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Thursday, June 3, 2021

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, June 3, 2021

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

Prayers.

SENATORS' STATEMENTS

NATIONAL HEALTH AND FITNESS DAY

Hon. Marty Deacon: Honourable senators, I rise today to speak to National Health and Fitness Day, which takes place on Saturday. I thank all senators for your social media posts, for your energy and for your desire to share what gets you moving.

I also wish to thank Dr. Theresa Tam, our Chief Public Health Officer, who will be including National Health and Fitness Day in her weekly statement to Canadians on Saturday.

This year, as we head into Saturday, I thought instead of me giving my usual invite, I would enlist the services of our new Parliamentary Poet Laureate, Louise Bernice Halfe — her Cree name, Sky Dancer — to inspire you instead. I present to you now her poem, written as she thought about the intent of this work. The poem is called *Over Sixty-five*.

Sometimes the spirit of the body has no inclination to move. Yet, the cool water on throbbing feet after a half-hearted run refreshes one's resolve. The heart-throb and gasp for breath drives this reluctant exhilaration.

Sitting in a canoe paddle dipping, gliding past cliffs and forest, hand cutting the water. This gentle sweep moves spirit and body.

Each morning my husband and I lift weights. Stretch above our heads, bend at the waist, arms flapping into a butterfly. Leg press: kneeling has never been so easy. We work our turkey waddle triceps, do full length planks.

We are over sixty-five.

For three years our feet covered over two hundred miles of the Saskatchewan prairie. From the grasslands to the rocky mounds of the angels at the Mystery Rocks, to the murdered sites where we paid homage to the original tribes.

We push beyond the limitations of our reluctance. Honor body, mind and spirit. These gifts of wind, sun, water and earth course through our veins.

Senators, that's what it's all about. Look after yourself. Thank you. *Meegwetch*.

THE TRAIL—TRANSITION HOUSING FOR VETERANS

Hon. Larry W. Smith: Honourable senators, I would like to start today's statement with a quote by Mary Edwards Wertsch, "The environment does not heal. The environment makes healing possible."

That is a perfect segue to the second part of the series highlighting the work done by Le Sentier — Maison de transition pour vétérans, or The Trail — Transition Housing for Veterans.

Veterans are three times more susceptible to medical conditions, such as musculoskeletal disorders, post-traumatic stress disorder, or PTSD, chronic pain and mental health issues. In 2019, Le Sentier — The Trail — partnered with Équi-Sens, an equestrian therapeutic centre situated in Mirabel, Quebec, to create a specialized program for veterans called P.A.V.E.R.

[*Translation*]

P.A.V.E.R. is an equine-assisted therapy support program for veterans and first responders. It offers active and retired military personnel and first responders suffering from PTSD or any other operational stress disorder a specialized equine-assisted therapy program.

The program lasts 10 weeks, with one session per week. Each program is specifically tailored to the individual by a psychologist, in collaboration with an equine-assisted therapist.

Équi-Sens has 10 horses and employs two therapists specializing in equine-assisted therapy to deliver this program to veterans. These psychotherapy services are approved by Veterans Affairs Canada and can be provided free of charge.

[*English*]

Led by Chantal Soucy, founder and director of the centre, Équi-Sens has adopted a team approach to best serve its clientele. In addition to the psychotherapy and horse-assisted therapy, the team is composed of health professionals, a psycho-educator and a social worker to ensure that participants fully benefit from each appointment.

By using the base model of Eagala, the Equine-Assisted Growth and Learning Association, every participant is encouraged and guided to find the best solution to his or her problem by being provided the best therapeutic conditions in which to do so. The association's code of ethics assures the highest level of integrity, of which the charity is very proud.

Today, P.A.V.E.R. is working with seven participants and has a waiting list of two. They look forward to a post-pandemic return very soon. Thank you.

YOUTH AGING OUT OF FOSTER CARE

Hon. Wanda Elaine Thomas Bernard: Honourable senators, I rise today to speak to the issues faced by young people exiting foster care when they reach the age of majority. I'd like to acknowledge the work of the Child Welfare League of Canada, who are advocates for systemic change, always centring the voices of people with lived experience.

Young people are typically afforded a soft launch into independence based on readiness, often with financial assistance, emotional support and help developing life skills from family. Young people in foster care are expected to live independently based on age, not readiness.

Currently, post-care services are inconsistent across jurisdictions in Canada, and the federal government and Quebec offer no services when young people reach the age of majority. This abrupt transition can result in homelessness, unemployment, poverty, poor mental health and early parenthood.

Many people who age out are at risk of falling into the criminal justice system, known as the “foster care to prison” pipeline. These outcomes could be prevented by changing the age-based cut-offs and ensuring access to more resources, such as safe housing and culturally responsive mental health services.

Indigenous and Black youth face particular barriers due to the legacy of colonial violence and intergenerational trauma. Black youth experience the impact of slavery through anti-Black racism in child welfare. Indigenous youth live with the legacy of residential schools and the Sixties Scoop.

Advocates are looking for more equitable care and will hold the government accountable for the 2021 budget promises to invest in post-care services for First Nations children.

Honourable colleagues, vulnerable young people need more support to bridge them into adulthood. In the words of the National Council of Youth in Care Advocates, all young people deserve to be supported through the transition into independence. Thank you. *Asante*.

• (1410)

SCIENCE UP FIRST

Hon. Stan Kutcher: Thank you, Your Honour. A negative impact of this pandemic has been the rise of anti-science information. Merging fear with falsehood, disinformation is being shared widely, often through social media, by people who may not be able to separate science fact from science fiction. It is

unknowingly shared by those for whom the emotional impact of the messages resonate, and knowingly shared by those whose intent is more sinister.

The World Health Organization has called this phenomenon “the infodemic” and describes it thus:

An infodemic includes deliberate attempts to disseminate wrong information to undermine the public health response and advance alternative agendas of groups or individuals.

Misinformation costs lives. . . . diagnostic tests go unused, immunization campaigns . . . will not meet their targets, and the virus will continue to thrive.

. . . disinformation is polarizing public debate . . . amplifying hate speech; heightening the risk of conflict, violence and human rights violations; and threatening long-term prospects for advancing democracy, human rights and social cohesion.

In Canada, disinformation includes but is not limited to: the hydroxychloroquine debacle; assertions that COVID either does not exist or that it is merely the flu; the refusal of some to adhere to basic public health directives such as mask wearing; assertions that vaccines will cause infertility in women; and that elites have created the pandemic to enslave populations for geopolitical purposes by implanting microchips into vaccines.

In Canada, coordinated government responses to this infodemic have been slow to materialize, and as a result, legitimate health and science institutions have been playing catch-up. However, scientists and health experts are stepping into the breach.

I am pleased to share with this chamber information about one successful initiative that has brought together hundreds of scientists, health care providers and science communicators to fight back. It is called Science Up First, La Science D'abord, and it is working hard to counter this infodemic and promote a science-smart narrative. This will help all Canadians to rationally and effectively take charge of their health, by learning how to separate sense from nonsense, not only during this crisis but in the post-pandemic world that we will hopefully soon inherit.

Honourable senators, please join with me in recognizing, applauding and supporting the hard work that those who are involved with Science Up First are doing and wish them every success.

Thank you. *Meegwetch*.

PORTRAIT GALLERY OF CANADA

Hon. Patricia Bovey: Thank you, Your Honour, and I thank the CSG for giving me this spot. Just a few months after my induction in this august chamber, at my invitation, 85% of you signed a letter supporting the Portrait Gallery of Canada, an initiative that had been in progress, yet stalled several times over

many years. I was delighted to join the endeavours of former Senator Grafstein and Senator Joyal and Senator Black, Alberta, to do what I could to support this vision.

Today I am very pleased to report that the Portrait Gallery of Canada is alive, doing well and moving forward.

Lawson Hunter, board chair, provides me with regular updates. They have incorporated and have a CRA charitable number. Their governing board includes members of the visual arts and business. Their larger advisory board is broad; one member is former Senator Charette-Poulin.

Joanne Charette, formerly a National Gallery of Canada senior staff member, has been announced as gallery director. With formal partnerships with the Ottawa Community Foundation and the Royal Academy of Arts, they raised sufficient private sector funds for a feasibility study released 18 months ago — an important milestone and a guide for their ongoing work, policy clarification, program planning and now potential building site assessment. Two virtual exhibitions are in the planning stages. First, national in scope, to be launched this August is curated by an Ottawa photography curator. The second, scheduled for January 2022, is the work of a Winnipeg Indigenous artist, curated by a western Canadian art gallery's former director. They will make detailed announcements soon.

What defines a portrait and what is this emerging Canadian organization's goal? This gallery is not looking to enshrine past deceased White leaders painted by deceased White artists. It is seeking to celebrate the diversity of all peoples of Canada and of all Canadian artists past and present, Indigenous and of all colours. Likewise they are seeking to explore the many techniques and media artists use to create: paint, print, pencil, clay, cameras, computers, film, video and more. To me their work is exciting, groundbreaking and will certainly engage visitors and audiences as the English, Australian and U.S. portrait galleries do. This group is doing it the Canadian way, with consultation, inclusion, professionalism, engagement and commitment.

Colleagues, you will understand how much I enjoy the regular updates. This important initiative will give all Canadians and visitors a window to our history and our present at a time when the pandemic has demonstrated how important it is that Canada be increasingly self-sufficient, and that we celebrate our nation and the vital part artists play in our self-definition. I commend all involved and Lawson Hunter's leadership. I applaud their accomplishments since I first asked for your support early in 2017. Thank you.

EDMONTON ELKS

Hon. Paula Simons: Honourable senators, this week Edmonton was proud to welcome its newly named CFL football team, the Edmonton Elks.

The timing of this announcement couldn't be more apt as we begin National Indigenous History Month, as we confront the truly horrifying news from Kamloops, and as difficult conversations about how we name and how we remember are taking place coast to coast.

For many years, Edmontonians debated changing the name of their storied football team. It was not an easy debate. Many felt a huge pride in their green and gold, in the team that was home to legendary players, including the likes of Jackie Parker, Johnny Bright, Rollie Miles, Norman Kwong, Tom Wilkinson, Larry Highbaugh, Warren Moon, Gizmo Williams, and Ricky Ray. It was the team that launched the political careers to two Alberta premiers: Peter Lougheed and Don Getty.

But the team name, the name I grew up with, became more and more uncomfortable over the years, as we all had to confront the reality of its racist heritage. The name itself was not only heard as a racial slur by many Inuit. It was a throwback to the days when many North American sports teams adopted Indigenous mascots; a custom that was both patronizing and appropriate. Moreover, it was a name that had no connection to the actual First Nations peoples who called Treaty 6 territory home.

The pain caused by that casual racism is the truth we need to hear, the truth we need to acknowledge before we can get to reconciliation.

I don't believe the founders of Edmonton's football dynasty meant anything malicious in the original choice of the name. It was adopted in a spirit of enthusiastic ignorance as a sincere if woefully clumsy compliment to the courage and fortitude of the Inuit people. But in 2021, it was a name out of time, a reminder of our colonial past and of attitudes that deserve to be part of history, not forgotten, but not celebrated.

So welcome, Canada, the Edmonton Elks.

I know. Pedants might argue that "elk" is already in the plural form. But then, Torontonians loyally, doggedly, sometimes hopelessly, cheer for their Leafs, not their "Leaves." Others might say that the animal in question is really a wapiti — but where's the alliteration in that?

But I'm happy to say most Edmontonians appear to be embracing their Elks with optimism and excitement, at least to judge by the run on the snazzy new Elks logo merchandise. The city is feeling upbeat, not just in hopes of a Grey Cup-worthy season, but because Edmontonians feel this is a team name they can shout with pride. I've seen people on social media saying they'll attend their first-ever CFL game this season because of the name change, because they will now feel welcome at Commonwealth Stadium, where the Elks will play and win.

So antler up, everyone. And get ready. Because when the Elks charge, they charge into a future we can be proud to share

together — a future where we can honour the best of the past without clinging to the souvenirs of the worst.

Thank you, *hiy hiy*.

ROUTINE PROCEEDINGS

TRUTH AND RECONCILIATION COMMISSION

FINAL REPORT TABLED

Hon. Brian Francis: Honourable senators, I have the honour to table, in both official languages, the final report of the Truth and Reconciliation Commission of Canada.

• (1420)

STUDY ON MATTERS RELATING TO HUMAN RIGHTS GENERALLY

THIRD REPORT OF HUMAN RIGHTS COMMITTEE TABLED

Hon. Salma Ataullahjan: Honourable senators, I have the honour to table, in both official languages, the third report (interim) of the Standing Senate Committee on Human Rights entitled *Forced and Coerced Sterilization of Persons in Canada* and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

[*Translation*]

CANADA REVENUE AGENCY ACT

BILL TO AMEND—FOURTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

Hon. Chantal Petitclerc, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, June 3, 2021

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

FOURTH REPORT

Your committee, to which was referred Bill C-210, An Act to amend the Canada Revenue Agency Act (organ and tissue donors), has, in obedience to the order of reference of

May 27, 2021, examined the said bill and now reports the same without amendment.

Respectfully submitted,

CHANTAL PETITCLERC
Chair

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

(On motion of Senator Housakos, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

[*English*]

BUDGET IMPLEMENTATION BILL, 2021, NO. 1

SECOND REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE ON SUBJECT MATTER TABLED

Hon. Howard Wetston: Honourable senators, I have the honour to table, in both official languages, the second report of the Standing Senate Committee on Banking, Trade and Commerce, which deals with the subject matter of those elements contained in Divisions 1, 2, 3, 4, 5, 7, 8 and 9 of Part 4 of Bill C-30, An Act to implement certain provisions of the budget tabled in Parliament on April 19, 2021 and other measures.

(Pursuant to the order adopted on May 4, 2021, the report was deemed referred to the Standing Senate Committee on National Finance and placed on the Orders of the Day for consideration at the next sitting.)

[*Translation*]

NATIONAL FRAMEWORK FOR DIABETES BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-237, An Act to establish a national framework for diabetes.

(Bill read first time.)

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

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

[English]

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-204, An Act to amend the Canadian Environmental Protection Act, 1999 (final disposal of plastic waste).

(Bill read first time.)

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

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

[Translation]

POLITICAL RELATIONSHIP BETWEEN CANADA AND INDIGENOUS PEOPLES

NOTICE OF INQUIRY

Hon. Patrick Brazeau: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the political relationship between Canada and Indigenous peoples.

[English]

QUESTION PERIOD

CROWN-INDIGENOUS RELATIONS

MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS— NATIONAL ACTION PLAN

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

Today the Trudeau government finally responded to the final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls — two years, leader, after it was released.

On Tuesday, the Native Women's Association of Canada said they were tired, and rightfully so, of waiting for the Trudeau government's action plan, so they released their own. It states in part:

Indigenous women wanted cold cases to be reopened. They wanted to know what had happened to their missing and murdered loved ones. . . . They wanted perpetrators to be brought to justice.

I asked about the RCMP investigations into these cases in an Order Paper question last year. The answer I received in December pointed to two cases resolved by the Yukon RCMP and the conclusion of three open cases by the British Columbia RCMP.

What is your government doing, leader, to assist the RCMP in resolving even more cases?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The RCMP is doing its work diligently, independent of the government, as it should. I'm not aware of any particular details that are relevant to your question. I certainly will make inquiries.

I'll take the opportunity, on behalf of the government, to thank all of the organizations that participated with the federal government in the development of this action plan. It's the first step — only the first step — toward further work that needs to be done as set out in the plan to address this shameful and tragic circumstance.

Senator Plett: Leader, we should never forget that behind each investigation or case that we speak of is a family who needs help and wants answers.

The answer your government provided to me six months ago stated that the RCMP in British Columbia, Nunavut, Alberta, the Northwest Territories and the Yukon have reviewed related investigations since the final report of the national inquiry was released two years ago.

• (1430)

Leader, since I received the answer to my question in December, has the RCMP resolved any other cases involving missing and murdered Indigenous women and girls? If so, how many? Has this resulted in any arrests or charges laid?

Senator Gold: Senator, thank you for the question. It's an important one.

Had I had some notice in advance, I might have been in a position to provide the information. That's not a criticism by any stretch of the imagination. I simply don't know the answer. I'll endeavour to find out as quickly as I can.

FINANCE

BUDGET 2021

Hon. Larry W. Smith: Senator Gold, according to the C.D. Howe Institute, the government's long-term projection scenarios in Budget 2021 are optimistic. The representative noted in his appearance at the National Finance Committee, during our study of Bill C-30:

. . . slight changes in economic growth and interest rate assumptions can dramatically change the course of the debt burden to the worst scenario.

The institute's modelling suggests that the federal debt burden could return to the crisis levels of the 1990s under alternative assumptions around growth and interest rates.

Senator Gold, is your government willing to revisit your budget projections to ensure that we are on a fiscally sustainable course?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, senator. It's very important that our plans for helping Canada move forward through the pandemic to a stronger economic situation needs to be and are, in fact, constantly monitored by this government. As they are being monitored, whether by think tanks or rating agencies, it's the position of this government that the measures, the spending and the investments that have been undertaken were not only necessary but required and appropriate to keep our economy moving forward.

In this regard, senator, it is noteworthy that following the federal budget, the global credit rating agency S&P reaffirmed Canada's AAA rating.

The government, of course, is constantly monitoring the economic situation and is confident that we're moving forward in the right direction.

Senator Smith: Senator Gold, the Minister of Finance recently suggested multiple times at the Senate Finance Committee meeting that:

. . . the key assumptions upon which the fiscal track in this budget is based are not my projections. Those key assumptions are drawn from a survey of private sector economists.

The fact remains that Canadians look to the minister and the government to make decisions around spending and borrowing, regardless of who is making the projections. These decisions could have financial consequences for years to come.

Senator Gold, could you provide this chamber with updated scenarios that acknowledge the possibility of lower economic growth and higher interest rates?

Senator Gold: Senator, thank you for your question. We expect government — whether our government or any other government — to make its decisions based upon the most accurate and comprehensive source of information and expertise.

The government is responsible for its decisions, but I think no one in this chamber would assume that the best way for the government to proceed by way of projections and forecasts would be to simply isolate themselves here on the Hill and come up with some figures independent of the input of experienced economists and others in the area.

[Translation]

JUSTICE

JUDICIAL BILINGUALISM

Hon. Josée Forest-Niesing: My question is for the Government Representative in the Senate. In recent decades, there has been a lot of progress in recognizing language rights in the courts, thanks to the efforts of organizations like the Fédération des communautés francophones et acadienne du Canada, or FCFA, the Fédération des associations de juristes d'expression française de common law inc., or FAJEF, and the French Speaking Common Law Members Section of the Canadian Bar Association, as well as the government. I am talking about the language provisions included in the Divorce Act and the plan to finally modernize the Official Languages Act.

However, progress is still needed when it comes to bankruptcy and insolvency, even though people have been calling for changes in this area for 25 years. The harsh reality of the pandemic has been devastating for too many Canadian business owners. We can reasonably anticipate an increase in bankruptcy and insolvency filings, at a time when Canadians are already struggling so much. It is unthinkable that they could be denied the right to go through bankruptcy proceedings in the official language of their choice. Senator Gold, isn't it high time the government introduced a bill to amend the Bankruptcy and Insolvency Act to include national guarantees of bilingualism in court proceedings?

Hon. Marc Gold (Government Representative in the Senate): Thank you for raising this issue, senator. The government is well aware that access to justice in both official languages is essential. Your notice gave me the opportunity to inquire with the government about its plans for the Bankruptcy and Insolvency Act. Unfortunately, I haven't received an answer yet. When I hear from the government, I will inform you at the earliest opportunity.

Senator Forest-Niesing: Senator Gold, while you're at it, I would appreciate it if you could also inquire whether the government intends to introduce language guarantees into the Companies' Creditors Arrangement Act, which, as we know, was recently used by Laurentian University in my home city of Sudbury. Laurentian University is a public institution that is designated under Ontario's French Language Services Act and that decided, in English, to cancel 28 French-language post-secondary programs.

Senator Gold: Once again, thank you for raising this issue, dear colleague. The government fully understands that it is important to have strong post-secondary institutions for francophones in northern Ontario. Education is a provincial

jurisdiction, but I have been informed that Minister Joly has been in contact with the provinces to find solutions developed by and for the francophones of northern Ontario.

[English]

CROWN-INDIGENOUS RELATIONS

FORMER RESIDENTIAL SCHOOLS

Hon. Tony Loffreda: Honourable senators, my question is for the Government Representative in the Senate. Like most Canadians, I was devastated and shocked to learn that the bodies of 215 Indigenous children were found at a former residential school in Kamloops.

Tuesday's emotional tributes in the chamber touched us all. Canada can no longer ignore this shameful legacy, and I hope Canadians from all walks of life will embark on the journey of truth and reconciliation with our country's First Peoples. I also believe that the Catholic Church can no longer deny the role it played in this dark chapter of our history, and I hope the government will seek a formal apology from the pope.

Senator Gold, there have been countless calls for the government to help locate and identify the remains of children at residential schools across the country. On Tuesday, in the National Assembly of Quebec, Premier Legault said he was open to working with the federal government to conduct controlled excavation activity and investigate the site of former residential schools in the province. The Indigenous community deserves to find some closure, if that's even possible.

I know the government has committed to distribute \$27 million of previously announced funding on an urgent basis. Will the government collaborate with Quebec and put in place a plan to get to the bottom of this issue? We need adequate resources to further discover the extent of this tragedy. More importantly, when will this happen? We can no longer afford further delays.

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The Truth and Reconciliation Commission brought to light the truth, and too many Canadians have been and remain ignorant of what happened in our history and what took place at residential schools. I've been advised that the government has and will continue to work with Indigenous communities on how to best support them, including the provision of funds to which you referred.

• (1440)

However — and this is a fundamental point — as Minister Bennett and Minister Miller have each stated, it is critical that such efforts be Indigenous-led, survivor-centric and not dictated by the government. Indeed, I note that Premier Legault said something along those lines as well in the context of his statements. Thank you for your question.

Senator Loffreda: Thank you, Senator Gold, for that response.

[Senator Gold]

Moments ago, I talked about closure. Survivors of residential schools, their families and their communities continue to seek closure, comfort and healing. The government also recently announced nearly \$600 million in funding for a distinctions-based mental health and wellness strategy with First Nations, Inuit and Métis. This funding will also renew funding for the Indian Residential Schools Resolution Health Support Program and crisis line. The news from Kamloops is reopening wounds for many who have never healed. Additional support may be needed.

What additional resources will the government provide, being mindful of not putting additional strain on the well-being of our already overworked health care workers, to offer adequate wellness services and psychological support for individuals from Indigenous communities and beyond?

Senator Gold: Senator, thank you for your question. I was able to inquire with the government, thanks to the advance notice of your question. I've been advised that the government has been in active communication with the B.C. First Nations Health Authority to ensure that we are able to fully support the community during this very challenging and heartbreaking time.

Indigenous Services Canada officials have been in contact with the Thunderbird Partnership Foundation and First Peoples Wellness Circle to offer assistance, however possible. Indigenous Services Canada's B.C. regional offices have staff on standby in the event additional emergency coordination support is requested. As well, Indigenous Services Canada continues to support the national Indian Residential Schools Crisis Line, which is available 24 hours a day at 1-866-925-4419, and the Hope for Wellness Help Line continues to offer crisis intervention services online at www.hopeforwellness.ca or by phone at 1-855-242-3310.

FINANCE

DISABILITY TAX CREDIT

Hon. Diane F. Griffin: Honourable senators, my question is for Senator Gold as the Government Representative in the Senate. Budget 2021 proposes amendments to the Income Tax Act to improve access to the Disability Tax Credit for Canadians with Type 1 diabetes by recognizing more activities in determining the time spent on life-sustaining therapy and to reduce the minimum required frequency of therapy to qualify for the Disability Tax Credit. These changes start to correct the uneven eligibility of the Disability Tax Credit for individuals with Type 1 diabetes where certain individuals may qualify and others may not, despite having the same incurable disease.

However, I was disappointed to see that although the draft ways and means motion to approve tax increases includes these changes to the Disability Tax Credit, neither the actual ways and means motion approved by the Commons or the budget implementation act include the promised changes to the Disability Tax Credit.

Given the government's commitment to reviewing these changes in 2023, why are the changes not in the current budget implementation act? Does the government plan to include them in the fall budget implementation act?

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you for raising this question. The Government of Canada knows full well that allowing all Canadians to participate equally in Canada's economy and society benefits all Canadians. Your advance notice allowed me to inquire with the government with regard to the issue you raise. I've not yet received a response. When I do, I'll report to this chamber in a timely fashion.

Senator Griffin: Presently, Canadians with Type 1 diabetes who have insulin pumps that provide life-sustaining insulin 24-7 cannot count the time that the pump delivers insulin as part of the arbitrary 14-hour rule, as CRA views this as being "automated." But individuals with insulin pumps have higher medical costs and are unable to access the Registered Disability Savings Plan or the recent one-time \$600 payment as part of extraordinary expenses incurred by persons with disabilities living during the COVID-19 pandemic.

Brooks Roche, a member of the Prime Minister's Youth Advisory Council, and staff at Diabetes Canada told the P.E.I. Standing Committee on Health and Social Development that:

To use insulin pump therapy it's between \$1,900 and \$5,200 per year, out of pocket, on average. This represents the highest proportional cost in Canada because Prince Edward Island has the lowest median income.

Does the government plan to instruct the CRA to adopt the recommendations of the Disability Advisory Committee that everyone with Type 1 diabetes automatically qualify for the Disability Tax Credit?

Senator Gold: Thank you very much, senator, for raising this question. The government very much values the work of the disability advisory committee. Indeed, that's why the government reinstated the committee in 2017. Thank you also for the advance notice of this question. I've made inquiries. I have not yet received a response, but I will report to the chamber as soon as I do.

CROWN-INDIGENOUS RELATIONS

FEDERAL PATHWAY REPORT

Hon. Jane Cordy: Honourable senators, I would like to begin by acknowledging that I'm joining you from Mi'kmaki, the ancestral territory of the Mi'kmaq people.

My question is for the Government Representative in the Senate. Senator Gold, I was pleased that today the government released its action plan in response to the National Inquiry into Missing and Murdered Indigenous Women and Girls report and its recommendations. I applaud Minister Bennett and the government for taking the lead on this, and I am encouraged by the efforts of this government to ensure that those directly

affected were integral to the development of the action plan, because without people being involved, any report or recommendations are for naught.

I'm encouraged by the commitment by the government of substantial funds to achieve the promises contained in the action plan, but this leads to my concerns. The report makes many promises, but it seems to lack a commitment to definable actions. What are the timelines? What are the milestones? I worry that an already protracted process will go on for another indeterminate amount of time as we await the promised legislation announced today.

Senator Gold, could you let us know when we can expect the promised legislation as outlined in today's announcement? Will the legislation be developed in consultation with First Nations, Inuit and Métis people? Why wasn't the legislation outlined in today's report developed concurrently with the report so that we could have seen them both on the same day?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the questions and for raising these very important issues. The process of bringing us to this place, which, as I said in response to an earlier question, is only the first step in the many that are necessary, was one engaged with and in partnership with Indigenous-led organizations, survivors and others. That is a pathway that the government will continue to pursue going forward.

Indeed, the government is very pleased that contributing partners from across Canada have come together and that this national action plan has been released.

• (1450)

The *Federal Pathway*, which is the federal government's contribution to the national action plan, outlines the current and future work needed to end systemic racism, sexism, ableism and economic inequality that has perpetuated violence against Indigenous women and girls and 2SLGBTQQ1A+ people. The federal government pathway does indicate some areas where legislation will be co-developed, such as distinctions-based Indigenous health legislation, a legislative framework for First Nations policing that recognizes First Nations policing as an essential service and legislative reforms that acknowledge the importance of Indigenous-led, multi-sectoral and healing responses as part of the justice system. The national action plan, colleague, is a plan for continued collaborative work and that's the reason — to get to one of your questions — why it is not accompanied by immediate legislation. That legislation will be developed in partnership with the stakeholders and partners to which I've made reference.

Senator Cordy: I'm very pleased to see you referring a few times to partnerships. We know that, in relations with Indigenous peoples, partnerships have been sadly lacking throughout much of the history of our country. So I'm pleased that it's very important.

I would like for the government to provide us some assurance that the First Nations, Métis and Inuit people won't have to wait another two years for another report to outline the measurable actions that will be undertaken. As Senator Plett said earlier —

and maybe I don't have the words exactly — behind every missing and murdered Indigenous woman is a family and friends. I think we have to understand that the time element and, as you said, the partnerships moving forward, are extremely important. Can we have some assurance that this will be done in a timely way?

Senator Gold: Colleague, I want so desperately to provide assurances and comfort. In the tradition from which I come, it is said that the loss of one life is the loss of an entire world. That is so true in terms of what so many are experiencing and have experienced for far too long.

I cannot give assurances about timelines in the context of a process, a partnership and collaboration that I have described. But I can assure this chamber and all Canadians that the Government of Canada is committed to working with dispatch and in partnership to make progress in this most important area.

PUBLIC SERVICES AND PROCUREMENT

PARLIAMENT HILL RENOVATIONS

Hon. Denise Batters: Senator Gold, two years ago, at the Senate's Internal Economy Committee, the senior government official in charge of the massive Centre Block construction project would not tell me a cost or a time estimate for completion. Two and a half years into this huge construction project which has continued throughout COVID, and the Trudeau government still has not told Canadians how much this will cost taxpayers and when it will be done. Yet, yesterday, media reports provide the federal government's Public Services and Procurement Canada, or PSPC, department renovation cost estimates for the Senate's Victoria Building at \$370 million, and East Block at \$569 million.

Senator Gold, this is puzzling. Both of those projects would not even start until after Centre Block is completed at least 10 years from now and PSPC has those cost estimates, so why not Centre Block? Clearly the Trudeau government must know the cost and time frame two and a half years into the project, but they are not telling Canadians. Is it too big for them to disclose, especially right before an election?

Senator Gold, as the Leader of the Government in the Senate, you should be briefed on the most important renovation in the country and one that directly impacts the Senate. How much will the Parliament Hill Centre Block construction project cost taxpayers and when will it be done?

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you very much for the question. As senators would know — and senators in this chamber are more directly involved with this process than I am — this is a huge

project dealing not only with Centre Block but with the whole Parliamentary Precinct. It is my understanding that, in fact, the government is still awaiting direction from the Senate with regard to certain aspects of the project. I should add it's also awaiting some direction from the House of Commons side with regard to requests from this chamber and others for aspects of the work in Centre Block. These aspects of the project carry certain costs.

Again, I defer to my colleagues in this chamber who are involved with the subcommittee dealing more closely with it, but I know there's back and forth between the Senate representatives and the officials responsible for the overall project. As I understand it, there still remains no agreement on some aspects of the project and that is why, in fact, the final cost of the project cannot be fully determined.

I should add as well, colleague, as we know from the days preceding our vacating Centre Block, that the very beginnings of the project, and indeed the first year, if not more — and again I defer to colleagues with more expertise in this area — were largely exploratory. Frankly, they didn't know what they would find when they started opening up the walls. There's no hiding costs from Canadians. This is a complicated project and we in the Senate and our counterparts in the other place are also active partners in trying to provide the specifics for the project in its totality.

Senator Batters: Senator Gold, the historically significant East Block is one thing, but why would the Trudeau government even renovate the Victoria Building, which has no historical value, at a projected cost of \$370 million? Why not just demolish that building and build a new one, no doubt at a lower cost, with fewer problems?

Senator Gold: Again, thank you for your question. What is to be done in the areas occupied by current buildings is a matter that is, in fact, at the heart of the planning exercise, as I understand it, that is going on. There are different points of view emanating from the Senate and senators with regard to that area and Victoria in particular, and that is a matter that's still being discussed between those responsible for the project and representatives from the Senate.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, pursuant to the order of Tuesday, June 1, 2021, I do now leave the chair for the Senate to be put into a Committee of the Whole on the subject matter of Bill C-5. The committee will be presided by the Speaker pro tempore, the Honourable Senator Ringuette. To facilitate appropriate distancing, she will preside the committee from the Speaker's chair.

**BILLS OF EXCHANGE ACT
INTERPRETATION ACT
CANADA LABOUR CODE**

BILL TO AMEND—CONSIDERATION OF SUBJECT MATTER IN
COMMITTEE OF THE WHOLE

On the Order:

The Senate in Committee of the Whole in order to receive the Honourable Steven Guilbeault, P.C., M.P., Minister of Canadian Heritage, accompanied by at most four officials to consider the subject matter of Bill C-5, An Act to amend the Bills of Exchange Act, the Interpretation Act and the Canada Labour Code (National Day for Truth and Reconciliation).

(The sitting of the Senate was suspended and put into Committee of the Whole, the Honourable Pierrette Ringuette in the chair.)

The Chair: Honourable senators, the Senate is resolved into a Committee of the Whole on the subject matter of Bill C-5, An Act to amend the Bills of Exchange Act, the Interpretation Act and the Canada Labour Code (National Day for Truth and Reconciliation).

Honourable senators, in a Committee of the Whole senators shall address the chair but need not stand. Under the Rules the speaking time is 10 minutes, including questions and answers, but, as ordered, if a senator does not use all of his or her time, the balance can be yielded to another senator.

(Pursuant to the Order of the Senate, the Honourable Steven Guilbeault and his officials joined the sitting by video conference.)

• (1500)

[*Translation*]

The Chair: We are joined today by the Honourable Steven Guilbeault, P.C., M.P., Minister of Canadian Heritage.

Minister, welcome to the Senate. I would ask you to introduce your officials and to make your opening remarks of at most five minutes.

Hon. Steven Guilbeault, P.C., M.P., Minister of Canadian Heritage: Honourable senators, thank you for having me. I am appearing here today to speak to Bill C-5, an important bill that seeks to create a new federal statutory holiday, the national day for truth and reconciliation. I would like to begin by acknowledging that we are all here on the ancestral land of the First Nations, Inuit and Métis peoples. These are not just some introductory words that we say. They are an essential recognition as we build a new relationship with Indigenous peoples through our daily actions.

The recent discovery of a mass grave in British Columbia containing the bodies of 215 children, victims of the residential schools, is a harsh reminder of the terrible legacy of our colonial past.

[*English*]

I recognize that this week is an extremely difficult week for many. I know that many survivors are members of the Senate chamber. Speaking about this important bill soon after the terrible news of Kamloops is not easy, and I share my utmost respect for and recognition of this invitation today. Like many of you, I am still shocked by the mass grave that has been uncovered at the former Kamloops Indian Residential School in B.C.

As a government, our role is to ensure that tragedies like these never happen again. Indigenous communities are mourning. We need to stand with them in this difficult time. Canadians are also mourning.

With that in mind, addressing the consequences of colonial violence needs to go beyond words. That is why all parties in the House of Commons decided to come together last week and unanimously advance Bill C-5.

I would like to recognize and thank Georgina Jolibois for first bringing the bill forward in the last Parliament and for being a strong voice for Indigenous rights and Indigenous peoples all across Canada. Her commitment reminds us that reconciliation is not the task of a single political party or individual — it is a shared responsibility for each and every one of us.

Bill C-5 is an important step in the path toward reconciliation, which will not be achieved in the blink of an eye; however, we can make progress on this essential journey together with First Nations, Inuit and Métis peoples.

The establishment of a national day for truth and reconciliation fulfills Call to Action 80 of the Truth and Reconciliation Commission's final report. It is an important action to take, and we must act quickly so that this day becomes part of our reality this year.

[*Translation*]

This day gives us the opportunity to reflect on the abuse inflicted on the First Nations, the Inuit and the Métis. That abuse is historical, but also very current. We are talking about physical, verbal, psychological and institutional abuse.

The scars from the residential schools run deep. The children from Kamloops were buried without being identified. Their loved ones never heard from them again. Entire families have been deprived of their relatives and their own history. Implementing the Truth and Reconciliation Commission's Calls to Action is just the beginning of the healing process. We must support the Indigenous communities every step of the way.

[*English*]

After careful consultation and respectful consideration, September 30 was designated as the national day for truth and reconciliation. September 30 is indeed the day chosen by a grassroots movement called the Orange Shirt Day, started by the formidable Phyllis Webstad. It was named after the orange shirt Ms. Webstad was given by her grandmother for her first day of residential school, only to have it forcibly taken away from her upon her arrival.

Her orange shirt is symbolic of the vibrant cultures, language, traditions, identities and childhoods that were oppressed and erased within residential school.

It is also a symbol of survival and resilience. It reminds us of the monumental efforts Phyllis and First Nations, Inuit and Métis are making to protect and revitalize their cultures and languages for future generations.

[*Translation*]

From testimony in committee, we learned how painful September is for Indigenous families and communities. Every year during the month of September, children were separated from their loved ones and their communities to go back to school. Many of them never came home.

It is important to acknowledge this pain with a solemn day to remember the past, but also to reflect and learn together, to gain a better understanding of the history and legacy of residential schools and these racist policies. Healing for Indigenous peoples will depend on their reclamation of their history and culture, but also on our own awareness of that history and the atrocities committed by Canada.

It has always been my belief that one of the pillars of reconciliation is education. Establishing a national day for truth and reconciliation is a form of education in action. This would be a day of commemoration, as well as a day of learning, recognition and commitment to ensuring that such acts never happen again.

The Chair: Minister, we have to move on to the 10-minute question and answer period now.

[*English*]

Senator Plett: Welcome to the Senate of Canada, minister. Minister, on Tuesday we all mourned in this chamber the horrific findings in Kamloops. We had senators' statements in that regard and a moment of silence, and we continue to mourn this tragedy and others around the country.

However, minister, Bill C-5 was not initiated as a result of that tragedy. It was initiated as 1 of the 94 Calls to Action in the Truth and Reconciliation Commission of Canada, not as a result singularly of the Kamloops tragedy.

There were several other Calls to Action that fall under your mandate as heritage minister as they relate to the National Archives, CBC/Radio-Canada, museums and amateur sports.

[Mr. Guilbeault]

Minister, I hope your answer will not be because of what happened in Kamloops, but why did you choose to focus on this Call to Action and not other ones? Minister, is it because it is easier to give to bureaucrats, because it's bureaucrats that get the day off here, than to work on the more pressing but difficult issues that are facing Indigenous communities every day of the week?

Mr. Guilbeault: Thank you, senator, for the question. There are many elements that I would like to bring forward in terms of answers.

First, the reason the bill was tabled very early on in our mandate — in fact, it was the first bill that I tabled as heritage minister — is because it is something that we have been asked for by communities, by Indigenous peoples across this country. As you rightly pointed out, it is one of the Calls to Action from the Truth and Reconciliation Commission. It won't solve everything when it comes to reconciliation. I agree that it is but one element.

Let me give you an example of other things we are doing at Canadian Heritage. When we came into power in 2015, the federal government invested \$5 million for Indigenous languages across this country, which I think we can both agree is nowhere near enough for what is needed to revitalize, maintain and strengthen the more than 80 Indigenous languages that are known in Canada. Between 2015 and this year, the budget has gone up 12 times for Indigenous languages. By next year it will have gone up 24 times.

Senator Plett: Please answer my question, minister; I have other questions. And don't sidetrack into all of what this government has done. I asked you a specific question.

Minister, Calls to Action 71 to 76 of the Truth and Reconciliation Commission of Canada concern missing children and burial information. As we have seen in the last few days, finding the truth of what happened to these children is an essential part of our reconciliation journey.

• (1510)

Your government did nothing on those specific Calls to Action. Instead you decided on a holiday, minister. Can you explain your rationale for that choice? Please, minister, don't tell me what this government is doing every day. We hear that during Question Period from the Leader of the Government in the Senate; he does an adequate job of praising the government every day. I want to know why you did certain things here, minister.

Mr. Guilbeault: I would argue that, in fact, Indigenous peoples to whom I've spoken across this country would argue that language is one of the bases of reconciliation. This is at the centre of Indigenous people being able to reclaim their cultures. There can be no culture without owning your language, senator.

Speak to any Indigenous person across this country, any Indigenous organization, and they will tell you how important this is. You said the only thing we're doing is the national truth and reconciliation day, and I'm saying that's simply not the case, senator. We are doing a number of other things, including

investment in infrastructure, including lifting boiling advisories. There were 150 when we came into power; we have lifted more than 100 of them.

The path to reconciliation will be a long one, but we are acting every day, senator.

Senator Plett: Thank you, I suppose, with respect, somewhere in there is an answer to my question. I didn't hear it, but let me continue.

Mr. Kakwfi, one of the witnesses who appeared at the committee in the House of Commons said, speaking on the national day for truth and reconciliation:

It should be a memorial day, a day to commemorate, a day to remember, not a day to stay home, put our feet up and watch TV.

Minister, how will you ensure that we use September 30 to commemorate and not just stay home and watch TV, as this witness suggested?

Mr. Guilbeault: Thank you for the question, senator. Again, I would remind you that this day was something recommended by the Truth and Reconciliation Commission of Canada. It is something that has been demanded from the federal government by all national organizations, from Indigenous nations all across this country.

As a kid in school, I didn't learn about this part of our history. I would like my children to learn about it. We can use this day to do exactly that. That is why, in Budget 2021, we provided \$7 million so that we help organizations across this country. Some are already doing it. The Orange Shirt Day organization is already doing that, but we want more organizations and communities and nations to engage with Canadians about this, so we know what happened, because many of us don't, and so that we never forget this dark passage of our past so that we never repeat it in the future.

Senator Plett: Minister, with respect, there is no one who disagrees with you. As a matter of fact, this bill will pass unanimously here in this chamber later today. We all understand that. But we are asking simple questions about what you will do. So you spend \$7 million, or whatever amount you used, but what will you do to ensure that we have a proper day of commemoration?

We all attend Remembrance Day services; I do every year. The unfortunate thing is that there are many people who use it as a day that they don't have to go to work. Then they go, if it's warm enough — I'm from Manitoba; there are not many such days — and they play golf or do whatever. My question is: What will you do to ensure that we have a day of commemoration, that people will understand how important this day is?

I am kind of discouraged that we call it "a holiday" because a holiday to me is something where we celebrate, where we are happy. This is a day of remembrance. I'm hoping that the government will have some services somewhere that will commemorate this.

Now, I understand, minister, that you are not the minister for Indigenous affairs. However, the problem is that Indigenous communities are continually being promised things by your government. You shared a few that you are dealing with. No one seems to be accountable for failure to deliver. The failure to solve the problem of clean drinking water is just one example. Instead, we have continued virtue signalling, seemingly as a substitute for any substantive delivery.

Do you agree that this is very frustrating for Indigenous people, that so few of the fundamental problems in their communities have been resolved by your government? Minister, what are you prepared to do? What are you going to do specifically to resolve some of these issues?

Mr. Guilbeault: The first thing I'd like to say — you called it a holiday. I will continue to refer to it as the national day for truth and reconciliation. As you know, senator, we live in a free country. We can't force people to do things, but we can certainly encourage them by working with our Indigenous partners across this country, by working with provinces and territories, by trying to ensure that this becomes part of the school curriculum, so that Canadians learn about this dark chapter of our history.

This went on for more than 100 years in Canada, so reconciliation won't be something that we can fix in the blink of an eye. I would remind you that there are two things that are common to every single cabinet minister as part of our mandate letters. The first one is reconciliation with Indigenous people, and the second one is the fight against climate change. This is a whole-of-government approach. It is not just one or two ministers as part of the government, but it is up to every minister, in their own portfolio, to do everything they can to move forward with the issues of reconciliation.

For me, it is about Indigenous languages. It is about commemoration and celebration and learning. In fact, we did fund the Kamloops —

[Translation]

The Chair: I'm sorry, minister, but we need to move on to the next 10-minute block.

Senator Saint-Germain: Good afternoon, minister, and thank you for accepting our invitation.

Minister, I think it's a given that we all recognize the importance of ensuring that Indigenous people are fully involved in the process of truth and reconciliation and in any commemoration of past wrongs so that they can tell their story in their own words and protect their heritage.

You talked about commemoration, learning and engagement, and those are strong, substantial words.

I have a two-part question. First, based on your consultations with Indigenous communities, can you tell me about their expectations regarding this national day for truth and reconciliation?

Second, I would like to know how all the diverse communities of Indigenous peoples will be involved in commemorations and celebrations during the national day for truth and reconciliation.

Mr. Guilbeault: Thank you for your question, senator.

As I was telling your colleague, the Truth and Reconciliation Commission recommended the creation of a national day for truth and reconciliation, but Indigenous communities and First Nations across the country also made the same request.

The specific purpose of such a day is to give Canadians an opportunity to remember and commemorate this sad chapter in our history, so that we never forget.

Earlier, your colleague drew what I thought was a very relevant parallel with what is done for Remembrance Day. Remembrance Day is an opportunity for all Canadians to remember the sacrifices of those who fought for the freedom of our country. I think that the comparison is relevant, even though the circumstances are of course very different.

Let's use this time as an opportunity for reflection and learning. As I was saying earlier, I did not learn about this chapter of our history when I was in school. It wasn't part of my education as a young white man in Quebec, and I think the same is true for many Canadians across the country. I would like my children to learn and know about this part of our history.

Senator Saint-Germain: If I may say so, minister, as a white francophone woman from Quebec, I completely understand. I understand what you and I both experienced with regard to the lack of information and awareness about this. You gave the interesting example of Remembrance Day. Veterans are involved in that commemoration.

• (1520)

Do you have any plans to ensure that the various Indigenous peoples can contribute to raising awareness among non-Indigenous people and help us participate more in commemorating this history? That is the second part of my question.

Mr. Guilbeault: Absolutely. We have already started funding activities in collaboration with Indigenous organizations, nations and communities across the country.

When the budget was presented, we didn't yet know that Bill C-5 would become law, but we certainly hoped we could make it into an important event and mark the occasion both this year and in the future.

The Department of Canadian Heritage also has a funding program for commemorations, celebrations and educational activities. For example, just last June, we provided financial assistance to the Indigenous community in Kamloops for this very purpose.

I could list several other communities that received funding through this program, but your time is valuable, so I'll restrain myself. We do already offer support to Indigenous organizations, nations and communities for commemorations and celebrations.

Senator Saint-Germain: Thank you very much, minister.

[English]

Senator Coyle: Thank you for being with us, Mr. Guilbeault. I too believe this chamber, like yours, is keen to expedite the passing of Bill C-5. As you know, holidays are often used as educational tools within our school systems. We have talked a bit about that. For example, when it comes to Remembrance Day, which we've also talked about, Veterans Affairs Canada provides significant resources for teachers to use in their classrooms.

Is it the government's intention to provide similar tools for educators to use for the national day for truth and reconciliation, and will that be done in collaboration with those who had previously organized Orange Shirt Day and others?

Mr. Guilbeault: The short answer to both your questions is yes and yes. In fact, we are already supporting the Orange Shirt Day initiative through some funding. Because of the increased amount of money we got through Budget 2021, we will be able to further support organizations like the Orange Shirt Day and other similar initiatives across the country.

We will be working at the federal level to try and encourage provincial and territorial governments. Some are already celebrating. Some already have a day to commemorate this dark chapter of our history. However, the majority of provinces and territories don't. We want to work with our provincial and territorial partners so that they will work with us and with Indigenous organizations and communities toward that goal.

Senator Coyle: Actually, you've started to answer my second question, because, as we know, education is a territorial or provincial matter of jurisdiction. Could you elaborate more on how the federal government will be engaging with the provinces and territories? This is critical. We know that, for instance, Remembrance Day gets treated so differently across the country. Sometimes it's a whole week of events leading up to the day where students learn a lot, and in other cases, there may be a light touch preparing for that one moment of silence. Could you elaborate on what the federal government intends to do in collaboration with the provinces and territories?

Mr. Guilbeault: This is an important question. Obviously, this is something that will need to be done in collaboration. The federal government is not in a position — nor should we be — to impose this on provinces and territories. You might have seen, earlier on this week, a letter that was signed by all premiers of provinces and territories as well as by the Prime Minister. I think there is a high level of willingness and commitment on the part of all parties involved to work on this together, collaboratively, with Indigenous organizations, communities and nations as well.

I don't have a specific plan to present today, but this is something we will be working on in the coming weeks and months.

Senator Coyle: Thank you, minister.

Senator Tannas: Minister, I think since 1995, there has been a Day of Reconciliation in South Africa. I wonder what, if any, inspiration your department drew from that in terms of what you might do and what you might imagine this day to be. My understanding is that in South Africa, every year is a different theme, which I think would tie in nicely with some of the Calls to Action and telling the stories that need to be told. Has any thought been given to that? Has there been any research around what is being done in what is a very successful holiday in South Africa?

Mr. Guilbeault: Thank you, senator. That's a very interesting example. So far, we have focused our attention on working with Indigenous organizations, nations and communities in Canada to work on the bill and on the programs that Canadian Heritage is providing in light of commemoration and celebration.

I'm certainly interested in looking at the South African model; I have not, personally. I have some department officials with me here. I might turn to them to see if, at the departmental level, we have looked at the South African model.

Emmanuelle Sajous, Assistant Deputy Minister, Sport, Major Events and Commemorations, Canadian Heritage: We haven't looked at the South African model. As the minister said, we are working closely with Indigenous organizations in Canada, including the National Centre for Truth and Reconciliation, or NCTR; Orange Shirt Day with APTN, the Assembly of First Nations and all the NIOs. Right now, we're more focused on Canada. However, it could be something very interesting to look at.

Senator Tannas: I have no more questions, chair.

Senator Francis: Welcome, Minister Guilbeault. Thank you for being here today to assist us in the prompt passage of Bill C-5. The history and legacy of the residential schools have been brought to light because of the strength, courage and determination of survivors. We cannot forget that it was because of them that the Indian Residential Schools Settlement Agreement, which is the largest class-action settlement in Canadian history to date, happened. That led to some financial compensation, an official apology and the establishment of the Truth and Reconciliation Commission. As a result, it is important to me and many others that all the special events and ceremonies happening on the national day for truth and reconciliation are guided by the voices and experiences of survivors and their families and communities.

I would like to know how the government, and specifically the department, will be involving survivors in the planning, promotion and execution of the new national day for truth and reconciliation.

Mr. Guilbeault: Thank you, senator, for your question. I think it is important for us as a government to remember that this healing process must be guided and led by Indigenous peoples in this country. I really see our role as that of partners to accompany and support initiatives that are Indigenous-led.

I've spoken — and I won't go through that again — about how we are already providing financial support for Indigenous organizations across the country through an existing funding program. Budget 2021 will allow us, more specifically on the truth and reconciliation day, to have substantially more resources for Indigenous organizations who want to take a more proactive role or, in many cases, who have been very proactive and want to do more in terms of awareness and education on this important day.

• (1530)

Senator Francis: Thank you for that, minister. It would be very helpful if you or your officials could tell us about the progress made and under way toward the implementation of Calls to Action 79 to 83 concerning the public commemoration of the history and legacy of residential schools.

Mr. Guilbeault: I know we have with us some colleagues from CIRNA. As you know, Canadian Heritage is responsible for some parts of this, but I would defer to our colleagues from CIRNA for the other Calls to Action, please.

Mandy McCarthy, Director, Policy, Planning and Reporting, Settlement Agreements and Childhood Claims Branch, Crown-Indigenous Relations and Northern Affairs Canada: Thank you, minister. Unfortunately, I can commit to coming back to you with a written response. Call to Action 79 falls under the responsibility of Parks Canada.

Senator Francis: Thank you for that. I have no further questions.

Senator Bovey: Thank you, Minister Guilbeault, for being with us today to discuss this important bill, one I support wholeheartedly.

"There is no reconciliation without the truth." Those are the words of former senator and Truth and Reconciliation Commission chair the Honourable Murray Sinclair. He has also been widely quoted as saying that, "Education got us into this mess and education will get us out of it."

I believe Canada's art galleries and museums can and ought to be leaders in educating the truth about residential schools. September 30 could be a special day of commemorative programming.

Do you think Bill C-5 will enable all Canadians to understand both the horrors of residential schools and the ongoing depth and pain for survivors and all the Indigenous peoples of Canada and help in real, ongoing reconciliation?

Mr. Guilbeault: Thank you, Senator Bovey, very much for your question. Obviously — and this is an understatement — Bill C-5 will not solve everything when it comes to reconciliation, but it is an additional and important step towards it.

Orange Shirt Day has been commemorated for many years now, on September 30. It is a pre-eminent example of an unofficial commemorative day. On that day, Canadians are encouraged to wear an orange shirt to honour the children who survived residential schools and to remember those who did not.

As I said earlier, this day relates to Phyllis Webstad's experience, but it has become a symbol of the stripping away of culture, freedom and self-esteem experienced by Indigenous children over generations. As I said, Budget 2021 commits \$7 million over two years, but furthermore, it provides \$13.4 million over five years for events to commemorate the history and legacy of residential schools and to honour survivors, their families and communities.

As Minister of Heritage, I certainly want to engage all parts of the arts and culture community in Canada. Certainly you would know better than most of us in this room how art can be a powerful tool to communicate, change and engage. In fact, many artists and museums have already started — I can think of an exhibit that was recently in Winnipeg's art gallery. There are so many different examples of the arts and culture community already doing this. If the federal government can lend a hand and support more of those initiatives across the country, we will certainly be there to make that happen.

Senator Bovey: I would hope that helping Indigenous curators to get into the field and move up will certainly help those stories become reality.

Mr. Guilbeault: I entirely agree with you.

Senator Bovey: Thank you, minister.

Senator Patterson: Thank you for being here, minister. Minister, Senator Francis, the bill's sponsor, told this chamber yesterday that roughly 80,000 federal workers have participated in education system sessions on the TRC. Are such training sessions mandatory? Who organizes and delivers them? Who helped develop these materials and ensure consistency across the whole of government?

I ask because, for example, Minister Jordan and her officials have, in my opinion, shown a disregard for Indigenous elders and senators. We heard in this chamber that my Mi'kmaq senator colleague's thoughtful proposal to the minister went unanswered.

It seems to me more should be done to ensure there is a broad and consistent understanding of Indigenous issues across all departments and ministries. Thank you.

Mr. Guilbeault: Thank you, senator. I'm not sure I have the answer to your question in front of me. Maybe I'll turn to my colleagues either from Canadian Heritage or CIRNA.

Before I do, I agree with you. I think that this should be done, if it's not done already. I know that we have started at Canadian Heritage — in fact, just a few weeks ago we had a session with Phyllis Webstad herself. We had two hours with her where she presented her experience, both at the residential school and as a survivor and what led to the Orange Shirt Day grassroots movement. I would certainly want to see every minister, minister's office and department officials benefit from such a presentation and teaching moment.

Ms. Sajous, I don't know if we have the answer to the senator's question.

Senator Patterson: That's a good enough answer for me for now, minister. I have some more questions, if I may.

When you spoke to this bill at second reading in the other place, you noted that you hoped that when the day is commemorated in schools, that it will be marked by ceremonies, discussions with elders and other activities. You said that it might become similar to Remembrance Day.

What resources do you plan to devote to coordinate this objective with provinces and territories, since, as we know, education falls under provincial and territorial responsibility?

Mr. Guilbeault: The way I see it, there are two possibilities. They're not, I would argue, mutually exclusive. Budget 2021 provides basically \$20 million that wasn't there before to work with organizations to do that. These organizations already have partnerships with teachers, schools and in some cases with school boards across the country. So it's not necessarily a formal part of the curriculum, but it is happening. Providing more resources to more Indigenous organizations across the country will certainly enable us to see more of that happening. But you're right, it's not a formal part of the curriculum.

The second part of the answer, which is working with provinces and territories to encourage them, again, we can only encourage them. But I strongly believe that we can come to an agreement so that we can change our history books so that Canadian kids — my kids and all Canadian kids — learn about this. I think there's a more formal, direct approach to it and a more indirect approach, but I think both are probably needed.

Senator Patterson: Thank you, minister. We've talked about money today and the budget. I have hopefully a short question that you could easily answer for us that I think it would be important to put on the record.

What will it cost to pay those civil servants and workers from Crown agencies holiday or overtime pay for that day?

Mr. Guilbeault: Senator, I don't have the number in front of me.

• (1540)

Stephen Diotte, Executive Director, Office of the Chief Human Resources Officer, Treasury Board Secretariat: Minister, I can assist with that.

The annual ongoing cost for the federal public service is \$165.9 million. Most of that, almost 90% of it, is in lost productivity as a result of people not being available to work that day. The balance is payments required for employees in 24-7 work environments like Correctional Services Canada, Canada Border Services, or ships' crews and officers in National Defence and in Fisheries and Oceans Canada. That's what constitutes the ongoing costs of \$165.9 million.

Senator Patterson: That's helpful. Thank you, sir.

What about Crown agencies? Will they be required to give their employees a day off? Will they incur costs, and have those been calculated?

Mr. Diotte: The change to the Canada Labour Code would affect the federal public service and federally regulated employers under the code. Therefore, it would include Crown agencies and federal employers.

I don't have the figures for private-sector companies or for the Crown ones. They're independent of the Treasury Board. We would have to take that away and try to get the data for you.

Senator Patterson: Will they be given notice of the expectations and a chance to develop their costing?

Mr. Diotte: Yes, they would be.

Senator Patterson: Thank you.

Minister, the first national day for truth and reconciliation is less than four months away and we expect Bill C-5 to be adopted, I think, today. What are your department's plans for September 30, 2021? Does your department contain allocation of funds for this event?

Mr. Guilbeault: As I stated earlier, I could give you a couple of examples of projects that are already being funded. I spoke earlier about the Kamloops residential school commemoration project that my ministry funded last June. Some of it is already happening.

Between the adoption, as you pointed out, of Bill C-5, and the money that was in Budget 2021, the Treasury Board will need to develop guidelines. We're hoping this will happen quickly, so we can disburse funds over the course of the summertime in preparation for this year's first official national day for truth and reconciliation, supporting Indigenous organizations and Indigenous communities across the country. That's our goal.

Senator Patterson: Thank you.

We have a bill before us that the TRC called for, but that I fear will lack the resources and planning required to ensure it does not largely benefit public servants. I've asked about the disproportionate funding to give paid holidays to federal workers.

I'm wondering about the movement for another Call to Action within your province of responsibility, like Call to Action 15, which calls for the appointment of an Indigenous languages commissioner. As you know, despite its inclusion in Bill C-91, which passed in the last Parliament, we still haven't seen an appointment notice.

Minister, I must ask you this: How can we trust that the education and commemoration initiatives that this bill requires in order to be effective — I think we all agree — will be well

developed and properly resourced, when we see so many commitments like the Indigenous language commissioner appointment delayed or not completed?

Mr. Guilbeault: That's a fair question, senator.

Senator Patterson: Thank you.

Mr. Guilbeault: As the minister responsible, I was supposed to hold consultations with Indigenous communities across the country last spring for the appointment of the commissioner and the three directors. Obviously, because of the pandemic, those consultations were postponed until last fall, but these consultations did take place.

We put in place a selection committee that was largely composed of representatives from different Indigenous nations across the country and language experts. This committee has provided me with their list of recommendations for the nomination of the commissioners and the directors. I'm happy to let you know that in the coming weeks, we will have good news on the front of the Office of the Commissioner of Indigenous Languages.

Senator Patterson: Thank you. *Qujannamik.*

[*Translation*]

Senator Dupuis: Minister Guilbeault, thank you for being here today to discuss this bill to create a national day for truth and reconciliation.

I think it is symbolically important to create a special day to reflect on our societal values regarding truth and reconciliation. I am troubled, and I think you even mentioned this yourself, by the disturbing news of the discovery of an unmarked mass grave for children in British Columbia. However, there is another aspect to this discovery that is just as disturbing. I am talking about the fact that these children were not buried with dignity. What's more, their families were denied the opportunity to conduct burial rituals and to grieve, which are fundamental practices in human societies. We haven't heard much about this point.

I'd like to ask you about the words "truth" and "reconciliation" in the name "day for truth and reconciliation." When we implemented the Truth and Reconciliation Commission, we joined an international movement. Senator Tannas mentioned South Africa. We all understand what was involved with the South African Truth and Reconciliation Commission. Some very serious events took place, and the country decided to adopt transitional justice measures to create space for discussion and allow for conflicting views and different perspectives to be shared.

What measures do you plan to take to ensure that this truth is not just expressed, but also heard and recognized so that we can move on to a process of reconciliation? You have budgets, you made that clear, but how do you plan to tie these two concepts together for this day of truth and reconciliation?

Mr. Guilbeault: Thank you very much, senator. That is an important question. Your first point on traditional rituals, on what the residential schools represented for many Indigenous

families, is a very important point. We see how important these rituals are in every society. We have been experiencing it to a lesser degree for a year and a half now, as many societies around the world have been unable to engage in many rituals because of the pandemic. I think that gives us a bit of an idea of this reality.

You were also right to say that there can be no reconciliation without truth. Our role at Canadian Heritage is really to support the organizations, communities and nations in commemorating this day the way they want. As far as the “truth” part is concerned, perhaps I could turn to my colleague from CIRNA.

Minister Bennett recently made an announcement on how the federal government plans to support Indigenous communities that would like to do what the community in Kamloops has done, in other words, use highly advanced technology to uncover the truth about all the residential schools across the country. I will ask our colleagues from CIRNA to elaborate on this.

Senator Dupuis: Minister, may I ask another question?

Mr. Guilbeault: Of course.

Senator Dupuis: You have twice mentioned that you yourself are a father. You have children who are in school. You didn't learn about these things in school. I am a mother. I have two daughters who didn't learn about these things in school either, but rather at home. I tried to get the school boards to set up pen pal projects that would have connected children in urban schools with children living on Indigenous reserves, but without success.

• (1550)

My question is this. We know that the truth is also expressed on an individual level. You hold a cabinet position, and you're talking to us about millions of dollars, but you're also a father.

As a father with school-age children, what are you committed to doing to encourage your children's schools to foster real learning, not only in the classroom with teachers, but also by pairing non-Indigenous children with Indigenous children?

Mr. Guilbeault: That's an excellent question. I have older kids, one of whom is no longer in school. My youngest kids go to schools that could easily be described as progressive and open on these issues. Some schools have already initiated projects on cooperation and learning about Indigenous culture. These initiatives didn't necessarily address the full reality of Indigenous life and residential schools, but they did involve bringing people into the classroom. It isn't necessarily on the scale you suggest with things like pen pal programs, but initiatives have been happening.

I understand and acknowledge that not all schools are that open to others, to difference and to diversity.

Senator Dupuis: That's why I asked you this question as an individual. You are a citizen, and your kids go to school. I think that all of us, as citizens of municipalities, should ask ourselves what we can do with respect to our municipal councils.

[Mr. Guilbeault]

That's why I'm asking you as an individual, because you have a responsibility too. Some people are expecting you to do certain things or not do anything, but I think you have a leadership role to play on this.

The Chair: Senator Dupuis, we have two minutes and 30 seconds remaining, and I believe that Senator Miville-Dechêne would like to ask a question.

Senator Miville-Dechêne: Minister, thank you for being here with us. I will continue in a similar vein by stating that this day is highly symbolic in that it is an acknowledgement of the atrocities that were committed against an entire people and an expression of the will to move forward. However, seeing as both of us are from Quebec, can you comment on how, in addition to being symbolic, this holiday for federally regulated employees will help change attitudes in Quebec?

Even though there were 12 residential schools in Quebec that operated over a period of about 50 years, there are myths circulating to the effect that Quebec's historical treatment of indigenous people was perhaps less inhumane than that of the other provinces. I know this is a difficult question, but how can we dispel these myths?

Mr. Guilbeault: Basically, I think that the greatest benefit of this day, aside from the fact that people will get a statutory holiday, is the chance to learn and remember. This national day, this symbol, will help to raise Canadians' awareness of this chapter of our history and demystify it. You are right in saying that Quebec has its own myths surrounding these issues, and we will need to dispel them.

We can't bury our heads in the sand and pretend this is something that happened everywhere in the country but Quebec. I was very pleased that Premier Legault signed the agreement with the other provincial and territorial premiers and the Prime Minister.

I am not denying the fact that we all need to move forward on this issue. The federal government has a much bigger responsibility than many other stakeholders in this regard. However, it is important to remember that many of the Truth and Reconciliation Commission's recommendations are directed at the provinces and territories, which also have a role to play. There is no doubt that the federal government has responsibilities, but so do the provinces and territories.

[English]

Senator Martin: Thank you, minister and thank you to my colleagues for many of the questions that have been asked. I too support the spirit of this bill and what it aims to do. I was listening carefully to your responses, minister.

First, I have information based on last year's briefing of Bill C-5. At that time, the officials who briefed the MPs and senators spoke about the direct cost to the Government of Canada of giving federally regulated employees an additional day off. It would be \$300 million and \$400 million per annum in perpetuity. Also, the President and CEO of FETCO — the Federally

Regulated Employers — Transportation and Communications — Derrick Hynes, estimated that the cost to employers regulated by the federal government could be around \$3.6 billion.

I'm trying to understand the difference in numbers that I'm hearing today. I think the official said it was more than \$100 million, yet I have something that is double that and confirmed in other briefs that I have. Would you clarify the amount?

Mr. Diotte: Yes. The figure you're being quoted is for all federally regulated employers, so that would include the federal public service and Crown corporations and the private sector. The figures I gave you were in response to the question with respect to the cost to the Government of Canada for the federal public service. That cost, as I said earlier, is \$165.9 million per year on an ongoing basis.

The figures you were given by FETCO, I believe it was, in terms of being roughly double that number, we have no information to suggest that number would have changed, but it's not data that we would keep. We would have to go out and get it. I believe that would come from Labour.

Senator Martin: I guess we can say it's a lot of money at a cost to Canadian taxpayers. It's very important that we do this right, especially on the first day, which will set a precedent for future national days.

As a former educator, I know the kind of coordination that is required in just one school. I'm trying to imagine this day for the country. September 30 is really just a few months away.

Minister, would you explain whether the companies and federal departments are expected to organize their own events? You spoke about some of the initiatives that are happening, but would you explain the level of preparation that has been done? Maybe there's a deck or you've had meetings.

You said that every single minister has something in their mandate letter. This would require some interdepartmental coordination. Would you be leading that? What meetings have happened in preparation for September 30? A wedding takes four to six months to plan. This is a national day of great importance. I'm trying to understand what has been prepared to date.

Mr. Guilbeault: Thank you for the question, senator. Again, we all agree and recognize that it is one of the Calls for Action from the Truth and Reconciliation Commission. I don't think we'll get everything right this year, senator. It will be the first time we do it. Until last week we were still hoping that Bill C-5 would become a reality. We now have more certainty towards that. We're certainly going to be pulling double shifts to try to do everything we can to make it the most successful day possible for this year.

Again, I think it's important to remember that our goal is really to be there to support Indigenous organizations, communities and nations. It is not about the federal government going off on its own and doing all sorts of things. We are there to be a partner, to support these organizations and to work with them. That's something we've heard very clearly from our consultation. Indigenous peoples want this to be Indigenous-led.

• (1600)

Of course, you are right, we need to ensure that federal government employees are part of this, federal ministries and ministers are part of this. I did not say that Bill C-5 was part of every cabinet minister's mandate letter, I said reconciliation was part of every cabinet minister's mandate letter.

Douglas Wolfe, Senior Director, Strategic Policy, Analysis and Workplace Information Directorate, Labour Program, Employment and Social Development Canada: I want to provide estimates that were made by the labour program. In terms of costs for employers, we estimate that costs for federally regulated employers would be approximately \$223 million per year. Thank you.

Senator Martin: Minister, I understand that it will be led by lead organizations, but they will have limitations and we live in a very large country. You were talking about how in some schools in Quebec, but maybe not all, some of these things are already happening. In British Columbia, I know there is a lot of work that has already been done. Teachers are very involved.

I want to bring your attention to an organization that might be an important partner for the government. It's a recently struck organization, but it's a national group of social studies educators called the Social Studies Educators' Network of Canada. They are in every province and territory because education is provincial. They are teachers who have formed associations and they have networks into all of the schools. I'm hoping you are aware and are working with such partners, especially because education is a provincial jurisdiction and it does require a lot of coordination. What I meant is that, of course, it will be led by the Indigenous communities, but the federal government must provide support in so many ways. I wanted to know what preparation has been done to date, because education is not just going to happen; it has to be very well coordinated.

Mr. Guilbeault: Thank you, senator. As I said earlier, we are working to support organizations that are already engaged with school boards across the country. In terms of making something formally part of the school curriculum in different provinces and territories, obviously we will need to work with provinces and territories to make that happen. It's not up to the federal government to do that; it's not federal jurisdiction. Across the country, I think we are now seeing an awareness that was not necessarily there just a few weeks ago, and a willingness to act. I will be engaging my federal, provincial and territorial counterparts on this in the coming weeks and months.

Senator Martin: I can appreciate the complexity and the time it will take, but awareness and a willingness are separate from the actual plan in place. I was just curious about the preparation.

Having said that, minister, September 30 is a Thursday. Then, of course, there is the weekend that follows. Will all the initiatives you are talking about happen on that Thursday?

Mr. Guilbeault: That's the plan.

Senator Martin: Lastly, your colleague, the Minister of Labour, has in her mandate letter the mandate to introduce legislation to create a new federal family day holiday. I know what the numbers are for this national day. Will your government implement two new statutory holidays for federal bureaucrats and workers of federally regulated businesses? Is the plan to have a second family day as well?

Mr. Guilbeault: I don't know if we have someone from my colleague's department who would be able to answer that question. If not, we can certainly provide an answer in writing to you, senator.

Mr. Wolfe: I can respond to that question if you'd like. Yes, the federal family day is certainly within the Minister of Labour's mandate letter and plans are still there to make this happen in due course.

The Chair: We are now moving to the next block of 10 minutes. Senator Pate, sharing her time with Senator McPhedran.

Senator Pate: I am ceding my time to Senator McCallum.

Senator McCallum: Thank you, Senator Pate. I just learned of this last night, so learning about this after the bodies were found I don't know what words I can use. There is an ongoing lawsuit filed in 2012 by the Kamloops First Nations, and so far 105 First Nations have signed on to the lawsuit. It is the first of its kind regarding the impact of fracturing communities, suppressing cultures and erasing language. The federal government denies any legal responsibility and that the loss of language and culture was an unavoidable implication of Christian doctrine. The government admits schools were meant to assimilate Indigenous people, but does not accept responsibility for loss of culture and language. The proposed trial date is scheduled for September 2022. Would you comment on how you took this into consideration with reconciliation? Thank you.

Mr. Guilbeault: Thank you for the question, senator. Obviously, this is not part of my portfolio. What I can say is that the federal government has recognized its responsibility. The Prime Minister has said on numerous occasions that we believe every child should be fairly compensated, and that is what we are working on. In terms of the details, I don't know if we have someone to answer that. Maybe someone from Crown-Indigenous Relations and Northern Affairs Canada, or CIRNAC, or Indigenous Services Canada would be able to answer your question more specifically and in more detail. We had someone from CIRNAC earlier. I'm not sure if that person is still with us.

Ms. McCarthy: Yes, minister, we can provide a written response after this meeting on that matter.

Senator McCallum: Thank you so much.

Senator McPhedran: I'm going to shorten my question and hope that there is time for Senator Pate. Minister, thank you for being with us today. It's an indication of how important this bill is for the collective soul of our country, along with the release today of the National Action Plan on missing and murdered Indigenous women and girls and 2SLGBTQQIA+ people. It marks, as Minister Bennett said, the beginning of a transformative journey.

My question relates to the long process of delivering on all 94 of the Calls to Action, but in particular this day and this bill. There is a discrepancy between what the government says has been accomplished and what the CBC has been tracking. We know, however, that this bill finally names the day but, minister, it has been three years since that 2015 date when the Prime Minister announced a national day. And a year before that a private member's bill from the NDP, Ms. Jolibois, had introduced, Bill C-369.

Bill C-5 completed committee stage in November and sat untouched for almost six more months, and then there were further delays in getting it to us here today. Minister, please help us to understand why the delays.

• (1610)

Mr. Guilbeault: Thank you, senator, for your question.

As you rightly pointed out, I did make reference to Georgina Jolibois and her work in the previous Parliament on this issue, and the bill died in the Senate last time. I'm very happy to see that it seems that it won't be the case this time. Frankly, as soon as it was possible for me to table this bill, we basically took the bill as it was, as she had done it the last time, and tabled it.

I confess that it has been challenging in the House of Commons. I have another bill that has been stuck in committee for weeks where no progress whatsoever is being made because of one party deciding that they don't want this to happen. We are a minority government. It is more challenging to move legislation through the House of Commons in this context.

That being said, I am extremely grateful that the House of Commons unanimously passed Bill C-5 in third reading last week. It was not possible to do that before. But it is now in front of you, and I am, again, extremely grateful that the Senate has decided to move this bill quickly so that it doesn't die on the Senate floor yet another time.

Senator Pate: Thank you to all of you. I will cut right to the questions. In 2009, when the TRC requested resources to search for unmarked graves of the sort that has been discovered, they were denied. The government allocated resources in the 2019 budget, and I see it has just been announced that they will now be rolled out.

What other processes are in place to ensure investigations happen that don't involve putting responsibility on the communities and Indigenous peoples to actually investigate what are likely to be crime scenes?

Second, will the government release all government and church records in support of the ongoing search for missing and murdered children? Thank you.

Mr. Guilbeault: Thank you, senator. In the interests of time, I will turn to my colleague from CIRNAC. I don't have the information you're looking for.

Ms. McCarthy: Thank you very much, Madam Chair, and thank you very much, minister.

Yes, you are correct that funding has been allocated toward Calls to Action 72 to 76 on missing children and burial information. A total amount of \$33.8 million has been allocated for the upcoming three years.

We conducted extensive virtual national engagements last fall and last summer, with over 200 Indigenous organizations invited and over 140 participants. We held them over 15 engagements, and at that point, we overwhelmingly heard that the role Indigenous communities wanted us to play in helping to support them to implement these Calls to Action was a role in which the initiatives would be community-led, survivor-centric, and that the federal government's role would be to provide access to tools, resources and expertise at the request of communities to support survivors and their families.

Senator Pate: Perhaps we could have in writing the response with further details and why it's up to the communities. I understand creating survivor-centric approaches, but crime scene investigations are usually state-administered as well.

I would also like an answer to the question in terms of the release of records. If that's not possible within the time, a written response would be great. Thank you very much.

Mr. Guilbeault: We can certainly follow up in written form, but the answer to your first question about why we are doing this is it is what communities have asked of us. For the answer to your second question, we will need to provide the answer in writing. Thank you, senator.

Senator Klyne: Minister, thank you for being here with us today. By establishing a national day for truth and reconciliation, Bill C-5 answers the TRC's Call to Action 80. In explaining that measure's importance, the commission wrote:

Survivors shared memories with Canada and the world so that the truth could no longer be denied. . . . They want Canadians to know, to remember, to care and to change.

The establishment of a national day can help inform Canada's collective national history going forward, giving all Canadians a better chance to learn the truth as a basis for reconciliation. This

is particularly important for those Canadians taught falsehoods and racism in their formative years, and Bill C-5 offers opportunity for all in that regard.

Looking ahead, it could well be that children are the key to reconciliation and change — how fitting.

The hearts and minds of youth are open to learning the true history of the tragedy brought on by previous generations, in addition to the richness of Indigenous nations' histories and cultures, going back thousands of years before colonization.

Strengthened with this truth, Indigenous youth can learn and practise their ceremonies and languages, instilling in them a sense of identity, pride, family heritage, a sense of triumph over injustice and a sense of place in today's world.

Non-Indigenous youth can also discover the richness of their neighbours' history and cultures and draw universal inspiration from what I believe will be a successful struggle to uphold Indigenous rights in Canada.

All of this can bring Canada's young people together to create a better society in the future.

Could you please comment on the importance of education and curriculum, and the importance of public commemorations in terms of instilling understanding and pride in the Canadian federation as it truly exists and as a nation of many nations?

Mr. Guilbeault: Senator, this is such an important question. I think education is the only way we move forward on the path to reconciliation. We cannot legislate against racism; if we could, perhaps that would be easier, but we just can't. It has to be education, and I agree with you; our children are the path to the future toward reconciliation if they can learn Canada's true history without trying to sweep anything under the rug, no matter how hard and painful part of our history is. I think that it will make them better and more informed citizens who will be better equipped than many of us were, or even are, to help us move forward on the path toward reconciliation.

Senator Klyne: Minister, the history brought into focus by the discovery in Kamloops is a heartbreaking tragedy in many ways. And in those many ways, the national day for truth and reconciliation will be a commemoration of this tragedy.

But it will also be an opportunity to celebrate the heroes who led Canada out of a dark chapter. I'm talking about the survivors. Their courage and resilience have brought the truth to light, despite all the hardship and suffering inflicted upon them. The survivors achieved their legal victory through the TRC with the settlement agreement, and their testimony gave Canada the truth. As the TRC report states, "Their victory deserves celebration."

Minister, can you please share your perspective on how the national day can help us celebrate the bravery of survivors coming forward and their legacy as heroes in Canada's history?

Mr. Guilbeault: I have referred in my remarks a couple of times to Phyllis Webstad, who is a survivor who worked to launch this grassroots movement of the Orange Shirt Day. When you speak about those heroes, she is clearly an example.

• (1620)

There are many of those out there, and the day for truth and reconciliation can be used as a tool so that we know who these heroes are, and for us to celebrate and recognize all of their leadership and work over the years and, in many cases, over many decades.

Senator Klyne: Thank you.

Senator Omidvar: Minister, thank you for being with us today. As you likely know well, there are only two segments of Canada's population that are growing: Canada's Indigenous communities and Canada's immigrant communities, and yet the space between them, in every sense of the word, is huge.

How will your department work with the Minister of Immigration and the many thousands of immigrant communities across our country to provide appropriate outreach and education so that the newest Canadians will also become part of this journey of reconciliation?

Mr. Guilbeault: Thank you. You obviously are right. This is an important aspect of our path to reconciliation that we need to work on. It is true that the awareness for new immigrants of Canada's past is, in many cases, unknown to them. This is certainly something we need to improve.

As I stated earlier, reconciliation with Indigenous peoples is something that is the responsibility of every single cabinet minister, including me and my colleague Minister Mendicino. We will be working together to ensure that new immigrants do learn about Canada's past, including some of our troubled past as well, when it comes to our relationship with Indigenous peoples.

Senator Omidvar: Thank you for that answer, but I think it's still largely aspirational. I will tell you that immigrant communities know very little about Canada's Indigenous history and that their settlement issues in the first few years overtake every other consideration, unless there is a deliberate intention by the government to instill education into language classes, citizenship programs, et cetera.

I leave you with a concern about social cohesion. You are the Minister of Heritage; you are responsible for social cohesion. You need to do everything you can to bring those two communities together.

Mr. Guilbeault: Thank you, senator. There is a clear intention on the part of our government by bringing forward this bill, by ensuring there is this day and by ensuring we provide funding to organizations across the country to do that.

[Senator Klyne]

But I'll agree with you that we have a long way to go. There are so many things we need to do. The points you raised are very important. For reconciliation to be a success, we will need to address those points with all the energy and determination they deserve.

Senator Omidvar: Thank you.

[*Translation*]

The Chair: Honourable senators, the minister has now been with us for 95 minutes. In conformity with the order of the Senate, I am now obliged to interrupt proceedings.

Minister, on behalf of all senators, thank you for joining us today to assist us with our work on the bill. I would also like to thank your officials.

Hon. Senators: Hear, hear!

The Chair: Honourable senators, is it agreed that I report to the Senate that the witnesses have been heard?

Hon. Senators: Agreed.

[*English*]

The Hon. the Speaker: Honourable senators, the sitting of the Senate is resumed.

[*Translation*]

REPORT OF THE COMMITTEE OF THE WHOLE

Hon. Pierrette Ringuette: Honourable senators, the Committee of the Whole, which was authorized to study the subject matter of Bill C-5, An Act to amend the Bills of Exchange Act, the Interpretation Act and the Canada Labour Code (National Day for Truth and Reconciliation), reports that it has heard from the said witnesses.

[*English*]

BILL TO AMEND—THIRD READING

Hon. Brian Francis moved third reading of Bill C-5, An Act to amend the Bills of Exchange Act, the Interpretation Act and the Canada Labour Code (National Day for Truth and Reconciliation).

Hon. Dennis Glen Patterson: Honourable senators, I rise today to speak to Bill C-5, which will establish a national day for truth and reconciliation.

No words exist to explain the horror and profound sadness that I felt and I know was felt across the country, very deeply among Inuit in Nunavut and elsewhere in Canada, when the remains of 215 children were discovered in a mass grave on the grounds of the Kamloops Indian Residential School last week.

No parent should ever feel the pain that comes from the loss of a child, yet Indigenous parents were forced to suffer it year after year in this country, from the opening of the Mohawk Institute in 1831 to the eventual closing of the Gordon's Indian Residential School, Canada's last residential school, in 1996.

It gives me pause to think of the role our predecessors in this chamber might have played to facilitate those horrors, and I'm deeply saddened by the knowledge that this discovery will not be the last.

As Senator Francis acknowledged in his second reading speech, this racist policy was suffered by all Indigenous people across Canada — First Nations, Inuit and Métis. During the almost five decades that I have worked in the North, I have come to know and love many survivors, some of whom are my extended family by marriage. As a resident and a legal aid lawyer, I saw and continue to see first-hand all too often the intergenerational trauma suffered by Inuit as a result of residential schools.

When I was first appointed as the education minister in the Northwest Territories in 1981, there were still residential schools in operation in the N.W.T. It was the intimate knowledge I had of the harms caused by residential schools among my family, friends and clients that led me to lead an initiative to establish a high school program in every community, large and small, throughout the N.W.T. that allowed for the closure of all residential schools in the territory. Those actions were supported by the recommendations of a special committee on education, on which I had also served, that was established in the ninth assembly of the Northwest Territories Legislative Assembly.

It was as clear to me then as it is now that the removal of children from their families had long-lasting and far-reaching negative impacts on those families and the communities at large.

Following the horrifying discovery in Kamloops, flags were flown at half-mast in Nunavut and for 215 hours at the Nunavut legislature. Territorial MLAs and cabinet ministers, united in their grief, shared stories of collective trauma. Former premier and now Speaker Paul Quassa stated:

As a survivor of residential school myself, I feel profound sorrow for everyone who has been personally impacted by this terrible event.

All of us in this house have family and constituents who are, to this day, grappling with the dark legacy of our country's history.

We have the duty to do all that we can do to work for justice.

• (1630)

Minister Jeannie Ehloak stood and said:

I'm a survivor, I was taken with my four siblings. I was just four years old. To my parents, who went from six children to one in a matter of hours, I feel your pain.

To quote from a May 31, 2021, Nunatsiaq News article:

Cathy Towtongie, MLA for Rankin Inlet North-Chesterfield Inlet, said that she cried when she heard the news of the children's remains.

"This is Canada's past and there are even more others," she said.

"When the children were taken, there were no more children visiting around," she said. "There were no more children laughing and having fun."

"Our elders changed, everything changed," she said

But residential schools were not the only tragedy that Inuit suffered. The stories of loss and grief bring back to the surface other racist and discriminatory practices, such as the removal of TB patients to southern sanatoriums. Many, children and adults alike, never returned home. As at residential schools, they were at times mistreated, abused. If and when they passed, they were too often disposed of with no word sent to their worried loved ones back home.

That's impacted me personally. In the 1980s, I travelled with my then-wife to a TB sanatorium in Ninette, in southern Manitoba. Like so many others, her mother had been separated from her young family and forced to go south for treatment. A float plane taxied up to the family's camp and took her mother away when my wife was 10 years old. She never saw her again. They were never told how she died or where she was buried. So on our trip, we searched in rural cemeteries. With the help of a local priest, we finally found her mother's unmarked grave. It was a very moving experience for both of us. But as those with similar experiences will know, the small feeling of closure that comes with finally knowing does nothing to erase the lifelong hurt that such losses bring.

Now, I have heard the national day for truth and reconciliation compared to Remembrance Day. On that, I would like to comment.

Remembrance Day started as Armistice Day to celebrate the Armistice Agreement that saw an end to World War I on November 11, 1918. According to a fact sheet on the Veterans Affairs website:

From 1921 to 1930, Armistice Day was held on the Monday of the week in which November 11 fell. In 1931, Alan Neill, Member of Parliament for Comox-Alberni, introduced a bill to observe Armistice Day only on November 11. Passed by the House of Commons, the bill also changed the name to "Remembrance Day". The first Remembrance Day was observed on November 11, 1931.

So, colleagues, Remembrance Day was established at a time when the collective consciousness was acutely attuned to the atrocities of war. Every Canadian had suffered some loss, and Canadians are continually reminded, year after year, of the ultimate sacrifice made by many tens of thousands of Canadians in war to date.

Why do I bring this up? Because of what Senator Francis said in his second reading speech. He said, and it's been also said by others today, "Education matters." I agree wholeheartedly. This national day that is being set aside to honour the Indigenous lives lost at residential schools cannot be one celebrated by "some" Canadians. Like on Remembrance Day, we must ensure that all Canadians take the time to pause and reflect, as this bill envisions.

To get there, we need to ensure that there are broad, consistent and well-resourced educational materials made available from coast to coast to coast. We will need to do more and put in more effort in the first few years, as we've heard today in Committee of the Whole, to make all Canadians aware of the truth — not only the truths we have shared in this chamber but of all the truths being shared by brave survivors throughout the country, described so thoroughly and compellingly in the report of the Truth and Reconciliation Commission.

Despite an official apology by former Prime Minister Harper in 2009 and his establishment of the Truth and Reconciliation Commission, and despite the release of the TRC report and its Calls to Action in 2015, I believe it took the tragic discovery in Kamloops recently to really awaken many Canadians to the realities of our country's dark legacy.

We all know and acknowledge there is work to be done with respect to education on the realities faced by Indigenous peoples in Canada.

I must admit, honourable senators — and I'm the critic for this bill — that it is hard for me to hear about the hundreds of millions of dollars that will go to providing federal employees a paid day off. I think about the ongoing commitment that we have heard today, that would cost \$388.9 million per annum for this holiday when you count the costs for federal public servants and federally regulated agencies. I think about how that money could drastically change life for Nunavummiut and Indigenous peoples nationally. What could long-term, dedicated and stable funding mean: for food security; for closing the infrastructure gap, which is huge; for finally ending boil-water advisories; and for dealing with acute housing shortfalls in Indigenous communities?

May I mention once again the acute housing crisis in Nunavut, which has been studied by a committee of this Senate. This government could only find \$25 million in its recent multi-billion dollar budget for housing in Nunavut. Comparatively, how much will be spent on education?

To put my concerns into perspective, as we heard today, only \$60 million was spent on Indigenous language protection and revitalization from 2019 to 2021.

It would be an insult to my family members, to my friends and to the memories of those survivors whom I have lost along the way, if this day were to become yet another paid day at the cottage for federal workers. It needs to truly be a day of remembrance and learning.

It should also be said that learning cannot be confined to one day alone. We should ensure that learning opportunities are consistently offered throughout the year. I know there's always more to learn and always room to grow. I support the establishment of a national day for truth and reconciliation, but I want to ensure that the spirit and intent of this day are never lost and are consistently honoured.

Honourable senators, I want to leave you today with the words of an Inuit elder, Mr. Piita Irniq, who has long been a champion in identifying and supporting many Inuit who struggle with the trauma of residential schools. I asked his permission to share these words with you today, which he recently shared on his social media.

As the critic of this bill for the official opposition, I believe I'm given the last word in date by convention. Given that this bill will create a national day to commemorate survivors, I feel it is only fitting that I give that last word to a survivor.

• (1640)

Mr. Irniq says:

I was kidnapped by a Roman Catholic priest, in broad daylight, right in front of my parents! We were at our summer camp near Naujaat, a tiny settlement on the west coast of Hudson's Bay, getting ready to walk to inland for our annual caribou hunt.

It was in 1958. I was 11 years old, and I was to attend Sir Joseph Bernier Federal Day School in Igluligaarjuk — Chesterfield Inlet — for the first time.

Little did my parents or I know that this was the beginning of leaving behind my culture, language, Inuit Spirituality and the practice of Shamanism for which we used for healing, special relationship among us Inuit, with animals, land, our past and the future. We were to be assimilated into the Qablunaaq world, to think like a European.

The losses we experienced were to be permanent. The impact on all of us — my family, my friends and many of us who are now seen to be leaders of our people — was traumatic. Many of us have spent our lives trying, in many different ways, to bring "meaning" back into lives that were emptied of the ideas, beliefs and relationships that for thousands of years brought meaning and purpose to Inuit. Some have turned to this modern religion called Christianity. Others, like me, are convinced that recovering the culture we lost is essential to giving direction not only to ourselves but also to future generations.

Honourable senators, thank you. *Qujannamik*.

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

Hon. Senators: Agreed.

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

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator LaBoucane-Benson, seconded by the Honourable Senator Gold, P.C., for the second reading of Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples.

Hon. Dennis Glen Patterson: Honourable senators, I rise again today to speak to Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples.

When I first read the bill, I had many questions. My questions and concerns centre around five main themes. The first theme is immediacy.

Canada's judiciary already recognizes the declaration as an international interpretive tool. It has been referenced in no less than 98 court decisions throughout the country and at least 10 recent federal pieces of legislation. In 2015, the Trudeau government pledged a renewed, nation-to-nation approach to Indigenous relations and promised a whole-of-government paradigm shift toward a more respectful relationship with Canada's Indigenous peoples.

This leads me to question what are the expected immediate and practical effects of the bill. How do expectations regarding what this bill does or will accomplish vary either between Indigenous groups, government officials, grassroots organizations and/or non-Indigenous people?

The South Slave Métis Tribal Council of the Northwest Territories — now known as the Northwest Territory Métis Nation — submitted a brief to the Aboriginal Peoples Committee in its pre-study that indicated their expectation that passage of this bill would lead to the resolution of a 25-year land claims negotiation. They stated that, "... Canada has not taken positive steps to address our counter-offer tabled in 2017." They go on to point out that:

... the NWTMN has been awaiting the implementation of the *Daniels v Canada (Indian Affairs and Northern Development)* decision of the Supreme Court of Canada rendered on April 14, 2016, which confirmed that Canada has responsibility to provide programs and services to Métis on par with First Nations.

However, action on these neglected files should not be tied to the passage of this bill. There was and currently is nothing stopping Canada from responding to the counter-offer or advancing their work on closing the gap between Métis and First Nations services.

If this bill creates the process for an action plan that will then outline the process for the implementation of the declaration, how are bills and policy changes handled between the coming into force of the bill and the finalization and implementation of the proposed action plan? Is there any change from the status quo?

We were told repeatedly in committee by witnesses such as Dene Nation Chief Norman Yakeleya from the Northwest Territories that "... the status quo is not working." So what is going to immediately change as a result of this bill that couldn't change right now?

Shannin Metatawabin, CEO of the National Aboriginal Capital Corporations Association, described federal programs and services as paternalistic. Will it take this bill to shift from that to a more Indigenous-rights-forward approach? Because I thought that shift was supposed to be happening since 2015.

The second theme concerns divergent views on this bill that, to me, are apparent and glaring. Some, like Assembly of First Nations, or AFN, National Chief Perry Bellegarde have said that this bill "... will help spark and sustain the transformative change that is urgently needed." Minister Lametti called it "an important piece of legislation." Regional Chief Terry Teegee of the First Nations Leadership Council in British Columbia told our committee that, "This centimetre of progress will be followed by kilometres of it in future generations."

Others, like Dr. Val Napoleon of the University of Victoria, have described this as:

... a step in the journey toward allowing deliberate recognition of Indigenous peoples and Indigenous political, legal and economic orderings that we can engage in Canada from that basis.

In contrast, Grand Chief Joel Abram of the Association of Iroquois and Allied Indians is among those who say that this bill continues to perpetuate "... a settler colonialism approach that interferes with our nation-to-nation relationship." Grand Chief Garrison Settee of Manitoba Keewatinowi Okimakanak — we prefer to call it MKO — warned that this bill would not make UNDRIP enforceable in Canada because it lacked key amendments. Those concerns were echoed by Mr. Drew Lafond, president of the Indigenous Bar Association. Mr. Russ Diabo, a former Indian Act Amendments Coordinator for the AFN and grassroots activist speaking on behalf of Defenders of the Land, Idle No More and the Truth Before Reconciliation network told us:

Bill C-15 must be reviewed and considered in the broader context of the Trudeau government's record of stealth and deception in the treatment of Indigenous communities and Indigenous nations for the past six years, particularly the federal government's unilateral development of a Canadian definition of the UN Declaration on the Rights of Indigenous Peoples. This constitutes massive, unprecedented changes to policy, law and structure, bypassing Indigenous peoples and nations who are the proper rights holders.

• (1650)

That leads me to the third theme of consultation, which is also closely linked to the fourth theme of consent.

Honourable senators, this bill lays the foundation for the implementation of UNDRIP by the federal government. As a government bill, there is a level of consultation expected and required, both constitutionally and within Articles 19 and 38 of the declaration itself through the legislative process. The consultative process undertaken for this bill is an important one to explore. Are there Indigenous voices who feel they have been inadequately consulted? The simple answer, colleagues, is most definitely yes. There are many who feel they have been left out of this process.

Minister Lametti has pointed to “a minority government situation” and the pandemic as reasons for a compressed consultation period. He and his officials are quick to point out, however, that consultation has continued to occur throughout the legislative process. Three times they were asked for the complete consultation record: I asked twice and Senator Stewart Olsen, a member of the committee, asked once. At committee on May 31, we were told by officials several times that they fulfilled that obligation already and pointed to the *What We Learned Report* released by the Justice Department. Its Annex B does list those purportedly consulted prior to tabling, but does not include the continued dialogue and consultation we have been told has happened and is happening.

Honourable senators, I also find it concerning that the partial consultation record we were provided lists the Confederacy of Treaty Six First Nations, Treaty 8 First Nations and Alexander First Nation among those consulted in Alberta. However, Treaty 6 Grand Chief Okimaw Vernon Watchmaker told our committee that, “Treaty Six First Nations were not contacted.”

Similarly, Chief George Arcand Jr. of Alexander First Nation stated quite clearly that:

We reject the claim that there has been fulsome consultation on this bill. Some claim that consultation began in 2007, and others claim consultation started when Bill C-262 was introduced. This is simply not true. Alexander First Nation has not been properly consulted on this bill or on the previous bill, Bill C-262

Honourable senators, with such strong language used to condemn the consultations on this bill, it begs the question: What consultative process will be implemented for the creation of the proposed action plan? Will the work to create the action plan be wholly inclusive of all Indigenous voices that may wish to participate, or will the conversation continue to be dominated by national Indigenous organizations, or NIOs? According to officials at Justice and Crown-Indigenous Relations, the work has already begun with “key players,” including the NIOs.

[Senator Patterson]

Colleagues, we were told time and time again by grand chiefs and elected chiefs that the AFN does not speak for them. Grand Chief Arthur Noskey of Treaty 8 was unequivocal when he told the committee:

The Assembly of First Nations, AFN, is a lobby group and should not be misrepresenting itself as speaking on behalf of all First Nations. The AFN does not represent or speak for our Treaty 8 First Nations. The Treaty 8 First Nations in Alberta represents itself at any and all times.

Multiple articles in the declaration call on states to recognize traditional Indigenous governance structures, and yet this government seems intent to continue to ignore the bilateral treaty relationship it has with Canada’s 11 Numbered Treaties.

The action plan has been touted as the key commitment in this bill. This bill gives us the means to create a process to address outstanding Indigenous issues. It has been explained that this process will allow for the important review of federal legislation to ensure that it aligns with the declaration. It will, among other things, do the work that this government promised to do when it established the working group of ministers on February 22, 2017, that, according to the Privy Council Office, would be:

. . . responsible for reviewing relevant federal laws, policies and operational practices to help further a nation-to-nation, Inuit-Crown and government-to-government relationship with Indigenous peoples.

This work resulted in the notorious 10 Principles, which were rejected by majority resolution at the AFN and panned by many other rights holders throughout the country.

Given, then, the importance of the action plan in determining future priorities, outlining next steps and resolving outstanding concerns, and given the apparent failure of the government to make major progress in this policy review over the past four years, I have to ask: Is two years enough?

A lot of emphasis has been placed on the question of consent. Many have called for a clearer definition of “free, prior and informed consent,” or FPIC, as it’s known. We can all acknowledge that the concept of FPIC, as it applies to issues surrounding resource development, has been a major concern, but what about how it applies in Article 19?

Article 19 of the declaration states:

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

In this context, I ask: Who has the right to grant consent? Whose consent should be sought? We've already heard that the AFN doesn't have the delegated authority to give consent for nations. We've been told that we must recognize, respect and honour the bilateral relationship between the Crown and treaty holders. We must also ask ourselves whether it is justifiable to speak to some rights holders but not all, due to manufactured time constraints and COVID. What voice does the grassroots have in this process? Who, ultimately, gets the final decision on who gets to be around the action plan drafting table? And once these questions are sorted, how do we know that consent has been granted? What happens if there is no agreement or if consent is expressly withheld?

• (1700)

Minister Lametti has stated that:

FPIC does not remove or replace government decision-making authority but it sets into place a process which will ensure meaningful participation.

Other witnesses have told us that this approach only further entrenches the colonial relationship this bill is said to dismantle. That divergence in perspectives should be reconciled before proceeding any further with the development of the action plan.

As a lawyer, I have questions about how the doctrine of precedent would be applied in some cases and what effect this bill would have on Canadian jurisprudence and jurisdiction. I'll give you a couple of examples.

First, imagine Canada is taken to court over this bill. Indigenous rights holders who have said that they reject this bill could argue that they did not give their consent as required under Article 19 of the declaration and that Canada failed in its obligations to consult and cooperate on legislative measures to implement the declaration per Article 38. In rebuttal, others could argue that the 2018 Supreme Court of Canada's decision in *Mikisew Cree First Nation v. Canada* determined there is no duty to consult on the drafting of legislation and that while some withheld their consent, others supported it. They could then argue that FPIC does not require all parties to agree and so the government would be justified in pushing forward.

I believe it is only fair to know how, in this described scenario, the Department of Justice would argue their position. Would they support a past Supreme Court of Canada decision? Will they say they worked toward consensus but in the end stand by the democratic value of majority rule? Or will they concede that their approach should have been reset once Indigenous groups vocally rejected and withheld their consent?

The other scenario I would put to you is that of the Mi'kmaq fishermen in the Atlantic. When debating Motion 40 of Senator Francis in this chamber, I pointed to the *Marshall* decisions and the limitations they empower the Minister of Fisheries and Oceans to impose within the confines of the *Badger* principle. Upon hearing that, what are we left with? Do we hold to Article 29, the right of Indigenous peoples to implement their own conservation schemes; Article 32, the right of Indigenous peoples to control development and use of resources on traditional lands; and Article 4, which grants the right to

autonomy and self-government over local affairs? Or do we view these two articles within the context of Canadian jurisprudence and continuing regulation by established Canadian authorities as laid out clearly in *Marshall I* and *Marshall II*?

Colleagues, I have not heard a definitive answer either way. Minister Lametti stated during his appearances before your Standing Senate Committee on Aboriginal Peoples that:

. . . in the bill there is a recognition that section 35, that Canadian federal and provincial law also still continues to exist, and they will continue to be the last word in a number of different contexts.

However, Mary Ellen Turpel-Lafond told the committee on that same day that, "The idea that somehow this bill subjugates an international instrument to some kind of decision is an error." So the debate continues.

Earlier, I asked the question about different interpretations and expectations about what this bill does and who it binds to action. I asked that question because it has come up several times in different contexts. As a former territorial premier, I'm particularly interested in my fifth theme, which focuses on the potential effect on provincial and territorial jurisdiction. Minister Lametti's answer was clear, that federal and provincial/territorial laws would continue to prevail. However, Champagne and Aishihik First Nations from Yukon was clear in their appearance and submission that ". . . it is our view that Bill C-15 applies to the Yukon government . . ."

New Brunswick Minister Arlene Dunn who is, among many other portfolios, the provincial Minister of Aboriginal Affairs, clearly advised the committee that there should be:

The addition of a provincial non-derogation clause to clearly state the obligations imposed by the legislation are those of the federal government alone.

Minister Dunn is not alone in this concern. Alberta, Saskatchewan, Manitoba, Ontario and Quebec — six provinces with a huge majority of the population of this country in them — have also raised concerns that some of the provisions of the bill would have impacts in relation to modern treaties, which could disrupt established case law, the constitutional jurisdiction of the provinces and the authority vested in the territories. It is true that Minister Lametti told our committee that such concerns amount to "political posturing" and that he felt he had been clear at a federal-provincial-territorial conference with his counterparts. However, the fact that there is a common message of confusion from 6 out of 13 jurisdictions — that we know of — should be cause for concern.

Colleagues, on May 31, the Standing Senate Committee on Aboriginal Peoples concluded its pre-study of the bill after 10 meetings, over 50 witnesses and 57 written submissions. I must admit that many of my questions remain unanswered. Under normal circumstances, I would take heart in the fact that outstanding concerns could be addressed with clarifying amendments. Shortcomings identified by stakeholders would lead to thoughtful amendments that could address gaps in the legislation. However, that is not the political reality.

Once again, this chamber finds itself forced to rush through consideration of legislation that the government has termed transformative. We are being pushed to pass this bill without amendment, racing against a government-imposed and manufactured deadline. We are told by witnesses like Assembly of First Nations National Chief Perry Bellegarde to not let perfection be the enemy of the good and to not allow any amendments. But I interpret that as “leave all questions at the door” and “ignore the voices of dissent arising from rights holders and Indigenous organizations.”

Once I have concluded this speech, this bill will be referred to committee, where it will immediately go into clause-by-clause consideration. That has been scheduled for this coming Monday. Very soon, I will rise again with the same unanswered questions and the concerns raised by Indigenous voices left twisting in the wind. Thank you, *Qujannamik*.

Some Hon. Senators: Hear, hear.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

REFERRED TO COMMITTEE

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

(On motion of Senator LaBoucane-Benson, bill referred to the Standing Senate Committee on Aboriginal Peoples.)

• (1710)

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Patterson, seconded by the Honourable Senator Batters, for the second reading of Bill S-214, An Act to amend the Constitution Act, 1867 (property qualifications of Senators).

Hon. Pat Duncan: Honourable senators, I move that further debate be adjourned until the next sitting of the Senate for the balance of my time.

(On motion of Senator Duncan, debate adjourned.)

[Senator Patterson]

DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Griffin, seconded by the Honourable Senator Galvez, for the second reading of Bill S-220, An Act to amend the Department of Public Works and Government Services Act (use of wood).

Hon. Yonah Martin (Deputy Leader of the Opposition): We're ready for the question on this, Your Honour.

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

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Griffin, bill referred to the Standing Senate Committee on Agriculture and Forestry.)

AUDIT AND OVERSIGHT

FOURTH REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report (interim) of the Standing Committee on Audit and Oversight, entitled *Intersessional Authority*, presented in the Senate on June 1, 2021.

Hon. David M. Wells moved the adoption of the report.

He said: Honourable senators, I have a few brief words. As the chamber heard on Tuesday when the full report was read out by our table, a considerable amount of work has gone into preparation for this committee — in fact, years — but certainly since the adoption in the fall session.

Colleagues, the essential element of this report is for the new Standing Senate Committee on Audit and Oversight to be able to have intersessional authority much like in the vein of the Standing Committee on Ethics and Conflict of Interest for Senators so that its work can continue. We found, colleagues, that the work of Audit and Oversight, because it will have such an integral aspect of the functioning of the administration of the Senate, not just audits, obviously, but the work of the committee

that will look at procedures of the Senate to make sure they are efficient and that taxpayers' money is being spent responsibly, that we felt if the operation of the committee ceased — and, of course, the senators sitting on the committee would cease being committee members — that the effective operation of this important committee would cease. That's why I moved the adoption of the report, and I would also call the question.

(On motion of Senator Moncion, debate adjourned.)

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report (interim) of the Standing Committee on Ethics and Conflict of Interest for Senators, entitled *Consideration of matters relating to the Ethics and Conflict of Interest Code for Senators*, presented in the Senate on June 2, 2021.

Hon. Judith G. Seidman moved the adoption of the report.

She said: Honourable senators, I rise today on behalf of the Standing Committee on Ethics and Conflict of Interest for Senators to speak to its third report. This report proposes certain amendments to the *Ethics and Conflict of Interest Code for Senators* and provides guiding principles regarding the committee's composition.

• (1720)

The code was adopted by the Senate in May 2005 following many years of study. It constitutes an exercise of the Senate's parliamentary privilege to govern its internal affairs and to discipline its members. It is also an evolving document.

Indeed, your committee was given the authority to self-initiate a study at any time in order to recommend to the Senate potential amendments to the code to ensure that its provisions and operation addressed contemporary realities and enhanced public confidence and trust in the Senate and senators.

In August 2019, your committee tabled its seventh report on its findings and recommendations arising from a comprehensive review of the code, as required under section 59 of the code. The Forty-second Parliament was dissolved barely one month later, before the Senate could consider this report.

Your committee believes that the work of ensuring the code remains current must be continued, so it reviewed and reconsidered the recommendations contained in the seventh report.

As is usually the practice for this review, your committee invited the Senate Ethics Officer and all senators to share their concerns, comments and suggested changes with respect to the provisions and operation of the code. The responses we received were helpful and contributed greatly to the proposals found in this third report. We would like to thank all those who contributed to the work of the committee.

In the context of the COVID-19 pandemic, as Senate sittings have been limited, your committee discussed the best approach to take in regard to its study of possible code amendments. Simply put, there would not have been time to consider each and every suggestion, let alone draft and review the corresponding amendments necessary, without running the risk of your committee's work being affected by a prorogation or dissolution. Accordingly, your committee believed it would consider suggested amendments in small batches and produce reports as they were ready. To this end, your committee started with the proposals contained in the seventh report to build on the important and thorough work the committee accomplished under its previous chair and deputy chair.

Therefore, your committee will present its findings and recommendations in a series of interim reports. This report is the first.

What this third report proposes are procedural and administrative changes to the code, as well as principles for consideration, to guide the composition of the Standing Committee on Ethics and Conflict of Interest for Senators.

Part 1 of the report draws on much of the work undertaken over the past few years. It proposes nine amendments to the code that are of a procedural or administrative nature and would not require prior or concurrent amendments to the *Rules of the Senate*.

Some colleagues reading closely may experience a sense of déjà vu reading this part of the report. Indeed, some of these amendments were contained in the seventh report and received positive feedback from senators in your committee's most recent round of consultations. I can assure senators that all amendments received consensus support at the committee.

These proposed amendments in part 1 touch on the following issues: the compilation of the senators' recorded declarations by the Senate Ethics Officer; the publication of opinions of the Senate Ethics Officer regarding government contracts; the disclosure of a partial opinion of the Senate Ethics Officer by a senator; the inclusion of indirect benefits from government contracts; the exclusion of certain social benefits from senators' confidential disclosure statements; the deadlines to providing information or documents to the Senate Ethics Officer; the electronic tabling of certain documents of the Senate Ethics Officer with the Clerk of the Senate; the harmonization of the language in the code with the *Senate Administrative Rules*; and non-substantive modification by the Senate Ethics Officer of forms involving senators.

For each amendment, our report sets out the current code, the rationale for recommendations and the proposed new wording. Rather than provide the particulars in this speech, I simply encourage all senators to read and consider these amendments in their own time. The committee was conscientious in presenting technical matters in a straightforward and accessible way in its report.

Part 2 contains some guiding principles regarding the committee's composition. In developing these principles, your committee kept in mind the history of the committee, its specific mandate and how it operates. While these principles were built

on those outlined in the committee's seventh report, they are also the result of further comments from senators and examination and deliberation by your committee. They are also the product of a true consensus among all committee members.

As mentioned earlier, the code is an evolving document. Your committee should reflect the Senate's evolution. Indeed, the rules governing the composition of the committee should reflect the new structure of the Senate but be flexible enough to adapt to potential future changes.

In recent years the Senate has more or less adapted the composition of your committee to its new reality by adopting sessional motions to appoint senators to the committee, thus circumventing the provisions governing the committee's composition.

Indeed, the rules are currently silent on the composition of the committee, other than to specify that the committee is to be composed of five members named by the Leader of the Government and Leader of the Opposition through a motion adopted at the beginning of each session. This no longer reflects the current structure of the Senate.

Your committee felt that it was important to outline in its report some of the principles that we believe should be considered when establishing the committee's composition in future Parliaments.

One, it must take into account the committee's unique nature and mandate. This includes, first and foremost, the impartial and non-partisan nature of the committee's work and its ongoing practice of making decisions by consensus.

Two, your committee believes that each recognized party and parliamentary group should be allowed to select one member of the committee. After the parties and groups have selected their respective members and made their nominations public, an additional member should be elected by secret ballot by all senators. In doing so, every senator would have the opportunity to participate in the selection process. As the committee is charged with considering matters affecting all senators, all senators should have a say in its composition.

Three, your committee agreed that the committee should maintain a minimum number of five members, and that the size of the committee should be flexible and reflect the potential fluctuation in the number of recognized parties and parliamentary groups in the Senate. As well, we would like to stress the importance of stability and continuity in the committee's membership, as its members are often called to consider complex questions that benefit from the committee's institutional memory. As such, your committee believes that a change in affiliation of a committee member during a parliamentary session should have no impact on the membership of that senator on the committee for the duration of that session. This approach would be consistent with the impartial and non-partisan nature of the committee's work.

Additionally, your committee takes this opportunity to express that the membership of the committee should be maintained for the duration of a Parliament — rather than for the duration of a session — to further preserve stability and ensure a certain level

of institutional memory. Though your committee recognizes that this would require legislative amendments, it hopes that the Senate will take note of this observation when selecting members of the committee in the next parliamentary session and eventually address this question.

Your committee also believes that it should be reinstated at the first opportunity at the opening of a new session, with the membership from the previous session, until a new membership is selected. This would avoid any risk of delay in the establishment of the committee at the beginning of each session and would allow for continuity in its work.

Finally, your committee believes these principles will pave the way forward for the Senate to establish the parameters for the committee's composition to ensure that it reflects the new structures in the Senate.

The committee is well aware that implementing these principles would require amendments to the Rules in addition to amendments to the code. Your committee does not have the mandate to recommend amendments to the Rules and is not proposing amendments to the code in this regard in this report.

• (1730)

Instead, your committee is recommending that the Senate direct the Standing Committee on Rules, Procedures and the Rights of Parliament to consider, and propose to the Senate, amendments to the Rules with regard to the committee's composition in accord with the principles expressed in this report. If amendments to the Rules are adopted by the Senate, your committee will consider consequential amendments to the code.

To be clear, our report recognizes and respects the jurisdiction and authority of the Rules Committee by offering principles for that committee's consideration. Should the Senate agree with the recommendation in this report, to refer the matter to the Rules Committee, the members of the Standing Committee on Ethics and Conflict of Interest for Senators will be pleased to provide that committee with any additional information or assistance it requires in considering this important matter.

While further consideration of improvements to the code — many of which were suggested by our honourable senators — remain on the committee's agenda, this report is an important step toward the accomplishment of the work undertaken by the committee in past years.

By adopting this report, the Senate would assert its commitment to improve the code and would express its support for the principles developed by your committee regarding its composition.

Honourable senators, the adoption of this report would result in changes to the code as they relate to the procedural or administrative amendments. However, its adoption would not modify the *Rules of the Senate*. Further action will be needed to implement changes to the composition of the committee in accordance with the guiding principles we propose. As I already

stated, the next step would be for the Rules Committee to reflect on the issue and your committee is pleased to assist if called upon.

Honourable senators, I urge you to weigh and consider your committee's proposals. The provisions of the code must be updated to ensure that they are clear, transparent and promote public trust in the integrity of the Senate and all senators. Honourable senators, we hope you will give support to this third report.

Thank you.

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 OFFICIALS IN RELATION
TO THE HUMAN RIGHTS ABUSES AND SYSTEMATIC
PERSECUTION OF UIGHUR MUSLIMS
IN CHINA ADOPTED

On the Order:

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

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 officials in relation to the human rights abuses and systematic persecution of Uighur Muslims in China.

Hon. Julie Miville-Dechéne: Honourable senators, I would like to begin by recognizing Senators Jaffer and McPhedran, who spoke in favour of Motion No. 4 earlier in the week. This motion was moved by Senator Housakos, and it calls on the Government of Canada to impose sanctions on the Chinese regime for the inhumane treatment of its Uighur Muslim minority. I want to add my voice to those of my two colleagues by speaking about another shameful aspect of the practices in China.

I cannot remain silent about the human rights violations that the Uighurs are experiencing because, for over a year now, I have been sponsoring Bill S-216, which seeks to combat modern slavery, more specifically the use of forced labour and child labour in the supply chain. The Uighurs being forced to labour in factories both within and outside the autonomous region of Xinjiang have been the most visible face of this problem during the pandemic, the one that has received the most media attention, despite the fact that this practice is also very much present elsewhere in the world. Along with this forced labour, the

Uighurs are also enduring torture, sexual violence against women in re-education camps, sterilization and assimilation techniques, as my colleagues described. It is disgusting. Documenting these human rights violations has been a long and difficult process because the authoritarian regime in China controls the comings and goings of reporters and other humanitarian workers.

There's no way these are isolated cases. In their March 2021 report entitled "The Uyghur Genocide: An Examination of China's Breaches of the 1948 Genocide Convention," the Newlines Institute and the Raoul Wallenberg Centre for Human Rights reported that, according to Chinese propaganda reports, forced labour is necessary to transform the deep-rooted, lazy thinking of rural villagers and lift them out of their supposed backwardness and primitive culture.

An estimated 1 million Uighurs and other ethnic minorities have been detained in the Xinjiang region in northwestern China, in camps that are more properly described as prisons. The detainees are systematically transferred to cotton fields or factories. These forced labour programs are connected to the camps, as satellite imagery shows masses of people wearing identical uniforms being transferred from one site to another. There are at least 135 such forced labour factories, and half a million people have been assigned to pick cotton.

Thousands of Uighur workers are transferred to other forced labour facilities outside their region, where they make products that are sold around the world. Thanks to credible testimony, satellite imagery, cross-checking and numerous clues, we can conclude that China's authoritarian regime is facilitating these mass transfers of Uighur citizens. Why are we talking about forced labour? According to a 2020 report by the Australian Strategic Policy Institute, in these factories far away from home, Uighur people are subject to constant surveillance. They have limited freedom of movement, live in segregated dormitories, are forbidden from practising their religion openly and undergo ideological re-education and Mandarin classes outside working hours. The element of coercion required to meet the International Labour Organization's definition of forced labour is therefore present. The institute acknowledges that it can't confirm that all Uighurs working outside Xinjiang are being forced to do so, but there is sufficient evidence to sound the alarm.

That is where these abuses begin to involve Canadians. We are unknowingly consuming goods produced with the forced labour of this Chinese minority that China is attempting to break. Take a store like The Brick, for example. According to a *Toronto Star* investigation, last November, it brought in 31 shipping containers of refrigerators manufactured by Changhong Meiling, a Chinese company on a U.S. sanctions list for allegedly using forced Uighur labour. The investigation found an additional 405 Canada-bound shipments of clothing from companies whose supply chains trace back to a cotton manufacturer that is also suspected of using forced labour. They include Canadian subsidiaries of apparel giants like Gap, Tommy Hilfiger and Calvin Klein.

According to the Australian Strategic Policy Institute, 83 well-known global brands in the technology, clothing and automotive sectors are suspected of using forced Uighur labour through their subcontractors. Some of the companies identified are Apple, BMW, Gap, Huawei, Nike, Samsung, Sony and Volkswagen.

The global production of solar panels is also using forced Uighur labour in the Xinjiang region of China, according to Sheffield Hallam University in England. Furthermore, a Canadian company is suspected of importing these products.

At the moment, what the Canadian government is doing strikes me as grossly insufficient. Global Affairs Canada requires Canadian businesses operating in Xinjiang to sign an integrity declaration if they want to receive services and support from Canada's Trade Commissioner Service.

However, Canada is still a long way away from having a blacklist of products prohibited from entering the country. Apparently, products that may have been produced with Uighur or other forced labour are still not being seized at the Canadian border, as they are by our neighbours to the south.

The Senate may not have the power to force the Government of Canada to impose sanctions on China, but we can join the House of Commons in speaking out loud and clear against the persistent human rights violations in China. Thank you.

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?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to, on division.)

• (1740)

[*English*]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE CUMULATIVE IMPACTS OF RESOURCE EXTRACTION AND DEVELOPMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator Loffreda:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine and report on the cumulative impacts of resource extraction and development, and their effects on environmental, economic and social considerations, when and if the committee is formed; and

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

[Senator Miville-Dechéne]

Hon. Scott Tannas: Honourable senators, I rise to speak to a motion put forward by my friend and colleague, Senator McCallum. The motion would provide an order of reference to the Standing Senate Committee on Energy, the Environment and Natural Resources to:

. . . examine and report on the cumulative impacts of resource extraction and development, and their effects on environmental, economic and social considerations . . .

I have some reservations about this relatively new initiative that we have seen, where there have been attempts to have the chamber dictate to committees what they ought to study when they're not tasked with legislation. In this case, I'm further uncomfortable that the motion is proposed by a member of the committee. It seems to me that it would further diminish the principle that committees are their own masters. That said, I accept that we have in the chamber passed a few of these unsolicited committee references, so I will turn to the motion and its wording and then close with a small amendment.

While not always, but often, the word "impacts" has a negative connotation. That said, Senator McCallum was clear in her speech that we all have biases which would be brought to the study, and that the committee should not shy away from doing the work in producing a balanced report, and I agree with her. For added clarity, I will propose the addition of the words "positive and negative" to "cumulative impacts" in order to highlight her transparent — through her speech — desire for balance, and mine as well.

Before I do, I want to apologize to Senator McCallum for the time that has passed since I took the adjournment of this motion. These are unusual times. The motion has been called fewer than a handful of times in six months, which is a symptom of the number of times that we have actually met. I wanted to say that I meant her no disrespect, and I hope we can deal with this motion relatively quickly.

MOTION IN AMENDMENT

Hon. Scott Tannas: Therefore, honourable senators, in amendment, I move:

That the motion be not now adopted, but that it be amended by adding, before the word "impacts", the words "positive and negative".

Hon. Mary Jane McCallum: Thank you to Senator Tannas for bringing up the amendment. I do support it. I wanted to talk about the chamber dictating an order of reference.

The reason I brought this forward was that, when I arrived in the Senate I noticed that there were very few Indigenous issues brought to the floor, and that I had to start raising my concerns, especially around resource extraction. I want to quote from my speech:

. . . I feel it is up to us as senators to take an unencumbered, neutral look at this massive issue to try and make sense of it all.

When the Energy Committee met, 80% of the witnesses were from industry and 4% were from Indigenous peoples, so there wasn't a fair distribution of views with C-69.

• (1750)

[English]

Honourable senators, it is with this in mind that I'm hopeful that a balanced neutrality and mutual respect will rule when considering this order of reference. My hope is for a final report that will be fully reflective of all points of view. My final hope would be for a resulting balance, equity and understanding in public policy moving forward. Problems dealing with natural resources and land remain the top issue between Indigenous and non-Indigenous groups and people, resulting in confrontation and fraught relationships. If we who are here to be representative of our regions and the people within them will not undertake a balanced and thorough study on this subject matter, then who will?

As I said, I support Senator Tannas and the amendment he has made. Thank you.

(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 WITHDRAWN

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. Lucie Moncion: Honourable senators, I ask for leave that Motion No. 33 be withdrawn from the Order Paper.

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

Hon Senators: Agreed.

(Motion withdrawn.)

MOTION TO CONDEMN THE PHILIPPINE GOVERNMENT'S UNJUST AND ARBITRARY DETENTION OF SENATOR LEILA M. DE LIMA—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator McPhedran, seconded by the Honourable Senator Woo:

That, in relation to Senator Leila M. de Lima, an incumbent senator of the Republic of the Philippines, who was arrested and has been arbitrarily detained since February 24, 2017, on politically motivated illegal drug trading charges filed against her by the Duterte government, and who continues to be detained without bail, despite the lack of any material evidence presented by the Philippine government prosecutors, the Senate:

- (a) condemn the Philippine government's unjust and arbitrary detention of Senator Leila M. de Lima;
- (b) urge the Philippine government to immediately release Senator de Lima, drop all charges against her, remove restrictions on her personal and work conditions and allow her to fully discharge her legislative mandate;
- (c) call on the government of Canada to invoke sanctions pursuant to the *Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law)* against all Philippine government officials complicit in the jailing of Senator de Lima;
- (d) call on the Philippine government to recognize the primacy of human rights and the rule of law, as well as the importance of human rights defenders and their work and allow them to operate freely without fear of reprisal; and
- (e) urge other parliamentarians and governments globally to likewise pressure the Duterte government to protect, promote and uphold human rights and the rule of law as essential pillars of a free and functioning democratic society in the Philippines.

Hon. Marilou McPhedran: Honourable senators, there is personal history here. To understand the depth of the Philippine president's vendetta against Senator Leila de Lima, please allow me to borrow from the evidence summarized in the bipartisan U.S. Senate Resolution 142, as unanimously adopted in January 2020, including application of the U.S. Global Magnitsky Act as relevant to the president and officials in the Philippines.

Here is a brief chronology of how Senator de Lima became the target of President Rodrigo R. Duterte. One, in her capacity as chair of the Commission on Human Rights, Senator de Lima investigated the alleged involvement of the Mayor of Davao City, Rodrigo R. Duterte, in the extrajudicial killings executed by a so-called Davao death squad.

Two, on December 15, 2014, then Secretary of Justice de Lima led a raid on the national penitentiary which resulted in the confiscation of drugs, firearms and contraband, and the extraction of 19 drug lords and high-profile inmates involved in the facility's drug network.

Three, on July 13, 2016, Senator de Lima, in her capacity as chair of the Senate Committee on Justice and Human Rights, filed Senate resolution number 9, calling for an investigation into extrajudicial killings and summary executions of suspected drug offenders arising from President Duterte's "war on drugs."

Four, on August 22, 2016, Senator de Lima conducted Senate hearings during which alleged former death squad members detailed extrajudicial killings executed as part of the anti-drug campaign. One member testified that Duterte participated in extrajudicial killings as Mayor of Davao City.

Five, on August 2, 2016, and September 19, 2016, Senator de Lima delivered two privileged speeches on the Senate floor calling upon President Duterte to end the killings. There is ample documentation that soon after those speeches President Duterte vowed publicly to destroy Senator de Lima.

Colleagues, the charges initiated by Duterte against Senator de Lima were supported by testimony elicited from inmates whose illegal activities were disrupted by her raid of the prison in 2014.

In 2017, the Tom Lantos Human Rights Commission of the United States Congress held a hearing of the human rights consequences of the war on drugs in the Philippines during which Human Rights Watch testified about the:

. . . relentless government campaign against her in evident response to her outspoken criticism of Duterte's "war on drugs" and her calls for accountability.

In 2018, the United Nations Human Rights Council's Working Group on Arbitrary Detention adopted an opinion, finding several categories of arbitrary detention, and concluding:

. . . Ms. De Lima's political views and convictions are clearly at the centre of the present case and that the authorities have displayed an attitude towards her that can only be characterized as targeted and discriminatory.

Indeed, she has been the target of partisan persecution, and there is no explanation for this other than her exercise of the right to express such views and convictions as a human rights defender.

The United Nations working group went on to recommend that the Government of the Philippines adopt certain measures including: one, the immediate release of Senator de Lima; two, an independent investigation of the circumstances surrounding her arbitrary detention; and three, the provision of compensation and other reparations, including reinstatement to the positions from which she was ousted.

Retaliation by the Duterte administrations has included forcible confinement without bail, defaming Senator de Lima with brash accusations and crude sexist insults, leaking her personal information to the public, forcing her removal from the Senate Committee on Justice and Human Rights and denying her access to the Senate in an attempt to thwart her from fulfilling her parliamentary duties.

In February this year, just before her detention passed its fourth year, Senator de Lima's legal defence team won their motion to dismiss the first charge against her on the grounds that the evidence presented by the prosecutors was insufficient for a criminal conviction. Once granted, such a motion is considered an acquittal by the court.

President Duterte continues to throw sexist insults at Senator de Lima, following his established pattern from before and long after her detention more than four years ago. Just a few weeks ago, at a public event, he was recorded as saying: "She is the only bitch who convinced the world she's a prisoner of conscience."

Honourable colleagues, we know that a working democracy requires that dedicated persons, both in government and civil society, be able to scrutinize governments and hold to account those in power. This includes senators — senators in Canada and senators in the Philippines.

When the Magnitsky bill was introduced into this place by the Honourable Raynell Andreychuk, it was because of the state persecution and murder of a young Russian lawyer Sergei Magnitsky who exposed massive corruption in the Russian government. As then Senator Andreychuk told us:

I also want to note that this bill does not bind the government, it empowers it. It gives to the government a tool to add to its deliberations in pursuit of Canada's foreign policy goals.

In part, the bill before you today would call on the Government of Canada to seek justice on behalf of Sergei Magnitsky against all those involved in his illegal detention, torture and death. However, the bill moves beyond that: It would enable Canada to take a leadership role toward strengthening effective accountability for violations and crimes under international law. The bill takes into account the need to target gross human rights violators, wherever

they or their assets may be hiding. It seeks to utilize internationally recognized human rights instruments, standards and definitions.

Colleagues, in the Australian House of Representatives, the plight of Senator de Lima has been used as a key example of why Australia should follow the U.S.A. and Canada in enacting a version of a Magnitsky law.

February 24 this year was the fourth anniversary of Senator de Lima's imprisonment. This motion was introduced to mark her 48-plus weeks in detention, and in the U.K., 27 members of Parliament and the House of Lords, across party lines, sent a letter to the Philippine embassy in London calling for the immediate release of Senator de Lima. This motion reinforces that of the European Parliament in calling on the authorities of the Philippines to drop all politically motivated charges against Senator de Lima, to release her while she awaits trial, to allow her to freely exercise her rights and duties as an elected representative and to provide her with adequate security and sanitary conditions while in detention.

I speak to this motion today as an opportunity to join our voices as independent, thinking senators with parliamentarians and other human rights defenders with the assurance that we would not be alone in taking a stand to support a sister senator. In addition to the bipartisan sponsored resolution unanimously adopted by the U.S. Senate last year condemning Senator de Lima's imprisonment and opposing the arrest and detention of other human rights defenders and journalists who were exercising their right to freedom of expression, many of our allies around the world have already taken a stand.

The immediate release of Senator de Lima has been called for by non-governmental organizations, human rights groups, parliamentary bodies, individuals, and specific bodies like the European Parliament, the Parliament of Australia, the ASEAN Parliamentarians for Human Rights, Amnesty International, Human Rights Watch and the Raoul Wallenberg Centre for Human Rights. Also, just a few days ago the world's oldest and largest association of parliamentarians, the Inter-Parliamentary Union, better known as the IPU, reiterated previous calls for the release of Senator de Lima.

• (1800)

Honourable colleagues, we will not be the first parliamentary institution to speak out but, if we do, our action on this motion will be widely respected and send a signal as to where we stand on human rights by standing with a sister senator who is paying too steeply for speaking truth to power. Thank you. *Meegwetch.*

The Hon. the Speaker: Honourable senators, it is now 6 o'clock and, pursuant to rule 3-3(1) and the order adopted on October 27, 2020, and December 17, 2020, I am obliged to leave

the chair until 7 o'clock unless there is leave that the sitting continue. If you wish the sitting to be suspended, please say "suspend."

Some Hon. Senators: Suspend.

The Hon. the Speaker: The sitting is suspended until 7 o'clock.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1900)

[*Translation*]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

June 3, 2021

Mr. Speaker,

I have the honour to inform you that the Right Honourable Richard Wagner, Administrator of the Government of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 3rd day of June, 2021, at 6:34 p.m.

Yours sincerely,

Ian McCowan

Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Thursday, June 3, 2021:

An Act respecting Kindness Week (*Bill S-223, Chapter 9, 2021*)

An Act to amend the Offshore Health and Safety Act (*Bill S-3, Chapter 10, 2021*)

An Act to amend the Bills of Exchange Act, the Interpretation Act and the Canada Labour Code (National Day for Truth and Reconciliation) (*Bill C-5, Chapter 11, 2021*)

[English]

[Translation]

THE SENATE**ADJOURNMENT****MOTION TO CONDEMN THE PHILIPPINE GOVERNMENT'S UNJUST AND ARBITRARY DETENTION OF SENATOR LEILA M. DE LIMA—
DEBATE CONTINUED****MOTION ADOPTED**

On the Order:

Resuming debate on the motion of the Honourable Senator McPhedran, seconded by the Honourable Senator Woo:

That, in relation to Senator Leila M. de Lima, an incumbent senator of the Republic of the Philippines, who was arrested and has been arbitrarily detained since February 24, 2017, on politically motivated illegal drug trading charges filed against her by the Duterte government, and who continues to be detained without bail, despite the lack of any material evidence presented by the Philippine government prosecutors, the Senate:

- (a) condemn the Philippine government's unjust and arbitrary detention of Senator Leila M. de Lima;
- (b) urge the Philippine government to immediately release Senator de Lima, drop all charges against her, remove restrictions on her personal and work conditions and allow her to fully discharge her legislative mandate;
- (c) call on the government of Canada to invoke sanctions pursuant to the *Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law)* against all Philippine government officials complicit in the jailing of Senator de Lima;
- (d) call on the Philippine government to recognize the primacy of human rights and the rule of law, as well as the importance of human rights defenders and their work and allow them to operate freely without fear of reprisal; and
- (e) urge other parliamentarians and governments globally to likewise pressure the Duterte government to protect, promote and uphold human rights and the rule of law as essential pillars of a free and functioning democratic society in the Philippines.

Hon. Leo Housakos: Honourable senators, I would like to take the adjournment in my name. I will speak to it at the next sitting, God willing.

(On motion of Senator Housakos, debate adjourned.)

Leave having been given to revert to Government Business, Motions, Order No. 57:

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of June 2, 2021, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, June 8, 2021, at 2 p.m.

She said: Honourable senators, I move the motion standing in my name.

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

Hon. Senators: Agreed.

(Motion agreed to.)

LINK BETWEEN PROSPERITY AND IMMIGRATION**INQUIRY—DEBATE CONTINUED**

On the Order:

Resuming debate on the inquiry of the Honourable Senator Omidvar, calling the attention of the Senate to the link between Canada's past, present and future prosperity and its deep connection to immigration.

Hon. René Cormier: Honourable senators, I rise today to speak to Senator Omidvar's inquiry, calling the attention of the Senate to the link between Canada's past, present and future prosperity and its deep connection to immigration.

I would like to extend my heartfelt thanks to Senator Omidvar for her unmatched commitment to defending immigrants' rights and to matters of diversity and inclusion.

I would also like to sincerely thank our colleague, Senator Ravalia, who gave compelling testimony about how he found a rich and welcoming new homeland in Canada, particularly the wonderful province of Newfoundland and Labrador.

His work as a doctor in a rural area, his commitment to the less fortunate, his community involvement and the nationwide impact of his actions clearly demonstrate how Canada has benefited from his presence and speak to the invaluable contributions made by all those who choose Canada as their new home.

Although our cities and towns are undeniably attractive, people like Senator Ravalia who dare to settle outside the major centres, in rural regions, find communities that are less crowded, of course, but just as vibrant and rewarding.

Anyone who settles in those areas can thrive and realize their greatest aspirations, if they keep an open mind and are curious to learn more about those who came before them and who shaped this place.

Senator Ravalia moved to the small town of Twillingate, which was actually originally known as Toulinguet. This place got its name from deep-sea fishermen who had come over from Brittany to fish for cod and whale. The coastline reminded them of Toulinguet Point in Brittany.

This just goes to show that francophones from around the world have long been attracted and fascinated by our vast territory, which has been inhabited for millennia by indigenous peoples, who have so generously welcomed us and to whom we owe so much.

Quebec is a welcoming place for francophones, and francophone and Acadian communities across Canada are no different.

That is why I would like to talk to you about the importance of francophone immigration to Canada and, in particular, to Acadia and minority francophone communities across Canada.

First, I want to point out that the objective of the Immigration and Refugee Protection Act is to, and I quote:

(b) to enrich and strengthen the social and cultural fabric of Canadian society, while respecting the federal, bilingual and multicultural character of Canada;

(b.1) to support and assist the development of minority official languages communities in Canada;

In addition, and I quote:

(3) This Act is to be construed and applied in a manner that . . .

(e) supports the commitment of the Government of Canada to enhance the vitality of the English and French linguistic minority communities in Canada.

Over the years, the federal government has undertaken many initiatives to encourage francophone immigration.

• (1910)

Numerous initiatives, such as the Federal/Provincial/Territorial Action Plan for Increasing Francophone Immigration Outside of Quebec; the Action Plan for Official Languages — 2018-2023: Investing in Our Future, which set the target of increasing the proportion of French-speaking immigrants outside Quebec to 4.4%; the 2019 Francophone Immigration Strategy; and, just recently, the Official Languages Act reform document, *English and French: Towards a substantive equality of official languages in Canada*, are clear signs of a growing awareness of the importance of francophone immigration for official language

minority communities. These initiatives also underscore the challenges involved in developing truly effective immigration strategies that take into account all the challenges these communities face and their economic, cultural and social realities.

The Minister of Economic Development and Official Languages' reform document proposes to include a provision in the Official Languages Act requiring the Minister of Immigration to present an action plan for francophone immigration with a view to making it a permanent practice.

The government therefore proposes that the new act provide a framework for a francophone immigration policy and support the francization of newcomers, and I quote:

. . . in a manner adapted to the realities of—and in collaboration with—provincial and territorial governments.

Combined with the most recent announcements regarding points awarded to French-speaking immigration candidates and the absence of a cap on the number of candidates, this commitment bodes well, I think, but we'll have to wait and see the concrete results of these strategies before we can claim victory.

What does francophone immigration look like in Canada today, colleagues? Without overwhelming you with numbers, here is some enlightening information. According to Immigration, Refugees and Citizenship Canada's annual report to Parliament, in 2019, francophone immigration outside of Quebec represented 2.82% of all permanent residents admitted to Canada, whereas the target is 4.4%. The 2.82% represents 8,465 new francophones immigrants in the country in 2019.

We learned recently that that percentage had increased, rising above 3% in 2020. However, that data must be put into perspective, considering the decrease in immigration observed due to the COVID-19 pandemic. In fact, this percentage represents 5,755 francophone immigrants outside of Quebec out of a total of 184,000 new immigrants, so that is not a real increase. We'll have to wait a few years to be able to confirm whether this growth represents a real trend and whether we are indeed approaching the targets, which are clearly insufficient to counteract the demographic decline.

With roughly 300 million francophones in the world, if we recognize that many potential immigrants want to settle in Canada, then our country must do much more and much better to boost francophone immigration. It is essential for the entire country, but also for the vitality of francophone minority communities.

Communities across the country are making impressive efforts to attract newcomers. Organizations have become professional resources with valuable expertise in providing immigrants with considerable assistance when they arrive in our regions.

That being said, although they are vibrant and active in promoting immigration, francophone minority communities face many challenges. The first and not the least important is the decline in their demographic weight. Statistics Canada has projected that the proportion of the Canadian population who use

French as their first official language spoken will reach 3% by 2036 unless something is done. Considering that figure was 6.6% in 1971, that gives us food for thought.

In addition to the demographic decline, many of these communities are located in rural areas. As we know, almost every rural region in Canada is dealing with an exodus to the big cities, where job prospects are sometimes more diverse. It is therefore imperative to prioritize concrete immigration measures that take these realities into account.

In that regard, I concur with Senator Omidvar when she says, and I quote:

... we would do well to scope out a multi-dimensional look and accept that any economy needs workers and talent at all ends of the scale.

I would add: across the country, in both urban and rural areas, in both anglophone and francophone communities.

Francophone immigration strategies that consider all these realities would make it possible to truly diversify the distribution of immigration across the country and shift it away from the Montreal-Toronto-Vancouver hubs, as much as we love those cities.

Some studies have clearly explained the specific nature of minority francophone communities as host communities. The Atlantic region, for example, has rural areas where multiculturalism is far less prevalent than elsewhere in the country and where francophone communities are large and have a strong cultural identity despite their minority status. Acadians represent almost the entire francophone population of this region.

A French-speaking immigrant who wants to settle there, because they are attracted by this vibrant culture, sometimes winds up in an English-majority context, where socio-economic integration can be more difficult without a good knowledge of English. Aspiring immigrants must be aware of this reality before moving to these communities.

Prospective immigrants to francophone regions face a number of other challenges. The information on job opportunities that is provided before they make the decision to immigrate must reflect local realities. Since integration into the workplace is a key part of the immigration process, this is essential information that must be provided before the immigrants arrive. For example, when representatives travel to promote these regions abroad, they must give prospective immigrants clear information about how to get their degrees recognized in order to get the kind of job they want.

This means that important discussions must be had with professional associations about how to get degrees recognized and with post-secondary institutions to ensure that as much of a newcomer's experience as possible will be recognized and credited.

Lastly, information on the cultural, economic and social context of these communities, as well as on the settlement process, must be understandable and culturally appropriate.

These are some of the challenges facing francophone and Acadian communities in Canada that the federal, provincial and territorial governments must take into account when developing and implementing their immigration strategies.

In conclusion, the main reason I wanted to detail the challenges relating to francophone immigration to minority communities today is that I want everyone to be aware of this reality. I would be remiss, however, if I ended without mentioning francophone minority communities' countless successes in welcoming newcomers. Despite the barriers they face, these communities are working tirelessly to welcome newcomers, and they are deeply grateful when immigrants and their families make the momentous decision to build their new lives there.

During the recent municipal elections in New Brunswick, the municipality of Shippagan elected its first black mayor of African origin, and we are all so proud. Kassim Doumbia is originally from the Ivory Coast and came to New Brunswick in 2007. He is very active in his community, having served as a Shippagan town councillor since 2010 and as vice-president of the Société nationale de l'Acadie, a group that represents the Acadian people nationally and internationally. I felt it was important to highlight his community involvement and his inspiring journey.

Esteemed colleagues, the people who immigrate here are restaurant operators, business people, fishers and farmers. They are elected representatives, academics, educators, artists and managers. These people practice all kinds of trades and professions, but they are first and foremost human beings with a deep desire to live their best lives, to build a new life in a new country, to integrate into our communities and to make a contribution to our country.

I sincerely believe that we can successfully connect our communities and immigrants. This is about the future of our country, but most of all, it is about the future of those who make the courageous decision to build a new life in our country, Canada.

Thank you for your attention.

Some Hon. Senators: Hear, hear.

(On motion of Senator Martin, debate adjourned.)

• (1920)

[*English*]

POINT OF ORDER

Hon. Mary Jane McCallum: Honourable senators, I would like to rise on a point of order seeking clarification on remarks made by Senator Tannas regarding the process and procedure surrounding orders of reference to our Senate committees.

As Senator Tannas stated, committees are the masters of their own domains, and as such, the Senate, as a whole, should not be charged with delegating them work. I admit the proper process and procedure surrounding orders of reference is one that lacks

clarity. I had been informed of different processes by different people and would like to seek your sage counsel on this matter. I was respectful of this process, as I did seek guidance and was advised to act in the way that I have.

In the *Rules of the Senate of Canada*, under the heading Orders of Reference to Committees, rule 12-8(1) states:

Any bill, message, petition, inquiry, paper or other matter may be referred to any committee as the Senate may order.

I take this to mean that it is well within the purview of the Senate to delegate and refer matters of study to Senate committees, including via the rubric of motions, as I am attempting to do with Motion No. 17.

As a final point of clarification, I would like to reply to Senator Tannas' statement that it was unusual for me to bring forward an order of reference in the Senate for a committee of which I am a member. I would like to clarify that when I introduced Motion No. 17 in this chamber on October 27, 2020, committees had not been reconstituted, and as such, I was not a member of any committee. This fact can be seen through the wording of the motion itself when it says, in part, that the study should be undertaken "when and if the committee is formed."

I had put this order of reference forward at that time as a matter of prudence to allow the Energy Committee to undertake a critical study while it had a clear agenda prior to receiving legislation. Again, this was indicated during my speech on this matter.

It had been stated by other senators that people who are not committee members should not do an order of reference for that committee, and that if the committee was referred an order of reference, the committee did not need to consider it. I am also aware that there were other orders of reference made by non-committee members around the same time.

Does an order of reference take precedence over non-government, internal items of study? That is, that committees are their own masters?

With that, Your Honour, I would like to request your ruling on this to provide myself and the chamber clarification on who has the authority to refer matters to committee for study and when that authority is permissible to act on. Thank you.

Hon. Scott Tannas: Thank you to Senator McCallum for raising this.

By way of clarification for you, Your Honour, what I said was that I have reservations about this relatively new initiative to have the chamber attempt to dictate to committees. I have only been in the Senate for eight years, so maybe there are prior initiatives that were done like this, but I've only ever noticed it in the last few months.

I went on to say that I accept that we have passed this. In no way did I want to imply that Senator McCallum did not have a right to make this motion and that it's out of order for the Senate to decide on this one way or another, to accept Senator McCallum's motion or not.

To the extent that you need to rule on this, Your Honour, I would side with Senator McCallum on the fact that it is within the Senate's purview to do what she is requesting, should they decide. Thank you.

Hon. Leo Housakos: Thank you, Senator McCallum, for bringing this point up because over the last little while, I've heard a number of colleagues rise on this issue and muddy the waters on rules that are clear and, more importantly, practices in addition to procedures that are crystal clear.

Senate committees serve at the pleasure of the Senate of Canada. Members serve at the pleasure of the Senate of Canada. There is only one ultimate authority in this institution, and that is the Senate Chamber. I've said this in the past to those who care to listen to my point of view; that's why all orders of reference that are brought to the chamber need to be approved before a committee begins a study and before a committee, of course, receives a bill.

Obviously, for organizational reasons and for basic functioning, the chamber has always been flexible in terms of dates and timelines and always understands that with the sequence of work being done, there is a lot of discretion given to steering and ultimately given to the committee. A simple example is that committees cannot even meet outside of Senate times unless they have approval of the Senate. I can go on and on in terms of all the different green lights that a committee would require.

A budget for a study cannot be unilaterally approved by a committee without it coming to the Senate of Canada for approval. Travel expenses cannot be incurred. Witness expenses cannot be incurred. Absolutely very little can be done without the acquiescing and direction of the Senate of Canada.

Like I said, Senator McCallum, confusion has been brought upon by a number of colleagues, and unfortunately, a number of experienced colleagues who have brought into question that principle. As you appropriately pointed out, there are clear rules in our procedures of the institution.

Thank you, Senator McCallum, for bringing this up. I wholeheartedly reinforce and support the arguments brought up by the senator, and of course, I leave it to our more than capable Speaker to rule on this point of order. Thank you, colleagues.

SPEAKER'S RULING

The Hon. the Speaker: Thank you, Senator Housakos. Does any other senator wish to enter the debate?

Honourable senators, these were useful interventions. I do not believe that I need to take this under advisement. Both Senator Housakos and Senator Tannas have agreed with Senator McCallum, that the ultimate authority is the Senate itself. After matters have been brought to the Senate's attention, it can debate and decide whether or not, as a whole, it wishes to give instructions to a committee.

So your point is well taken, Senator McCallum, and I don't believe I need to take it under advisement.

THE SENATE

MOTION TO AMEND THE *RULES OF THE SENATE*— DEBATE ADJOURNED

Hon. Scott Tannas, pursuant to notice of December 16, 2020, moved:

That the *Rules of the Senate* be amended:

1. by replacing rule 3-6(2) by the following:

“Adjournment extended

3-6. (2) Whenever the Senate stands adjourned, if the Speaker is satisfied that the public interest does not require the Senate to meet at the date and time stipulated in the adjournment order, the Speaker shall, after consulting all the leaders and facilitators, or their designates, determine an appropriate later date or time for the next sitting.”;
2. by replacing rule 4-2(8)(a) by the following:

“Extending time for Senators’ Statements

4-2. (8)(a) At the request of a whip or the designated representative of a recognized party or recognized parliamentary group, the Speaker shall, at an appropriate time during Senators’ Statements, seek leave of the Senate to extend Statements. If leave is granted, Senators’ Statements shall be extended by no more than 30 minutes.”;
3. by replacing rule 4-3(1) by the following:

“Tributes

4-3. (1) At the request of any leader or facilitator, the period for Senators’ Statements shall be extended by no more than 15 minutes for the purpose of paying tribute to a current or former Senator.”;
4. by replacing rules 6-3(1)(a), (b), (c) and (d) by the following:

“Leaders and facilitators

(a) any leader or facilitator shall be permitted up to 45 minutes for debate;

Sponsor of a bill

(b) the sponsor of a bill shall be allowed up to 45 minutes for debate at second and third reading;

Critic of a bill

(c) the critic of a bill shall be allowed up to 45 minutes for debate at second and third reading;

Spokesperson on a bill

(d) the spokesperson on a bill from each recognized party and recognized parliamentary group, except those of the sponsor and critic, shall be allowed up to 45 minutes for debate at second and third reading; and

Others

(e) other Senators shall speak for no more than 15 minutes in debate.”;

5. by replacing rule 6-5(1)(b) by the following:

“(b) the time remaining, not to exceed 15 minutes, if the Senator who yielded is a leader or facilitator.”;
6. by replacing the portion of rule 7-1(1) before paragraph (a) by the following:

“Agreement to allocate time

7-1. (1) At any time during a sitting, the Leader or the Deputy Leader of the Government may state that the representatives of the recognized parties and recognized parliamentary groups have agreed to allocate a specified number of days or hours either.”;
7. by replacing the portion of rule 7-2(1) before paragraph (a) by the following:

“No agreement to allocate time

7-2. (1) At any time during a sitting, the Leader or the Deputy Leader of the Government may state that the representatives of the recognized parties and recognized parliamentary groups have failed to agree to allocate time to conclude an adjourned debate on either.”;
8. by replacing rule 7-3(1)(f) by the following:

“(f) Senators may speak for a maximum of 10 minutes each, provided that a leader or facilitator may speak for up to 30 minutes.”;
9. by replacing rules 9-5(1), (2) and (3) by the following:

“(1) The Speaker shall ask the whips and the designated representatives of the recognized parties and recognized parliamentary groups if there is an agreement on the length of time the bells shall ring.

(2) The time agreed to shall not be more than 60 minutes.

(3) With leave of the Senate, the agreement on the length of the bells shall constitute an order to sound the bells for that length of time.”;
10. by replacing rule 9-10(1) by the following:

“Deferral of standing vote

9-10. (1) Except as provided in subsection (5) and elsewhere in these Rules, when a standing vote has been requested on a question that is debatable, a whip or the designated representative of a recognized party or recognized parliamentary group may defer the vote.

EXCEPTIONS

Rule 7-3(1)(h): Procedure for debate on motion to allocate time

Rule 7-4(5): Question put on time-allocated order

Rule 12-30(7): Deferred vote on report

Rule 12-32(3)(e): Procedure in Committee of the Whole

Rule 13-6(8): Vote on case of privilege automatically deferred in certain circumstances”;

11. by replacing rule 9-10(4) by the following:

“Vote deferred to Friday

9-10. (4) Except as otherwise provided, if a vote has been deferred to a Friday, a whip or the designated representative of a recognized party or recognized parliamentary group may, at any time during a sitting, further defer the vote to 5:30 p.m. on the next sitting day, provided that if the Senate only meets after 5 p.m. on that day, the vote shall take place immediately before the Orders of the Day.

EXCEPTIONS

Rule 12-30(7): Deferred vote on report

Rule 13-6(8): Vote on case of privilege automatically deferred in certain circumstances”;

12. by replacing rule 12-3(3) by the following:

“Ex officio members

12-3.(3) In addition to the membership provided for in subsections (1) and (2), the Leader of the Government, or the Deputy Leader if the Leader is absent, and the leader or facilitator of each recognized party and recognized parliamentary group, or a designate if a leader or facilitator is absent, 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, and the joint committees. The ex officio members of committees have all the rights and obligations of a member of a committee.”;

13. by replacing rule 12-8(2) by the following:

“Service fee proposals

12-8. (2) When the Leader or Deputy Leader of the Government tables a service fee proposal, it is deemed referred to the standing or special committee designated by the Leader or Deputy Leader of the Government following consultations with the leaders and facilitators of the recognized parties and recognized parliamentary groups, or their designates.

REFERENCE

Service Fees Act, *subsection 15(1)*”;

14. by replacing rule 12-18(2)(b)(ii) by the following:

“(ii) with the signed consent of the majority of the leaders and facilitators, or their designates, in response to a written request from the chair and deputy chair.”;

15. by replacing rule 12-27(1) by the following:

“Appointment of committee

12-27. (1) As soon as practicable at the beginning of each session, the Leader of the Government shall move a motion, seconded by the other leaders and the facilitators, on the membership of the Standing Committee on Ethics and Conflict of Interest for Senators. This motion shall be deemed adopted without debate or vote, and a similar motion shall be moved for any substitutions in the membership of the committee.

REFERENCE

Ethics and Conflict of Interest Code for Senators, *subsection 35(4)*”;

16. in Appendix I:

- (a) by replacing the words “(Porte-parole d’un projet de loi)” at the end of the definition of “Critic of a bill” by the words “(Critique d’un projet de loi)”;
- (b) by deleting the definition “Ordinary procedure for determining duration of bells”; and
- (c) by adding the following new definitions in alphabetical order:

“Designated representative of a recognized party or a recognized parliamentary group

The Senator designated from time to time by the leader or facilitator of a recognized party or a recognized parliamentary group without a whip as that group or party’s representative for a purpose or purposes set out in these Rules. (*Représentant désigné d’un parti reconnu ou d’un groupe parlementaire reconnu*)”;

“Leaders and facilitators

The Government Leader and the leaders and facilitators of the recognized parties and recognized parliamentary groups (see definitions of “Leader of the Government”, “Leader of the Opposition” and “Leader or facilitator of a recognized party or recognized parliamentary group”). (*Leaders et facilitateurs*)”; and

“Spokesperson on a bill

The lead Senator speaking on a bill from each recognized party and recognized parliamentary group, as designated by the leader or facilitator of the party or group in question. (*Porte-parole d'un projet de loi*); and

17. by updating all cross references in the Rules, including the lists of exceptions, accordingly; and

That the *Ethics and Conflict of Interest Code for Senators* be amended by deleting subsection 35(5), and renumbering other subsections and cross-references accordingly.

He said: Honourable senators, this motion that I have put forward re-establishes on our Order Paper a motion from the previous session that died upon prorogation last fall. This motion combines the original motion proposed by Senator Woo, and my amendments prior to prorogation.

• (1930)

Essentially, the motion proposes a series of changes to the *Rules of the Senate* aimed at providing equality to all groups in the Senate. The changes centre around actions that, up until now, have been reserved for the government and the opposition and levels up the other groups by providing equal rights and responsibilities. For example, the establishment of a spokesperson from each group with the same rights as sponsor and critic of legislation; the equality of whips, designated representatives and the like on deciding the length of bells and the deferring of votes; the equality of all leaders and matters currently reserved for leaders of government and opposition, such as ex officio membership, granting of permission for committees to meet outside regular schedules and so on.

I want to be clear, colleagues: These rule changes are proposed not to take away tools from the Leader of the Government or the opposition but to provide the same tools to all groups, giving them equal rights and responsibilities that go with those.

These changes are proposed in good faith and in recognition of the fact that there are multiple groups in the Senate of Canada, and this is likely to be the case, as we know, for many years to come. Today, almost 75% of senators belong to groups not in opposition or government. That said, there's no pride of authorship here. I look forward to robust debate with many contributions from all perspectives, and hopefully we can come to some resolution of this at some point in the future. Thank you.

(On motion of Senator Cordy, debate adjourned.)

[Senator Tannas]

[*Translation*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO STUDY GOVERNMENT'S RESPONSE TO THE COVID-19 PANDEMIC

Hon. Chantal Petitclerc, pursuant to notice of February 8, 2021, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the government's response to the COVID-19 pandemic, including the impact of the pandemic on vulnerable groups and the scientific research on COVID-19;

That, in particular, the committee examine the specific effects of the pandemic on Indigenous peoples, racialized communities, and people with disabilities;

That the papers and evidence received and taken and the work accomplished by the committee on this subject during the First Session of the Forty-third Parliament be referred to the committee; and

That the committee submit its final report no later than June 18, 2021.

She said: Honourable senators, this is a fairly straightforward motion that has been on the Notice Paper for some time now, calling on the Senate to authorize the Standing Senate Committee on Social Affairs, Science and Technology to examine and report on the government's response to the COVID-19 pandemic, including the impact of the pandemic on vulnerable groups and the scientific research on COVID-19.

As you may recall, the Standing Senate Committee on Social Affairs, Science and Technology undertook a preliminary study from May 13 to June 26, 2020. This motion seeks your support for the committee to continue and complete that study.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[English]

THE SENATE

MOTION CONCERNING GENOCIDE OF UYGHURS AND OTHER TURKIC MUSLIMS BY THE PEOPLE'S REPUBLIC OF CHINA— DEBATE ADJOURNED

Hon. Leo Housakos, pursuant to notice of March 15, 2021,
moved:

That,

- (a) in the opinion of the Senate, the People's Republic of China has engaged in actions consistent with the United Nations General Assembly Resolution 260, commonly known as the "Genocide Convention", including detention camps and measures intended to prevent births as it pertains to Uyghurs and other Turkic Muslims; and
- (b) given that (i) where possible, it has been the policy of the Government of Canada to act in concert with its allies when it comes to the recognition of a genocide, (ii) there is a bipartisan consensus in the United States where it has been the position of two consecutive administrations that Uyghur and other Turkic Muslims are being subjected to a genocide by the Government of the People's Republic of China, the Senate, therefore, recognize that a genocide is currently being carried out by the People's Republic of China against Uyghurs and other Turkic Muslims, call upon the International Olympic Committee to move the 2022 Olympic Games if the Chinese government continues this genocide and call on the government to officially adopt this position; and

That a message be sent to the House of Commons to acquaint that house with the above.

He said: Honourable colleagues, I've made more references in this chamber than I can remember about this chamber being an independent house of Parliament and how we must operate independently from the other place. While I will always fiercely defend that principle which is at the core of our Westminster system, over the past 150 years our two chambers have often demonstrated a will and an ability to work together for the greater good.

There are moments in our history where we have come together to speak in one singular, powerful voice, and we now have before us one of those moments. We have an opportunity right now to come together, like we did earlier on Motion No. 4, to stand together, to stand on principle, to be on the right side of history.

We have seen it time and again throughout history. Around the world, people turn away — sometimes inadvertently, other times on purpose. They turn away from the atrocities being committed against their fellow men and women. It's not always easy to speak up or speak out. The reasons can be many, but speaking up, speaking out, is the right thing to do. We, as senators, as

parliamentarians, but most and above all as Canadians, must speak on behalf of our nation and our people. We must represent the fabric of our nation, our values, and we must do so as one solid parliamentary voice.

That's why this motion is the same motion that was recently adopted in the House of Commons. If adopted here, it can truly be said that Canada's Parliament has spoken and has declared what is happening to minority Muslims in Xinjiang region as genocide. I believe the seriousness and egregious character of what's happening to Uighur Muslims and others in mainland China is reflected in the fact that senators from all caucuses and groups have sought to draw attention to what's happening and have been so willing to work across party lines in bringing this motion forward.

I wish to extend my thanks to my caucus colleague Senator Ngo, who worked with me on the motion in the last Parliament calling for Magnitsky sanctions against Chinese officials related to this genocide, and thank him for his steadfast support when it comes to human rights.

I also would like to thank Senator McPhedran for her outreach on this matter and for agreeing to second this motion, and also being a steadfast supporter of human rights anywhere and all the time.

To my good friend Senator Jaffer, who also expressed her unreserved support, thank you for always being on the right side of history.

Also, I'd like to thank Senator Munson. I'd like to thank Senator Julie Miville-Dechéne for her unequivocal support.

I also want to thank each and every one of you in this chamber who knows that we as Canadians have to stand on the right side of these issues. The point is, this transcends politics and political agendas.

Colleagues, I agree with those who call for exercising caution where the use of the word "genocide" is concerned. It is not something to be thrown around lightly. It does come with certain legal implications for the international community, so we should turn, I think, to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide for guidance when considering whether particular actions constitute genocide.

In the present convention, genocide is defined as:

. . . 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's no doubt as to the context in which the convention was drafted. There should also be no doubt that what is taking place against minority Muslims in Xinjiang at the hands of the Communist Chinese regime is in fact and undoubtedly genocide.

• (1940)

In order to truly appreciate the scope of what's happening, we must go back where it began, starting by noting that the region China refers to as Xinjiang is actually Chinese-occupied East Turkistan. The region, as with all of China, is made up predominantly of Han Chinese with Uighur Muslims in the minority.

Over the years, an influx of Uighur Muslims from the regions west into the bustling manufacturing centres of the south has created increasing ethnic tension. These tensions have boiled over throughout the years, sometimes resulting in violent protests.

It was against this backdrop, according to documents obtained by the *New York Post*, that in 2014, President Xi Jinping launched the full force of China's authoritarian regime against the Uighurs and other Muslim minorities in the region.

President Xi justified his actions then and since as being necessary to deal with who he describes as terrorists. So what does that look like, honourable senators? Chinese authorities immediately started rounding up Uighur Muslims, grabbing them off the streets, snatching them out of their homes, telling family members, including young children, that their loved ones were being sent to training schools and that they might never come back.

At first the Chinese government denied the existence of these internment camps, but when confronted with satellite imagery proving their existence, they referred to them as "re-education camps." Even now Chinese officials try to claim that everyone has completed their training and has been released. But satellite images and family members of those interned say quite the contrary.

What is really happening at these camps, honourable senators? Prisoners are subjected to psychological indoctrination, physical torture, including waterboarding, sexual abuse, forced abortions and mass sterilization. There is said to be as many as 300 of these internment camps, averaging 300 acres in size, with many showing signs of expansion over the past year or so. It is believed that as many as 3 million people, or 30% of the Uighur population, are detained in these concentration camps.

Uighurs outside the camps are also victims of oppression and forced labour. A report by the Australia Strategic Policy Institute found that these forced labourers have been working for companies owned by BMW, Nike, Huawei, just to name a few.

The threat of being interned for even the slightest infraction is said to have terrorized the entire population into silence. As reported by the BBC, the region is now covered by what is termed a pervasive network of surveillance, including police checkpoints, cameras that scan everything from licence plates to individual faces, their expressions, and even discussions among these citizens. Cameras are even said to have been located monitoring individuals in their apartments and homes. It's not just facial recognition technology that's being used but also other biometric data, including DNA and voice recognition, with Uighurs being forced to turn over samples of these to local authorities, as well as being forced to install tracking apps on their mobile devices.

This Orwellian level of surveillance has been complemented by a reported campaign of forced sterilization as well. Documents obtained by the House of Commons Subcommittee on International Human Rights noted about 80% of all IUD placements in China took place in this region. Birth rates in the region are reported to have fallen by close to 24% over the last year. Then there are the settlement policies that have sought to swamp the local Uighur population with large numbers of Han Chinese who have been encouraged to settle in these regions.

Honourable senators, it is indisputable that this does rise to the level of genocide, according to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. Yet, the communist regime of China not only expects us to believe otherwise but they continue a campaign of threats and intimidation against Western nations who dare challenge them. In some cases, some countries have been complicit in Beijing's attempts to wipe out the Uighur population by arresting exiled Uighurs and deporting them back to China.

We should be under no illusion that the Xi regime seeks to silence us as well. They've threatened our colleagues in Parliament with repercussions in the past. But, honourable senators, we must not allow that to deter us. It certainly hasn't deterred our greatest ally, the United States of America.

Several months ago, 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. Two successive administrations and both the current Secretary of State and past Secretary of State have recognized that the actions of the Chinese regime constitute genocide. It is happening in full view of the world. The authoritarian state of China is committing these atrocities, these crimes against humanity, with impunity. They're arrogant in their blatant disregard for human life and human rights, and we must not allow it to go unchecked and unnamed for what it is.

We always say "never again." We said it after the Holocaust. And then we had Rwanda, a genocide that had such a profound impact on our friend and former colleague, the Honourable Roméo Dallaire. Former Senator Dallaire has said of what's happening in China:

You're either a great nation that believes in its values and in what its flag stands for, and what so many have died to defend it . . . you're either that, or you're not.

I couldn't agree more with our former colleague Senator Dallaire.

We can't say we're a nation that defends human rights and religious freedom and then stay silent when we see what's happening in China. We can't stand up against Islamophobia in this country but not stand up and speak against a genocide taking place against Muslim people in another. This is not the Canadian way. Never in our history as a nation have we backed down in the face of tyranny. We shouldn't start now. Our actions as Canadians and as parliamentarians must be reflective of our values and our long-standing reputation as defenders of human rights, religious freedom, democracy and the rule of law. We must speak out in one voice and say no, we will not allow this to happen — never again.

Honourable senators, China for far too long, this Chinese regime, has trampled freedom and democracy in Hong Kong with a boot to the throat of the people of Hong Kong. We've seen how they behave in terms of disregard for international law in regard to our two Michaels and other Canadian citizens. We've seen how they've been belligerent when it comes to attacking countries and neighbours like Taiwan and India. We need to speak up. We need to hold China to account. We should not be tolerant of a trading ally, of behaviour that we would never accept in our own country and as Canadians.

I hope you will all support this motion. It has taken far too long for such an obvious motion that embodies what Canada is all about and what Canadians believe in — standing up for our fellow man being trampled by tyranny and an authoritarian regime.

I don't know what the forces are that are preventing this obvious call on behalf of my colleagues to speak up on behalf of Canadians, but we have an opportunity tonight to speak in one solid voice, to reinforce the House of Commons, to reinforce these Canadian values, and I truly call upon you to make me again proud today as a parliamentarian, standing up for those values in defence of vulnerable minorities that are being trampled by tyranny and by authoritarian oppression.

Thank you, honourable senators, very much.

Hon. Peter Harder: Honourable senators, I speak to you tonight from the unceded territory of the Algonquin people.

This debate comes in a week in which the tragic discovery of yet more mass graves — of 215 children in Kamloops — adds to the indictment of our centuries-long practice of residential schools, forced sterilization and what the former chief justice of Canada described as cultural genocide of our Indigenous peoples.

This horrifying reality of our history stands in rather cynical contrast to the tone of moral superiority and self-righteousness contained in the motion before us tonight.

Honourable senators, I rise to oppose the motion before us and would like to take a few minutes to explain why.

In doing so, I would like to address the following issues: the purpose of the motion and the context in which we receive the motion. What does voting against this motion mean, and how

should the Senate of Canada deal with issues raised by it? In speaking to the purpose of this motion, I asked myself several questions to determine whether or not this was a motion I could speak to because the issues are important. The first question I asked was: Will this motion help the two Michaels?

• (1950)

Colleagues, on reflection, I've come to the conclusion that it will not help but, rather, significantly jeopardize the ongoing treatment of the two Michaels. If you read this morning's column by John Ivison in the *National Post*, Ivison states how he has changed his view on how Canada should address this issue of the two Michaels and that it ultimately will involve a political solution. I would argue, colleagues, as I believe that that is true, that a political solution will not be encouraged by motions such as the one before us, and I strongly urge us not to jeopardize the fragile situation involving the negotiations with regard to the two Michaels.

The second question I posed to myself was: Will this motion inflame or dampen any anti-Asian violence in Canada? Like many senators, I share the concern of many senators and Canadians over the rise of anti-Asian violence in Canada generally, and particularly anti-Chinese violence. I believe it's incumbent upon us, as a chamber of sober second thought, to seek to dampen the rage that many are feeling, legitimate or otherwise, and we should not adopt motions which inflame the attitudes that are present in our society.

Will this motion contribute to a better understanding of Canada's interests in engagement with China? No. This motion is about rage, it is about raising the serious situation of our fellow compatriots in certain regions of China, but frankly it will not aid in our engagement of China on these issues or the broader context of these issues. This motion will not advance human rights in China but, rather, lead to a clampdown and a negative reaction, and it is not the way in which I believe we can successfully engage China with regard to these practices and other issues of concern that we might have.

Will this motion strengthen the ability of the Government of Canada to engage with the Government of China on bilateral and multilateral issues that are urgent for our attention? I believe, colleagues, that this motion will undermine such efforts at a time when the world has issues on which it must engage China that are important for multilateral issues but also for the bilateral issues that Canada faces in the world of today.

The motion before us suggests that the Olympics ought to be boycotted in China. I would argue that this motion and this request make the victims our athletes and the Olympic movement, and will do nothing to address the concerns that are quite heartfelt and raised in the motion, and it will undermine the polity of Olympic competition and victimize our athletes.

There have been in Question Period and in this debate itself questions of the motivation of the Government of Canada and the ability of the Government of Canada to "stand up to China." Senator Housakos spoke of the motion before the other place in which the executive of Canada did not support the motion, and

some have speculated that that is out of weakness or out of a desire on the part of the government not to engage forcefully the people in the Government of China.

Colleagues, I believe that the motion before us will, if adopted, add significantly to a deterioration of a relationship the victims of which will not be senators but, rather, the two Michaels, the ability of the communities in Canada to seek common ground and to distort our ability to speak to human rights issues with our Chinese interlocutors.

Colleagues, we are living in perilous times. The postwar era of U.S. dominance is being challenged, not in a Cold War redux, but rather the emergence of a near peer in China. This challenge to American exceptionalism comes at a particularly challenging time in the democratic life of our friends in the United States. I raise this context because surely our focus has to be how best to guide Canada's interest in the world of today and tomorrow. Simply stimulating public rage is not enough to move forward in our interests. We are in fevered times in our relationship with China on a wide range of issues, and the motion before us does not address how best to deal with those fevered times.

What does voting against this motion mean? Certainly, for my part it does not mean that the issues raised are not important and frankly ought not to be raised with our interlocutors in China. I myself have raised them, I will continue to raise them, and I've raised them in the context even in the events in Kamloops today with Chinese officials. We need to find ways of engaging in a respectful fashion that demonstrates our commitment to the issues raised by Senator Housakos but does not imperil our national interests and the well-being of Canadians.

I would suggest that the Senate of Canada should deal with the issues raised in the motion and the broader context of Canada's relationship with China that I've raised and do what we do best, and that is provide sober second thought and advice to the Government of Canada in engaging in a study on what should our relationship with the evolving China be in the months and years ahead. This could be a useful contribution to both public understanding and a government's contemplation of dealing with the changing circumstances to which I referred.

I am particularly concerned with two developments taking place in the bilateral relationships between major powers in the world today: China and the United States. I fear strategic miscalculation on both parts, and I fear fevered political rhetoric which locks out the possibility of political compromise and cooperation on the issues on which we must make advances for the well-being of this planet and the relationships that are required to make progress on that.

Former President Obama said it well when he said, "... what's troubling is the gap between the magnitude of our challenges and the smallness of our politics"

Colleagues, let's not use this motion to emphasize the smallness of politics but, rather, seek, as a Senate, to address the magnitude of our problems. Thank you.

Senator Housakos: Would Senator Harder take a question?

Senator Harder: Certainly.

Senator Housakos: Senator Harder, you're absolutely right; let's address the issues at hand. We have a Chinese regime that has absolutely no standards compared to Canada when it comes to labour. We have a Chinese regime that has no standards when it comes to environmental protection, like we do in Canada. We have a Chinese regime that has no respect for intellectual property, which we do in Canada.

• (2000)

Fundamentally, we currently have — and you haven't addressed the issue — a regime that has millions of minority Muslims in concentration camps who are being tortured. We have two Canadians that have been detained illegally for over 900 days. This is the issue at hand. You haven't addressed them in your speech, other than giving us an explanation about why our government is in dialogue.

We have a current administration that has been in dialogue with the Chinese regime, continues to turn a blind eye to the egregious behaviour I've highlighted, and many more. I could speak for hours. Can you please pinpoint any concrete result from that dialogue and the appeasement by our government to this Chinese regime? Are the Michaels in any better shape today than they were two years ago? Are there Uighur people in China suffering any less because of it? Is China all of a sudden willing to embrace some of the values and principles that we Canadians hold dear?

And this institution called the Senate does not speak on behalf of the executive; we speak on behalf of Canadians and those values.

Could you give me concrete examples how dialogue has moved the yardsticks forward in getting this tyrannical regime to start behaving the way we expect of an ally and trading partner?

Senator Harder: Senator Housakos, I thank you for the question. I'm going to have to respond in a broader context than your question, because you've used words like "appeasement" and "tyrannical regime" and other descriptions of China, which, frankly, I find totally inappropriate in the context of seeking a broader engagement.

The criticisms that you make are, frankly, not uniquely only in the reflection of one country. One could draw attention to any number of countries for which there are concerns with respect to human rights or international practices that you raise.

I, for one, am not going to, in a public platform such as the Senate of Canada, seek to condemn at the very moment I'm seeking to engage. I do not see how, colleagues, we're going to get progress on climate action by insulting those that we wish to engage in stronger action. I do not see how we're going to see a stronger trading regime if we do not seek partners for WTO reform from the very sources of countries that we are, with this resolution and by the rhetoric of the question, condemning.

I would also reference the actions being taken by some countries. I know in the dying days of the Trump administration the then Secretary of State made certain comments on behalf of his government with respect to what he described as "genocide,"

which the Biden administration is quite rightly reviewing, because they have not concluded that the 48 convention standards have been met.

My point in responding, senator, is we should get off our high horse and seek to engage more appropriately, not bellicosely and belligerently, with countries — not just China but countries that we need to engage. I'll leave it at that for tonight. Thank you.

Hon. Thanh Hai Ngo: Honourable senators, I rise today in support of Senator Housakos's motion to recognize the genocide being carried out by the People's Republic of China against Uighur and other Turkic Muslims. I want to thank Senator Housakos for bringing this extremely important motion to the Senate.

Colleagues, the atrocities that have been happening for years now are so egregious, so disturbing in moral depravity and so pervasive in scope that they encapsulate the very definition of genocide.

The plight of the Uighur and other Turkic Muslims has aptly been described by experts as the largest mass detention of an ethno-religious minority since the Holocaust.

A non-partisan think tank, the Newlines Institute for Strategy and Policy, in cooperation with the Raoul Wallenberg Centre for Human Rights — a leading human rights group with a contribution of more than 30 global experts and prominent human rights lawyers — published a report in March which undisputedly demonstrates that China is violating the United Nations genocide convention and committing genocide against Uighurs.

In February, in spite of the conspicuous and highly suspect absence of the Prime Minister and members of his cabinet, a unanimous vote in the other place recognized that these heinous acts perpetrated by the Chinese Communist Party against Uighurs and other Turkic Muslims constituted genocide, making Canada the first country to do so after the United States.

Satellite imagery, testimony from survivors and leaked Chinese government documents paint a bleak and horrifying picture of orchestrated evil on a grand scale: an Orwellian mass state surveillance apparatus monitors their every move; outspoken Uighur leaders are killed; mosques and sacred sites are demolished; children are separated from their parents and transferred to other parts of country; parents are separated from each other, arbitrarily rounded up and forcibly detained in what the Chinese government doublespeak refers to as "re-education centres." Survivors, however, are unequivocal in their assertion that these are, in fact, "concentration camps," or "Chinese gulags."

Leaked in 2019, highly classified Chinese government documents, known as the "China Cables," confirm the sinister nature of these camps, revealing the operations manuals for mass internment and "arrest by algorithm."

Although figures vary, at least 2 to 3 million Uighurs are estimated to have been incarcerated. Detainees are subject to systematic sexual abuse and torture, political indoctrination, forced sterilization, mandatory birth control, forced assimilation and renunciation of their faith.

Colleagues, I congratulate the Prime Minister for stating the obvious by accurately characterizing the act of genocide as "extremely loaded." I think we can all agree with the Prime Minister when he says that such a serious allegation can only be attributed based on "facts and evidence," and that it must be "clearly and properly justified and demonstrated."

However, what the Prime Minister and his cabinet refuse to acknowledge is that several credible bodies and leading experts have, in fact, already engaged in precisely this very process. It was through rigorous scrutiny of the extensive available evidence and compelling witness testimonies that they were able to conclude that the atrocities being perpetrated in Xinjiang, do, in fact, constitute "crimes against humanity" and irrefutably amount to genocide.

Colleagues, the evidence is damning — so damning, in fact, that an array of government and non-government stakeholders worldwide have all declared that a genocide is taking place in Xinjiang. The list is extensive and includes, in addition to the House of Commons; the House of Commons Subcommittee on International Human Rights; not one but two consecutive U.S. administrations; the Dutch Parliament; the U.K. Parliament; the Lithuanian Parliament; prominent think tanks; leading human rights groups; a coalition of more than 30 global experts. Also prominent international human rights lawyers, among them: the Honourable Irwin Cotler, former Liberal Minister of Justice and Attorney General; the Honourable Allan Rock, former Liberal Minister of Justice and former Canadian Ambassador to the UN; the Honourable Lloyd Axworthy, former Liberal Minister of Foreign Affairs; as well as the Honourable Yves Fortier, renowned international lawyer, former Canadian Ambassador to the United Nations and former President of the United Nations Security Council.

• (2010)

Colleagues, if this list is not impressive enough, there is also our esteemed and heroic former colleague and retired Lieutenant-General, the Honourable Roméo Dallaire who, as you know, witnessed first-hand the Rwanda genocide amid tragic international indifference. He, too, calls this a genocide and urges the government to act.

Colleagues, I am sadly not surprised by the spineless position adopted by the Prime Minister and his cabinet in their refusal to call this a genocide, and as we have seen time and again, they have a clear policy of appeasement vis-à-vis China, in blatant disregard of sound expert advice, national security and human rights.

As the *Washington Post*'s editorial board stated in its opinion published on May 16, entitled "China's repression of Uyghurs is not only cultural, but also physical, a new report shows," and I quote:

AFTER THE Holocaust The promise was "never again."

Either you believe in "never again," or you contribute to "once again."

The message to the Prime Minister and his cabinet is, and I quote the Honourable Roméo Dallaire, who rightly said:

You're either a great nation that believes in its values and in what its flag stands for, and what so many have died to defend it ... you're either that, or you're not.

Indeed, it is time for the Trudeau government to do the right thing by: recognizing that these heinous acts perpetrated by the CCP against the Uighurs constitute genocide; calling upon the International Olympic Committee to move the 2022 Olympic Games if the Chinese government continues this genocide; and imposing targeted Magnitsky sanctions against all Chinese government officials responsible or complicit in perpetrating gross human rights violations.

Canada has always been a front-runner in fighting for democracy, freedom, human rights and the rule of law — the very values on which this great nation was founded.

Colleagues, as the chamber of sober second thought, I believe, with deep conviction, that we have a moral duty to reaffirm this courageous and principled stance. Let us not be remembered for being subservient to cowardice, self-interest and the almighty dollar. Let us stand on the right side of history and truly honour the pledge, "never again."

Honourable colleagues, let us not remain silent, and lend our voice to call this horrific 21st-century tragedy what it really is: a genocide. Thank you.

Hon. Pat Duncan: I move adjournment of the debate in my name. I believe I was called upon. Senator Ringuette, I believe you recognized me.

The Hon. the Speaker pro tempore: It is moved by the Honourable Senator Duncan, seconded by the Honourable Senator Woo that debate be adjourned to the next sitting of the Senate. If you are opposed to the motion please say, "no."

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: Those in favour of the motion and who are in the Senate Chamber, please say, "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: Those opposed to the motion and who are in the Senate Chamber will please say, "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: I believe the "nays" have it.

I see two senators rising, calling for a vote.

And two honourable senators having risen:

Some Hon. Senators: Now.

The Hon. the Speaker pro tempore: We are voting now? We will have to ask leave.

Is there leave for the proposed length of the bell from the senators in the Senate Chamber? If you are opposed, please say, "no." Leave is granted to vote now.

Honourable senators, the question is as follows: It was moved by the Honourable Senator Duncan, seconded by the Honourable Senator Woo that debate be adjourned until the next sitting day.

All those in favour of the motion who are —

Hon. Donald Neil Plett (Leader of the Opposition): Could you please repeat what we are voting on?

The Hon. the Speaker pro tempore: The adjournment of the debate.

Senator Plett: Yes.

The Hon. the Speaker pro tempore: Do you want me to read the adjournment of the debate again?

Senator Plett: No. That's not what I understood but that's fine, Your Honour.

The Hon. the Speaker pro tempore: All those in favour of the motion to adjourn the debate who are present in the Senate Chamber will please rise.

Motion agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

Bellemare	Gold
Bernard	Griffin
Boniface	Harder
Bovey	Hartling
Busson	Klyne
Campbell	Kutcher
Cordy	LaBoucane-Benson
Cormier	Lovelace Nicholas
Cotter	McCallum
Coyle	Mégie
Dagenais	Mercer
Dasko	Moncion
Deacon (<i>Nova Scotia</i>)	Moodie
Downe	Oh

Duncan	Omidvar
Dupuis	Pate
Forest-Niesing	Petitclerc
Francis	Saint-Germain
Gagné	Wetston
Galvez	Woo—40

• (2030)

CITIZENSHIP ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker pro tempore informed the Senate that a message had been received from the House of Commons with Bill C-8, An Act to amend the Citizenship Act (Truth and Reconciliation Commission of Canada’s call to action number 94).

(Bill read first time.)

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

(On motion of Senator Gold, bill placed on the Orders of the Day for second reading at the next sitting of the Senate.)

Hon. Donald Neil Plett (Leader of the Opposition): I move that the Senate do now adjourn.

The Hon. the Speaker pro tempore: Honourable senators, we have a motion to adjourn the Senate.

[*Translation*]

POINT OF ORDER

Hon. Lucie Moncion: On a point of order, Madam Speaker. Correct me if I’m wrong, but Senator Plett is not on debate on an item, so I’m not sure he can move to adjourn the Senate.

[*English*]

An Hon. Senator: The adjournment can be asked at any time.

Senator Plett: Your Honour, I think Senator Moncion should read the *Rules of the Senate of Canada*. Any senator can move the adjournment of the debate.

Senator Moncion: I’ve asked this question on a number of occasions of the clerks and it has always been a debatable question, so I would like an exact ruling on this. If I’m wrong, Senator Plett, I will bow to the rules.

SPEAKER’S RULING

The Hon. the Speaker pro tempore: Honourable senators, the applicable rule is 5-13(2), which reads as follows:

A motion to adjourn the Senate may only be moved by a Senator who is recognized to speak in a debate, and may not be moved on a point of order.

A senator, therefore, cannot move the adjournment of the Senate unless already engaged in debate on an item that has been called.

NAYS

THE HONOURABLE SENATORS

Ataullahjan	Ngo
Batters	Patterson
Boisvenu	Plett
Dalphond	Ravalia
Housakos	Richards
Loffreda	Seidman
MacDonald	Smith
Manning	Stewart Olsen
Martin	Tannas
Miville-Dechéne	Wells—21
Mockler	

ABSTENTIONS

THE HONOURABLE SENATORS

Anderson	Simons—2
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• (2020)

POINT OF ORDER

Hon. Donald Neil Plett (Leader of the Opposition): Your Honour, Senator Massicotte’s vote makes no difference to the outcome of this, but on a point of order, he did not vote when the yeas were called, so I am asking that his vote not be counted in this vote. It makes no difference to the outcome, but we need to have proper rules if we want to work in a virtual setting. If we can’t do that, then we shouldn’t have a virtual sitting.

SPEAKER’S RULING

The Hon. the Speaker pro tempore: I accept the point of order, because we had moved through all the yeas within the chamber, over video conference and those whose name had not been called. Therefore, Senator Massicotte, if you really want to vote on this, you will have to ask leave to register your vote in favour.

Hon. Paul J. Massicotte: I’ll pass.

[Translation]

THE SENATE

MOTION TO CALL UPON THE MINISTER OF IMMIGRATION, REFUGEES AND CITIZENSHIP TO GRANT CITIZENSHIP TO RAIF BADAWI ADOPTED

Hon. Julie Miville-Dechéne, pursuant to notice of March 15, 2021, moved:

That the Senate call upon the Minister of Immigration, Refugees and Citizenship to grant citizenship to Raif Badawi by exercising his discretion under section 5 of the Citizenship Act, which authorizes him to grant citizenship to any person to alleviate cases of special and unusual hardship.

She said: Honourable senators, I rise tonight to explain why I am moving a motion to call upon the Minister of Immigration, Refugees and Citizenship, Marco Mendicino, to grant Canadian citizenship without delay to Saudi Arabian journalist and blogger Raif Badawi, who has been in prison in Saudi Arabia for nine years. The Citizenship Act gives the minister the discretion to grant citizenship to any person to alleviate cases of special and unusual hardship. It's clear to me that this is indeed a case of special hardship and persecution. However, it is also a case that has undeniable ties to Canada, and to Quebec in particular.

Raif Badawi has been detained in Saudi Arabia for nine years for having insulted Islam. His courageous wife, Ensaf Haidar, and their three children were granted asylum in Canada and have settled in Sherbrooke. They are now Canadian citizens. Thanks to Ms. Haidar's tireless crusade to free the father of her children, Raif Badawi has become a *cause célèbre* in Quebec. He has garnered a great deal of sympathy.

What was the crime that has led Raif Badawi to languish in prison for nine years? In 2008, he launched a website called "Free Saudi Liberals." It advocated in favour of moral liberalization in Saudi Arabia, meaning freedom of conscience, freedom of religion, freedom of speech and gender equality. While this would be perfectly legitimate in a democratic country where freedom of speech is respected, it earned him a 10-year prison sentence, 1,000 lashes and a heavy fine for publishing comments that were deemed blasphemous. This totalitarian country, governed by Sharia law, is the birthplace of a fundamentalist form of Islam, Wahhabism, which is being exported around the world.

An international outcry stopped the flogging after 50 lashes, but the subsequent decline in Raif Badawi's physical and mental health and his hunger strikes have caused concern for his loved ones and his allies, who include the former Canadian minister of justice, Irwin Cotler, one of his staunchest defenders. A global campaign has been launched, punctuated by interventions from the United Nations. There have been many fruitless calls for clemency and for his release, including by former U.S. Vice President Mike Pence, the U.S. House of Representatives, and the U.S. Senate.

• (2040)

In 2018, Canada's foreign affairs minister at the time, Chrystia Freeland, had the audacity to use Twitter to call for the immediate release of Raif Badawi and his sister, Samar Badawi, a women's rights advocate who had just been jailed. Her tweet infuriated the Saudi regime and resulted in sanctions against Canada.

Quebec, for its part, delayed Saudi Arabia's bid for observer status at the Organisation internationale de la Francophonie, mainly because of the treatment of Raif Badawi.

Raif Badawi has also become a symbol of resistance. He was awarded the prestigious Sakharov Prize for Freedom of Thought in 2015, an award that honours the memory of the great dissident physician who was persecuted for defying the Soviet dictatorship. When announcing this prize, the President of the European Parliament had this to say about Raif Badawi, and I quote:

Raif Badawi has become a symbol and an inspiration for all those fighting for fundamental rights in the region and beyond. . . . Despite great risk, . . . Raif Badawi has bravely endeavoured to foster free thought and exercised his right to freedom of expression filling a vacuum left by the lack of a free press in his country.

Ensaf Haidar added the following on this occasion:

Raif is not a criminal. He is a writer and a free thinker: that is all. Raif Badawi's crime is being a free voice in a country which does not accept anything other than a single opinion and a single thought.

The fate of all political prisoners and all prisoners of conscience is important. It calls into question the trade-offs we make in foreign policy between our conscience and our economic comfort. To protect the life of Raif Badawi, wouldn't it be better to keep silent and take action behind the scenes? "No, no and no," says Irwin Cotler from the Raoul Wallenberg Centre for Human Rights. "Silence could be disastrous."

Let's not forget that Saudi Arabia was involved in the gruesome murder and dismemberment of journalist Jamal Khashoggi in 2018. Raif Badawi has also been recognized as a journalist by many reputable international institutions, such as Reporters Without Borders, which presented him with the Press Freedom Award.

Why should we grant Raif Badawi Canadian citizenship? First of all, I am told that Raif Badawi is anxiously looking forward to obtaining Canadian citizenship and has been pleading for it for six years.

Saudi Arabia doesn't recognize dual citizenship, but under international law, it isn't forbidden for a country to provide diplomatic protection to a citizen who is a dual national. At least, that is what we read in a recent analysis by the High Level Panel of Legal Experts on Media Freedom, convened at the request of the British and Canadian governments.

Raif Badawi could also try to renounce his Saudi citizenship. If he obtains Canadian citizenship, it gives his defenders a strong argument for allowing him to receive Canadian consular services. For example, as a Canadian citizen, Mr. Badawi could receive visits from Canadian diplomats, and the conditions of his detention might improve. These visits could relieve his mental distress. With a Canadian passport, he could hope for safe passage upon release. Without it, he could not leave Saudi Arabia for 10 years.

Of course, none of this is guaranteed, but that is the hope carried by the motion I am moving today, as well as the hope that three Canadian children who grew up fatherless in their new home country will get their father back. As you know, the other place unanimously adopted a similar motion on January 27. If both chambers make the same request of the Government of Canada, the political pressure will be that much stronger. Unfortunately, so far, the Minister of Immigration has not given any indication that he would take measures in accordance with the unanimous motion of our colleagues in the other place.

We must not delay, because things are taking a worrisome turn in Saudi Arabia. Following the CIA's latest revelations about the murder of Jamal Khashoggi, Raif Badawi was reportedly investigated for harming the reputation of the Saudi kingdom. On March 15, Raif Badawi appeared in a criminal court for a new trial on charges that his hunger strike to obtain medicine and books was actually a suicide attempt. Suicide is a crime under Saudi Sharia-based law. He was scheduled to be released in a year, but a new conviction would make that unlikely.

Esteemed colleagues, I ask you to support this humanitarian motion now. Thank you.

Hon. Pierre J. Dalphond: Honourable senators, I rise to speak in support of the motion moved by my colleague, Senator Miville-Dechéne, calling on the Minister of Immigration, Refugees and Citizenship, Marco Mendicino, to grant citizenship to the Saudi writer and blogger Raif Badawi by exercising his discretion to grant citizenship to any person to alleviate cases of special and unusual hardship. I would add that the House of Commons unanimously adopted a similar motion on January 27.

Mr. Badawi's saga begins not with his arrest by Saudi authorities in 2012, but rather in 2008 when, at the age of 24, he founded the blog and discussion forum "Free Saudi Liberals" with Souad al-Shammari, a Saudi women's rights activist. That year, he was arrested, questioned about his website and then released.

He was subsequently accused of creating a website insulting Islam. He then left Saudi Arabia. He returned only after Saudi prosecutors indicated that they were dropping the charges, but that was a trap. In May 2009, his and his wife's assets in Saudi Arabia were frozen. In December 2009, just as he was about to take a flight to Beirut, he was prohibited from leaving the country, without any explanation.

In March 2012, Sheikh Abdul-Rahman Al-Barrak published a religious ruling, a fatwa, declaring Mr. Badawi an apostate who should be judged and condemned for stating on his site that Muslims, Jews, Christians and atheists are all equal.

After this fatwa, Mr. Badawi's wife and children fled to Egypt, then settled briefly in Lebanon before applying for political asylum in Canada, which was granted. They then settled in the beautiful Quebec city of Sherbrooke. They are all Canadian citizens now and, my goodness, how actively engaged they are. His wife even wants to run for the Bloc Québécois in the next federal election.

In June 2012, Mr. Badawi was officially arrested and charged with creating a website that undermined "general security," mocking Islam and committing apostasy, a crime punishable by death in Saudi Arabia. Fortunately, a judge dismissed the charge of apostasy after Mr. Badawi was able to convince the court that he was Muslim.

However, in July 2013, Mr. Badawi was found guilty of the other charges and sentenced to seven years in prison and 600 lashes. In a flagrant violation of international standards for fair trials, Mr. Badawi's lawyer was prevented from attending the hearing, which is not unlike what happened to the Canadians in China. The lawyer, Waleed Abulkhair, who is also a human rights advocate, would later be locked up and sentenced to 15 years in prison.

• (2050)

Mr. Badawi's sentence was appealed in 2014, but to his shock, it was increased: 10 years in prison; 1,000 lashes to be administered over a period of 20 weeks; a one-million-riyal fine, which was about \$300,000 Canadian at the time; a total ban from accessing the Internet; and a ban from leaving Saudi Arabia for 10 years following his release.

At the request of the King of Saudi Arabia, the country's supreme court reviewed the decision and ultimately upheld it in a January 2015 ruling. Mr. Badawi's new lawyer was not authorized to intervene during the Supreme Court review.

As you are no doubt aware, flogging is a form of torture that violates international law, and in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Saudi Arabia ratified in 1997. Furthermore, article 8 of the Arab Charter on Human Rights states that:

(a) The States parties shall protect every person in their territory from being subjected to physical or mental torture or cruel, inhuman or degrading treatment.

This charter was also ratified by Saudi Arabia.

In response, Saudi Arabia has stated that the prohibition of torture, under the Arab Charter on Human Rights and international law, does not apply to convictions under Sharia law. That said, we should be pleased that flogging was finally abolished in Saudi Arabia in 2020, which I consider to be a step in the right direction for the governance of that kingdom. I would like to point out that Mr. Badawi had already received several dozen lashes when flogging was abolished.

However, the fact remains that Raif Badawi's situation is unacceptable and has caused much outrage, leading to calls for clemency in Quebec, Canada and around the world. The list of

Mr. Badawi's accolades includes a nomination for the Nobel Peace Prize in 2015, the Freedom of Speech Award, the Courage Award from the Geneva Summit for Human Rights and Democracy in 2015, and finally, an honorary doctorate from Université de Sherbrooke in 2017.

These recognitions have not gone unnoticed in the Kingdom of Saudi Arabia. In early March 2021, the Raoul Wallenberg Centre for Human Rights, who is working on the file, informed us that Mr. Badawi and his wife, Ensaf Haidar, are both under investigation for "influencing public opinion" and "damaging the reputation of the Kingdom."

In an article published in the now defunct "HuffPost," the Honourable Irwin Cotler, former minister of Justice, Chair of the Raoul Wallenberg Centre for Human Rights and legal counsel for Mr. Badawi, explained the following:

[*English*]

When Minister Dion last raised Mr. Badawi's case with Saudi officials, they emphasized his lack of Canadian citizenship as precluding Canada from intervening on his behalf. As someone who has represented political prisoners for some 40 years in such diverse jurisdictions as the Former Soviet Union —

— Mr. Cotler was then acting for Andrei Sakharov, then in Egypt for Saad Eddin Ibrahim, then in South Africa for no less than Nelson Mandela, and now he represents Raif Badawi. He said:

. . . this is the first time any country has questioned my right — and that of Canada — to make representations on behalf of a political prisoner because that political prisoner was not a citizen of Canada.

[*Translation*]

Mr. Badawi was granted honorary citizenship by the City of Sherbrooke in 2015 and by the City of Montreal in 2018, but he is still missing the one that counts, true Canadian citizenship. The fact that he does not have Canadian citizenship is a barrier to any intervention by our country in this case and keeps us from providing any consular services to Mr. Badawi.

Consequently, even though Canadian citizenship would certainly not overturn Mr. Badawi's conviction or the ban preventing him from leaving Saudi Arabia for 10 years after his detention, it would give Canada the opportunity to intervene. That is why I invite you to support the motion, honourable colleagues. Thank you.

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

Hon. Senators: Agreed.

(Motion agreed to.)

THE SENATE

MOTION CONCERNING THE CLOSURE OF PROGRAMS AT LAURENTIAN UNIVERSITY—DEBATE ADJOURNED

Hon. Josée Forest-Niesing, pursuant to notice of April 20, 2021, moved:

That the Senate:

1. express its concern about the closure at Laurentian University in Sudbury, of 58 undergraduate programs and 11 graduate programs, including 28 French-language programs, representing 58% of its French-language programs, and the dismissal of 110 professors, nearly half of whom are French speaking;
2. reiterate its solidarity with the Franco-Ontarian community;
3. recall the essential role of higher education in French for the vitality of the Franco-Canadian and Acadian communities and the responsibility to defend and promote linguistic rights, as expressed in the *Canadian Charter of Rights and Freedoms* and the *Official Languages Act*; and
4. urge the government of Canada to take all necessary steps, in accordance with its jurisdiction, to ensure the vitality and development of official language minority communities.

She said: Honourable senators, I am pleased that we've finally reached this item on the Order Paper for today's sitting. I will not make any further speeches. As you may recall, when I moved this motion on April 20, I took the opportunity to make a statement in which I shared my concerns.

I have nothing further to add, unless my colleagues have any questions, which I would be happy to answer.

(On motion of Senator Dagenais, debate adjourned.)

(*At 9 p.m., pursuant to the orders adopted by the Senate on October 27, 2020 and December 17, 2020, the Senate adjourned until Tuesday, June 8, 2021, at 2 p.m.*)

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