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OFFICIAL REPORT
(HANSARD)

Wednesday, June 23, 2021

The Honourable GEORGE J. FUREY,
Speaker

CONTENTS

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

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THE SENATE

Wednesday, June 23, 2021

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

Prayers.

SENATORS' STATEMENTS

OLYMPIC AND PARALYMPIC GAMES 2020

Hon. Marty Deacon: Honourable senators, glory is not restricted by age, history, experience, orientation or even a birth certificate. It can come from anywhere and everywhere. It belongs to those who go beyond borders, overcome obstacles and defy expectations. Inside all of us lives the potential for glory.

Today, I wish to remind about two important events coming this summer, the Olympics and Paralympics. As I speak, there are still athletes trying to qualify, and a leadership team is on their way to ensure conditions are optimal for Team Canada.

Over a year ago, it was our athletes who pushed the pause button on having the games. They wanted their families to be safe, while following the rules of Health Canada. Athletes returned to Canada and tried to be creative about training while missing over 170 international competitions. Families tried to shift and keep healthy and strong as the rules of the game changed by the hour and the day, all while trying to achieve their best qualifying performances.

A few words from one of our young athletes Brian Yang:

> Qualifying for the Olympics for the first time this year is simply mind-blowing! Going through the long journey, 24 months, to qualify, all during the pandemic, makes the Tokyo Olympics extremely special. Now, being able to compete on the largest stage and competing around and with the world's greatest athletes makes me feel excited and proud to be representing Canada.

Senators, on this Team Canada, there is only one rowing boat with a coxswain, the tiny but mighty person who is the boss of the boat, steers, sets the oar rate and shouts orders from the start to the finish line. This year Kristen Kit will cox the women's eight boat at her first Olympic Games. Kit won a bronze medal at the Rio 2016 Paralympic Games in the mixed coxed four event.

In Tokyo, she will be the second Canadian summer athlete to compete in both the Olympics and the Paralympic Games. Who was the first? None other than the Honourable Senator Petitclerc. She raced to gold in the 2004 Olympic Games during the para-demonstration event in Athens. With my athletes at my side in Athens, we watched this. I was so inspired, and I'm proud to say this August will be the first time athletes from my sport will compete in the Paralympic Games.

We also have coaches leading our athletes who, only a few years ago, were new Canadians learning to speak English. Now, they will proudly wear the Maple Leaf.

While it would be foolish to think that everything will go exactly as planned, we can take comfort in the knowledge that the Tokyo games will be the most organized and safest games ever planned. There is global optimism that these games will do exactly what is intended: bring the world together to celebrate the accomplishments of their athletes in an environment of unity, camaraderie and respect.

Colleagues, there is no better time to come together to support our Olympians and Paralympians. The absence of parents, grandparents, girlfriends, husbands and children will be profound. The testing, quarantine, and protocols are overwhelming, so we need all of you cheering for Team Canada — your athletes. Shout loudly, learn the stories and help Canada unite, neighbourhood by neighbourhood, from coast to coast to coast.

Finally, senators, recently you were invited to make a video clip to wish our athletes and Team Canada the best. Please consider participating. Thank you. *Meegwetch*.

THE TRAIL—TRANSITION HOUSING FOR VETERANS

Hon. Larry W. Smith: Honourable senators, I speak today in my fourth segment highlighting the work done by Le Sentier – The Trail for the well-being of our veterans. I've already spoken about the beginnings of the charity, their work in Montreal and surrounding areas, and their partnership with Équi-Sens, a therapeutic equestrian centre.

Today, I'm excited to tell you about the state-of-the-art facility to be built adjacent to the veterans hospital on the West Island of Montreal in Sainte-Anne-de-Bellevue. This facility, called The Trail – Transition Housing for Veterans, will be built in three phases.

Phase one will consist of the main building, built with the highest level of guidelines to ensure the well-being of employees and clients. This main facility will include meeting rooms for other organizations offering services to the veterans to use. It will have a short-term transition house divided into 20 units and medical consultation rooms where physicians and other medical professionals can come to offer care to the residents. They will also offer a swing space where residents can socialize, a gym to encourage physical well-being, a patio on the roof and a park for service animals. This facility without a doubt will fill a gap in the process of returning to civilian life for Armed Forces personnel and veterans. They're hoping to break ground soon to start the real work.

Phases two and three are still in the planning stages. Le Sentier — The Trail wants to ensure that it fully meets the needs of their clients and will finalize those plans once they've determined what gaps are in phase one.

Colleagues, thank you for your interest in the welfare of our Armed Forces personnel. I will keep you posted on the charity's progress upon our return in the fall. Thank you.

THE LATE REVEREND MOTHER PHYLLIS MARILYN MARSH-JARVIS

Hon. Wanda Elaine Thomas Bernard: Honourable senators, today I rise to pay tribute to a dear friend who passed away on June 6, 2021. Phyllis Marsh-Jarvis was the Reverend Mother of St. Philip's African Orthodox Church in Whitney Pier, Sydney, Nova Scotia and their first woman leader. She was a matriarch and a sister. She was a community leader, elder and church leader with a deep commitment to social justice, social change and social work.

Phyllis experienced adversity in her life, and she learned to turn those challenges into victories. She was involved in many community projects and organizations that made positive changes for African Nova Scotians. Phyllis was generous with her time, her talents, her love and her forgiveness. Phyllis was a point of contact in Sydney, and getting Phyllis involved when organizing an event meant your event would surely run smoothly.

She was a gifted writer. Had she been born into a more equitable world, I am sure she would have published more of her writing.

I will share some words from her chapter in the book *Still Fighting for Change*, which I edited in 2015 to help prepare social workers for culturally responsive practice. In her chapter entitled "My Journey to Health and Becoming Visible," she wrote a powerful message for social workers:

> Had I not gone through what I did, I could not minister hope and survival to other victims. I have risen and changed my scars into tears. I hope that social workers who read my story will find it helpful. Let us rejoice and tell the world we found our voice.

• (1410)

Dear Reverend Mother Phyllis, your voice will continue to be used to help prepare social workers for their careers. Your legacy of social justice will continue to serve your community, and your legacy of kindness and love will always be felt by those of us who were blessed to know you. *Asante*. Thank you.

[*Translation*]

ADVANCEMENT OF LANGUAGE RIGHTS IN CANADA

Hon. René Cormier: Honourable senators, as we're about to take a break for the summer, the time has come to thank everyone who has supported us in carrying out our work during this very unusual year.

I would like to pay special tribute to those who have worked so hard and with such determination to advance language rights in Canada over the past year.

Bill C-32 to modernize the Official Languages Act was recently introduced in the other place, and it represents much more than just an initiative by the current government. While we are unfortunately a long way from its passage, it marks an important milestone in the advancement of our language rights.

[*English*]

This bill is the result of an exceptional mobilization of MPs, senators, and above all, citizens and organizations of civil society who have done everything possible to ensure that our country moves as quickly as possible towards the substantive equality of two official languages, while keeping in mind the urgent need to ensure the protection and promotion of the beautiful Indigenous languages of our country.

[*Translation*]

If I may, I particularly want to thank the members of the Standing Senate Committee on Official Languages, who came together in a wonderful spirit of collaboration so that, despite the challenges it encountered, our committee could study the Minister of Economic Development and Official Languages' reform plan, hear key witnesses and publish an update, which I invite you all to read on the specially created web page.

I want to thank the staff of this committee, including the analysts, the clerk, and the communications officer, as well as the interpreters, who are doing an outstanding job in these singular times. Your competence, your expertise and, above all, your commitment to our work are an endless source of inspiration that motivates us and gives us the strength, the courage and the determination to act.

Lastly, my sincerest thanks go to the leaders of official language minority communities, such as francophones outside Quebec and anglophones in Quebec. Their commitment to ensuring the protection of their language rights is absolutely amazing. We are striving to make your voices heard in the Parliament of Canada, and we are proud and grateful every day to work toward that goal.

[*English*]

In closing, I would like to thank you, fellow colleagues of the upper house, who put all your heart, knowledge and goodwill into working for the well-being of all Canadians.

[*Translation*]

I wish you a terrific summer and a safe and happy reunion with your loved ones and communities. Thank you. *Meegwetch*.

COVID-19 VACCINE ROLLOUT

Hon. Marie-Françoise Mégie: Honourable senators, I would like to recognize the progress being made in the COVID-19 vaccination campaigns. To date, in Quebec, over 70% of the general population has received the first dose of the vaccine.

What's more, one in five people is "adequately vaccinated." According to the Institut national de santé publique du Québec, adequately vaccinated means you have received two doses of the vaccine or one dose if you have had a confirmed diagnosis of COVID-19.

As of Monday, June 28, all of Quebec will be in the green zone. That is great news. However, the case of the Montreal Canadiens coach who tested positive for COVID-19 even though he was adequately vaccinated should remind us to be careful, because we can still get COVID-19 even if we are vaccinated.

On the day before Saint-Jean-Baptiste Day, knowing that the Habs are coming back to Montreal to play the match that will hopefully send them to the Stanley Cup finals, it is important to remember the following:

> Demonstrations are permitted but wearing face covers and physical distancing are mandatory at all times.

I would also like to remind everyone of the public health guidelines that are already in place, namely washing your hands for 20 seconds. That is still vital for killing the virus.

One last thing about vaccination. According to the headline on the front page of this morning's *Le Devoir*, only 55% of Montrealers aged 12 to 17 have received their first vaccine dose. The paper also reported that only one third of the youth in Parc-Extension, which is in our Prime Minister's riding of Papineau, are vaccinated.

We need to take special care to ensure that disadvantaged neighbourhoods, where the proportion of newcomers is high, are not left behind, because the most vulnerable students are also the least vaccinated.

I hope our governments will work together to achieve the herd immunity we need to finally get rid of COVID-19.

With that, I wish you a healthy and happy Saint-Jean-Baptiste Day.

ROUTINE PROCEEDINGS

THE SENATE

MOTION TO EXTEND TODAY'S SITTING ADOPTED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

> That, notwithstanding any provision of the Rules, previous order or usual practice, today's sitting continue beyond 4 p.m., and the Senate adjourn at the later of the end of Government Business or 6 p.m., unless earlier adjourned by motion.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

MOTION TO CONSIDER SECOND READING OF BILL C-10 LATER THIS DAY ADOPTED

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-12, I move, seconded by the Honourable Senators Plett, Woo, Tannas and Cordy:

> That, notwithstanding the order of the Senate adopted yesterday, concerning the date for consideration at second reading of Bill C-10, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts, the bill be instead taken into consideration at second reading later today.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

CANADIAN NET-ZERO EMISSIONS ACCOUNTABILITY BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-12, An Act respecting transparency and accountability in Canada's efforts to achieve net-zero greenhouse gas emissions by the year 2050.

(Bill read first time.)

The Hon. the Speaker: 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 two days hence.)

• (1420)

QUESTION PERIOD

EMPLOYMENT AND SOCIAL DEVELOPMENT

CANADIAN BENEFIT FOR PARENTS OF YOUNG VICTIMS OF CRIME

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, today I have a question for the Leader of the Government in the Senate.

In 2018, leader, the Trudeau government brought in the Canadian Benefit for Parents of Young Victims of Crime to replace a similar program under the Conservative government. The Liberals criticized the previous program for not doing enough to help parents unable to work due to the death or disappearance of their child or children, as a result of a Criminal Code offence.

When the Liberals brought in their program, they estimated 320 families a year would benefit. Instead, in answer to a question I put on the Order Paper, it shows that between the end of September 2018 and the end of October 2020, only 75 applications were received and 50 applications approved.

Leader, why hasn't this benefit helped as many families as you promised when it was introduced? What has your government done since 2018 to promote the awareness of this program?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, honourable colleague. I will have to make inquiries and get the information and report back when I can.

Senator Plett: Thank you for that. I probably need to respect that you don't have these answers at your fingertips and I do. However, it is taking entirely too long for you to get us these answers. I sincerely hope that will improve. I think Senator Black pointed this out the other day.

Leader, in 2018, it was estimated this benefit would pay out about $5 million annually to families of missing and murdered children. Instead, the answer I received showed that in the roughly two-year period I just mentioned — September 2018 to October 2020 — the amount provided was only $583,850.

Leader, Bill C-30 proposes to amend the Canada Labour Code to ensure private sector employees who are federally regulated have job protection when they use this benefit. This is something your government promised to do well over two years ago, leader.

All evidence suggests these families have not been a priority for your government. Why not?

Senator Gold: Thank you for your question. With regard to the first part of your question, I don't have the information — thank you for recognizing that — in terms of the actual monies paid out, but I can't agree with the premise of your second question.

The fact is, Bill C-30, which I hope we will be debating and will pass next week, contains measures to help all Canadian families, businesses and the like. The government is proud and pleased to be able to provide this level of assistance to all Canadians.

PRIVY COUNCIL OFFICE

SPECIAL ENVOY ON PRESERVING HOLOCAUST REMEMBRANCE AND COMBATTING ANTISEMITISM

Hon. Linda Frum: Senator Gold, as we know, there has been a frightening rise in anti-Semitism in Canada, which is why it was good news for the Jewish community when, seven months ago, Prime Minister Trudeau established a special envoy position on anti-Semitism. I gave you advance notice of this question because I think it's important to understand the government's commitment on this issue.

Senator Gold, can you tell us, what is the budget and size of the staff for the Special Envoy on Preserving Holocaust Remembrance and Combatting Antisemitism, and when did that budget go into effect?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, Senator Frum, and for the advance notice.

The government is deeply troubled, as we all are or should be, with the rise of anti-Semitism in Canada. It is not always on the front pages, but colleagues should understand that hate crimes against the Jewish community remain at the top of the list year over year in this country.

The government is very pleased and proud to have appointed the Honourable Irwin Cotler as Canada's Special Envoy on Preserving Holocaust Remembrance and Combatting Antisemitism in November 2020. I've been advised, thanks again to your advance notice, of the following: The Special Envoy's role as Canada's head of delegation to the International Holocaust Remembrance Alliance is supported by two deputy heads of delegation, one from Global Affairs Canada and one from Canadian Heritage. The Special Envoy's international mandate, which includes strengthening Holocaust education, remembrance and research around the world, is supported from within existing resources by Global Affairs Canada's Democracy, and Inclusion and Religious Freedom division within the Office of Human Rights, Freedoms and Inclusion.

His domestic mandate, which includes engagement with Canadians, civil society and academia, as well as work to inform Government of Canada policy and programming, is supported from within existing resources by Canadian Heritage's Multiculturalism and Anti-Racism branch, which includes the Anti-Racism Secretariat.

The Government of Canada is committed to standing against hatred and discrimination in all their forms, and is committed to working with domestic and international partners to promote and defend pluralism, inclusion and human rights at home and abroad.

Senator Frum: Senator Gold, what I just heard is that when Prime Minister Trudeau made the announcement that there would be a special envoy position on anti-Semitism and he appointed the Honourable Irwin Cotler, whom I respect deeply, there was no budget assigned to this position.

Senator Gold: Senator Frum, the information that I received in response to your question was that the resources available to support the Honourable Irwin Cotler come from a number of sources within existing budgets, but my understanding is that he has the resources to do the job that we want him to do.

PUBLIC SAFETY

CANADA BORDER SERVICES AGENCY—TREATMENT OF ASYLUM SEEKERS

Hon. Stan Kutcher: Honourable senators, my question is for the Government Representative in the Senate.

Senator Gold, a recent article published in the *Montreal Gazette*, drawing on a report jointly released by Human Rights Watch and Amnesty International, contained highly concerning descriptions of detainment and incarceration of some asylum seekers in Canada. According to the joint report, some people fleeing persecution and seeking protection are ". . . regularly handcuffed, shackled, and held with little to no contact with the outside world."

Apparently, close to 9,000 persons were so incarcerated between April 2019 and March 2020, including 73 children under age 6. The article notes many of these persons are held in provincial jails and are often subjected to solitary confinement.

Senator Gold, are you aware of this report and who these persons being incarcerated are? As well, on what grounds are they being incarcerated? What is being done to meet their health and mental health needs while they are incarcerated and following their release?

Hon. Marc Gold (Government Representative in the Senate): Thank you very much for your question, senator. The government is aware of the situation and is aware of the report to which I believe you were referring and thanks Amnesty International for that report. We will thoroughly review their recommendations and findings.

I don't have some of the information that you requested at hand, but I would like to offer the following observations on behalf of the government: Immigration detention generally is considered a measure of last resort. It is only used in limited circumstances, for example, where there are serious concerns about a danger to the public, a flight risk or questions of a person's identity.

In that regard, I've been further advised that the government has made significant progress in implementing core elements of the National Immigration Detention Framework, which was launched in 2016, for example, introducing a ministerial directive in 2017 to stop detaining or housing of minors as much as is humanly possible; ensuring that alternatives to detention are always considered first; introducing a formalized monitoring program in 2017 with the Canadian Red Cross; expanding health services and overall conditions in immigration holding centres; and reducing reliance on provincial facilities, which you correctly note are often the places where people are detained.

• (1430)

There's much more work to do, but I will conclude by citing the United Nations High Commissioner for Refugees, Filippo Grandi, who said that "by and large, the Canadian system remains exemplary, worldwide."

Senator Kutcher: Thank you very much for that, Senator Gold. I look forward to getting some of the specifics from you in the future.

I also want to note that the spokesperson for the Canadian Border Services Agency was quoted in the article saying that they are aware of the report, yet it is not clear what the CBSA is doing, specifically, to address these concerns.

There have been continued calls for independent civilian oversight of CBSA, which can be necessary for ensuring better adherence to human rights and humane treatment of those with whom it interacts.

What action, Senator Gold, is the Minister of Public Safety taking at this time to ensure that civilian oversight is created for and applied to the Canadian Border Services Agency?

Senator Gold: Thank you for your question, senator. The government remains committed to ensuring Canadians have trust and confidence in the border services they receive, and indeed, while the vast majority of Canadian border service officers perform their jobs honourably and admirably, the government knows that there are instances where their conduct has been and will be questioned. When that happens, it is critical that such complaints are handled and examined fairly and impartially.

In that regard, the government remains committed to closing the gap in Canada's national security agencies and bringing external review to the Canadian Border Services Agency.

PRIME MINISTER'S OFFICE

PROGRESS OF LEGISLATION

Hon. Pamela Wallin: Honourable senators, my question is for Senator Gold. The government's behaviour, when it comes to forcing legislation forward, has been particularly offensive this session, in some cases convening secrete committee meetings and passing secret amendments. They were even admonished by their Speaker for their behaviour.

Senator Gold, can we please seek an assurance that when a government has had six years in office to present their legislation, they do not literally dump a bill on our doorstep at the eleventh hour, claiming it must be passed in mere hours, especially when we have not even seen the legislation in its final form when you ask us to accept it here in the chamber, which was the case yesterday?

In fact, after inquiry, I just received the bill today moments before we convened.

Can we have that assurance?

Hon. Marc Gold (Government Representative in the Senate): Senator Wallin, thank you for your question. As colleagues in this chamber and my leadership colleagues certainly know, I have been consistent in defending with pride and respect the role of the Senate in providing a proper critical review of government legislation. To the credit of all of us in the chamber during this past year, there have been many circumstances where we did dispense with our usual processes, or, perhaps more accurately, we used extraordinary processes to pass legislation in a much more expeditious way. I make no apologies for asking my colleagues — you and leaders — to help in that regard in the extraordinary circumstances.

With regard to the current situation, colleagues will know that although we have received several bills recently, notably Bill C-10 and Bill C-6, it is our collective view that these are important bills that require proper study and will receive proper study.

In that regard, you have my assurance and this government's assurance that we will continue to respect the important and legitimate role of the Senate and of senators to give proper due consideration to government legislation.

Senator Wallin: When legislation profoundly changes our fundamental democratic rights in the most basic and hard-fought right of all, free speech — one that our parents and grandparents literally shed blood for — a government is obliged to inform the public of their intentions.

I will paraphrase John F. Kennedy: A nation that is afraid to let its people judge is a nation that is afraid of its people.

Senator Gold, is the secretive process around Bill C-10 evidence that this government is afraid to let the people judge it?

Senator Gold: Senator Wallin, with the greatest of respect, I'm sure that I cannot agree with some of your characterizations. However, we will begin second reading debate on this bill today. That debate will continue into next week, and I'm sure at that juncture all senators will have an opportunity to participate, should they choose, and to listen with interest, as I'm sure they will, to comments that will continue to be made and to the input the Senate will provide as we begin our study of the bill.

INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT

BIOLOGICS MANUFACTURING CENTRE

Hon. Terry M. Mercer: Senator Gold, Canadians realized in early 2020 that due to decisions taken by previous governments, we no longer had the domestic manufacturing capabilities to produce vaccines. This month, the government completed construction of the Biologics Manufacturing Centre in Montreal, a brand new facility owned and operated by the National Research Council of Canada. Imagine that — in less than one year; sometimes you can get things done quickly.

Once fully operational, this facility could produce up to 2 million doses per month. The centre has an agreement with Novavax to produce their vaccine at the facility once they receive approval from Health Canada, hopefully before the end of 2021.

Senator Gold, since Canadians are getting vaccinated at encouraging rates with other vaccines, does the government intend to use the Novavax vaccines to help with their international commitments, such as through the COVAX program?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question and for underlining the progress that the country is making in rebuilding our domestic capacity. We look forward to that facility receiving the equipment that has yet to arrive to begin work on the Novavax vaccine.

I'm also glad that you underlined Canada's commitment to assist with the distribution of vaccines throughout the world to those countries less well positioned than we are.

However, I do not know at this juncture whether that particular facility will be used for COVID vaccines in that endeavour; indeed, it's not clear yet when those vaccines will come on stream in Canada. As soon as that information becomes clearer and available, I'll certainly report it to the chamber.

Senator Mercer: Senator Gold, you partially answered my supplementary question. Do I understand from your answer that the facility may not manufacture COVID-related vaccines? If that's the case, will they be producing other vaccines that can be used both in Canada and around the world?

Senator Gold: Thank you for your question. My understanding is that the first order of business will be to start manufacturing vaccines for COVID-19. Exactly how much and how quickly they will come online is not yet known. But the larger point is that this facility, and the other facilities we hope will be developed, will give us the capacity domestically to produce the vaccines that we will need regardless of the profile of the viruses that may come our way.

As I said, it is a major step in the direction of regaining domestic manufacturing capacity, which can be adapted to the different diseases and the different vaccines that may be needed.

FOREIGN AFFAIRS

CANADA-CHINA RELATIONS

Hon. Thanh Hai Ngo: Honourable senators, my question is for the government leader in the Senate.

A House committee has issued a report on the government's procurement on security screening equipment for Canada's embassies around the world. The contract was awarded to Nuctech back in July 2020, a Chinese company that answers to the Chinese Communist Party and has links to the People's Liberation Army, because the price is right.

The committee's number one recommendation is:

> That the Government of Canada prohibit Chinese state-owned enterprises, partial state-owned enterprises, including companies receiving undisclosed government subsidies, and technology companies from obtaining federal contracts related to information technology or security equipment or services.

• (1440)

Senator Gold, you know the Chinese government uses every means to infiltrate and spy on our country and our allies. Why would the government even think of allowing a state-owned Chinese company to bid on such sensitive contracts to equip our embassies, much less be awarded the contract in the first place?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, senator.

The government is grateful to the House of Commons Standing Committee on Government Operations and Estimates for their report, and they will review it closely. The government takes the security and safety of people in Canadian embassies, consuls and high commissions around the world very seriously; it's a top priority.

But, senators, to be clear, the government did not purchase any equipment from Nuctech and will not use the Nuctech standing offer.

As you know, Deloitte Canada conducted a third-party review of government purchasing practices and concluded that there were no instances of non-compliance with regard to this standing offer. But the review did identify opportunities for improvement with respect to future procurement of security equipment.

I've been advised that Global Affairs Canada is taking action to implement improvements to the government process that the third-party review recommended.

Senator Ngo: The committee report also noted that the state-owned enterprises like Nuctech depend upon generous government subsidies that enable them to undercut the competition during the bidding process. The Government of Canada is well aware of this and is even in dispute with China over this very issue. The Trudeau government rewarded them not only with this contract, but four other contracts going all the way back to 2017.

Senator Gold, in light of this committee report, will the Trudeau government review the other contracts that remain active?

Senator Gold: Thank you for your question.

The government is reviewing all aspects of its relationships with China, and that includes issues surrounding contracts and the like. The Government of Canada is very aware of the increasing challenges that our relationship with China poses to our security interests.

PUBLIC HEALTH AGENCY

PAN-CANADIAN HEALTH DATA STRATEGY

Hon. Judith G. Seidman: Honourable senators, my question is for the government leader in the Senate.

An expert advisory group was established in the fall of 2020 to provide advice and guidance on the development of a Pan-Canadian Health Data Strategy. Last week, the expert advisory group released its first report that found that Canada's highly fragmented health data ecosystem is due in large part to a weak foundation for data collection, sharing and use.

The flaws in the system severely impacted Canada's ability to effectively respond to the COVID-19 pandemic. For example, there were challenges in timely collection and use of testing, case and vaccination data. It was also difficult to share genomic data for the management of variants.

Senator Gold, given this information and the urgency of making data-informed decisions in response to the COVID-19 pandemic, can you tell us what steps the federal government has taken to address the serious gaps in Canada's current health data ecosystem?

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator, for your question and for raising this very serious and vexing problem. I've addressed this problem, perhaps indirectly, in a number of my responses over the course of this past year.

The problem you point to is a real one, and is a structural one. It flows from the divided jurisdiction in many areas, notably the exclusive provincial jurisdiction over health and the gathering of information, which is exacerbated — perhaps that's not quite the right word — by the legitimate concerns of privacy, both at the federal level, legislatively, and at the provincial level.

On these and many other issues that have been brought to light by COVID, but which pre-existed it to be sure, the government is in regular communication with its counterparts, provincial and territorial, in an attempt, while respecting the Constitution, to find a better way to gather, share and disseminate that necessary health information to which you referred.

Senator Seidman: A pan-Canadian Health Data Strategy is long overdue. Over the last 60 years, numerous reports have identified the gaps in Canada's health data ecosystem, many of which persist today. For example, the 2003 National Advisory

Committee on SARS and Public Health, which we discussed in earlier this Question Period, by the way, reported on these systemic deficiencies and warned about the dangers of not having protocols for data- and information-sharing among levels of government. That was from 2003.

Senator Gold, how can we be certain the federal government will implement the recommendations of the expert advisory group on the development of a pan-Canadian Health Data Strategy this time?

Senator Gold: Thank you for your question, senator.

I cannot comment with confidence about how confident Canadians will be, because I need to make some inquiries to find out exactly what the status is of the consultations, collaborations and discussions between all provincial, territorial and federal actors and the like. I certainly will do so and try to report back when I get an answer.

Senator Seidman: Thank you.

[*Translation*]

NATIONAL DEFENCE

MINISTER OF NATIONAL DEFENCE

Hon. Pierre-Hugues Boisvenu: Honourable senators, my question is for the Government Representative in the Senate. Senator Gold, we know that during this summer break, women in the Canadian Armed Forces still won't be protected by the Victims Bill of Rights that was adopted two years ago.

While Parliament is closed, there will be other victims in this system where the chain of command is making its refusal to change a little clearer with each passing day. Minister Sajjan is responsible for this justice system, which is rotten to the core. Instead of taking action before the end of the session, all he did was give some nice speeches in the other place.

Today, the Canadian Forces Ombudsman is calling the situation in the Armed Forces not a crisis, but a tragedy. In his new report, *Independent civilian oversight: The defence community deserves no less — A Position Paper*, the ombudsman, Mr. Lick, points out several major problems with the independence of the ombudsman position, the resources and recommendations, the fact that there have been not one, but three independent reviews, and the report that was not implemented. He also says that your future inquiry, to be led by Justice Louise Arbour, is pointless. That is what the ombudsman states. He criticizes the minister and the department for their interference, calling it subtle and insidious and saying it suggests a pattern of personal and institutional reprisal.

I'm sure you're very troubled by that statement. The only reasonable thing to do is fire the Minister of Defence. Will you make the decision to do that?

Hon. Marc Gold (Government Representative in the Senate): Thank you. The government is reviewing the ombudsman's report. As I've said repeatedly, the government has vowed to bring about cultural and structural change within the Canadian Armed Forces. That's why Lieutenant-General Carignan accepted the position of chief of professional conduct and culture. The Armed Forces are in the process of implementing 36 of the 107 recommendations in former Justice Fish's independent report. That's also why Budget 2021 allocated more than $230 million to tackle sexual misconduct in the Armed Forces. As I said recently, I hope we'll pass Bill C-30 in the days to come.

Senator Boisvenu: I know your government tends to allocate millions of dollars to the consequences of a problem rather than to its causes. In the conclusion to his report, the ombudsman wrote the following, and I quote:

> The cycle of scandals followed by studies, recommendations for independent oversight, half-solutions, and resistance by the Department or the Canadian Armed Forces will only be broken when action is taken.

• (1450)

Senator Gold, if your government doesn't take any measures before the next election, then in the eyes of Canadians and especially of the women in our military who are watching, it will be complicit in the minister's failure to do what it takes to fix these problems. What concrete steps do you intend to take between now and the end of 2021?

Senator Gold: Thank you for the question.

The government is already taking concrete measures. It's not true that the government hasn't done anything or won't do anything. To answer the first part of your question, I would like to inform you that I took the initiative to meet with those responsible for the implementation of the Canadian Victims Bill of Rights to check on their progress, and I can assure all honourable senators that the work is on track. It's complicated because there are regulations to write and a whole process to follow, but I can assure all our honourable colleagues in this place that the work to bring about cultural and structural change in the Canadian Armed Forces is well under way.

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. René Cormier moved second reading of Bill C-6, An Act to amend the Criminal Code (conversion therapy).

He said: Honourable senators, it is an honour to rise today as the sponsor of Bill C-6, An Act to amend the Criminal Code (conversion therapy), a bill that will reform criminal law in order to respond to the practice of conversion therapy in Canada.

This practice is discriminatory and harmful to the individuals who are subjected to it, and it is detrimental for society in general. It is based on the premise that LGBTQ2+ people can and must change in order to conform to societal norms, and it perpetuates stereotypes and myths that have no place in Canadian society.

This bill is the culmination of decades of tireless efforts by LGBTQ2+ communities and their allies. It is part of an ongoing and lengthy struggle to have their rights recognized in our country.

Esteemed colleagues, from the partial decriminalization of homosexuality in 1969 to the passage of Bill C-23 in 2000, which gave same-sex couples the same social and tax benefits as heterosexual couples in common-law relationships, the Civil Marriage Act in 2005, which made same-sex marriage legal across Canada, Bill C-16 in 2017, which added gender identity and gender expression as prohibited grounds for discrimination under the Canadian Human Rights Act, and Bill C-66 in 2018, a bill that I had the privilege of sponsoring in the Senate and that expunged historically unjust convictions, our country has reached important milestones in upholding the fundamental rights and dignity of all citizens.

Bill C-6 represents another important step in the recognition of human rights in Canada.

Our country proudly celebrates its diversity and strives for respect and inclusion for all people. It goes without saying that the practices we are talking about today are not at all consistent with these goals. That's why we need to ensure that all Canadians, regardless of their age, sexual orientation, gender identity or gender expression, are free and safe to be themselves. That is what Bill C-6 seeks to do.

Colleagues, I would like to share a few thoughts with you before I get into the substance of the bill.

A few weeks ago, when I gave a speech about the benefits of art in this chamber, I pointed out the important role that empathy plays in Canadian society and in Parliament. Empathy is the ability to identify with others, understand what they are feeling and put oneself in their place. It is an essential quality if we are to understand the impact that this so-called therapy has on people's lives.

Honourable senators, I would ask you to stop for a moment and think about the person you love most in the world, the person you would give everything for, the person with whom you share your joy, your pain and your dreams, the person you said "yes" to one day and with whom you wanted to start a family and build a future together, the person who, in your eyes, is more precious to you than yourself and for whom you would give your own life.

Now take a moment to think about who you are, what defines you. Think about who you are deep down, the person you have spent so much time understanding, shaping and accepting. That is your core identity. It's what makes you who you are and defines you as an individual, that inherent, unwavering sense that you are who you are, in the gender that you identify with and are known by.

Now, imagine that your parents, your friends or your community are constantly telling you, sometimes just with a look or a few words, that it's unnatural and unacceptable for you to love the person you love. Imagine them saying that some kinds of love in this world are good and some are bad.

Imagine someone criticizing your very identity, the one you've spent your whole life accepting and shaping so you could have self-confidence and find ways to love, act and contribute to our society. Imagine being told that it's shameful to believe in your identity or to "claim" to be a certain way. Imagine being told that you can change, and must, in fact, in order to fall in line with societal norms.

How would you feel, honourable senators? No doubt you would feel desperately torn between who you are and who they want you to be. You would be afraid of disappointing them, of losing your loved ones, of being rejected by your family, of not being loved anymore. You would feel trapped in a solitude too deep to escape. In short, you would no doubt be in profound distress.

One day, I met a 19-year-old man who was caught in this struggle. This young man was consumed by a profound, existential pain. He was faced with an agonizing, unspeakable choice: to accept himself for who he was, to try to change, or to end his own life.

Many Canadians experience this struggle, honourable senators. Perhaps, like some of them, if you were in this unbearable situation, you would be anxious to change. Perhaps you would agree to undergo "therapy" to miraculously take away this pain. If you were a child, perhaps your parents might steer you in that direction, out of love, thinking that you would be cured and then you would be happy again.

Unfortunately, that is the reality that many Canadians are facing. I am telling you all this today, honourable senators, because it takes a lot of effort to recognize, understand and accept a way of being that is different from our own, particularly when it comes to identity and sexuality. I am therefore appealing to your empathy today on behalf of all members of the LGBTQ2+ community and all those who survived these practices.

Since the beginning of the discussion about conversion therapy in Canada, many people have been surprised to find out they exist, while others have admitted they know very little about them. However, it does not take much research to discover the astounding number of Canadian organizations and individuals that still offer conversion therapy and promote the alleged benefits of these practices. I was appalled at what the proponents of conversion therapy said about it and how the survivors described it.

What is conversion therapy, and how does it affect those who undergo it? Conversion therapy refers to interventions that aim to change a person's sexual orientation to heterosexual, to change a person's gender identity to cisgender, in other words to make the gender they identify with correspond to the gender they were assigned at birth, or to change their gender expression to match the gender they were assigned at birth.

This practice is rooted in the erroneous and discriminatory belief that any identity other than heterosexual and any diverse gender identity or expression is an anomaly that requires treatment, a disease, basically. It's a pathologization of these realities, a view that is completely out of step with modern science.

• (1500)

Despite being called "conversion therapy," these practices are therapeutic in name only. They are sometimes called "reparative therapy," "reorientation therapy" or "change therapy."

[*English*]

A 2020 report by the International Lesbian, Gay, Bisexual, Trans and Intersex Association entitled *Curbing Deception* notes that conversion therapy practices have ranged from lobotomies, castration, aversion and hormone therapy to hypnosis, internment in clinics or camps, psychotherapy and counselling. The 2020 *Report on Conversion Therapy* of the United Nations independent expert on violence and discrimination based on sexual orientation and gender identity confirms the diversity of conversion therapy practices:

> "Conversion therapy" is used as an umbrella term to describe interventions of a wide-ranging nature, all of which are premised on the belief that a person's sexual orientation and gender identity, including gender expression, can and should be changed or suppressed when they do not fall under what other actors in a given setting and time perceive as the desirable norm, in particular when the person is lesbian, gay, bisexual, trans or gender diverse. Such practices are therefore consistently aimed at effecting a change from non-heterosexual to heterosexual and from trans or gender diverse to cisgender.

Honourable senators, other available evidence is likewise deeply alarming. For example, in 2019, a global survey undertaken by OutRight Action International indicates that 67% of all respondents reported being coerced into undergoing conversion therapy. The same survey found that 82% of those subjected to conversion therapy were under the age of 24, with 37% under the age of 18. Even more alarming is that 74% of those under the age of 18 were coerced.

Many studies have catalogued the harms experienced by people who have been subjected to conversion therapy. The 2009 systematic review of peer-reviewed literature on conversion therapy by the American Psychological Association's Task Force on the Appropriate Therapeutic Responses to Sexual Orientation noted the range of serious harms that the evidence shows conversion therapy causes. These include decreased self-esteem, increased self-hatred, confusion, depression, guilt, helplessness, hopelessness, shame, social withdrawal, suicidality, increased substance abuse, sexual dysfunction, symptoms of post-traumatic stress disorder and physical pain. Conversion therapy provided to youth poses an even more serious risk of harm, especially where youths are pressured to participate.

Recent research supports these findings. For example, the 2020 results of Canada's Sex Now Survey note a similar range of negative psychosocial and health outcomes, and a recent article focused on LGBTQ teenagers notes that individuals who experience conversion therapy as youth were more likely to have experienced negative mental health outcomes. The most recent results from the survey were released this month. This data estimates that 1 in 10 men within the LGBTQ2+ community in Canada has been subjected to conversion therapy practices. To date, that's over 50,000 people in Canada alone.

This is the reason why both Canadian and international professional associations have denounced the practice. To name a few, associations like the World Health Organization, the United Nations Committee Against Torture, the Committee on the Rights of the Child, the Human Rights Committee, the Canadian Psychiatric Association, the Canadian Psychological Association, *l'Ordre professionnel des sexologues du Québec* and the Canadian Association of Social Workers were clear about these practices.

Even though some argue that they are based on good faith, these practices have led, and will continue to lead until they are banned, to distress, suicide attempts and shattered lives. How can it be more important to try to change the very foundations of a person than to help that person accept who they truly are, while ensuring the protection of their psychological health and even their life?

[*Translation*]

Canada is an inclusive country whose Charter and laws recognize everyone's right to equality.

Shortly after I came to the Senate, we studied and passed Bill C-16, which added gender identity and gender expression to the Canadian Human Rights Act and the Criminal Code. Together, we recognized the immutable and intrinsic nature of human gender identity and gender expression.

It's not a matter of choice because, much like sexual orientation, these aspects of our being are not a matter of choice. They are simply who we are.

That's why nobody can say a person chooses to be homosexual or trans or that they can change that reality. The only choice a person can make is to express who they are, either publicly or not. For some, that choice is still unavailable, unfortunately. Carl Nassib of the Las Vegas Raiders, the American football player who recently came out of the closet, is a prime example.

With Bill C-6, the government is responding to these alarming statistics by proposing five new offences to criminalize the following actions: causing a child under the age of 18 to undergo conversion therapy; removing a child under the age of 18 from Canada with the intention that the child undergo conversion therapy; causing an adult to undergo conversion therapy without their consent; receiving a material benefit derived directly or indirectly from the provision of conversion therapy; and promoting or advertising an offer to provide conversion therapy.

For each one of these new offences, we need to come back to the very definition of conversion therapy as set out in the bill.

[*English*]

The bill would define the practice in a way that is consistent with the evidence I have just reviewed. The bill's definition specifies that conversion therapy means a practice, treatment or service that is designed to make a person heterosexual or cisgender, including by seeking to repress or reduce non-heterosexual sexual behaviour or non-cisgender gender expression. By using the terms "practice," "treatment" and "service," the bill refers to any formalized intervention, regardless of its form, that constitutes conversion therapy if it seeks to change who a person is.

It is important to remember, honourable senators, that the intervention must be aimed at changing the person. A conversation about these issues that doesn't have the goal of changing the person would not meet the criteria of the definitions that constitute conversion therapy, unless it is part of a systematic effort to make the person heterosexual or cisgender. Moreover, the definition is complemented by a "for greater certainty" clause, which clarifies what conversion therapy is not. Specifically, conversion therapy is not an intervention that seeks to help a person develop or explore an integrated personal identity without favouring any sexual orientation, gender identity or gender expression.

We know from mental health professionals that identity is multifaceted. I will let them further explain the concept of integrated personal identity, but it is my understanding, honourable senators, that an integrated personal identity implies achieving some form of internal coherence regarding the multiple aspects of our social identities, for example, age, sex, gender identity, gender expression, race, culture and religion. Therefore, legitimate interventions that assist people in integrating the different aspects of themselves, but do not dictate a particular outcome, are not considered conversion therapy.

Through an amendment made in the other place, this clause now uses language that has meaning in the mental health professional context to clarify that interventions that are deemed to be legitimate by that profession are not caught by the definition. This addresses the concern that the definition may unintentionally capture legitimate therapies.

• (1510)

The bill's definition has been informed by the concerns that have been voiced to date. It clarifies that conversion therapy can take many forms and may include interventions designed to repress or reduce a range of behaviours, including nonconforming gender expression. The definition "gender expression" was not mentioned in the original version of the bill as tabled. The addition of "gender expression" through an amendment in the other place allowed the bill to reflect its initial intent to protect all members of the LGBTQ2+ community.

It is clear to me, colleagues, that this bill corresponds to the harm caused to those impacted by conversion therapy, as reflected by the evidence.

With two offences concerning conversion therapies on children, the bill fully protects them, who we know are disproportionately affected by conversion therapy, both in terms of the frequency with which they have been subjected to these practices and the harms that they have experienced as a result.

The bill also protects everyone from being coerced into undergoing conversion therapy, which international data shows occurs with alarming frequency. However, because the bill is a balanced response, it also allows some room for adults to freely decide to follow conversion therapy.

By creating new offences for profiting from such practices and advertising or promoting them, Bill C-6 seeks to protect all Canadians from conversion therapy's harms by reducing its availability and its discriminatory messaging in the public sphere.

[*Translation*]

Esteemed colleagues, our shared awareness of these discriminatory practices is the result of tireless work on the part of members of LGBTQ2+ communities and their allies to defend and promote their rights.

In recent years, they have risen up across the country to bring about this change. They have opened the eyes of many to the existence of these practices in Canada. Their activism prompted Canadian municipalities such as Vancouver, Calgary, Edmonton and Saskatoon to answer the call. Many municipalities used their authority in this area to adopt bylaws prohibiting the business practice of conversion therapy within their borders. Others have passed motions or declarations denouncing conversion therapy.

In addition, Ontario, Prince Edward Island, Nova Scotia, Quebec and Yukon have passed laws stating that conversion therapy is not an insured health service and prohibiting health professionals from providing minors with services intended to change their sexual orientation or identity. Manitoba, for its part, adopted a policy prohibiting these practices.

By eradicating these practices in Canada, we will be fulfilling our collective responsibility toward all the people who have been or will be subjected to them, but also toward the entire Canadian population, which is being exposed to these discriminatory messages and stereotypes. Every regulation and every law is essential to achieving a society free from the practice of conversion therapy. Through amendments to the Criminal Code, Bill C-6 adds to these decisive actions. It's thanks to survivors like Matt, Erika and Victor, and to the work of many experts and activists, that we are here today. Their moving and courageous testimony demonstrates the need for action.

Every year, every month and every week that goes by, more tears are shed and more lives are destroyed for no other reason than because people wanted to be themselves. Yet isn't it one of the worst things in life to deny the very essence of our being? Also, having failed to act sooner in our history, we now have the chance to intervene immediately and collectively to protect all of the members, both young and not so young, of LGBTQ2+ communities.

Honourable senators, before I conclude, I would be remiss if I didn't thank our former colleague, the Honourable Serge Joyal, who sparked the conversation on this issue in this place two years ago. If not for his work and determination, we probably wouldn't be studying Bill-6 today.

I can say quite confidently that it is high time to put an end to the harmful and discriminatory practice of conversion therapy. I hope that we can all agree that Bill C-6 represents a balanced response to a glaring gap in the law, and it is more urgent than ever to refer the bill to a committee for in-depth study.

Colleagues, this bill is not being introduced to oppose anyone or any particular belief. Quite the opposite. It does not seek to pass judgment on the religious beliefs of individuals. It does not seek to prevent parents who care about the health and happiness of their children from having conversations with them. Rather, it is a further step toward the full recognition of the human dignity, integrity and equality of every individual.

After more than two years of contemplating and studying this issue, as I think of the 50,000 Canadians who have been subjected to conversion therapy, I can say that I look forward to Bill C-6 being studied and passed as quickly as possible.

In closing, allow me to give you an update on the 19-year-old man I spoke about at the beginning of my speech, the one who was facing an agonizing decision: to accept his sexual orientation, to try to change, or to end his life. Well, thanks to his parents, his family, his community and the friends who supported him, he did not have to make that impossible choice. Fortunately, he was not forced to undergo so-called conversion therapy. He finally managed to accept himself, live his life, find love and contribute to society as best he could. That young man, who was 19 years old in 1975, is standing before you today, and he is incredibly grateful for the support he received.

Honourable senators, as legislators, with the fifty-second anniversary of the Stonewall riots just a few days away, let's pass Bill C-6 so that every single person facing that same agonizing choice gets to be themselves and isn't forced into a situation that would have disastrous consequences for them. Let's continue to work together to make sure that instead, they're supported and loved for who they are, human beings who are only asking to live, love and be happy.

Thank you for your attention.

[*English*]

Hon. Mary Coyle: Honourable senators, I'm honoured to speak to you today from the unceded territories of the Mi'kmaq people.

Colleagues, June is Pride Month in Canada. It is a time when we celebrate LGBTQ+ people, acknowledge their history, the hardships they have endured and many still endure, the progress and triumphs they have achieved and the many contributions they make to our society, our communities, our families and, colleagues, to our Parliament.

The June 15 report issued by Statistics Canada for Pride Month indicates that Canada is now home to 1 million people who identify as members of the LGBTQ+ community, accounting for 4% of the Canadian population.

Colleagues, I rise today to add my voice in support of Bill C-6, An Act to amend the Criminal Code (conversion therapy) because it is time we demonstrate our respect for the rights of LGBTQ+ Canadians and acknowledge our responsibility to respond to their plea to stop the harm conversion therapy has caused and is still causing to them. Pride Month would have been a fitting time to pass this long-overdue bill.

I would like to commend my colleague Senator René Cormier on his leadership in sponsoring both this important bill and the previous Bill S-202, initiated by our former colleague Senator Serge Joyal.

[*Translation*]

Senator Cormier, you're right. It's high time that Canadians stood up for human rights and demanded justice and compassion.

[*English*]

Change does not always come quickly but change is necessary when we look at the kind of Canada we want for all of us, in particular for our children and grandchildren. In 1971, former prime minister Pierre Trudeau said:

> There is no such thing as a model or ideal Canadian. What could be more absurd than the concept of an "all-Canadian" boy or girl? A society which emphasizes uniformity is one which creates intolerance and hate. A society which eulogizes the average citizen is one which breeds mediocrity. What the world should be seeking, and what in Canada we must continue to cherish, are not concepts of uniformity but human values: compassion, love and understanding.

• (1520)

Colleagues, it is time to stop othering people who do not conform to some artificial concept of what is "normal." It is time to stop fearing difference in others. It is time now, more than ever, to embrace diversity.

For decades, members of the LGBTQ+ community have faced systemic oppression and violence. They've been told that they are immoral and that they are sick. They have been made to feel like outcasts in their communities, in their congregations, in their workplaces, in their schools and, sadly, sometimes even in their own families.

For much of our past, the government has been complicit in this disenfranchisement by criminally charging Canadians with sodomy, banning homosexuals from entering the country and barring LGBTQ+ people from serving in the Canadian military. The list goes on.

In doing so, the government sent a clear message that anyone who was not heterosexual and/or cisgender did not belong in Canadian society and would not receive the same rights, freedoms and protections as their so-called "normal"

counterparts. This is the atmosphere in which conversion therapy came to be. Since the 1950s in Canada, it has been touted as a cure for an entire group of people who were already made to feel like outcasts. A cure for what, I ask? A cure for not conforming to society's heteronormative expectations or, quite simply, a cure for who they are?

Let's be clear, colleagues: conversion therapy is ". . . akin to torture . . ." as Randy Boissonnault, the former Special Adviser to the Prime Minister on LGBTQ+ issues, has stated. And, as much of it is inflicted on children, colleagues, conversion therapy is, quite frankly, a severe form of child abuse. It has taken on many forms and has been offered by clinical professionals, by religious officials, by community leaders and by many charlatans.

In the Canadian Mental Health Association of New Brunswick's position paper on conversion therapy in Canada, it is stated:

> "Conversion therapy" dates to the late 19th century, when the German psychiatrist Albert von Schrenk-Notzing claimed he'd turned a gay man straight through hypnosis sessions and several trips to a brothel. The practice accelerated through the 20th century even as the techniques remained crude and often barbaric. Historian Chris Babits, for instance, has found evidence of the widespread use of ice pick lobotomies performed on homosexual children in the 1940s and 1950s. Other techniques involved forced castration of homosexual men and electroconvulsive therapy.

Honestly, I just shudder when I think of the cruelty and pain inflicted on innocent people, in particular children and youth.

George Barasa, a gay gender-nonconforming Kenyan living in South Africa and a survivor of conversion therapy, said the following:

> Conversion therapy is not a single event — it is a process of continued degradation and assault on the core of who you are. There are often repeated violations in the form of psychological and sometimes physical abuse. . . It is not one instance — it is a continued sense of rejection. The pressure is enormous.

David Kinitz, a PhD student at the University of Toronto, wrote:

> I am a survivor of conversion therapy and I know first-hand how harmful it is. At 16, I decided to self-enrol in conversion therapy out of a desire to be "straight" and act in more masculine ways. My formative years were filled with invalidating experiences and heteronormative pressures that led me to the point of thinking that being queer was something that was incompatible with living in our society, forcing me to want to consider changing, or worse, take my own life.

Erika Muse, who provided testimony on Bill C-6 to the House Committee on Justice and Human Rights said:

> . . . I am a survivor of trans conversion therapy. . . . at the now-closed youth gender clinic at the Centre for Addictions and Mental Health, CAMH, in Toronto, with Kenneth Zucker.
>
> Dr. Zucker saw me as a patient for seven years, from the ages of 16 to 23, and denied me trans-affirming health care in the form of both hormones and surgery until I was 22. Dr. Zucker . . . . interrogated me in talk therapy for hours at a time, inquisitorially attacking, damaging and attempting to destroy my identity and my self-esteem, and to make me ashamed and hateful of myself.
>
> Conversion therapy almost broke me and I live with its physical and emotional scars to this day . . . .

Colleagues, there are many different methods used in conversion therapy — many now online — from talk therapy, spiritual interventions and prescribing medication, to more extreme forms. Conversion therapy goes by many different names, including reparative therapy, reintegrative therapy, reorientation therapy, ex-gay therapy, gay cure and sexual orientation and gender identity and expression change efforts, each with the same goal of changing a person's sexual orientation to heterosexual or gender identity to cisgender.

Colleagues, there are no credible scientific studies that can demonstrate an association between conversion therapy and an influence on a person's sexual orientation or gender identity or expression. The Canadian Psychological Association has stated that conversion therapy can:

> . . . result in negative outcomes such as distress, anxiety, depression, negative self-image, a feeling of personal failure, difficulty sustaining relationships . . . self-harm, suicide ideation, sexual dysfunction as well as guilt, helplessness, hopelessness, shame, social withdrawal, substance use, stress, disappointment, self-blame, decreased self esteem, increased self hatred, hostility and blame towards authority, anger, loss of friends, high risk sexual behaviours and a loss of faith.

In 2012, the Pan American Health Organization stated that conversion therapy poses, ". . . a severe threat to the health and human rights of the affected persons."

The results of the 2019-20 Sex Now survey found that 10% of respondents had been exposed to some form of conversion therapy in Canada and that 72% of those started conversion therapy before the age of 20. Among respondents exposed to conversion therapy, transgender, Indigenous, racial minorities and low-income persons were found to be disproportionately represented.

As Minister Lametti noted in the other place:

> This data is significant cause for concern. Not only does conversion therapy negatively affect marginalized persons, but it negatively affects the most marginalized within that group.

The Yukon, Manitoba, Ontario, Quebec, Prince Edward Island and my own province of Nova Scotia have put in place laws that restrict conversion therapy.

Bill C-6 was drafted to protect all Canadian minors from undergoing conversion therapy either in Canada or abroad. It does this by providing a clear definition of conversion therapy, which you have heard, and by creating five new Criminal Code offences. To remind you, these are: causing a minor to undergo conversion therapy; removing a minor from Canada to undergo conversion therapy abroad; causing a person to undergo conversion therapy against their will; profiting from conversion therapy; and finally, advertising an offer to provide conversion therapy.

Bill C-6 represents an important step forward in LGBTQ+ rights and sends a clear message to LGBTQ+ youth that no one should be forced to deny who they are.

Still, colleagues, Bill C-6 answers only one section of a much larger portfolio of issues that need to be tackled in terms of LGBTQ+ rights in Canada. It has been 36 years since the Parliamentary Subcommittee on Equality Rights released its report entitled *Equality for All*, highlighting the physical and psychological oppression of sexual minorities in Canada. We must continue the progress we have already made and strive to do better in the areas that still require work.

The past several years have brought some positive change for LGBTQ+ people around the world. In January 2020, same-sex marriage legislation took effect in Northern Ireland. In May last year, Germany banned conversion therapy for minors. Last July, Mexico City banned conversion therapy and Sudan removed the death penalty for homosexuality.

Yet, there are still over 70 countries in the world where being LGBTQ+ is a crime. Colleagues, I'm horrified to say that there are still six countries in which it is punishable by death. In nearly 30 countries, the practice of conversion therapy is still supported by the state through private health clinics and schools that provide this "service."

Colleagues, Bill C-6 seeks to ensure that the dangerous and damaging practice of conversion therapy is banned everywhere in Canada and that our children and grandchildren grow up in a world where it is not only safer to be open about who we are but where our differences are celebrated and embraced.

There is momentum for change both in Canada and around the world, and we must not let up on this important human rights work. As senators, it is our duty to represent the interests and protect the rights of all minorities in our country, and in particular, the most vulnerable.

• (1530)

Colleagues, I support this bill because I believe it is the right thing to do. Our fellow Canadians, and children in particular, must be allowed to be who they truly are, to love whomever they want and to live without fear.

Honourable senators, as I move toward concluding my remarks, I would like to quote Jonathan Brower, a theatre artist and conversion therapy survivor. Jonathan said:

> I don't want healing any more, not from who I am. I just want healing from the scars from trying to change.

Finally, colleagues, I thought it was appropriate to quote human rights crusader Martin Luther King Jr., who said, "The arc of the moral universe is long, but it bends toward justice."

Honourable senators, let's move this critical bill forward and continue to bend that arc toward justice for Jonathan, Erika and David and all LGBTQ+ Canadians. Happy Pride Month, my fellow senators. Thank you, *wela'lioq*.

Some Hon. Senators: Hear, hear.

Hon. Paula Simons: Honourable senators, I wish to speak to you today about Bill C-6, An Act to amend the Criminal Code (conversion therapy). If you will allow me, I need to begin, as I so often do, with a story.

Two and a half years ago, when I was named to the Senate, I received a phone call from our Usher of the Black Rod, Greg Peters, to discuss preparations for my swearing in. Would I like to be sworn in on a bible? When I told him I was not a religious person, he suggested I affirm my oath while holding a copy of the Charter of Rights and Freedoms.

The symbolism seemed perfect. An expression of my commitment as a senator to uphold the rights and freedoms of all Canadians. But a bare scroll, the Black Rod said, might look a bit plain. He suggested the scroll be tied up with a ribbon symbolizing a cause close to my heart. Perhaps a rainbow ribbon?

Well, I had written many news stories about the hard-won battles for gay rights in this country and in my province. I covered the Delwin Vriend case, when the Supreme Court of Canada ruled Alberta must include sexual orientation in its provincial Human Rights Act.

I'd written about the fights waged by same-sex couples to foster children or receive inheritances. I had covered the fight for gay marriage, from the time when it seemed a radical, subversive idea, to the point where it became humdrum. I covered Edmonton's first lesbian wedding, with a front row seat, since one of the brides happened to be my own sister-in-law. After the wedding, I guess you'd say both brides were my sisters-in-law.

I wrote about young Albertans fighting to start gay-straight alliances in their schools. I wrote about the fights over funding for life-altering surgery for trans Albertans.

But I'm not gay myself. So, I was worried about the appearance of appropriating a powerful symbol of the fight for queer and trans rights when that fight was not my own.

I canvassed my gay and lesbian friends and relations. Would they feel offended if I wrapped my Charter with a rainbow ribbon? They all told me they'd see the ribbon as a compliment to them and a signal that I would continue to fight for their rights.

Only one person questioned my choice, but she happened to be the one whose opinion mattered most because she is the person I love and respect most in the world, my daughter.

"You're not a lesbian," she said. "You're just lesbian adjacent."

She had reason for skepticism and for questioning my sincerity because for all my vaunted allyship, when my own daughter came out to me four years ago I didn't respond like a perfect mother. I certainly didn't respond like the "woke" social justice warrior I fancied myself to be.

I didn't disown my daughter. I could no more cut her out of my life than I could cut my heart from my body. I didn't reject her. But I refused to hear her.

"Of course you're not gay," I scoffed. "You have a membership at Sephora. You have a closet full of dresses. You wear high heels." I simply couldn't accept that my graceful princess, my angel, was a lesbian.

Instead of welcoming her brave announcement with joy and excitement, I tried to brush it off. "It's just a phase," I said. "Once you meet the right boy, you'll forget all about this." Then I said a few more unpardonably stupid things, straight from the hurtful hetero cliché handbook. "Maybe you're just bisexual. Maybe you just think you're gay because you have cool gay friends. Was it something I did wrong as a mother? Is it my fault?"

Why am I sharing this deeply personal story about my greatest parenting failure and perhaps my greatest moral failure? It's because I want all the parents who've been writing to me, who've been filling my inbox with angry, frightened letters about Bill C-6, to understand that I am not lecturing them from some self-righteous posture of moral superiority.

I want them and you to know that I understand that fear and pain. I understand how the world tilts when your child comes to you with news that you aren't ready to hear. Even the most loving parents can feel blindsided when their child tells them that they're gay, lesbian or trans. I understand that denial because I felt it myself, despite all my public advocacy, all my parade-going, all my professions of allyship.

I'd been one of Edmonton's most outspoken advocates for queer equality. But as my own daughter stood in pain before me, I realized — with scalding clarity — that as much as I loved my gay friends and family, as hard as I'd fought for them, I'd done so not just out of a sense of justice but out of pity. I had, at a deep, unacknowledged and embarrassing level, been thinking of homosexuality or transsexuality as a kind of affliction.

I'd fought for gay and trans-rights — and not just performatively or hypocritically, at least I hope not — but deep down, I didn't want my perfect daughter — the light of my life — to be one of "them." I didn't want her to be a victim of society's prejudice or bigotry.

I suddenly recalled the time the orthodontist told us that my daughter needed braces and an appliance to correct her bite. I was so upset. My daughter? My daughter was perfect and beautiful. She wasn't like one of those kids with crooked teeth. How could she possibly need braces? Were her orthodontic issues somehow my fault?

It dawned on me that I was responding to my daughter's news about her sexuality in exactly the same way, as though it somehow reflected badly upon my parenting. I had taken this most intimate announcement about her and her truth and somehow made it all about me.

But my daughter did not need to have her sexuality corrected or converted. We'd straightened her bite with braces and appliances. But there were no tools or tactics to straighten her. Nor did there need to be.

Her sexuality isn't something for me to accept or tolerate. It's something to celebrate and embrace, because it's part of what makes her the loving, creative, thoughtful person she is. It's part of what makes her a fine writer and part of what inspires her as a law student to fight for justice.

When I think about her wonderful squad of friends who are queer or trans, or bi, or gender non-conforming, or gender fluid — when I think about Basil and Manny and Leo and Sasha and Geena and Kaili and Blue — I feel so grateful for all they've taught me, and so grateful to them for always having my daughter's back even when I didn't.

In the end, my generous, sardonic daughter gave me her blessing to tie up my Charter scroll with a rainbow ribbon, not so much because I'd earned the right to call myself an ally, but more because that ribbon was a reminder to me of how much more work I needed to do. Just as God gave Noah a rainbow as a sign of his covenant, that rainbow ribbon marked a covenant between my daughter and me — a symbol of the vow I took that day to protect the Charter rights of all Canadians.

Let me today speak clearly. Conversion therapy is an abusive, medically discredited practice, even when families who force their children into it do so out of what they feel is love.

We need to pass this bill at the earliest opportunity. We need to criminalize this dangerous junk-science quackery that puts the physical and mental health of vulnerable people at risk. We need to send a clear message to all Canadian parents and their children that gender and sexual identities are not sicknesses to be cured, but part of the glorious human diversity that makes our country and our world a better place.

Conversion therapy is a euphemism that occludes ugly truths. There is nothing therapeutic about such coercive re-education. Therapy is defined by the Oxford dictionary as "treatment intended to relieve or heal a disorder."

But these so-called treatments do nothing to relieve or heal. They instead corrode and undermine a gay or trans person's very sense of identity and teach them to believe they are damaged or deluded, sick or sinful.

Many of those who've written to us about this bill, or who called me, have insisted they're not homophobic or transphobic, but that they're worried the bill infringes on religious freedom or freedom of speech. My friends, nothing in this bill infringes on the free speech rights of clergy in the pulpit or parents in the kitchen. Nothing prevents them from teaching or preaching that homosexuality is a sin. And nothing in this bill, frankly, prevents parents from rejecting or denouncing their own children.

• (1540)

Bill C-6 instead is narrow and specific. It protects vulnerable adults from being forced into sadistic brainwashing. It protects children from being damaged by psychological manipulations that may erode their sense of self — and it protects them from being taken abroad to undergo abusive pseudo-therapies in other countries.

The bill does not prevent children, teens or adults from getting counselling, secular or religious, if they are questioning or confused or upset about their sexuality or gender identity. Nor does Bill C-6 somehow enable children who feel they may be trans to immediately access hormone therapy or gender confirmation surgery willy-nilly. And despite what some people seem to believe, the bill does not make it a crime to deny someone top surgery or testosterone, either.

Instead, Bill C-6 criminalizes coercive and commercial efforts to make people conform, to erase their identity against their will, to poison them with self-loathing.

Specifically, Bill C-6 makes it a crime to advertise so-called conversion therapy to would-be customers. It makes it a crime to make money by selling such bogus unsafe treatments, from aversion therapy to hypnotism to exorcism. That's important because the bill would make it illegal for people who practise this fraudulent "therapy" from passing themselves off as legitimate psychologists or counsellors.

Yes, there is a risk that Bill C-6 may simply drive this damaging practice underground. We cannot exorcise homophobia or transphobia anymore than a quack therapist can exorcise homosexuality. But we can send a message when we denounce the commercialization and monetization of homophobia and those who make money by preying on the fears and vulnerabilities of queer Canadians and their families. And we can send a message to every gay, lesbian, bisexual, two-spirited, trans, queer, asexual, gender-fluid, gender-non-binary or gender-nonconforming person that they are not afflicted but gifted.

Today, I want to publicly apologize to the queerly wonderful members of my own family for my imperfect efforts to be the ally you needed. To Paul and Brian, to Tina and Sandra, to Taylor and Laura, to Peter and Kristy and Lisa and Julie and Jason — I love you all so much. Thank you for being such wonderful aunts and uncles when my daughter needed you as role models and mentors, and when I did, too.

To my daughter's entire *posse comitatus* — all her amazing friends — thank you for your brilliance and your courage.

And to my daughter, you are my inspiration every day. Thank you for your permission to tell your story, and thank you for holding me accountable always. The greatest joy and privilege of my life has been to be your mum. With you as my daughter, every month is Pride Month.

Thank you. *Hiy hiy*.

Some Hon. Senators: Hear, hear.

Hon. Rosa Galvez: Honourable senators, I rise to speak to Bill C-6, An Act to amend the Criminal Code and an act that will ban the harmful practice of conversion therapy in Canada. I don't wish to take too much time, but I insisted on showing support to the LGBTQ2+ community that has systematically suffered through discrimination, hate and violence because of who they are and who they love.

Since once again we will be taking a decision affecting people who are under-represented in the Senate, I elect to take a different approach in my speech.

I am not a member of the LGBTQ community myself, so I will use this time to give voice to Lucas Wilson, PhD candidate in comparative studies at the Florida Atlantic University, a sessional lecturer at the University of Toronto and a young Canadian who suffered through the horrors of conversion therapy. I share his words with you today with his permission.

> My name is Lucas Wilson, and I am a survivor of conversion therapy. I used to be uncomfortable with the term survivor to describe myself, but after years of working through the deep-seated shame, guilt, self-hatred, and anxiety that were instilled and distilled within me, I now think the term survivor is only fitting nomenclature to describe my four years in conversion therapy. Indeed, conversion therapy amplifies and deepens the cultural homophobia that we queer people were taught from a young age, as it seeks to erase and eradicate a constitutive part of what makes queer people themselves. It can thus be said that the desire of conversion therapists for there to be no queer people in Canada is — definitionally and without any measure of hyperbole — a genocidal intention. And these intentions result in sustained abuse — sustained abuse that I experienced, and sustained abuse that thousands continue to experience at the hands of conversion therapists. However, might I be so bold to say that abuse should never be an option for anyone? It is indeed mind-boggling to me that there is currently a debate about whether or not individuals who are motivated by genocidal intentions should be able to abuse countless LGBTQ+ individuals.

Please do what is right and what is noble, and please protect Canadians from the death-dealing and horrific work of conversion therapy.

Colleagues, if you deserve to live a full life, full of self-expression, self-love and pride in the person you are, then every Canadian deserves this as well.

Thank you. *Meegwetch*.

Some Hon. Senators: Hear, hear.

Hon. Marilou McPhedran: Honourable senators, as an independent senator from Manitoba, from Treaty 1 territory and the homeland of the Métis Nation, I rise today to support Bill C-6, which makes it illegal for anyone to force or encourage a minor to undergo conversion therapy through new offences limited to practices, services or treatment, and excluding private discussions between an individual struggling with their sexual orientation or gender identity and those seeking to support that individual.

I add my appreciation to Senators Joyal and Cormier for their leadership in bringing this issue before us more than once and thank Minister David Lametti for introducing the version of the bill we are debating today.

Honourable senators, I will not take up your time by repeating the powerful points already made by previous speakers today. I will be brief in speaking personally in support of this bill because it is an important addition to legislation in Ontario, Nova Scotia, P.E.I. and the bills introduced in the Yukon, Quebec, New Brunswick, and the municipal bylaws in Vancouver and Calgary, as well as the law in the country of Malta. The proposed offences would be limited to practices, services or treatment and therefore would exclude purely private discussions. They would also not include services relating to an individual's gender transition or an individual's exploration of their identity or its development when this process is voluntary.

The offences in this bill would criminalize providing conversion therapy to all children and to any adults against their will. This bill would also criminalize providing conversion therapy in exchange for any material benefit. Thus, these offences have been carefully tailored to meet the objectives of this bill.

New section 320.103 of the code makes it an offence to cause a person who is under the age of 18 years to undergo conversion therapy. In other words, under this act, a child cannot consent to receiving conversion therapy nor can a parent or guardian consent on their behalf.

This bill is an example of how the Criminal Code can be used appropriately in setting legal standards of acceptable conduct in our society.

• (1550)

Dear colleagues, I am the proud mother of a non-binary queer person who, as a child, was secretly taken to gender conversion sessions until I found out. This is a brilliant, strong, compassionate person who brings huge light to our world. To this day, more than 30 years later, they remember that terrible time even though they have not only survived, but they thrive and share the power of love every day, in so many ways, with so many people.

I am also a proud auntie, adopted by a trans man who came to Canada as a refugee fleeing from attempted honour killings for being who he truly is.

In this Pride Month, let us move forward together to strengthen our democracy, our families and our communities through practising love and inclusion. That is what this bill is about. Love is love, dear colleagues, and this bill will be an act of love. Thank you. *Meegwetch*.

(On motion of Senator Martin, debate adjourned.)

BROADCASTING ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Dennis Dawson moved second reading of Bill C-10, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts.

He said: Honourable senators, I rise today to introduce you to Bill C-10, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts.

As you know, we were not expecting to get to second reading today, and since we are now expecting to sit next week, I hope we can send this bill to the Standing Senate Committee on Transport and Communications as soon as possible. Negotiations are ongoing for when the committee will meet, but for now I will concentrate on having the bill sent to committee.

Bill C-10 deserves much attention and scrutiny, and we need to perform our duties as the chamber of sober second thought. It was never the intention of the government to ram the bill through at the end of the session. I am happy to speak to it today.

I wish to inform honourable senators that the Department of Canadian Heritage will organize briefings on this bill on Monday of next week — you will receive details later today or tomorrow — at 11:30 in French and 11:45 in English. I will be presenting a speech.

In June 2018, the Government of Canada appointed a panel to review the broadcasting and telecommunications legislative framework. They received over 2,000 written submissions and heard directly from many people through conferences across the country. The Yale report was released in January 2020, which made recommendations based on this intensive study and created the framework for Bill C-10 and the modernization of the Broadcasting Act.

Bill C-10 was tabled on November 3, 2020, and spent 112 days at committee stage at the Standing Committee on Canadian Heritage, with over 40 meetings and close to 50 witnesses, not counting departmental briefings. As the bill reaches us, there have been over 100 amendments, with numerous subamendments.

The Bloc and NDP do not hide their contempt for this chamber and they would like us to trust their analysis of the bill and accept it blindly, rubber-stamp it and not give it the sober second thought it deserves.

Let us examine the bill, what it aims to do and why this is such important legislation.

Honourable senators, Canada has a long history of supporting Canadian film, music and television. I will read what I said in the other place in 1982:

> The policy initiative is designed to give Canadians increased choice in television and radio broadcasting and to develop greater appreciation for Canada's rich social, historic and cultural heritage.

I emphasized the fact that we have to regularly modernize the Broadcasting Act, which hasn't been modernized for 30 years. This is long overdue.

[*Translation*]

Although the Broadcasting Act was originally enacted in 1936, it has not been significantly revised since 1991. Needless to say, this bill has been a long time coming, since the last revision was before everyone had a cell phone in their pocket and the internet was fast enough to stream TV shows.

This bill would expand the legislative and regulatory regime to include online broadcasters by confirming that the CRTC has regulatory jurisdiction and authority over these services.

The bill would also provide for greater diversity and inclusion in the broadcasting sector. More specifically, the bill would specify that online broadcasting falls within the scope of the act.

[*English*]

Broadcasting and regulatory policy will be updated, including better reflections of Indigenous peoples, persons with disabilities and Canadian diversity.

[*Translation*]

This bill will provide strong support for original French-language content.

I would now like to talk about the issue of support for francophone creators and French-language content, including content produced by minority francophone communities. I would also like to take this opportunity to congratulate Minister Joly for recognizing Quebec as a French state.

First, it is important to recognize that this is a key issue and that the concerns expressed by stakeholders are entirely legitimate.

We must not forget about the minority status of francophones in North America. It's safe to assume that in a world dominated by English, online broadcasting giants like Netflix and Spotify won't necessarily consider the needs of Canada's francophones, whether they live in Quebec or in a minority community elsewhere in Canada. However, we know that radio and television are vitally important to the language, culture and identity of the only francophone minority in North America.

It goes without saying that measures are needed to support and promote francophone stories and music. I think we're all agreed on that, especially since the arrival of online broadcasters turned Canada's broadcasting sector upside down, and the French-language market was no exception.

Online broadcasters present unique challenges regarding the availability and promotion of online French-language content, including content produced by our francophone minority communities.

It's important to note that 47% of francophones currently watch primarily English content on Netflix. That is a major departure from traditional television, where 92% of the francophone market tunes in to French-language programming.

Similarly, while the average production budget for English-language films and videos has been increasing for many years, as has funding from foreign investors, we note that the average production budget for French-language content has decreased, and funding from foreign investors remains low. On the music and digital platforms front, it is important to note that in 2017, there were just 6 French Canadians in the top 1,000 most popular streaming artists in Canada. I repeat, 6 out of 1,000.

[*English*]

Honourable senators, Bill C-10 will renew Canada's approach to regulation in order to ensure fair and equitable treatment between online and traditional broadcasters. It will modernize enforcement powers through a new administrative monetary penalty regime.

Bill C-10 will update oversight and information-sharing provisions to reinforce the CRTC's role as a modern and independent regulator, ready for the 21st century.

Bill C-10 will benefit our Canadian artists and creators across the country. The bill will allow more opportunities for Canadian producers, directors, writers, actors and musicians. They will be empowered to create high-quality audio and audiovisual content, and they will be able to make that content available to Canadian audiences.

The regulatory framework will be both equitable and flexible, and comparable broadcasting services will be subject to similar regulatory requirements. It will also take into account their distinct business models.

• (1600)

Canada's broadcasting system will be more diverse and inclusive and will be reflective of Canadian society. More importantly, Canadian music and stories will be more available through a variety of services.

Let's look at some of the technical aspects of the bill. Currently, as a condition of licence, TV programming services are required to spend a percentage of their revenues on Canadian content each year. Cable and satellite companies are required to pay a percentage of their revenues and levies to production funds and contributions to local programming that support the development and production of Canadian content. Commercial radio broadcasters and satellite radio carriers contribute a portion of their revenues to support Canadian content and development initiatives, including musical content. These contributions totalled $3.4 billion in 2019.

However, digital disruption and competition from online broadcasters threaten this support. Increasing competition from online broadcasters is leading to diminishing revenues for traditional services, with traditional broadcasting revenues declining by 1.5% from 2018 to 2019. Ultimately, this will lead to less funding for Canadian music and programming.

The shifting market dominance is illustrated by Netflix, which is now present in most Canadian households — 62% — and generated $1 billion in revenue in Canada in 2019. Internal Canadian Heritage projections find that falling commercial broadcasting revenues are expected to lead to a decline in the production of Canadian television content by 34% between 2018 and 2023.

If the CRTC requires online broadcasters to contribute to Canadian content at a similar rate to traditional broadcasters, online broadcasters' contributions to Canadian music could amount to as much as $830 million per year by 2023.

Social media services have become an important place for accessing programming, including both music and audiovisual programming. YouTube has become the most widely used music-streaming app across all ages, with weekly active usage highest among 16- to 19-year-olds at 70% of penetration.

Confirming that the act applies to social media platforms will allow the CRTC to ensure that these services contribute to an equilibrium in the distribution system. Social media services have also become a venue for self-expression. Bill C-10, as passed in the House of Commons, includes special safeguards to ensure Canadians' freedom of expression is secure. Trust me, cat videos will still be permitted, and the CRTC will not stop you from doing them — for those who like that.

For example, users of social media services will not be regulated and shall not be considered broadcasters, contrary to what has been said numerous times over the last few weeks and months.

Moreover, the CRTC will be authorized to gather information about social media services and their users, seek financial contributions from social media services to support the Canadian creative sector and require the social media services to make Canadian creators discoverable online. These regulatory requirements will be imposed on the service itself, not on users of social media services.

The CRTC is required to interpret the Broadcasting Act in a way that is consistent with the freedom of expression and journalistic, creative and programming independence enjoyed by broadcasting undertakings. The Department of Justice reviewed these changes and determined that they support the continued consistency of the bill with the Charter.

[*Translation*]

Bill C-10 will improve the representation of all Canadians in the programs they watch. When most of the programming available to Canadians does not reflect their actual lived experiences, something needs to change.

That is why Bill C-10 makes advances to ensure that the Broadcasting Act promotes greater diversity. Programming that represents Indigenous peoples, ethnocultural minorities, racialized communities, francophones and anglophones, including those who belong to the LGBTQ+ community — who have been the subject of other speeches today — and people with disabilities will no longer be provided only "as resources become available for the purpose." The offer and availability of such programming is essential for self-actualization.

The policy objectives set out in the Broadcasting Act will ensure that our broadcasting system reflects Canadian society and that diverse and inclusive programming is available to everyone. That is essential to ensuring that the Canadian broadcasting system can help broaden people's perspectives, spur empathy and compassion for others and celebrate our differences, while strengthening the common bonds that unite our unique Canadian society.

[*English*]

Colleagues, after we have done our duty and considered Bill C-10, the Minister of Canadian Heritage intends to ask the Governor-in-Council to issue a policy direction to the CRTC to guide its use of the new regulatory tools provided by the bill.

After that, and in consultation with stakeholders, the CRTC will develop and implement new regulations to ensure that both traditional and online broadcasting services offer meaningful levels of Canadian content and contribute to the creation of Canadian content — obviously, in both official languages.

[*Translation*]

Bill C-10 will benefit our artists and creators across the country. There will be more opportunities for Canadian producers, directors, screenwriters, actors and musicians. They will be empowered to create high-quality audio and audiovisual content and will be able to make it available to Canadian audiences.

The regulatory framework will be both equitable and flexible, because comparable broadcasting services will be subject to similar regulatory requirements. The framework will also take into account their different business models.

Honourable senators, I spoke about these points earlier in my speech, but they bear repeating and must be clear. Right now, in order to obtain a licence, television programming services must spend a percentage of their revenues on Canadian content every year. Cable and satellite companies are required to contribute a percentage of their revenues and levies to production funds and contributions to local programming that support the development and production of Canadian content. Commercial radio broadcasters and satellite radio carriers give a portion of their annual revenues to support Canadian content development initiatives, including music content. These contributions totalled $3.4 billion in 2019.

However, digital disruption and competition from online broadcasters are threatening this support. The growing competition from online broadcasters has resulted in declining revenues for traditional services, with traditional broadcasting revenues dropping by 1.5% between 2018 and 2019. Ultimately, this means less funding for Canadian music and programming.

Netflix is an example of how market dominance is shifting, as the service is now in 62% of Canadian households and generated $1 billion in revenue in 2019. Internal departmental projections show that declining commercial broadcasting revenues are expected to lead to a 34% drop in the production of Canadian television content from 2018 to 2023.

Honourable senators, I want to stress this important point once again. If the CRTC requires that online broadcasters contribute to Canadian content at a rate similar to that of traditional broadcasters, those online broadcasters could contribute as much as $830 million a year to Canadian music and stories by 2023.

Social media services have become an important place for people to access programming, including music and audiovisual programming. YouTube has become the most widely used music streaming app for all ages, with weekly active usage being highest among 16- to 19-year-olds at 70% of penetration.

Esteemed colleagues, as I pointed out earlier, the Bloc Québécois and the NDP are not hiding their disdain for this place and would like us to rely on their analysis of the bill, blindly go along with it and not give this bill the sober second thought it deserves.

• (1610)

[*English*]

I think we have to do it.

In debate at committee in the other place, there has been much raised about the freedom of expression. I want to address this point. The Broadcasting Act includes a specific clause that it must be interpreted in a way that respects freedom of expression, and journalistic and creative independence. This has been there for 30 years. At the Standing Committee on Canadian Heritage, the government added a further clause that repeats that this protection applies specifically to social media companies.

The Charter Statement and the amendment analysis from the Department of Justice Canada confirms that Bill C-10 does not infringe upon freedom of expression. Bill C-10 levels the playing field and requires web giants to contribute to Canadian shows and music. I repeat again: It does not infringe upon freedom of expression.

[*Translation*]

Bill C-10 will benefit Canadian artists and creators across the country. This bill will also update oversight and information-sharing provisions to strengthen the role of the Canadian Radio-television and Telecommunications Commission, the CRTC, as a modern and independent regulator, ready for the 21st century.

The Minister of Canadian Heritage will be setting up an information session next week.

[*English*]

I want to give you a list of some of the organizations that support this legislation, because it does have very wide support from the stakeholders involved in the industry: Peter Grant, counsel and past chair of Technology, Communications and Intellectual Property at McCarthy Tétrault; Janet Yale, Chair of the Broadcasting and Telecommunications Legislative Review Panel; Pierre Trudel, law professor at the University of Montreal and first head of the L. R. Wilson Chair in Information Technology and E-Commerce Law; the Coalition for the Diversity of Cultural Expressions; *L'Alliance nationale de l'industrie musicale*; L'Association des distributeurs de livres en langue française; the Canadian Actors' Equity Association; and the list goes on.

So I urge you to support sending this to committee so it can be further analyzed and so that we can do the sober second thought revision that I think it deserves.

Thank you.

The Hon. the Speaker: Senator Dawson, we have a couple of senators who would like to ask questions. Would you take questions?

Senator Dawson: Yes, Your Honour.

Hon. Pamela Wallin: I disagree with many of the things you just said, Senator Dawson.

I want to ask specifically about infringements upon people's free speech. Can you explain why clause 4.1 was excised deliberately from the bill, despite repeated requests from outside parties and MPs themselves?

This was the clause to exempt user-generated content. By excluding that and refusing to have that protective clause in, tweets, Facebook posts, YouTube posts and all of that is subject to discoverability by big tech.

Why was that section excised?

Senator Dawson: In a minority government and when you're in a minority situation in a committee, you make compromises. There was a request from several parties, including the Conservative Party, to look at this issue and try to frame it. Along the way, some of the amendments — I think that's one of the reasons we have to give it sober second thought — came in and came out, and I think they will deserve a new look.

Trust me: It does not apply to people. It applies to organizations. People's freedom of speech and expression will not be altered by this bill.

We've had the same rules. We're basically applying to social media the same rules we have applied to broadcasting and radio transmissions for the last 50 years. The CRTC has been doing it forever and has never stifled free speech. It's not because it will now be used by American companies that we should be preoccupied with free speech.

Senator Wallin: I have a supplementary.

I'm afraid that was just not the case. It was the government itself that excised clause 4.1, so I don't think that's something you can put on the opposition or the critics.

This was followed very closely, even though many of those hearings were held without notice, amendments were "passed" — and I'm putting that in quotation marks — in secret without even the wording of the amendments being put out.

We've just looked at this bill now, but clause 4.1 is not there. You can ask the tech companies to be the ones to monitor user-generated content. It's still there — the ability for big tech to do that on behalf of the CRTC, on behalf of the government and on behalf of some other special interests — they still have that ability.

I come back to the basic question: If you believe free speech is protected, then why didn't clause 4.1 remain to protect free speech?

Senator Dawson: Again, I repeat that this was a process of amendments in committee. As you know, the government amended its own bill because it was getting pressure from the outside to clarify certain amendments, and that was one of them.

Again, the CRTC does not get new powers to control the content of free expression. Yes, there is a reestablishment of equality between broadcasters and companies like Netflix and Google. If you're sending kitten videos on Google, you will not be subject to this control. The companies that do use those things — if they're making money off of you and those revenues are not being shared by Canadians — the new rules will be applied to them, and they will participate in the financing of — I think it's quite normal — Canadian artists and producers.

The Hon. the Speaker: Senator Wallin, there is another senator who wishes to ask a question, and if there's time, I'll come back.

Senator Wallin: Thank you.

Hon. Leo Housakos: Thank you, Senator Dawson, for your speech.

There is very little in it that I'm in concurrence with, but I do recognize you're the sponsor of the bill, not the architect. We will have to address this legislation and, hopefully, try to strengthen it, clean it up and make it achieve its original objective.

Before we get into the actual content of the bill, senator, I want to talk about process. I know you're a long-time member of this chamber and a former member of the House of Commons as well. I have been very concerned with the process of what has basically become secret lawmaking or legislation-making in the House of Commons. Have we ever seen a House of Commons committee behind closed doors, in camera, propose amendments to legislation that the Speaker of the House of Commons had to rule out of order?

Senator Dawson, I know you appreciate the supremacy of Parliament. Can you comment? Do you share the concerns that I know Senator Wallin, other colleagues and I have about the process that was utilized in the other place to come to the end result, which is that this legislation is crawling to come to a finish line here in the Senate?

Senator Dawson: I have to correct you, Senator Housakos. These amendments were done in public on the broadcast CPAC and in the parliamentary broadcast; they weren't done in an in camera meeting. Obviously, since the Speaker had to overturn the decision the committee had made to tell the chair to do it that way, obviously the rules were applied. That's why the Speaker did it, and they reassessed the amendments and passed them again in respect for the structure of amendments in the chamber.

Obviously, since there was time allocation, they weren't going to debate all of the — they had five hours to debate, I told you before — 100 amendments. There was no way they could debate

each one of those and respect the five hours since — and I'm not being partisan — but the Conservatives obviously had the objective of filibustering the adoption of these amendments. They succeeded. The communications were broken between the chair of the committee, who was overturned by the committee, and the Speaker overturned the decision of the committee.

It was not done in secret, and since you're talking about it, because there was nothing secret about it.

• (1620)

Senator Housakos: Senator Dawson, this is not a question of partisanship. This is a question of how, for the first time in the history of Parliament, we've had a Liberal chair of a parliamentary committee overruled by his own members in trying to steamroll, in an in camera process, amendments. You are absolutely right; thank God for a point of order called by the Conservatives. Again, the Speaker of the House did the appropriate thing.

My question, to turn to content, is about the Minister of Canadian Heritage, who has constantly claimed that Bill C-10 will result in $830 million per year in additional investments in Canadian culture. Consistently he has refused to provide any calculations explaining what formula he used to come up with those numbers.

In the House debate this week, the parliamentary secretary claimed that Bill C-10 needed to pass for the government to find out how much money the streaming services are making in Canada. If that's the case, how do they even know how much money the bill will raise? What are the bases of their promises to the arts sector to come up with figures like that?

Senator Dawson: Obviously, since the streaming services are not subject to the Canadian Radio-television and Telecommunications Commission, or the CRTC, disclosure arrangements, some of this is speculation. Again, I will invite you to listen to the briefings on Monday.

More importantly, one of the reasons we're sending it to committee is so you have the opportunity to ask the minister to clarify how he has come to that number. Basically, one of the reasons the numbers are being contested is that we know how much some of the companies make, but how much of it will be redistributed to Canadian content will depend on how much Canadian content is not being paid for at this time.

Senator Housakos: Senator Dawson, it seems this whole legislation is based on some form of speculation. The numbers don't seem to jibe, because we don't know what formula is being used. We have constantly heard, and we heard it again in your speech, to trust you and that freedom of speech will not be at risk.

I also heard in your speech how this bill is going to strengthen diversity in minority groups. I, for one, believe that currently the Broadcasting Act doesn't do that for minority voices, including multicultural communities. We often hear from the Prime Minister and others in this government that diversity is our strength, and I agree. We keep hearing that this legislation will protect it — Indigenous voices, LGBTQ voices. However, the irony with Bill C-10 is that it will actually attack diversity, in my definition. What is constituted as Canadian content will, therefore, force Indigenous and LGBTQ creators to conform their content to work with whomever the government or the CRTC thinks they should work with.

How is that helping these minority voices, Senator Dawson?

Senator Dawson: The first reality is that much more money will be at everybody's disposal, and they will be getting an identified fair share of it for the first time. Obviously, a lot of these laws on broadcasting that were written 30 years ago need to be modernized. That's one of the objectives of this legislation.

I'm trying to find the chapter, but I will be issuing directives to the Privy Council about giving clear mandates to the CRTC on how it will apply, after consultation, to the groups, industries and the people involved, basically the artists.

Senator Wallin: Honourable senators, I want to come back to some of the comments Senator Dawson has made here.

Senator Dawson, you talk about this process in the House of Commons being conducted in public. It was, in fact, true that the committee hearings were broadcast. The problem was that the discussion, the debate and the amendments were secret. They were written on pieces of paper, and you had to vote for amendment one, amendment two or amendment three. Even members of the committee were not allowed to see that. On the whole question of process, it's nothing short of appalling that we would put forward a piece of legislation that was constructed in that manner.

The minister himself, on occasion, has said that the point of this was for discoverability so we could see — whatever the royal "we" is in that case — the content of online posts, tweets or YouTube videos. They wanted to be able to observe that and make decisions about it. They themselves may not do this directly, but under the auspices of the CRTC or, worse yet, through the streaming services themselves, they could start to censor content that people don't like.

How can that be preserving, saving or protecting free speech? It just doesn't make sense.

Senator Dawson: I'm surprised the question would come from someone who was involved in broadcasting for so long.

Senator Wallin: That's exactly why I'm asking.

Senator Dawson: Could you give me examples of when the CRTC issued you directives on what you were allowed to say or not say? That's just not what happens.

The only thing the bill will do is to apply the same rules to internet content that they applied to you. It's not stifling free speech. You will have the same liberties you had when you were a broadcaster broadcasting from home. A good example is your podcast. Nobody will stifle it, but if Canadian podcasts are going to start making money off products that Canadians are producing, the CRTC wants its fair share of the revenue. That's the only objective of this addition to the bill.

Senator Wallin: There was a much simpler way to do that, and everybody seemed to be in agreement. If you wanted more cash to generate more Canadian content or francophone content — which seemed to be the minister's priority — then what you have to do is impose a tax on big tech, and then the money is available. You do not have to go through this circuitous route of making user-generated content a possible source of revenue. You have a way to get that revenue.

Senator Dawson: You say many people this and many people that. The reality is this legislation was adopted by the House of Commons, so the majority of parliamentarians in the other place arrived at the conclusion that this was the way.

Everybody has mentioned, since the beginning of this debate, that this is the first step. We have to look at the Telecommunications Act and all other legislation, but this was the first step in modernizing the Broadcasting Act. I repeat that it didn't have the context of the internet, because it was written before the internet had the power it has today.

Some of that evolution will mean more people will receive revenues because we'll be getting money from organizations that have not been giving any. Again, this is not just a taxation issue. It's not giving the money to the Governor-in-Council. It's to give it to the artists, because they'll get their fair share when these revenues come in.

Hon. Donna Dasko: Honourable senators, it's great that we're going to have another briefing from the government. I did ask the parliamentary secretary back in April about this, before all the amendments had broken out, and she promised that it would happen. I look forward to that.

I have a question for Senator Dawson about Canadian content. One of the things we heard from some of the broadcast representatives who came to speak to the Independent Senators Group and others about this was that they are looking for relief from Canadian content regulations. They were looking to this bill or the process down the road to relieve them of some of their current requirements.

I wonder if you could comment on that. Do you think this is something that will happen? How does that fit with the regulation of the online services with respect to Canadian content? Thank you.

Senator Dawson: Thank you, Senator Dasko. I could continue to list the people who support the bill and don't agree with you. I don't know whom you invited to your briefings, because I know I met with a lot of these organizations and everybody recognizes the bill is flawed. Nobody is saying this is a perfect bill. This is a step forward. However, if all of these organizations that survive on the existence of this legislation and if all of these people believe this is the solution and are supporting it, I don't know why we should be preoccupied. Obviously, there will always be people who have a different opinion.

On the definition of Canadian content, again, it's a compromise. You'll have the opportunity on Monday to listen to the briefing. Since you are a member of our Committee on Transport and Communications, I'd be more than happy for you to ask those questions.

• (1630)

First of all, since I'm not a member of your caucus, I was not invited to those briefings, so I don't know what they said.

Senator Dasko: The things that we heard are not things that are secret. These are positions that have been made public by stakeholders who have come and spoken to us and others, and have spoken publicly and so on.

I'm just asking about their seeking relief from Canadian content regulations as we go forward. That's all I was looking for. This is not private. These are public positions that they've taken.

They're looking for relief from Canadian content regulations because of, they say, the onerous conditions now, given the economic environment that they're in and that you articulated in your speech. I'm just asking if you are envisioning this down the road, that's all.

Senator Dawson: First of all, I'll be modest and say I'm not part of the government, so I have to limit what I can promise you.

These people who supported it, I can give you a copy of the list. I don't know who made that statement. I'm not objecting to the fact that you had briefings, obviously. I'm encouraging as many people to know as much as they can about this bill, but I cannot comment on people when I wasn't there. I know how much effort was made to get consultation on this bill, and I appreciate it. I think we will have an occasion to use all of that consultation in the future, and you will get answers appropriately.

As I mentioned, because it's true, some of these loopholes were mentioned at the committee in the other place, but in the end, with its flaws, the majority of parliamentarians in three parties out of four in the other place supported the bill and sent it to us for study. I think that there must be something that answers your question, if they accepted it.

The Hon. the Speaker: Senator Housakos, do you wish to ask another question?

Senator Housakos: Yes. Senator Dawson, I have a couple more questions.

Senator Dawson: Senator Housakos, how can I say no?

Senator Housakos: You're always benevolent, Senator Dawson.

I don't want to put blame on you. You're not the architect of this. I do appreciate you recognize that this is a bill that requires study.

You have pointed out on a number of occasions that we have nothing to worry about regarding freedom of speech, that the CRTC will continue to do what they've always done and essentially extend and apply these rules, of course, to other platforms.

The truth of the matter, as you've acknowledged, is this is an antiquated Broadcasting Act, and times have changed radically. The approach is very different. It's not a question of the CRTC regulating traditional, classic broadcasters. It's regulating new platforms. Twitter is a new platform. YouTube is a new platform. Young Canadians — not our generation, Senator Dawson — have become part and parcel of these platforms, and they are concerned about having their freedoms protected.

I would like to hear your comment about how the CRTC will continue business as usual, and that we just have to trust that they will not infringe upon the freedom of expression of individual use of the various platforms.

Brian Wyllie from Calgary is an expert gamer who has over a million followers on Twitch. Montrealer Kiana Gomes created a whole business using TikTok. Justin Bieber, I think we've heard of him, Canadian content but worldwide exposure. Shawn Mendes, Lilly Singh. These are all successful Canadians who gained that success through YouTube, through that new platform of which traditional broadcasters in Canada are so terrified. Today, they likely would not be Canadian enough under this new legislation, and this CanCon attempt to narrow things.

Could I have your comment on those two points, Senator Dawson?

Senator Dawson: First of all, I repeat that modernization does not apply only to new broadcasters. It applies to traditional broadcasters as well. The CRTC will get directives from the minister clarifying these issues. It's going to be part of a process that's in the bill of consultation with the players. This will be clarified.

As far as the hypothetical question of who would have won or lost, had they not invented the internet, obviously a lot of these people would not have had the coverage they have had. Had they been involved in the beginning and they had their revenues guaranteed during the years that this law was not applying to the internet, the billions of dollars that were lost in revenues by Canadian broadcasters, Canadian artists and Canadian distributors would not have been sent to American companies, but would have been sent to the artists, the producers and the organizations here in Canada.

Hon. Patricia Bovey: Senator Dawson, I wonder if you could just go back in history for a minute. I happen to have the 1951 Royal Commission on National Development in the Arts, Letters and Sciences in front of me in which they're saying that television was a dangerous rival to other mass media and voicing the importance it could prove for artists.

I just wonder if you feel that some of the issues being raised today were, in fact, raised with that new technology of television back in the late 1940s.

Senator Dawson: I'll again quote myself from the 1982 interview on this same issue:

> Unless new policy initiatives are introduced, the industry is at risk in the face of new technological and global competition which could destroy the infrastructure of Canadian program production.

This is not the first time that these issues have been brought up. The 1991 modernization was to act on this part. Now, after 30 years, they need to update the regulations. We would not have the cultural industry we have in Canada had both parties that have been in power not used these tools to help the Canadian production industry and the Canadian culture industry.

I hope people will support this going forward because, as we speak, money is going out of Canada that could be used for Canadian artists, producers and distributors.

Hon. Tony Loffreda: Honourable senators, I would like to take a few moments to speak at second reading of Bill C-10, a bill that seeks to modernize the Broadcasting Act. One of the major objectives of this bill is to bring businesses that provide audio or audiovisual content online within the scope of the act and provide the Canadian Radio-television and Telecommunications Commission new powers to regulate this content.

As you know, the Broadcasting Act was established in 1991. Back then, we had no smartphones, Mario Lemieux won his first Stanley Cup and Canadians were introduced to the GST. We've come a long way. Mario Lemieux now has five Stanley Cups.

The way we watch, listen and consume audio and audiovisual content has changed dramatically over 30 years. The internet and digital technologies have developed at warp speed, and there have been major consequences for traditional broadcasting. There's no doubt that the Broadcasting Act was seriously due for an update, and I welcome the opportunity to participate in the debate on Bill C-10.

My intention today is not to comment on some of the controversial issues that have been raised since this bill was first introduced in November of last year, namely the provisions that some have argued will censor the internet or restrict free speech. I am in no position to offer commentary on these issues at this early stage of the Senate's consideration of the bill. I have every confidence that our colleagues who serve on the committee that will study this bill will do an outstanding job and thoroughly review this piece of legislation.

I agree that this bill deserves an in-depth review in committee. I think now, more than ever, the Senate has an opportunity to cut through all the noise and take the time needed to review this bill, using an independent and non-partisan approach.

Today, I want to focus my remarks on an issue that has generated little interest in the other place and, I would humbly suggest, deserves the Senate's attention. In its backgrounder on Bill C-10, the government states:

> The Bill recognizes that the Canadian broadcasting system should, through its programming and the employment opportunities arising out of its operations, serve the needs and interests of all Canadians — including Francophones and Anglophones, Indigenous Peoples, Canadians from racialized communities and Canadians of diverse ethnocultural backgrounds, socioeconomic statuses, abilities and disabilities, sexual orientations, gender identities and expressions, and ages.

• (1640)

Despite this laudable goal, there are some individuals and groups within Canada's ethnocultural and racialized communities that feel the Broadcasting Act does not properly include and reflect their contributions to the Canadian broadcasting system. And Bill C-10 does not fully address this issue either.

Some have argued, including the Canadian Ethnocultural Media Coalition, which includes the Canadian Ethnocultural Council, the Canadian Ethnic Media Association, the Ethnic Channels Group and TLN Media Group, that the Broadcasting Act and Bill C-10 fail to provide full and equal participation of Canada's racialized communities as operators in the broadcasting system.

Bill C-10 proposes an amendment in subparagraph 3(1)(d)(iii) of the act that specifies that the Canadian broadcasting system:

> . . . through its programming and the employment opportunities arising out of its operations, serve the needs and interests of Canadians – including Canadians from racialized communities and Canadians of diverse ethnocultural backgrounds . . .

However, Bill C-10 only addresses the issue of programming and employment, not of operators and owners of broadcasting services targeted to ethnocultural and racialized minorities. In my assessment, this amendment wants to ensure diversity is reflected on screen, on the airwaves and in the workforce, but it does not provide any specific support, protection or equal status to ethnic media outlets. I believe this needs further consideration in committee.

Additionally, Bill C-10 proposes a new section in the act, subparagraph 3(1)(d)(iii), which stipulates that the Canadian broadcasting system provide opportunities to Indigenous persons to produce programming in Indigenous languages, English or French, or in any combination of them, and to carry on broadcasting undertakings.

I strongly support this provision. But I feel it may not go far enough and leaves behind an important segment of our population that may wish to produce content that is not in French, English or an Indigenous language.

Representatives from Canada's ethnocultural broadcasting and media sectors that I've spoken to feel that a similar amendment is warranted that would ensure the creation of and access to content by and for ethnic communities. There are so many media outlets across the country that offer great quality, insightful and entertaining programming in other languages that deserve formal recognition and protection within the Broadcasting Act.

Furthermore, one of the amendments in Bill C-10 proposes to change subparagraph 3(1)(k) of the act that addresses the overarching broadcasting policy for Canada. This section formally declares that ". . . a range of broadcasting services in English and in French shall be extended to all Canadians." There might be an opportunity here to further extend this policy statement and include diverse languages. Again, I think this is something worth pursuing in committee.

Projections indicate that visible minorities could represent approximately 30% of the Canadian population by 2031, and Canada wants to welcome over 1 million new immigrants in the next three years. In my view, this justifies the need to, at the very least, give consideration to what the ethnocultural organizations are suggesting in terms of amendments to the Broadcasting Act on matters of inclusion and diversity.

Colleagues, it was important for me to briefly raise this matter at second reading in the hopes that it will pique your curiosity and, hopefully, it will put the spotlight on an issue that was drowned out by all the controversy surrounding Bill C-10.

I hope the committee that will be empowered to review Bill C-10 will give serious consideration to addressing this issue and extend an invitation to any relevant witness who could speak to it. I think it's the least we can do, since they did not have an opportunity to appear before the House of Commons.

Thank you, *meegwetch*.

The Hon. the Speaker: Senator Housakos, would you like to ask a question?

Senator Housakos: Would Senator Loffreda take a question?

Senator Loffreda: Yes.

Senator Housakos: Senator Loffreda, thank you for your thoughtful speech, and particularly for zeroing in and recognizing how narrow in scope this bill is and actually impedes the ever so important minority voices in this country, like the ethnocultural communities, Indigenous peoples and other groups.

I also want to touch upon another issue. I understand that the government would like us to believe that the removal of the famous clause being discussed back and forth, clause 4.1, is relevant because individual users are protected elsewhere. How many times has Senator Dawson said, "trust me," and I do trust, of course, Senator Dawson. But I don't trust the CRTC, and I wouldn't trust bureaucrats who are not accountable to anyone but the executive.

But the truth is that the content isn't protected, thanks to discoverability and the power this legislation gives the CRTC to force platforms to develop and use algorithms that give priority

to content based on what should be prioritized. Again, it's right there: It's in black and white when you read this legislation. Content will appear at the top of suggested viewing, not based on what the consumer typically watches or searches but based on what the CRTC thinks they should watch.

How is that neutral? Would you agree that it isn't neutral, as they claim?

Senator Loffreda: Thank you for the question, Senator Housakos. As I said today in my speech, my intention today is not to comment on some of the controversial issues. There have been many; we all know what has gone on with this piece of legislation.

But I strongly agree with what was put forward and what Senator Dawson put forward: an in-depth review is required in committee. The Senate, once again, has that opportunity to bring the added value it always does to look at this piece of legislation, as it should be looked at, invite the witnesses who should be invited to pursue, your question and your concerns and the concerns I've raised with this bill. I fully trust the committee. We have great senators who do great work, and let's wait for the committee to get back to us with their report.

Senator Housakos: Thank you, Senator Loffreda.

Senator Loffreda: Thank you.

Hon. Paula Simons: Honourable senators, today we've begun our debate on Bill C-10, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts.

As the rather long name implies, Bill C-10 is a collection of significant amendments to Canada's Broadcasting Act. The act has not been amended in a major way for 30 years. Back then, we all watched shows on television, listened to music on the radio and rented movies at Blockbuster. The internet was still in its early, experimental stages, with a few early adopters using dial-up connections. Our phones were attached to the wall and were used for making phone calls. At the same time, we had strict Canadian content regulations and Canadian ownership requirements for commercial radio and television broadcasters whose programming was regulated by the CRTC.

Today, conventional broadcasters are facing an existential crisis. Private radio and television stations across the country are in dire financial straits, with many on the brink of closure and collapse, creating potential news deserts in parts of rural Canada. They have lost their advertising clients to websites such as Google and Facebook, and their audiences to streaming services such as Spotify, to video-sharing sites such as YouTube and to so-called over-the-top video services, including Netflix, Disney, Prime, BritBox and others. The CRTC does not regulate any of those international streaming giants. Technically, they have been granted an official exemption, but it remains a somewhat open question whether the CRTC has the legal authority to regulate them at all.

At the same time, ironically, production of Canadian film and television has never been more robust, with pre-COVID 2018-19 production levels at all time highs. Netflix, for example, though it has no regulatory obligation to produce Canadian content, funds a surprising and substantive amount of original Canadian production. It also exposes Canadian-made films and television shows such as "Schitt's Creek," "Kim's Convenience" or "Funny Boy" to broad international audiences.

On the other hand, other specialty streaming services, such as BritBox, have little or no Canadian content or production. Disney, for example, does produce shows here, but not shows that have identifiable Canadian themes or settings.

Bill C-10 creates a broader regulatory framework for the CRTC. It retains a system of broadcast licences for conventional broadcasters but creates a separate category of registered undertakings that capture streaming services such as Prime and Spotify, which would be subject to CRTC regulation under this new framework.

But Bill C-10, in theory at least, does not micromanage that system. It is meant to be a broad regulatory framework which would leave many — indeed, most specific — decisions to the regulator, the CRTC.

• (1650)

Updating the Broadcasting Act was never going to be easy. There are so many competing interests and stakeholders with different visions of what and who the bill is for. Then there is the larger question: Should Canada seek to regulate or micromanage online undertakings hosted on platforms outside of Canada at all?

The whole idea of broadcast regulation springs from the earliest days of radio, when Canadian policy-makers worried that Canada would be swamped with radio signals from across the American border. That was the genesis of the Aird Commission, formally known as the Royal Commission on Radio Broadcasting, created in 1927. In 1929, it came back with its recommendations, which eventually led to the creation of the Canadian Broadcasting Corporation and the establishment of the Board of Broadcast Governors, which would evolve to become the CRTC as we know it today.

The logic in 1929 was relatively straightforward: There was only a limited amount of broadcast spectrum and only so much room on the AM radio dial. That spectrum was a public good, and there wasn't much of it to go around, so the Crown, through the broadcast regulator, took on the role of gatekeeper. It decided which radio stations were approved and what their general content would be to make sure that Canadian listeners were exposed to a wide range of on-air content. That philosophy carried over into the realm of television and was the philosophical basis for the muscular Canadian content rules championed by Pierre Juneau in the early 1970s. The Canadian content, or CanCon, regulations did so much to bolster and promote Canadian music, film and television production at a time when, once again, Canada faced the prospect of Americans steamrolling over our popular culture sectors.

But it is not 1927. It's not 1971. The technologies we are dealing with today are not radio and television. Back then, the Crown had a clear legal nexus to regulate and control radio and television content. It was, after all, responsible for rationing out

the limited number of Canadian TV and radio stations. It was responsible for managing the spectrum in the national and public interest.

Digital disruption has totally overthrown that old order. Instead of limited over-air spectrum or limited cable services, we now have access to what sometimes feels like an infinite number of options: news and information that we can stream on our laptops, phones and tablets. The technology and the zeitgeist are changing every moment. Just a couple of years ago, it seemed we were wrapping our heads around innovations like YouTube, Facebook and Netflix. Now they are the old establishment players and the cool kids are migrating to TikTok, Discord and Disney+, et cetera.

And we don't just have access to American services next door. People can get their content from content providers in India, Taiwan, Britain or France just as easily. If the service you want isn't technically available in Canada, that's what your virtual private network, or VPN, is for — to travel the world without ever leaving your chesterfield or back deck. Or your internet protocol television, or IPTV, subscription, which lets you access — or perhaps even pirate — a world of global content.

So here and now, precisely where does Canada find the legal authority, the moral right and, most importantly, the practical power to regulate the content of international streaming services that are not broadcast over Canadian airwaves? What is the legal nexus to regulate or curate programming from international companies? In a borderless digital world, should Canadian consumers be free to choose to watch whatever they like from around the world without government interference? Or should companies that operate in Canada and take money from Canadian customers be subject to Canadian regulation? That is the fundamental question at the heart of Bill C-10. Does it even make sense to try to regulate the internet? Are we trying to impose a cookie-cutter model from the 1970s on a quicksilver medium that defies walls, barriers and national borders?

As my fellow Edmontonian, the great communication theorist Marshall McLuhan, famously said, the medium is the message, by which he meant that the medium itself changes the way we absorb and respond to the information we receive. In the same way you cannot regulate a digital medium the way you regulate conventional broadcast or cable television, you cannot accurately regulate digital forms with analogue tools. Digital media is consumed in a different, less passive and more interactive way — a way that privileges viewer choice, consumer choice and consumer engagement above all.

A digital generation has come of age, confidently seeking out precisely the online audio and visual content it wants from around the world. The days when we sat back, read the *TV Guide* and tamely consumed whatever was scheduled are gone. And, of course, there will be a generational schism if we attempt to tell younger viewers that online prefects and proctors are going to be managing what they watch and hear.

Over the last few months, weeks, days and hours, the political rhetoric around Bill C-10 has become somewhat unmoored from reality. Let me take a moment to discuss what the bill does and does not do. Bill C-10 does not impose Canadian content quotas on international streaming services. It does not require that a specific percentage of Canadian revenues of a streaming service be invested in Canada. Despite what you might have heard — and Senator Housakos is absolutely correct about this — it does not set up some kind of wondrous, billion-dollar-a-year production fund provided by international services to underwrite Canadian production. Instead, the bill gives broad latitude to the CRTC to work out appropriate arrangements with each streaming service based on their unique programming models. Don't be misled into thinking this is some kind of instantaneous cash bonanza for Canadian producers.

Bill C-10 does not directly regulate the content of internet streaming services. It does not prohibit or regulate hateful content, fake political news or pornography. It does not give the Crown the power to take down your YouTube videos, your tweets or your Facebook posts because they're not Canadian enough or not pure enough. Despite what you may have read or heard, this is not an act about censorship. It does not limit your free speech.

However, the bill does dramatically increase the potential for regulatory gatekeeping. It may, especially as recently amended, limit the services to which we're able to subscribe. We can rightly debate the merits and demerits of that model. The bill, as very recently amended, imposes an absurd level of direction and specificity about how streaming services curate and display Canadian content. I think those amendments are fundamentally wrong-headed, and I think they misunderstand the meaning of discoverability and the functionality of algorithms, but that is not state censorship in the conventional meaning of the word.

Bill C-10 does not reduce or change the obligations of conventional broadcasters. Nothing in the bill absolves them of their current CanCon quotas or their mandatory obligations to invest in Canadian TV and film production. Nor does the bill do anything to address the economic stresses leading to the closure of regional radio and television stations — stresses that are largely rooted in the collapse of advertising markets and the near-monopoly companies such as Facebook and Google hold on Canadian advertising dollars. Despite all the language about levelling the playing field, the bill does little to redeem Canadian broadcasters or cable companies, or to prevent the development of growing news deserts.

In short, after all the flurry of last-minute amendments and all the misunderstandings and misinformation, this bill is in desperate need of a thorough Senate study and revision because there are serious questions that need to be addressed. How do we best strengthen and support Canada's film and television industry? How do we do the same for Canada's music industry? How do we ensure that Canadian screenwriters, songwriters, actors, directors and producers get the chance to tell Canadian stories? How do we prepare our entertainment industries to compete with the best in the world and find audiences outside of Canada as well as within? How do we ensure that all communities in Canada — Indigenous, francophone, ethnocultural, rural, disabled communities — get access to the information and the entertainment choices that they need and deserve? At the same time, we need to take care that we don't accidentally set up a regulatory regime that smothers innovation, that discourages or squelches emerging online artists or puts them at a competitive disadvantage with legacy players.

Here is the core question: Is cultural protectionism still the fundamental model we wish to employ in 2021, or do we need a paradigm shift that puts the emphasis on preparing our tech and cultural sectors to be robust players on a global stage, taking outstanding Canadian content created in French, English, Mandarin, Inuktitut, Punjabi, et cetera, to the world?

I hope that we can send this bill to committee as quickly as possible, not because I am a full-throated champion of this legislation but because our Standing Senate Committee on Transport and Communications needs time to do a proper study and hear from witnesses, including consumer advocates and new media producers who were not heard in the other place, and taking the time to figure out the real impact of all these recent amendments on this important legislation. Thank you very much, *hiy hiy*.

Senator Housakos: Would Senator Simons take a question?

Senator Simons: I would be delighted to take a question.

Senator Housakos: I would like you to comment on a couple of things. First, you're absolutely right that this legislation doesn't give the CRTC the power to take down content, but you would agree it gives the power to the CRTC to order platforms to bury content or take it down?

• (1700)

We all recognize how powerful the web and the new platforms are today. On reflection, does this legislation show the divide between the archaic ways we have regulated broadcasting and where younger generations around the world and Canadians are in terms of content?

Senator Simons: I will answer the second question first because it's easy. Yes, it does. That is absolutely what it does. No one under 30 watches television the way you and I did when we were growing up. You and I are of an age, and we consumed media in a completely different way than our children do, and goodness knows how our grandchildren will be consuming it. We need to have a regulatory framework that is nimble enough to respond to the quickly evolving technical platforms we have.

This bill reminds me a little bit of the Maginot Line, the way the French dug trenches so the cavalry horses would fall in the ditches, and then the Panzer tanks came along and the Maginot Line didn't do them much good. We're regulating to catch up with where we should have been 10 years ago instead of looking to where we need to be 10 years from now.

With respect to your first question, it is indeed my concern, not that the CRTC can take things down, but that the legislation as currently written compels the CRTC to compel the streaming services to privilege specific kinds of Canadian content, with a degree of granular specificity that I think is completely, frankly, out of reach of most of the platforms. It's just not how they work. Their algorithms can't be set to work that way.

It's important to differentiate. I don't think this bill censors or regulates speech, but I think it imposes nigh on impossible conditions for streaming platforms, some of which may simply pull out of the Canadian market, denying us choice. We all know that anyone under 30 will use their VPN to get the choice they want anyway, so what are we doing?

(On motion of Senator Housakos, debate adjourned.)

CANADIAN NET-ZERO EMISSIONS ACCOUNTABILITY BILL

THIRD REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES ON SUBJECT MATTER—DEBATE CONCLUDED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Energy, the Environment and Natural Resources (*Subject matter of Bill C-12, An Act respecting transparency and accountability in Canada's efforts to achieve net-zero greenhouse gas emissions by the year 2050*), tabled in the Senate on June 22, 2021.

Hon. Paul J. Massicotte: Honourable senators, your committee has completed its pre-study of Bill C-12, An Act respecting transparency and accountability in Canada's efforts to achieve net-zero greenhouse gas emissions by the year 2050, in obedience to the order of reference of Wednesday, June 2, 2021.

[*Translation*]

Canada is in urgent need of a national climate accountability framework. Canada's contribution is necessary to achieving the Paris Agreement target of limiting the global temperature increase to 1.5 degrees Celsius in this century.

Canada and the whole world must achieve those greenhouse gas emissions reduction targets. The consequences of failure would be dire. An accountability framework would enable Canada to achieve that target.

[*English*]

Your committee feels that delaying Bill C-12's passage into law risks further delaying federal government action and accountability. The climate accountability framework proposed under Bill C-12 can increase long-term certainty about Canada's climate policy direction. It will require the Government of Canada to set progressively stronger GHG emission reduction targets for Canada in advance of milestone years.

The government will have to consult and develop detailed plans for achieving these objectives and these targets. On a regular basis, the government will report on its progress on those plans and a commissioner for the environment and sustainable development will evaluate the government's actions.

[*Translation*]

This national climate accountability framework is long overdue, but still essential. Despite this, and as our report points out, Bill C-12 has many flaws. I will outline the committee members' key concerns.

As an accountability mechanism, Bill C-12 is weak because it does not force the government to meet its objectives.

The bill has the potential to bring greater transparency and improve reporting, but the committee is not convinced that this will translate into accountability at the political level.

The Net-Zero Advisory Body established under Bill C-12 does not yet have the institutional independence and authority needed to provide credible, evidence-based advice to the government and to Canadians.

In addition, while Bill C-12 represents a means to support Canada-wide collaboration, it does not go far enough in requiring consultation and harmonization among various levels of government and with Indigenous peoples.

Bill C-12 includes no obligation to consult with Indigenous peoples or to properly incorporate Indigenous perspectives.

[*English*]

With regards to the opportunities and challenges transitioning to net zero, Bill C-12 does not require economic and social measures to be considered in the development of plans and reports.

Despite these deficiencies, your committee recommends that the Senate pass Bill C-12. Canada needs to break the cycle of setting and missing its GHG reduction targets, and Bill C-12 may help in that regard.

Achieving the objective of net-zero emissions is, of course, of enormous importance for all Canadians. In this light, your committee requests that the Government of Canada address these observations as soon as possible and not wait for the five-year statutory review required under the bill. Thank you.

(Debate concluded.)

PROTECTING YOUNG PERSONS FROM EXPOSURE TO PORNOGRAPHY BILL

THIRD READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Miville-Dechêne, seconded by the Honourable Senator Moncion, for the third reading of Bill S-203, An Act to restrict young persons' online access to sexually explicit material, as amended.

Hon. Julie Miville-Dechêne: I want to ask the question.

Hon. Marilou McPhedran: Question.

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

Some Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Miville-Dechêne, seconded by the Honourable Senator Moncion that the bill be read a third time.

Hon. Pierre J. Dalphond: Point of order, Your Honour. The debate was adjourned in my name last time.

The Hon. the Speaker: Do you wish to speak to it, Senator Dalphond?

Senator Dalphond: I wish the bill to stand. I'm not ready to speak. We received the report earlier this week.

The Hon. the Speaker: Senator Miville-Dechêne, are you okay to wait for Senator Dalphond?

Senator Miville-Dechêne: I would like to have the question asked because we are almost at the end of the session. I don't want this bill to be blocked.

• (1710)

The Hon. the Speaker: Do you accept waiting for Senator Dalphond to give his speech?

Senator Miville-Dechêne: If he tells me he will give it Monday.

Senator Dalphond: I'll give it when I'm ready. Thank you.

[*Translation*]

Senator Miville-Dechêne: Thank you very much, senator.

[*English*]

Some Hon. Senators: Question.

Senator Dalphond: I move the adjournment, Your Honour.

The Hon. the Speaker: Senator Dalphond has moved adjournment of the debate, seconded by Senator Duncan, until the next sitting of the Senate.

All those in the chamber who are in favour of the motion will please say, "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those in the chamber who are opposed to the motion will please say, "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

(On motion of Senator Dalphond, debate adjourned, on division.)

[*Translation*]

INCREASING THE IDENTIFICATION OF CRIMINALS THROUGH THE USE OF DNA BILL

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Claude Carignan moved second reading of Bill S-236, An Act to amend the Criminal Code, the Criminal Records Act, the National Defence Act and the DNA Identification Act.

He said: Honourable senators, I stand today at second reading of Bill S-236, the short title of which is Increasing the Identification of Criminals Through the Use of DNA Act.

This bill proposes to amend criminal law statutes relating to taking DNA samples from living persons to solve police investigations. The legislation in this area of law is technical. That's why I would like to begin my speech by explaining certain basic concepts of the existing legislation. That will allow you to better understand, later in my speech, the main amendments proposed and their necessity.

The taking of DNA samples under criminal law is based on several federal statutes, the main ones being the Criminal Code and the DNA Identification Act.

The Criminal Code allows a judge to issue a warrant to obtain DNA samples from a person suspected or accused of having committed certain offences, which are called "designated offences." It also authorizes a judge to order the taking of DNA samples from a person who's been convicted of a designated offence. These Criminal Code provisions apply to both adults and adolescents, and their constitutionality has been confirmed by several rulings of the appellate courts, which I drew on heavily in developing this bill.

They are *R. v. S.A.B.* from 2003, the 2006 Supreme Court ruling in *R. v. Rodgers*, the 2019 Alberta Court of Queen's Bench ruling in *R. v. TT*, and the 2011 Ontario Court of Appeal ruling in *R. v. K.M.*

The list of designated offences set out in the Criminal Code is long and complicated, and it doesn't include all criminal offences. The bill proposes to remedy that situation by simplifying the text of the legislation and ensuring that nearly all Criminal Code offences are henceforth considered designated offences.

Furthermore, under the Criminal Code and the DNA Identification Act, the DNA of people who are convicted of a designated offence will be stored in the national DNA data bank.

The national DNA data bank is a very reliable tool that helps the police to determine whether a suspect has committed an offence. They can use this data bank to check whether the DNA collected from a crime scene corresponds with that of an offender with a previous conviction whose DNA is already in the data bank.

The Ontario Court of Appeal rendered a significant ruling that describes the importance of the data bank. The court indicated in paragraph 22 of its 2001 ruling in *R. v. Briggs*, that, when it comes to taking DNA samples, the state's interest, and I quote:

> . . . is not simply one of law enforcement vis-à-vis an individual — it has a much broader purpose. The DNA data bank will: (1) deter potential repeat offenders; (2) promote the safety of the community; (3) detect when a serial offender is at work; (4) assist in solving cold crimes; (5) streamline investigations; and most importantly, (6) assist the innocent by early exclusion from investigative suspicion (or in exonerating those who have been wrongfully convicted).

I would stress that the DNA Identification Act and the Criminal Code currently provide that the data bank must operate in accordance with important privacy safeguards for offenders required to provide their DNA to the bank, including strict rules governing the use of information derived from their DNA. These protections are all maintained in the bill.

Here is how the current law is implemented. Police officers have no access to DNA samples taken from the offender once they're entered into the data bank. The DNA and the name of the offender are separated in the bank. In fact, the employees have a digital bar code for each DNA sample, but don't know the name of the offender it belongs to. What's more, the DNA profiles present in the bank's files are produced only from non-coding strands of DNA, or parts of DNA that differentiate each person, but that don't reveal any information of a medical or personal nature about the donor.

Also in the interest of protecting the privacy of the offenders whose DNA is filed in the national DNA data bank, the Criminal Code sets out criminal offences for public servants or police officers who use the DNA samples for purposes other than those permitted by law.

The Criminal Code also requires that DNA sample be taken using techniques that are minimally physically invasive to the offender, such as a cheek swab or taking a hair or a drop of blood.

• (1720)

As we can see, the existing legislation significantly reduces the impact on the privacy of offenders who are required to provide their DNA upon conviction, and the bill does not change these important privacy safeguards.

In fact, the bill would make DNA collection in criminal cases more common and more efficient. This will benefit society, since there are advantages to this investigation technique, which makes it possible to quickly and reliably solve crimes by incriminating or exonerating people who are suspected or charged with a criminal offence.

To that end, the bill proposes seven important measures.

First, it significantly increases the number of criminal offences for which the court is authorized to order an offender to provide a DNA sample upon conviction. More specifically, it would require that DNA automatically be collected from all adult or adolescent offenders who are convicted of offences set out in the Criminal Code or other federal laws, including the Cannabis Act, for which the maximum sentence is imprisonment for five years or more. The bill would therefore require that every person convicted of a violent or sexual offence, without exception, submit their DNA to the data bank, since these offences all carry a maximum sentence equal to or greater than five years, pursuant to the Criminal Code.

This measure in the bill is intended to respond to a recommendation made in three separate reports issued by various House of Commons and Senate committees.

The House of Commons Standing Committee on Public Safety and National Security published a report in 2009 following its statutory review of the DNA Identification Act and the DNA provisions of the Criminal Code. The report recommended that DNA samples be taken for all designated offences.

The Standing Senate Committee on Legal and Constitutional Affairs also studied these provisions and released its report in June 2010. The report recommended the immediate and automatic taking of a DNA sample from any adult convicted of a designated offence. That recommendation was reiterated by the same committee in 2017, seven years later, in its report on delays in the criminal justice system.

It is worth noting that this recommendation was made in a context where the National DNA Data Bank of Canada contains fewer DNA profiles per capita than the DNA banks of other countries.

Canada's data bank is small, and it is growing at a snail's pace. At the end of 2019-20, the data bank had 401,546 profiles in the convicted offenders index, or about one profile for every 94 Canadians.

In comparison, the United Kingdom has 6.6 million profiles, or approximately one profile for every 10 people. The FBI has 18.4 million profiles, or about one for every 18 Americans. New Zealand, with a population of just 5 million, has more than 200,000 profiles, or one profile for every 25 people.

Solving crimes by using a national DNA data bank depends on the number of DNA profiles in the bank, which come from crime scenes or convicted offenders. A person who commits a crime is identified by the bank when their DNA, which was obtained upon conviction for a crime, is matched to DNA contained in the crime scene index. That means there are fewer chances of finding a match between the DNA in the crime scene index and the DNA in the convicted offenders index in our National DNA Data Bank than in the banks of other countries. This is not a new problem, and the solution is obvious. We must add more profiles to the convicted offenders index, because the more criminal profiles we have in our National DNA Data Bank, the easier it will be for police to identify perpetrators or exonerate suspects.

The second important measure in this bill, like the first, will have the benefit of increasing the number of DNA profiles of convicted offenders in the bank.

This measure will reduce the court's discretion to refuse to order an offender to provide a DNA sample after being convicted of an offence for which the maximum sentence is less than five years. The existing legislation provides for two types of offences that require a convicted offender to provide a DNA sample, known as primary offences and secondary offences. In the case of some primary offences, the judge currently has very limited discretion to refuse to order a DNA sample.

For secondary offences, the judge has more leeway to refuse to give an order, and the Crown has the power to not request one.

By reducing the number of convicted offenders who are not ordered to provide a DNA sample, this bill would address a problem that police officers have observed in real life. Someone who commits a sexual or violent crime can also commit other types of crimes. Therefore, they can be stopped through their DNA, which would have been collected when they were convicted of more minor offences, such violating an interim release order or committing theft under $5,000, which are two offences that carry a maximum prison sentence of less than five years.

However, I want to make it clear that the bill does not allow a court to order a DNA sample in cases involving two categories of offences for which the punishment is less than five years, because the act deems these to be less serious.

The first category is all criminal offences considered "purely summary," that is, offences that can be prosecuted solely as summary offences. In other words, purely summary offences are not so-called "hybrid" offences that can be prosecuted as either indictable offences or summary offences. Failure to comply with a condition of a sentence imposed on an adolescent is a very common example of that type of purely summary offence. The second category is violations of the Cannabis Act in cases where prosecution can result only in a ticketing option, which would be a small fine. That is the kind of less serious offence that adolescents and young adults might commit.

By curtailing the judge's freedom to refuse to order a DNA sample for other offences likely to result in a sentence of less than five years, the bill acts on the fourth and fifth recommendations of the 2010 Senate committee report on adolescent offenders, which I talked about earlier.

This report recommended the automatic collection of a DNA sample from any young offender convicted of a primary designated offence and the narrowing of the judge's discretion to refuse to order a DNA sample in the case of secondary designated offences.

Third, the bill considerably increases the number of criminal offences for which a judge can issue a warrant for a DNA sample from a suspect or accused person. I think this is an essential measures because DNA identification is a very reliable form of evidence for incriminating or exonerating an alleged offender. It is much more reliable than eyewitness identification evidence, which has led to many well-documented wrongful convictions. Although the bill increases the number of designated offences for which a judge can issue a warrant for a DNA sample, it does not amend the stringent conditions set out in section 487.05 of the Criminal Code that the police must meet to obtain a warrant from the judge. The bill does not amend the conditions set out in section 487.05 because they were deemed constitutional and important by the Supreme Court of Canada in *R. v. S.A.B.* in 2003.

I would like to add that there is no reason not to increase the number of offences for which a warrant for a DNA sample can be issued, given that the police can obtain a warrant to search a home for any offence under any act of Parliament.

Fourth, the bill authorizes, under certain circumstances, the use of a DNA investigative technique that can solve serious crimes in an emergency or when other investigative methods fail to identify or exonerate a suspect. This technique, known as familial searching, can identify a suspect by comparing the DNA they leave at a crime scene to the DNA of a biological relative who had to provide their DNA to a bank following a conviction. This technique essentially involves the same type of analysis carried out in DNA tests to establish paternity or kinship.

• (1730)

First used in the United Kingdom, familial searching is used in many countries around the world, but not in Canada, who's lagged behind.

This technique helped solve the case of the rapist who kept the stilettos of the women he raped during the 1980s as trophies. James Lloyd was arrested in 2006 after familial searching linked him to these crimes. He pleaded guilty to four counts of rape and two counts of attempted rape, and was sentenced to 15 years in prison.

Interestingly, the profile in the British data bank that helped identify him was his sister's, who had been convicted of driving under the influence, an offence that, in practice, never warrants taking a DNA sample in Canada. This bill, however, would ensure that people convicted of this driving offence would have to provide a DNA sample to the data bank, without exception, since the offence is punishable by a maximum penalty of more than five years.

Los Angeles had the "Grim Sleeper," who earned the moniker because, after murdering several women prior to 1988, the murderer appeared to stop committing crimes for 14 years, only to resume his gruesome activities in 2002. Lonnie David Franklin Jr. was arrested in July 2010 and ultimately convicted of killing nine women and a teenage girl. He was also suspected of killing several other women whose bodies were never found.

His arrest was the result of familial searching that linked him to his son, who was profiled in the data bank for a firearm-related offence. Without that familial search, we can only assume that he would likely still be at large and able to continue committing heinous crimes.

I'm convinced that there are serious cases in Canada that are just waiting for authorization to conduct a familial search. I assume, for example, that there's DNA evidence related to the unsolved murders of many Indigenous women. We certainly owe it to the families to use all the tools at our disposal to find those who killed their loved ones.

I would add that the National DNA Data Bank Advisory Committee recommended amending the Canadian law to allow familial searching, which is exactly what the bill proposes to do. We can assuredly trust its recommendation because of the vast legal and scientific expertise of its members. In fact, in accordance with a regulation of the DNA Identification Act, the role of the committee is to study any question related to the data bank.

The committee's recommendation to authorize familial searching is well explained in the following excerpt of its annual report, and I quote:

> In 2015, the . . . Advisory Committee once again reviewed this matter and concluded that the value of familial searching to solve challenging, serious cases and protect Canadians outweighs the inherent risks associated to its use. The humanitarian aspect of not doing what is possible to protect the public must also be considered since the public remains at risk when violent criminals remain at large. Additionally, familial searching has been used to exonerate the innocent.
>
> As a result, the Advisory Committee wrote to the Commissioner of the RCMP in December 2015 recommending that the value of familial searching be pursued with the Minister of Public Safety for serious, violent, and serial crimes for open cases where all other investigative avenues have been exhausted. The NDDB Advisory Committee recognizes that the current *DNA Identification Act* legislation effectively prevents familial

> searching as the [National DNA Data Bank] can only report exact matches and partial matches where the profile cannot be excluded as a candidate. It would therefore be necessary to pursue legislative amendments to make it possible to report similar matches to family members.

The National DNA Data Bank Advisory Committee isn't the only organization to have made this recommendation. In fact, the RCMP also recommended amending the DNA Identification Act to authorize the bank to do kinship analysis and familial searching, as indicated on pages 61, 62 and 63 of the English version of the Senate committee's 2010 report on DNA. As evidence of the RCMP's keen interest in kinship analysis, in 2018, this organization prepared a substantial discussion paper on the use of this investigative technique in other democratic countries. It is a paper that my team and I studied in great detail when we were drafting the bill to authorize kinship analysis or familial searching.

Let's move on to the fifth important measure in the bill. It will eliminate administrative irritants for police officers and bank employees by facilitating information management following collection of a DNA sample without affecting privacy protection measures. Here's an example. Currently, when a judge issues a DNA collection order to an offender or authorizes collection from a suspect or an accused, the police officer collecting bodily substances containing DNA must then write a report to the judge detailing the date and time of the collection and the substances collected.

The bill would eliminate that requirement because, in practice, these reports serve no real purpose in a context where collection can be performed only under judicial authorization.

Sixth, the bill requires the Minister of Public Safety to produce a report within two years of the bill receiving Royal Assent. The report would seek to determine whether DNA can be taken from persons arrested or charged with an offence in Canada without the need for a warrant from a judge. In other words, this report will consider whether it is in the public interest to change the law to allow for the collection of DNA from a person presumed innocent in the same way that the Identification of Criminals Act currently allows for the collection of fingerprints, measurements and photographs.

I believe that a report is needed promptly to explore this issue. First of all, for several years now, many democratic countries, including the United Kingdom, have been taking DNA samples upon arrest. In the United States, for instance, the Supreme Court upheld the validity of taking a DNA sample at the time of arrest in *Maryland v. King* in 2013.

I would also like to remind senators that the Supreme Court of Canada ruled in *Rodgers* in 2006 that, given the protections set out in the Criminal Code and the DNA Identification Act, the potential impact of DNA sampling on the privacy of the individual is comparable to that of fingerprinting. Perhaps that will convince senators that DNA sampling is an investigation technique that is widely accepted by the courts, and that it could be very useful to use this technique as soon as a suspect is arrested, just as suspects can be fingerprinted upon their arrest under Canadian law. I would like to quote paragraph 38 of *R. v. Rodgers*, which states the following:

> It is beyond dispute that DNA sampling is a far more powerful identification tool than fingerprinting. Therein lies the heightened societal interest in adding this modern technology to the arsenal of identification tools.

Seventh, the bill amends the text of the Criminal Code that has to do with DNA sampling by simplifying the list of designated offences for which DNA sampling is authorized, as I mentioned earlier.

To summarize, Bill S-236 would enhance public safety by helping police solve crimes using DNA identification. Since DNA evidence is highly reliable, more cases would result in guilty pleas rather than trials, which would reduce delays in the criminal justice system. This bill would also prevent wrongful convictions by quickly exonerating suspects, given that DNA evidence is reliable.

I would like to conclude my speech by thanking two people whose assistance was invaluable in drafting this bill. The first is David Bird, an RCMP lawyer who dealt with issues concerning genetic material for almost 20 years before retiring in 2013. The second is Greg Yost, who was a lawyer specializing in DNA at the Department of Justice for 20 years.

• (1740)

These two men appeared as expert witnesses during the Senate committee's deliberations, which led to the committee's report on DNA in 2010. It is not very common for a senator to have access to experts like them when drafting legislation.

Furthermore, I encourage everyone, including citizens, parliamentarians, police officers, lawyers, judges, scientists, university researchers and representatives of public or civil society organizations, to contact my office while the Senate is adjourned this summer in order to share their thoughts and suggestions about Bill S-236, so that both its wording and its effectiveness can be improved.

Thank you for your attention, and I urge you to adopt this important bill at second reading. Thank you.

(On motion of Senator Duncan, debate adjourned.)

[*English*]

STUDY ON MATTERS RELATING TO HUMAN RIGHTS GENERALLY

FOURTH REPORT OF HUMAN RIGHTS COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Ataullahjan, seconded by the Honourable Senator Martin:
>
> That the fourth report of the Standing Senate Committee on Human Rights tabled on June 16, 2021, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Public Safety and Emergency Preparedness being identified as minister responsible for responding to the report, in consultation with the Minister of Justice and Attorney General of Canada, the Deputy Prime Minister and Minister of Finance, the Minister of Indigenous Services, the Minister of Crown-Indigenous Relations, the Minister for Women and Gender Equality and Rural Economic Development, as well as the Minister of Diversity and Inclusion and Youth.

Hon. Kim Pate: Honourable senators, from here on the shores of the Kitchissippi on the unceded, unsurrendered territory of the Algonquin Anishinabek, I rise to speak to the Standing Senate Committee on Human Rights report titled *Human Rights of Federally-Sentenced Persons*. Words cannot express my gratitude and appreciation enough to all who have contributed to making this report a reality.

I want to begin by acknowledging the leadership of our current chair, Senator Ataullahjan, and previous chairs, Senators Bernard and Munson and all committee members who have worked together over the past four and a half years, including during this COVID pandemic. Most especially, I humbly thank the incredible numbers of people inside federal prisons who agreed to meet with senators, who educated senators about their lived experiences, often despite potential risk of retribution or reprisals, and who remained patiently engaged following committee meetings on television, sending hundreds of written accounts and inquiries about the status of the committee's work through the four and a half years that it took for the committee to publish this report.

I also want to thank those who work with and on behalf of those incarcerated as government and correctional workers, non-governmental organizations, academics and advocates, all who toil daily to draw attention to and educate Canadians about human rights concerns in federal prisons.

I want to also acknowledge the support and impetus of our former colleagues senators Baker, Joyal and Fraser, who urged us to focus the attention of the Human Rights Committee in the Senate on the topic of human rights violations occurring behind prison walls.

Scarcely a month after my appointment, they urged us to travel across the country and visit many prisons and do hard investigation of what happens there.

Crucially, I want to express my admiration for the incredible and tireless work of the committee's current clerk François Michaud, and past clerks Mark Palmer, Joëlle Nadeau, and Barbara Reynolds; the committee's current analysts, Jean-Philippe Duguay, Robert Mason, Martin McCallum and Lara Coleman, as well as former analysts Erin Shaw and Alexandra Smith; and the current and past members of the Senate telecommunications team, including in particular the committee's communications officer, Ben Silverman, as well as Sarah Dea and Siofra McAllister. I also want to thank Emily Grant, Evan Cathcart and all other staff and interns in our office and yours who contributed to our collective efforts.

Those who met and spoke with us indicated that they did so in the hopes of bringing about systemic change, change that would uphold their rights and those of others who are imprisoned. My humble hope is that we do justice to the trust they placed in us and continue to work together relentlessly to uphold their human rights.

Without any further ado, I thank Senator Martin and her colleagues for agreeing to allow us to now call the question and accept this report. *Meegwetch*, thank you.

Some 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, and report adopted.)

THE SENATE

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

On the Order:

> Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator McPhedran:
>
> That the Senate of Canada call on the federal government to adopt anti-racism as the sixth pillar of the Canada Health Act, prohibiting discrimination based on race and affording everyone the equal right to the protection and benefit of the law.

Hon. Wanda Elaine Thomas Bernard: Honourable senators, I speak today in support of Senator McCallum's Motion No. 41 calling on the federal government to adopt anti-racism as the sixth pillar of the Canada Health Act. The existing five pillars do not adequately protect racialized Canadians. Indigenous and

Black people in Canada experience health inequities and report experiences of racism within the current medical system. These communities are advocating for change. Adding anti-racism as a pillar would lay the foundation for much-needed systemic change.

In short, colleagues, racism is bad for one's health. According to the Black Health Alliance, Black people in Canada are more likely to live in poverty and are subject to more health disparities than the rest of Canadians, including chronic illnesses such as heart disease, diabetes and issues related to mental health.

During the study on forced and coerced sterilization of persons in Canada, the Standing Senate Committee on Human Rights heard many accounts of racism and mistreatment within the medical system, including that of Dr. Josephine Etowa, resulting in forced and coerced sterilization. Dr. Etowa's testimony helped inform the committee's report, entitled *Forced and Coerced Sterilization of Persons in Canada*, which stated:

> As is the case for Indigenous communities, a history of structural racism, discrimination and exclusion in Canada has created inequities in the health and well-being of African Canadians.

When race intersects with gender, disability, age or immigration status, we can see even more barriers that the default policies and practices cannot reach and, at times, seem invisible.

Colleagues, put yourself in someone else's shoes for a moment. Imagine you are walking to work and you slip on a patch of ice. Later that night, you wait in the emergency room with searing pain in your hip and shoulder. After waiting for 10 hours, barely seen by any medical staff, you are sent for X-rays. When the attending physician finally appears, you are not given a hospital gown and he does not actually examine you. He simply reads your X-rays, says that nothing is broken and prescribes a treatment of ice, ibuprofen and acetaminophen. He says you should be feeling better in a few days. By the time you leave the hospital, your pain, on a scale from 1 to 10, is actually at 12. You realize then that the doctor never even asked about your pain.

• (1750)

You continue to move through the pain because you were told to return to work. Eventually, the pain is so unbearable that you cannot dress yourself. Two weeks later, upon getting a second opinion, you are correctly diagnosed with a shoulder fracture. Unfortunately, the initial misdiagnosis and lack of treatment have aggravated the fracture and led to multiple other injuries to your shoulder. Despite seeking immediate medical attention after that fall, your pain and your health had not been taken seriously and you are still suffering for it.

Imagine it's two years later, you still feel that pain in your shoulder, and each and every day you are reminded of being dismissed and misdiagnosed. You feel anger, rage and helplessness because a slip on some ice should not have led to years of pain. Imagine if this had been a life-threatening illness with no time to get a second opinion.

Colleagues, this is not fiction. This happened to me in April 2019, and it continues to impact my life every single day. My experience is not an isolated incident. When I share my story with African Canadians, they nod, understanding my experience because they too have experienced racism and discrimination in the Canadian medical system.

I have witnessed similar treatment of my spouse, other family members and community across the country — different conditions and different doctors but that same medical system that dismisses our pain. These types of experiences are too common for Indigenous and Black people, especially those of us who live with intersecting identities. We cannot continue to risk more deaths and overall lowered sense of well-being in our communities.

In theory, anti-racism should be woven throughout the other five pillars, but as my story highlights, the existing pillars do not always "protect, promote and restore the physical and mental well-being" as they are meant to.

Including anti-racism as a pillar is about ensuring health equity for those who are victims of systemic racism. Health equity is a way of recognizing and accounting for the barriers that exist, and working toward removing those barriers. Accessibility and universality, two of the five existing pillars, are not guaranteed for people who live on the margins.

As Senator McCallum asked, "How can health care be accessible when people are afraid to go to the health centres because of racism?" Until we get to a place where universality and accessibility are a reality, it must be a conscious decision and deliberate action.

Honourable senators, Indigenous and Black people do not feel safe in the current medical system. We face stigma and dehumanization. Some racialized people avoid doctors at all cost. In this chamber, we make our decisions based on research, and we consider the experiences of marginalized Canadians. Accordingly, I support Motion No. 41. I hope that adding my voice to this conversation may help deepen your understanding of what Indigenous, Black and other marginalized people experience in our health system.

This motion will lay the foundation for a future in which equitable access to safe and culturally responsive health services are truly available to all Canadians. *Asante*. Thank you.

(On motion of Senator Wells, debate adjourned.)

GREENHOUSE GAS POLLUTION PRICING ACT

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-206, An Act to amend the Greenhouse Gas Pollution Pricing Act (qualifying farming fuel).

(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*]

BUDGET IMPLEMENTATION BILL, 2021, NO. 1

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-30, An Act to implement certain provisions of the budget tabled in Parliament on April 19, 2021 and other measures.

(Bill read first time.)

The Hon. the Speaker: 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 two days hence.)

[*English*]

ADJOURNMENT

MOTION ADOPTED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

That, notwithstanding any provision of the Rules, previous order or usual practice:

1. when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, June 28, 2021, at 2 p.m.;

2. when the Senate sits on Monday, June 28, 2021, and Tuesday, June 29, 2021, the sitting continue beyond 9 p.m. or the end of Government Business, as the case may be, until midnight, unless earlier adjourned by motion;

3. on Monday, June 28, 2021, there be an evening suspension, for one hour, to start at 6 p.m.;

4. the provisions of any orders or decisions of the Senate that expire on June 23, 2021, concerning hybrid sittings of the Senate be extended to the end of the day on June 29, 2021; and

5. the provisions of the order of February 8, 2021, concerning seating, voting and speaking in the Senate Chamber, also be extended to the end of the day on June 29, 2021.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(*At 6 p.m., pursuant to the order adopted by the Senate earlier this day, the Senate adjourned until Monday, June 28, 2021, at 2 p.m.*)

CONTENTS

Wednesday, June 23, 2021

PAGE

SENATORS' STATEMENTS

ROUTINE PROCEEDINGS

QUESTION PERIOD

ORDERS OF THE DAY

CONTENTS

Wednesday, June 23, 2021