledge unpaid work that is essential to economies and communities, from care for loved ones, for children and the elderly or disabled, to volunteer work to non-traditional and environmentally regenerative options. It would acknowledge the socially necessary and personally fulfilling aspects of work while also recognizing that human beings and their families do not deserve to starve or die of exposure because decent jobs are not available to them in their time of need.

I hope that through Senator Lankin's motion and through further work on guaranteed livable income we can engage in the necessary examinations to determine how best to evolve our thinking and our actions to promote the overall well-being of workers, paid and unpaid, and all Canadians. *Meegwetch*. Thank you, honourable colleagues.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

THE SENATE

MOTION TO CALL UPON THE GOVERNMENT TO INTRODUCE
LEGISLATION TO FREEZE THE SESSIONAL ALLOWANCES OF
PARLIAMENTARIANS IN LIGHT OF THE ECONOMIC SITUATION
AND THE ONGOING PANDEMIC—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Moncion, seconded by the Honourable Senator Cormier:

That the Senate of Canada call upon the Government of Canada to introduce legislation that would freeze the sessional allowances of parliamentarians for a period that the government considers appropriate in light of the economic situation and the ongoing pandemic or for a maximum period of three years.

Hon. Julie Miville-Dechêne: Honourable senators, I will be more concise this time.

I rise to support without hesitation Motion No. 33 moved by Senator Moncion, who is calling on the government to introduce a bill to freeze the sessional allowances of parliamentarians in light of the pandemic. I would first like to thank the senator for taking the initiative on this delicate issue. Last winter, many of us were uncomfortable with the statutory salary increase we received in the midst of a pandemic that hit Canadians hard. Like many others, I donated this salary increase to charity, but I believe that Motion No. 33 is a stronger gesture and one that is required given that this crisis is continuing.

You are aware that the pandemic is taking a great toll. Millions of Canadians have lost their jobs and many have lost their businesses, which were the fruit of many years of work. The emergency aid that was provided cannot compensate for these losses. The second wave is hitting hard, and sectors of the economy have been shut down again. Jobs are increasingly at risk. In light of this situation, we senators, now more than ever

before, are among the privileged. We don't have to worry about keeping our jobs. We have a guaranteed annual income of \$157,600 until we retire at the age of 75.

Some may say that that's the case for many other high-income earners, but we are parliamentarians who are speaking publicly about the ravages of the pandemic and what the government should or shouldn't do.

I therefore believe that we need to set an example and show solidarity beyond our individual commitments in our communities. A salary freeze would be a collective way of showing that we are part of the broader collective effort, that we aren't blind to the difficulties facing Canadians. I reject the argument that such a freeze would be merely symbolic and therefore of little value given the scant savings that would be generated. Symbols are very important in politics, and the Senate spends hours and hours debating motions of all kinds that are highly symbolic. A small sacrifice in terms of our remuneration, while symbolic, could certainly help to enhance our credibility as an institution.

Not surprisingly, an Angus Reid poll conducted last May for the Canadian Taxpayers Federation found that 66% of respondents felt that politicians should have their salaries cut, given the economic situation. Many governments did not wait for polls to be conducted before taking action.

Jacinda Ardern, the wildly popular Prime Minister of New Zealand, has taken the lead. They did not freeze salaries; they cut them. She announced in mid-April that she, her cabinet and senior officials would cut their pay by 20% and that members' salaries would be cut by 10% for six months. This is a pay cut of C\$41,000 for the prime minister. She explained that it was important for the highest paid politicians to show leadership and to express solidarity with front-line workers and those who lost their jobs.

She said, and I quote:

[*English*]

If there was ever a time to close the gap between groups of people across New Zealand in different positions, it is now. I am responsible for the executive branch and this is where we can take action ... it is about showing solidarity in New Zealand's time of need.

[*Translation*]

Senators will no doubt recall that this is the same Prime Minister who had the presence of mind to quickly close the borders of her country and protect her citizens from COVID-19. She also, in the wake of the Christchurch attack, appointed the first Maori woman to be the Minister of Foreign Affairs.

It took three months for these pay cuts to come into effect in New Zealand, which brought the salaries of ordinary members of parliament down to C\$129,000. That was a total savings of \$2.4 million.

A handful of other governments have done the same. The decision came from the highest political level. In India, the pay of ministers and the Prime Minister was reduced by 30% for a year. In Japan, the party in power and the opposition agreed to reduce parliamentarians' salaries by 20% for a year. South Africa, Kenya, Malta, Singapore and Malaysia made similar efforts.

The Senate of Canada could quite simply follow the recent example of Alberta Premier Jason Kenney who, just over a year ago, reduced his salary by 10% in response to the serious economic difficulties being faced by his province. The salaries of Alberta parliamentarians were reduced by 5%. That was the right thing to do under the circumstances.

Why would it be any different for federal parliamentarians? Times are tough for Canadians. Why not do our part? Thank you.

[English]

Hon. Percy E. Downe: I actually have two questions, if there's time enough.

I'm wondering if you're concerned that this motion doesn't seem to be in line with what the government is currently doing. For example, I was in the Senate when the 2008 financial crisis hit, and the government took action in 2010 to reduce expenditures. The Senate and senators gladly participated in that.

But the current government is doing the reverse. They're expending money, and they're urging consumers to spend more money. Why would the Senate do this in isolation from anywhere else in the government, other than it looks like we're grandstanding and doing it for cheap applause from those who are always critical of politicians and, in effect, it devalues politicians? Are you concerned about that?

Senator Miville-Dechêne: You're right that it's not an easy topic. Yes, it can be seen by some as grandstanding. However, I think — I would have hoped, to be very frank — that the government itself would have asked for a sacrifice by parliamentarians, as was done in other countries, which I quoted. Those cuts came from the presidents and prime ministers.

I would rather the government take action, but if the government doesn't take action, we should. Yes, we can certainly worry about how it will be received, but I'm a new senator so I don't have your experience. For me, all of that contributes to trying to be a bit more in touch with Canadians who are suffering.

• (1910)

I realize it's small and it's in isolation, but it's a gesture. The Senate is a place of symbolism. This is a symbol that we're not just talking, but we're ready to do something. It could be seen by many as not much, but it is something.

I really think it would be well received and worth doing. This will have to be voted on by the House of Commons, but we can certainly agree among ourselves.

Senator Downe: Thank you very much for that thoughtful answer; I found it very informative.

No doubt you have heard me speak in the past about the lack of representation in the Senate. For example, almost all senators who have recently been appointed have university degrees — much higher than the Canadian average. Are we on the way to being an institution of the 1%, not really representing all Canadians?

For example, in the past I've highlighted that some of us have served in the Canadian Armed Forces Reserves, but we have nobody in the Senate who has worn the uniform of the Canadian Armed Forces full-time. Therefore, we have no veterans. We have no farmers — those who get up every day and earn their income from farming. We have many advocates for farmers: Senators Griffin, Rob Black and others. We also have no fishermen or fisherwomen. We certainly know we could use that expertise, given what's going on in Canada today. The Senate is lacking those people.

I'm not sure of the financial situation of all senators, but is this a further indication of two things: we're becoming an institute of 1% and we're devaluing politicians? It's very difficult for MPs to even have this discussion, because voters would get upset. I look back at some figures, and in 1970, a Federal Court judge was paid \$28,000 a year — \$10,000 more than a senator or MP in the same year.

In 2020, a Federal Court judge makes \$314,000, which is \$182,000 more than a senator. I don't think anybody joins the Senate to get rich, but if we're going to have a cross-section of Canadians — you indicated how the salary is high by any standard but that it has fallen behind over the years — will we make the institution so elite or frowned upon that it will be difficult to attract anyone who's not already very well off, like the U.S. Congress and Senate, or someone who already has pensions from the private sector or government that they use to supplement their income?

Senator Miville-Dechêne: Senator, you raise all kinds of very interesting questions.

First, regarding the representation in the Senate, I agree that some professions are more represented than others. However, I don't know if it was ever different. When the Senate was established, it was even more in the realm of the privileged because they had to have \$4,000 of property. At the time it was a lot of money.

I don't think we're as elitist as we were 150 years ago. However, you're absolutely right to say that there are many professions, areas of expertise and specialties, that we do not have in the Senate. For me, it's problematic on some topics.

The second point you raise about attracting expertise in the Senate, or people who earn a lot more money outside, I do not believe that serving politically is a way to become richer. We receive a decent salary. As you know, according to the Rules senators can have an outside job if they feel that what they receive is not enough.

So is it a good argument to say that we cannot have a freeze because our salaries are not going up as much as others? I'm not sure. I still believe that, at this point, the duration of the crisis has been much longer than we expected at the beginning. People are suffering, and we should participate.

I didn't agree with the "why not the civil service?" argument raised last week. It's not the same thing. In the civil service there are people who are paid less or more. There are people working around CERB who work very hard to get those cheques out, so there are different situations.

In New Zealand, they asked higher-ranking people in the public sector to take a pay cut.

You have raised very good points, but even though it's not perfect and it's a small gesture, we should do it.

The Hon. the Speaker: Do you have a question, Senator Housakos?

Hon. Leo Housakos: Yes, a question.

The Hon. the Speaker: I will ask Senator Miville-Dechêne to ask for more time.

[Translation]

Senator Miville-Dechêne, your time has expired. Are you requesting an additional five minutes?

[English]

Senator Miville-Dechêne: I would like to answer the questions, but it depends on the will of the Senate.

The Hon. the Speaker: Regarding another five minutes, is any senator opposed?

It is agreed.

Senator Housakos: Senator Miville-Dechêne, I appreciate your perspective on this issue. What I'm worried about is that this motion will actually breed excessive cynicism on the part of the public. Before coming to this place, I spent many years in what I call the "real world" in the private sector, in various businesses. I can tell you this: When I have spoken to my friends over the last few months, they're suffering. The business community in this country, professionals who are working in the private sector are getting pay cuts to work from home. Many of them have been put on furlough. Businesses in general are down about 35%, on average, over the last few months. They're feeling the pain, and eventually we're going to feel the pain in our Treasury Board.

However, I'll tell you this: If you're working in the civil service, there's a view right now festering in the country that there are two standards. Those working in the public service — senators, members of the House of Commons, bureaucrats — are privileged because they haven't had a 35% hit. They haven't been put on furlough. They have been working from home, remotely, and we've been keeping our salaries at par.

[Senator Miville-Dechêne]

I think when we put forward a symbolic motion like this, it will breed cynicism. If we're serious about it, it should apply across the board to all civil servants, obviously understanding the challenges of collective agreements. But don't you think we should share the pain Canadians are feeling in the private sector and that it should spill over to us in the public sector?

[Translation]

Senator Miville-Dechêne: Senator Housakos, I will answer in French, the language I am most proficient in.

I think you're trying to muddy the waters. We're talking about a salary freeze in the Senate, and you're saying that we need to extend this to the entire public service.

You know perfectly well that not only are there collective agreements, but there are also labourers and maintenance people in the public service. The public service is more than what you're picturing, with people who are not working hard from home. That's not the public service. The public service has people who earn all different salaries and have all different working conditions.

If you're talking about senior departmental officials, that's a different story, but I don't think you can compare the public service as a whole with senators, who earn more than the average Canadian salary. As such, I don't think this is a valid argument.

• (1920)

I also don't believe that the argument that this gesture will breed cynicism is a good one. What should we do, then? Should we hide in a corner and do nothing, because doing something is risky? I'm not inclined to believe that that is the way to go. Rather, I think we should try to do something and, at worst, we won't convince anyone. I think a number of events have generated cynicism in the Senate lately. Unfortunately, there have been scandals that went on and on, and every time, the Senate comes back to these things. We could at least do something to contribute to the common good.

[English]

Senator Housakos: Senator Miville-Dechêne, you're giving the impression that somehow people working in the private sector aren't lower-class, lower-paid people. We don't have middle-class people. We don't have people that are working in the private sector below the national medium range of salaries in this country. Canadians are suffering in all realms. There are farmers who are suffering, along with truck drivers, busboys, waiters, small entrepreneurs and big entrepreneurs. Across the board there is a feeling of malaise and pain and insecurity in the private sector.

If you're working in the public sector, it doesn't matter if you're in a high-paying job or a low-paying job, you have security and a pension. That in itself is what I'm talking about with the double standard.

Having a bunch of elite senators, many of whom are already collecting pensions from other public service involvement and collecting a salary to work in this institution and freezing our salaries, I think those in the private sector are going to find that a little bit humorous on their part.

[Translation]

The Hon. the Speaker: Senator Miville-Dechéne, you have only 30 seconds left to answer.

Senator Miville-Dechéne: I want to reassure Senator Housakos that I'm well aware of the tragedies happening throughout the private sector right now. I have no intention of ignoring that. What I was trying to do was answer your question, in which you suggested a wage freeze for the public sector as well. Clearly the private sector is suffering the most right now. We know that. Even so, the Premier of Alberta, Jason Kenney, cut his own paycheque at a time when things were going poorly. That means it can be done.

(On motion of Senator Martin, debate adjourned.)

[English]

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE ONGOING PERSECUTION AND UNLAWFUL DETENTION OF UIGHUR MUSLIMS IN MAINLAND CHINA—DEBATE ADJOURNED

Hon. Leo Housakos, pursuant to notice of September 30, 2020, moved:

That the Standing Senate Committee on Human Rights be authorized to examine and report on the ongoing persecution and unlawful detention of Uighur Muslims in mainland China, when and if the committee is formed; and

That the committee submit its final report no later than February 28, 2021.

He said: Honourable senators, the matter which I propose that our Human Rights Committee examine is, in many respects, unprecedented in our time. I believe the unprecedented character of what we are facing in China is reflected in the fact that senators from all sides of the aisle have sought to draw attention to this issue.

I have certainly spoken on this issue, but so have other senators including Senator Ngo, Senator Frum, Senator McPhedran, Senator Dalphond and others.

Last month, the House of Commons Subcommittee on International Human Rights concluded that China's persecution of its Muslim minorities constitutes a clear violation of human rights that has as its objective the eradication of the Uighur culture and religion. The subcommittee also concluded that this program of persecution, forced sterilization, forced labour and state surveillance meets the definition of genocide as set out in the 1948 Genocide Convention.

I believe it's important to reflect on the definition of genocide as outlined in the 1948 convention.

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to members of the group;
- c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d. Imposing measures intended to prevent births within the group;
- e. Forcibly transferring children of the group to another group.

The 1948 convention is focused on acts designed to physically destroy a particular group. Since the convention was formulated in the aftermath of the Holocaust in Europe, there is no doubt as to the context in which the convention was drafted.

We should find extremely disturbing any conclusion by any legislative body that genocide, within the meaning of the 1948 convention, is taking place in 2020. However, the conclusion reached by the House of Commons subcommittee is not unique.

Just last month, the United States Senate introduced a bipartisan resolution to hold China accountable for genocide against ethnic Uighurs, ethnic Kazakhs and members of other Muslim minority groups.

The Uyghur Human Rights Project, Genocide Watch, the European Centre for the Responsibility to Protect and other groups and individuals have also recently called on the UN Human Rights Council to investigate China's campaign on Turkic Muslim minorities which, in their view, amount to acts of genocide.

All members of this chamber and all Canadians should find this frightening. I think we must all try to appreciate the full scope of what is happening in the region that China calls Xinjiang, but which in actual terms is really Chinese-occupied East Turkestan.

A recent investigative report published in *The Guardian* newspaper found that satellite images reveal at least 380 detention camps. The report noted that these 380 equate to one detention facility for every 37,000 people of non-Han nationality in this region. One of these detention facilities is more than 300 acres in size.

All told, it is believed that between 1 to 3 million people, or about 30% of the Uighur population, are detained in these camps. It is further reported that tens of thousands of former detainees have subsequently been sent to forced labour programs.

A report by the Australian Strategic Policy Institute found that thousands of these forced labourers have been working for companies owned by BMW, Nike and Huawei, among others.

This system, where as many as 30% of all ethnic Uighurs are detained for the slightest infraction, is said to have terrorized the entire population into silence. They're living in fear. As reported by the BBC, the region is now covered by what is termed a pervasive network of surveillance, including police checkpoints and cameras that scan everything from licence plates to individuals' faces, their expressions and the discussions amongst these citizens. Cameras are even said to have been located and monitoring individuals in their own apartments and homes.

This Orwellian level of surveillance has been complemented by a reported campaign of forced sterilization, colleagues. Documents obtained by the House of Commons subcommittee noted that about 80% of all IUD placements in China took place in this region. Birthrates in the region are reported to have fallen by close to 24% over the last year. This sterilization campaign has been accompanied by settlement policies that have sought to swamp the local Uighur population with large numbers of Han Chinese, who have been encouraged to settle in the region in order to become the majority.

• (1930)

Many foreign countries have not only been coerced into silence, they have been pressured to cooperate with Chinese authorities, and you would be surprised which ones. Not only Canada and others. It was recently reported that a number of countries, including Egypt, Saudi Arabia and other states have arrested exile Uighurs and deported them to China, pursuant to demands made by Beijing. It seems that the green American dollar is very powerful in the hands of the Chinese communist regime. Turkey has been accused of deporting Turkic minority people and putting them in the hands of Chinese authorities. We should be under no illusions that the Chinese regime seeks to intimidate this Parliament into silence as well.

When the House of Commons Subcommittee on International Human Rights issued its report last month, the Chinese ambassador to Canada said that the measure would be met with "strong reaction." I have argued this form of intimidation — which has become all too common a tactic from this ambassador — must not go unanswered by the Canadian government. It is no secret that our government has been most reluctant to openly criticize the Chinese government. This has been the case from the day Justin Trudeau became prime minister. He described China as the country in the world, and I quote, he "admired the most" because of its — and I quote again — "basic dictatorship." One would hope he has grown up and has evolved to some extent since he uttered those words. However, all I can say is that, despite my repeated questions, I still do not know whether the Chinese ambassador has ever been called in to answer for the threats he made against parliamentarians.

I do know that even for his recent threats against the 300,000 Canadians living in Hong Kong, he was called in by Global Affairs, but not by the Prime Minister, not by the Deputy Prime Minister and not even by our Minister of Foreign Affairs. He was not even met by the deputy minister. My understanding is that

the ambassador who threatened Canadians was supposedly admonished by an associate deputy minister. That's laughable, colleagues. Do we really think any ambassador, let alone this particular one, would take that seriously?

In part, I understand why the government has been so fearful. China is not only a superpower, it is also a lawless state. That is to say, it is a state without the rule of law. This means that the regime has been entirely willing to simply grab people off the streets, whether Chinese or foreigners, and hold them hostage until their demands are met. This has been clearly demonstrated in China's arbitrary detention of Canadians Michael Kovrig and Michael Spavor. They have been in detention for a long time, honourable senators. What China has done with respect to these two innocent Canadians, it has done one million times over in relation to the Uighur population of its own country.

Similar policies designed to crush dissent are also evident in Hong Kong. Honourable senators, what is happening inside China is ominous, and it is matched by the equally ominous behaviour of the Chinese state externally, not only towards Canada but also in the threats it has made towards India, towards the countries that border the South China Sea, Japan, Taiwan, Australia, and I can go on and on. It's clearly evident that, externally, China is an aggressive and fearless power. Internally, it is a totalitarian state in which the destruction of an entire people is acceptable to serve the ends of the state.

It is precisely because of what is happening inside and outside of China that we as parliamentarians must stand up and be counted. Honourable senators, I believe that we have an obligation to pick up where the House of Commons Subcommittee on International Human Rights has left off. I believe that an appropriate place to begin would be for the Standing Senate Committee on Human Rights to call in government ministers and other witnesses to understand how the government plans to respond to the report issued by the House of Commons subcommittee. It's time that this Parliament called in the Chinese ambassador and has him explain a few things to the Canadian people.

Since our approach will be most effective if we approach this multilaterally, it would be useful for our committee to examine how other like-minded governments' parliaments are responding to this issue. I would argue that we must seek to work in tandem with other national legislatures and governments to ensure that our actions are effective. Lastly, I believe that it would also be appropriate for the committee to consider how we can begin to insulate our society, our people and our economy from Chinese attempts of conversion, intimidation and retaliation. If we are going to be effective in standing up to the attempts of intimidation made by a superpower, it can no longer be business as usual with this regime.

Honourable senators, I believe this matter clearly falls within the mandate of our Human Rights Committee, whose mandate it is to "deal with issues relating to human rights generally as may be referred to it by the Senate." This is clearly a question of human rights. I submit there is no greater human rights challenge in the world right now than what is facing the Uighur Muslim population in China.

On that basis, I urge all of you senators to support this motion. This institution is part and parcel of our Parliament. We particularly have the privilege of being an appointed body, which gives us an opportunity by virtue, as I said, of our tenure in this place, to be less partisan and to take into consideration just the principles and the values that Canadians truly believe in.

Honourable senators, we have an opportunity right now to stand on the right side of history, to stand on principle, because in a few months or in a few years when the history books are written — and it's natural, we have seen it in genocides time and again, people burying their heads in the sand, sometimes inadvertently, sometimes on purpose, and they pretend it's not there because there are other elements that they take into consideration. But one day, when history is written and the facts come out, you will look in the mirror and you will ask yourselves what we could have done and what we didn't do. Here is our opportunity as an institution to stand up for what I know Canadians find egregious. Because the Canadians I know, the people we represent — and we don't represent the prime minister who appointed us here, regardless of who it was, we represent the fabric of this nation. What is going on right now to this minority group in China, all Canadians, if they knew about it — because we're too busy with other things — if they knew what was going on there — and it is incumbent upon us to draw attention — they would find it abhorrent. They would expect their Parliament to take a stand. This is our opportunity, honourable senators.

Let's have this rendezvous with history. Let's be leaders like the Parliament of Canada has been in the past when we fought apartheid. Let us be leaders on so many fronts when the Canadian government, once upon a time in Parliament, took leads in places like Cypress as peacekeepers and peacemakers. Let's take the leadership that we are incumbent; we have the power to do by the Constitution that summons us all here. Thank you.

(On motion of Senator Omidvar, debate adjourned.)

MEDICAL ASSISTANCE IN DYING

INQUIRY—DEBATE ADJOURNED

Hon. Pamela Wallin rose pursuant to notice of October 27, 2020:

That she will call the attention of the Senate to:

- (a) a September 2019 Quebec Superior Court ruling, which declared parts of federal and provincial law relating to medical assistance in dying (MAiD) to be too restrictive;
- (b) the impact of the COVID-19 pandemic on MAiD recipients and practitioners, including restrictions to access, shortages of personal protective equipment and a surge in demand;
- (c) the ongoing and tireless work of Dying with Dignity Canada, a non-for-profit organization that advocates for vulnerable Canadians regarding their right to die;

- (d) the findings of the federally mandated, December 2018 Canadian Association of Academies report relating to advance requests in medical assistance in dying; and

- (e) the urgent need for the Senate to study and propose new rules pertaining to advance requests for medical assistance in dying.

She said: Honourable senators, we deal with death in many forms every day of our lives. The death of relationships or careers, and too often in the days of COVID, the death of a loved one. If we have lived a decent life, worked hard to do and be our best, then a life lived with dignity should be allowed to meet a dignified end.

Honourable senators, these words may be familiar to you. Since 2015, I have made many interventions on the issue of advanced requests. I began this particular inquiry back in February, then prorogation and, of course, none of us could have predicted the global pandemic that upended our lives, created economic chaos and has turned long-term care centres into epicentres. Now with restrictions in place across the country, seniors face isolation and the fear of death without the company of friends or the love of family.

• (1940)

It is no surprise then that inquiries into medical assistance in dying, or MAiD as it's called, have surged since the pandemic hit. And the faults of our existing legislation have become even more painfully apparent. Doctors are hesitant to perform MAiD due to safety concerns. Shortages of PPE have delayed or prevented MAiD from being performed. Those wanting the peace of mind now for a peaceful death at a time of their choosing, before losing the conscious capacity to make that choice, continue to be denied that right. It is shameful.

I believe it is our personal right and our profound responsibility to make end-of-life decisions for ourselves. And it is our responsibility as legislators to sort out the role of governments, doctors and families, in providing for choices around such a fundamental and difficult decision.

I have come to my views watching my parents die, slowly and painfully; my father to cancers, my mother to Alzheimer's. The suffering was unnecessary and preventable. The only kindness they asked for when their minds were clear was to be spared that inevitable fate. The laws denied them the right to be heard, the right to have their lifelong wishes respected, the desire to end their life at a time and in a manner of their choosing.

Without the possibility of advance requests for MAiD, we have seen Canadians with terminal illnesses ending their lives prematurely for fear of losing the option — or worse — spending the last moments of their lives confused and fearful that they will lose consciousness before receiving it, forced to live on without awareness or faculties or resources: financial or human. If a person loses the capacity to consent, or if they do not have an illness that is deemed terminal, or a death that is deemed reasonably foreseeable, they must accept an unknown fate, and that is cruel.

The truly brutal Catch-22 is that, right now, Canadians diagnosed with dementia and Alzheimer's are denied, from that moment forward. From the moment of diagnosis, they are denied the right to request MAID when their condition inevitably worsens, even though today they are symptom-free and able to make a sound decision and request about their future.

Astonishingly, Alzheimer's is not considered a serious enough condition to warrant access to MAID. But for any of us who have witnessed that slow decent into hell, this is uncivilized and inhumane. So, many will likely spend the rest of their lives and certainly their final days with strangers who were once their loved ones. Or they will spend months or years anticipating the worst and go on to suffer alone in their now unfamiliar worlds, with the painful flashes of awareness where they know they are no longer who they once were. They lose their dignity, their character, their personality and their choices.

So here we are. No one can make a written declaration for MAID, known as an advance request, before, and certainly not after losing the capacity to consent. It is inconsistent with our law and with precedent. It is unfair in the extreme. Fortunately, last fall, the Quebec Superior Court ruling struck down the "reasonably foreseeable" requirement to qualify for MAID and the section of Quebec law that says people must be at the end of life. The Quebec court agrees that no one can prevent our right, per the Charter of Rights and Freedoms, to make choices relating to our own right to life, liberty and security of person. Our laws must reflect this right.

We can look to recent reports requested by the government itself to get some sense of what the criteria for "advance request" legislation could look like. The Council of Canadian Academies, though prohibited by government from actually making recommendations, highlighted three levels of accessibility that the government could take into account.

The first is when someone has already been approved for MAID but is unsure how long they have left. And this was the devastating situation for 57-year-old Audrey Parker who had to decide to receive MAID prematurely, before her stage IV breast cancer could spread to her brain, thus preventing her from being eligible to request it.

The second scenario is to allow MAID for someone who has been diagnosed with a life-threatening illness but who is not yet eligible. People in the early stages of Alzheimer's and dementia could fall into this group, but the language regarding this illness must be made explicit.

The third change would allow for all Canadians, whether or not they have been approved for MAID, to make an advance request in a living will. But, again, that would still have to be given the weight of law.

I personally believe that anyone should have the right to a legal advance request in a living will. No one who loses capacity unexpectedly in an accident should be forced to live the rest of their life in a hospital bed until they die. That's why we have pre-existing, do-not-resuscitate orders. I see an advance request as an exercise of that same right. Our clearly stated, well-documented decisions on our own lives should be respected and upheld, even after losing our conscious ability to reaffirm that decision in the moment.

Canadians overwhelmingly support advance requests; 86% agree that people with serious degenerative and incurable disease should be able to request and obtain medical assistance in dying. And 74% said MAID should be accessible to those with incurable diseases, even if their death is not imminent.

It is now so clear that the courts, advocacy and patient groups, and the general public agree that we should be able to make an advance request for ourselves and for the peace of mind of our families.

Canadians understand that MAID legislation is about choices. It's not about forcing anyone to die or imposing it as some sort of affordable option to deal with too many aging seniors. We all agree there must be protections in the law for the vulnerable, people with disabilities or those suffering from mental illness. We must also continue to help provinces increase palliative care services, but the existing laws have created serious gaps in accessibility. The laws are not administered fairly or consistently, and not in a timely manner.

It is particularly difficult in rural communities, often hours from a city hospital and with limited access to doctors and lawyers. In my province of Saskatchewan, there is a disparity between those approved for MAID and those who actually receive it. In 2018, only 67 of the 172 approved MAID requests in Saskatchewan were actually performed.

Some, including doctors, feel uneasy about increasing the scope of MAID. This is an important concern, but so too is accessibility for patients, especially these days. No one will ask doctors to do something they feel is a breach of their oath, but they should be obliged to refer patients to someone who will respect the wishes and needs of the patient.

Many of us who have lived through this nightmare are concerned for our own futures. Alzheimer's is a likely diagnosis in my life, given my family history. I have no children, no husband to advocate for me. So, please, let me and others like me make a request in advance.

As legislators, I believe we owe it to our families, our seniors, our most vulnerable, our medical practitioners, and most importantly ourselves, to secure that right to a quality of life and most certainly to a quality of death. Thank you.

Hon. Chantal Petitclerc: Honourable senators, I would like to ask a question if my honourable colleague accepts.

Senator Wallin, I want to thank you for making this speech and for your ongoing reflection and study on this. We have talked before and we do share the importance of autonomy and self-determination, for sure.

You did mention the summary of the CCA report. I want to have your reflection on this. Somewhere in the report, it does say that when it comes to advance requests, like other measures, some organizations will say they may impact how society values individuals with capacity loss. We have heard that sometimes it will increase stigma.

• (1950)

The report does say that it has little evidence. I have never really read a lot of evidence supporting that, but I wanted to hear from you because I know you have spent a lot of time studying and reflecting on that, and if it is your finding that some organizations or individuals opposing advanced requests will say that it sends a message that if you lose capacity, your life has less value. Do you have any thoughts on that?

Senator Wallin: As I have tried to state here and on many other occasions, this is a matter of personal choice. There are so many safeguards in the system to make sure that outsiders or family members cannot impose this on someone who has diminished capacity or who is losing capacity over time. Those safeguards are there. There is a whole separate debate around mental illness and all of those issues.

This is a pretty specific issue, and we have been talking about it since the Supreme Court first ruled. It's advanced requests for people who can make that deliberate decision early in their life, or before they have been diagnosed, or before some condition has incapacitated them in some way. That in itself declares that it's a very circumscribed group. We are not just saying that because there is such a thing as advanced request, this can somehow be forced on someone. There is no mechanism to do that.

In my family, my sister has worked for many years with the mentally and physically disadvantaged. There are many protections in the system for family members who even wanted to access money or reject time spent with people who are intellectually disabled. There are many protections in the system. That's not what makes me nervous. What makes me concerned is that people have to live a life that they have made explicit and clear they do not want to live in certain circumstances.

I referred to my parents. I will not get into it in detail, but they were very clear about this, they did not want to be incapacitated in that way. My mother was a teacher, a smart woman who led and was an example. We talked about this because her mother had gone through it too. She said, "I just do not believe that that is life. If I can't participate, if I don't recognize the people that I love and are part of my family and that I care about, what is the purpose of this existence?"

I don't want to get too existential here, but we have circumscribed the rules and the regulations. Advanced requests are a clear, narrow right that people should be afforded in a society where we have all of the legal and civil protections that we know exist.

The Hon. the Speaker: Did you want to ask a question, Senator Pate?

Senator Wallin, your time has expired, but there is a senator who wishes to ask a question. Are you asking for five more minutes?

Senator Wallin: Yes. Thank you.

The Hon. the Speaker: Are there any senators opposed?

Hon. Kim Pate: Thank you, Senator Wallin. I think you know we share many of the same experiences in terms of our parental situations.

I have recently been very troubled by some stories that are coming out about people with disabilities who are being provided with no other options and then being offered MAID, as well as some of the evidence coming out of the prisons in terms of the situation facing those folks.

I'm curious if you have had a chance to look at any of that or if you have any thoughts on those situations.

Senator Wallin: I believe that if someone with disabilities or someone who is in prison is being offered MAID, then the doctor in that situation should lose their licence immediately.

(On motion of Senator Black (*Ontario*), debate adjourned.)

(At 7:55 p.m., the Senate was continued until tomorrow at 2 p.m.)

THE SPEAKER

The Honourable George J. Furey

THE GOVERNMENT REPRESENTATIVE IN THE SENATE

The Honourable Marc Gold

THE LEADER OF THE OPPOSITION

The Honourable Donald Neil Plett

FACILITATOR OF THE INDEPENDENT SENATORS GROUP

The Honourable Yuen Pau Woo

THE LEADER OF THE CANADIAN SENATORS GROUP

The Honourable Scott Tannas

THE LEADER OF THE PROGRESSIVE SENATE GROUP

The Honourable Jane Cordy

OFFICERS OF THE SENATE

INTERIM CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS

Richard Denis

LAW CLERK AND PARLIAMENTARY COUNSEL

Philippe Hallée

USHER OF THE BLACK ROD

J. Greg Peters

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(In order of precedence)

(November 1, 2020)

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	Deputy Prime Minister
The Hon. Lawrence MacAulay	Minister of Veterans Affairs
	Associate Minister of National Defence
The Hon. Carolyn Bennett	Minister of Crown-Indigenous Relations
The Hon. Dominic LeBlanc	Minister of Intergovernmental Affairs
	President of the Queen's Privy Council for Canada
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	Minister for Women and Gender Equality
The Hon. Carla Qualtrough	Minister of Employment, Workforce Development and Disability Inclusion
	Minister of Health
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The Hon. Marco Mendicino	Minister of Indigenous Services
The Hon. Marc Miller	Minister of Seniors
The Hon. Deb Schulte	Minister of Northern Affairs
The Hon. Dan Vandal	

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ACCORDING TO SENIORITY

(November 1, 2020)

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Salma Ataullahjan	Ontario (Toronto)	Toronto, Ont.
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Douglas Black	Alberta	Canmore, Alta.
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Scott Tannas	Alberta	High River, Alta.
Peter Harder, P.C.	Ottawa	Manotick, Ont.
Raymonde Gagné	Manitoba	Winnipeg, Man.
Frances Lankin, P.C.	Ontario	Restoule, Ont.
Ratna Omidvar	Ontario	Toronto, Ont.
Chantal Petitclerc	Grandville	Montreal, Que.
Murray Sinclair	Manitoba	Winnipeg, Man.
Yuen Pau Woo	British Columbia	North Vancouver, B.C.
Patricia Bovey	Manitoba	Winnipeg, Man.
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Nancy J. Hartling	New Brunswick	Riverview, N.B.
Kim Pate	Ontario	Ottawa, Ont.
Tony Dean	Ontario	Toronto, Ont.
Diane F. Griffin	Prince Edward Island	Stratford, P.E.I.
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Sabi Marwah	Ontario	Toronto, Ont.

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Marilyn McPhedran	Manitoba	Winnipeg, Man.
Gwen Boniface	Ontario	Orillia, Ont.
Eric Forest	Gulf	Rimouski, Que.
Marc Gold	Stadacona	Westmount, Que.
Marie-Françoise Mégie	Rougemont	Montreal, Que.
Raymonde Saint-Germain	De la Vallière	Quebec City, Que.
Dan Christmas	Nova Scotia	Membertou, N.S.
Rosa Galvez	Bedford	Lévis, Que.
David Richards	New Brunswick	Fredericton, N.B.
Mary Coyle	Nova Scotia	Antigonish, N.S.
Mary Jane McCallum	Manitoba	Winnipeg, Man.
Robert Black	Ontario	Centre Wellington, Ont.
Marty Deacon	Waterloo Region	Waterloo, Ont.
Yvonne Boyer	Ontario	Merrickville-Wolford, Ont.
Mohamed-Iqbal Ravalia	Newfoundland and Labrador	Twillingate, Nfld. & Lab.
Pierre J. Dalfond	De Lorimier	Montreal, Que.
Donna Dasko	Ontario	Toronto, Ont.
Colin Deacon	Nova Scotia	Halifax, N.S.
Julie Miville-Dechéne	Inkerman	Mont-Royal, Que.
Bev Busson	British Columbia	North Okanagan Region, B.C.
Marty Klyne	Saskatchewan	White City, Sask.
Patti LaBoucane-Benson	Alberta	Spruce Grove, Alta.
Paula Simons	Alberta	Edmonton, Alta.
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Josée Forest-Niesing	Ontario	Sudbury, Ont.
Brian Francis	Prince Edward Island	Rocky Point, P.E.I.
Margaret Dawn Anderson	Northwest Territories	Yellowknife, N.W.T.
Pat Duncan	Yukon	Whitehorse, Yukon
Rosemary Moodie	Ontario	Toronto, Ont.
Stan Kutcher	Nova Scotia	Halifax, N.S.
Tony Loffreda	Shawinigan	Montreal, Que.
Judith Keating	New Brunswick	Fredericton, N.B.
Brent Cotter	Saskatchewan	Saskatoon, Sask.

SENATORS OF CANADA

ALPHABETICAL LIST

(November 1, 2020)

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Ataullahjan, Salma	Ontario (Toronto)	Toronto, Ont.	Conservative Party of Canada
Batters, Denise	Saskatchewan	Regina, Sask.	Conservative Party of Canada
Bellemare, Diane	Alma	Outremont, Que.	Independent Senators Group
Bernard, Wanda Elaine Thomas	Nova Scotia (East Preston).	East Preston, N.S.	Progressive Senate Group
Beyak, Lynn	Ontario	Dryden, Ont.	Non-affiliated
Black, Douglas	Alberta	Canmore, Alta.	Canadian Senators Group
Black, Robert	Ontario	Centre Wellington, Ont.	Canadian Senators Group
Boehm, Peter M.	Ontario	Ottawa, Ont.	Independent Senators Group
Boisvenu, Pierre-Hugues	La Salle	Sherbrooke, Que.	Conservative Party of Canada
Boniface, Gwen	Ontario	Orillia, Ont.	Independent Senators Group
Bovey, Patricia	Manitoba	Winnipeg, Man.	Progressive Senate Group
Boyer, Yvonne	Ontario	Merrickville-Wolford, Ont.	Independent Senators Group
Brazeau, Patrick	Repentigny	Maniwaki, Que.	Non-affiliated
Busson, Bev	British Columbia	North Okanagan Region, B.C.	Independent Senators Group
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Canadian Senators Group
Carignan, Claude, P.C.	Mille Isles	Saint-Eustache, Que.	Conservative Party of Canada
Christmas, Dan	Nova Scotia	Membertou, N.S.	Independent Senators Group
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Progressive Senate Group
Cormier, René	New Brunswick	Caraguet, N.B.	Independent Senators Group
Cotter, Brent	Saskatchewan	Saskatoon, Sask.	Independent Senators Group
Coyle, Mary	Nova Scotia	Antigonish, N.S.	Independent Senators Group
Dagenais, Jean-Guy	Victoria	Blainville, Que.	Canadian Senators Group
Dalphond, Pierre J.	De Lorimier	Montreal, Que.	Progressive Senate Group
Dasko, Donna	Ontario	Toronto, Ont.	Independent Senators Group
Dawson, Dennis	Lauzon	Ste-Foy, Que.	Progressive Senate Group
Deacon, Colin	Nova Scotia	Halifax, N.S.	Independent Senators Group
Deacon, Marty	Waterloo Region	Waterloo, Ont.	Independent Senators Group
Dean, Tony	Ontario	Toronto, Ont.	Independent Senators Group
Downe, Percy E.	Charlottetown	Charlottetown, P.E.I.	Canadian Senators Group
Doyle, Norman E.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative Party of Canada
Duffy, Michael	Prince Edward Island	Cavendish, P.E.I.	Independent Senators Group
Duncan, Pat	Yukon	Whitehorse, Yukon	Independent Senators Group
Dupuis, Renée	The Laurentides	Sainte-Pétronille, Que.	Independent Senators Group
Forest, Éric	Gulf	Rimouski, Que.	Independent Senators Group
Forest-Niesing, Josée	Ontario	Sudbury, Ont.	Independent Senators Group
Francis, Brian	Prince Edward Island	Rocky Point, P.E.I.	Progressive Senate Group
Frum, Linda	Ontario	Toronto, Ont.	Conservative Party of Canada
Furey, George J., <i>Speaker</i>	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Non-affiliated
Gagné, Raymonde	Manitoba	Winnipeg, Man.	Non-affiliated
Galvez, Rosa	Bedford	Lévis, Que.	Independent Senators Group
Gold, Marc	Stadacona	Westmount, Que.	Non-affiliated
Greene, Stephen	Halifax - The Citadel	Halifax, N.S.	Canadian Senators Group
Griffin, Diane F.	Prince Edward Island	Stratford, P.E.I.	Canadian Senators Group
Harder, Peter, P.C.	Ottawa	Manotick, Ont.	Progressive Senate Group
Hartling, Nancy J.	New Brunswick	Riverview, N.B.	Independent Senators Group
Housakos, Leo	Wellington	Laval, Que.	Conservative Party of Canada
Jaffer, Mobina S.B.	British Columbia	North Vancouver, B.C.	Independent Senators Group
Keating, Judith	New Brunswick	Fredericton, N.B.	Independent Senators Group
Klyne, Marty	Saskatchewan	White City, Sask.	Progressive Senate Group
Kutcher, Stan	Nova Scotia	Halifax, N.S.	Independent Senators Group
LaBoucane-Benson, Patti	Alberta	Spruce Grove, Alta.	Non-affiliated
Lankin, Frances	Ontario	Restoule, Ont.	Independent Senators Group
Loffreda, Tony	Shawinigan	Montreal, Que.	Independent Senators Group
Lovelace Nicholas, Sandra M.	New Brunswick	Tobique First Nations, N.B.	Progressive Senate Group
MacDonald, Michael L.	Cape Breton	Dartmouth, N.S.	Conservative Party of Canada
Manning, Fabian	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.	Conservative Party of Canada

Senator	Designation	Post Office Address	Political Affiliation
Marshall, Elizabeth	Newfoundland and Labrador	Paradise, Nfld. & Lab	Conservative Party of Canada
Martin, Yonah	British Columbia	Vancouver, B.C.	Conservative Party of Canada
Marwah, Sabi	Ontario	Toronto, Ont.	Independent Senators Group
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Independent Senators Group
McCallum, Mary Jane	Manitoba	Winnipeg, Man.	Independent Senators Group
McCoy, Elaine	Alberta	Calgary, Alta.	Canadian Senators Group
McPhedran, Marilou	Manitoba	Winnipeg, Man.	Independent Senators Group
Mégie, Marie-Françoise	Rougemont	Montreal, Que.	Independent Senators Group
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Progressive Senate Group
Miville-Dechéne, Julie.	Inkerman	Mont-Royal, Que.	Independent Senators Group
Mockler, Percy	New Brunswick	St. Leonard, N.B.	Conservative Party of Canada
Moncion, Lucie	Ontario	North Bay, Ont.	Independent Senators Group
Moodie, Rosemary	Ontario	Toronto, Ont.	Independent Senators Group
Munson, Jim	Ottawa/Rideau Canal.	Ottawa, Ont.	Progressive Senate Group
Ngo, Thanh Hai	Ontario	Orleans, Ont.	Conservative Party of Canada
Oh, Victor	Mississauga	Mississauga, Ont.	Conservative Party of Canada
Omidvar, Ratna	Ontario	Toronto, Ont.	Independent Senators Group
Pate, Kim.	Ontario	Ottawa, Ont.	Independent Senators Group
Patterson, Dennis Glen	Nunavut.	Iqaluit, Nunavut	Conservative Party of Canada
Petitclerc, Chantal	Grandville	Montreal, Que.	Independent Senators Group
Plett, Donald Neil	Landmark	Landmark, Man.	Conservative Party of Canada
Poirier, Rose-May	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.	Conservative Party of Canada
Ravalia, Mohamed-Iqbal	Newfoundland and Labrador	Twillingate, Nfld. & Lab.	Independent Senators Group
Richards, David	New Brunswick	Fredericton, N.B.	Canadian Senators Group
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Independent Senators Group
Saint-Germain, Raymonde	De la Vallière	Quebec City, Que.	Independent Senators Group
Seidman, Judith G.	De la Durantaye	Saint-Raphaël, Que.	Conservative Party of Canada
Simons, Paula.	Alberta	Edmonton, Alta.	Independent Senators Group
Sinclair, Murray	Manitoba	Winnipeg, Man.	Independent Senators Group
Smith, Larry W.	Saurel	Hudson, Que.	Conservative Party of Canada
Stewart Olsen, Carolyn	New Brunswick	Sackville, N.B.	Conservative Party of Canada
Tannas, Scott	Alberta	High River, Alta.	Canadian Senators Group
Verner, Josée, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.	Canadian Senators Group
Wallin, Pamela	Saskatchewan	Wadena, Sask.	Canadian Senators Group
Wells, David M.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative Party of Canada
Wetston, Howard	Ontario	Toronto, Ont.	Independent Senators Group
White, Vernon	Ontario	Ottawa, Ont.	Canadian Senators Group
Woo, Yuen Pau.	British Columbia	North Vancouver, B.C.	Independent Senators Group

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(November 1, 2020)

ONTARIO—24

Senator	Designation	Post Office Address
The Honourable		
1 Jim Munson	Ottawa/Rideau Canal	Ottawa
2 Linda Frum	Ontario	Toronto
3 Salma Ataullahjan	Ontario (Toronto)	Toronto
4 Vernon White	Ontario	Ottawa
5 Thanh Hai Ngo	Ontario	Orleans
6 Lynn Beyak	Ontario	Dryden
7 Victor Oh	Mississauga	Mississauga
8 Peter Harder, P.C.	Ottawa	Manotick
9 Frances Lankin, P.C.	Ontario	Restoule
10 Ratna Omidvar	Ontario	Toronto
11 Kim Pate	Ontario	Ottawa
12 Tony Dean	Ontario	Toronto
13 Sabi Marwah	Ontario	Toronto
14 Howard Wetston	Ontario	Toronto
15 Lucie Moncion	Ontario	North Bay
16 Gwen Boniface	Ontario	Orillia
17 Robert Black	Ontario	Centre Wellington
18 Marty Deacon	Waterloo Region	Waterloo
19 Yvonne Boyer	Ontario	Merrickville-Wolford
20 Donna Dasko	Ontario	Toronto
21 Peter M. Boehm	Ontario	Ottawa
22 Josée Forest-Niesing	Ontario	Sudbury
23 Rosemary Moodie	Ontario	Toronto
24	

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
The Honourable		
1 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
2 Dennis Dawson	Lauzon	Ste-Foy
3 Patrick Brazeau	Repentigny	Maniwaki
4 Leo Housakos	Wellington	Laval
5 Claude Carignan, P.C.	Mille Isles	Saint-Eustache
6 Judith G. Seidman	De la Durantaye	Saint-Raphaël
7 Pierre-Hugues Boisvenu	La Salle	Sherbrooke
8 Larry W. Smith	Saurel	Hudson
9 Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures
10 Jean-Guy Dagenais	Victoria	Blainville
11 Diane Bellemare	Alma	Outremont
12 Chantal Petitclerc	Grandville	Montreal
13 Renée Dupuis	The Laurentides	Sainte-Pétronille
14 Éric Forest	Gulf	Rimouski
15 Marc Gold	Stadacona	Westmount
16 Marie-Françoise Mégie	Rougemont	Montreal
17 Raymonde Saint-Germain	De la Vallière	Quebec City
18 Rosa Galvez	Bedford	Lévis
19 Pierre J. Dalphond	De Lorimier	Montreal
20 Julie Miville-Dechéne	Inkerman	Mont-Royal
21 Tony Loffreda	Shawinigan	Montreal
22	
23	
24	

SENATORS BY PROVINCE—MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
The Honourable		
1 Jane Cordy	Nova Scotia	Dartmouth
2 Terry M. Mercer	Northend Halifax	Caribou River
3 Stephen Greene	Halifax - The Citadel	Halifax
4 Michael L. MacDonald	Cape Breton	Dartmouth
5 Wanda Elaine Thomas Bernard	Nova Scotia (East Preston).	East Preston
6 Dan Christmas	Nova Scotia	Membertou
7 Mary Coyle	Nova Scotia	Antigonish
8 Colin Deacon	Nova Scotia	Halifax
9 Stan Kutcher	Nova Scotia	Halifax
10		

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
The Honourable		
1 Pierrette Ringuette	New Brunswick	Edmundston
2 Sandra M. Lovelace Nicholas	New Brunswick	Tobique First Nations
3 Percy Mockler	New Brunswick	St. Leonard
4 Carolyn Stewart Olsen	New Brunswick	Sackville
5 Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent
6 René Cormier	New Brunswick	Caraquet
7 Nancy J. Hartling	New Brunswick	Riverview
8 David Richards	New Brunswick	Fredericton
9 Judith Keating	New Brunswick	Fredericton
10		

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
The Honourable		
1 Percy E. Downe	Charlottetown	Charlottetown
2 Michael Duffy	Prince Edward Island	Cavendish
3 Diane F. Griffin	Prince Edward Island	Stratford
4 Brian Francis	Prince Edward Island	Rocky Point

SENATORS BY PROVINCE—WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
The Honourable		
1 Donald Neil Plett	Landmark	Landmark
2 Raymonde Gagné	Manitoba	Winnipeg
3 Murray Sinclair	Manitoba	Winnipeg
4 Patricia Bovey	Manitoba	Winnipeg
5 Marilou McPhedran	Manitoba	Winnipeg
6 Mary Jane McCallum	Manitoba	Winnipeg

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
The Honourable		
1 Mobina S. B. Jaffer	British Columbia	North Vancouver
2 Larry W. Campbell	British Columbia	Vancouver
3 Yonah Martin	British Columbia	Vancouver
4 Yuen Pau Woo	British Columbia	North Vancouver
5 Bev Busson	British Columbia	North Okanagan Region
6	

SASKATCHEWAN—6

Senator	Designation	Post Office Address
The Honourable		
1 Pamela Wallin	Saskatchewan	Wadena
2 Denise Batters	Saskatchewan	Regina
3 Marty Klyne	Saskatchewan	White City
4 Brent Cotter	Saskatchewan	Saskatoon
5	
6	

ALBERTA—6

Senator	Designation	Post Office Address
The Honourable		
1 Elaine McCoy	Alberta	Calgary
2 Douglas Black	Alberta	Canmore
3 Scott Tannas	Alberta	High River
4 Patti LaBoucane-Benson	Alberta	Spruce Grove
5 Paula Simons	Alberta	Edmonton
6	

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
The Honourable		
1 George J. Furey, <i>Speaker</i>	Newfoundland and Labrador	St. John's
2 Elizabeth Marshall	Newfoundland and Labrador	Paradise
3 Fabian Manning	Newfoundland and Labrador	St. Bride's
4 Norman E. Doyle	Newfoundland and Labrador	St. John's
5 David M. Wells	Newfoundland and Labrador	St. John's
6 Mohamed-Iqbal Ravalia	Newfoundland and Labrador	Twillingate

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
The Honourable		
1 Margaret Dawn Anderson	Northwest Territories	Yellowknife

NUNAVUT—1

Senator	Designation	Post Office Address
The Honourable		
1 Dennis Glen Patterson	Nunavut	Iqaluit

YUKON—1

Senator	Designation	Post Office Address
The Honourable		
1 Pat Duncan	Yukon	Whitehorse

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