SENATE SÉNAT

CANADA

DEBATES OF THE SENATE

1st SESSION • 45th PARLIAMENT • VOLUME 154 • NUMBER 35

OFFICIAL REPORT
(HANSARD)

Wednesday, November 19, 2025

The Honourable RAYMONDE GAGNÉ,
Speaker

CONTENTS

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

Publications Centre: Publications@sen.parl.gc.ca

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

THE SENATE

Wednesday, November 19, 2025

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

Prayers.

SENATORS' STATEMENTS

HIGH-LEVEL ROUNDTABLE ON BLACK HEALTH

Hon. Sharon Burey: Honourable senators, I rise today to draw your attention to an important event taking place tomorrow: the High-Level Roundtable on Black Community Health, "A National Vision for Black Health: Building a Healthier Future for the Next Decade."

This initiative is led by the Interdisciplinary Centre for Black Health, or ICBH, chaired by Dr. Jude Mary Cénat, in collaboration with the Alex Trebek Forum for Dialogue and the Office of Public Policy Research and Outreach at the University of Ottawa:

> As Canada's first academic research centre entirely dedicated to the study of the biological, social, and cultural determinants of health of Black communities in Canada, the ICBH is a leading research and training space, based on excellence and interdisciplinarity, that will guide the efforts of federal, provincial, territorial, and municipal agencies to understand, reduce and eliminate racial health disparities. . . . inclusive of social justice perspectives.

I commend their leadership and commitment to advancing health equity and parity.

[*Translation*]

By continuing with the same leadership and vision, the round table will bring a broad and diverse group of stakeholders together, including senators, members of Parliament, provincial and territorial health officials, public health agencies and community leaders. We will work together to identify national health priorities for Black communities over the next 10 years.

[*English*]

A key moment of the event will be the official launch of the Ottawa Declaration on Black Community Health. This foundational document is the result of extensive consultations with 900 organizations and community stakeholders. It reflects a shared commitment to addressing long-standing health disparities and promoting equity in areas such as chronic and infectious disease prevention, mental health, reproductive health and research funding for Black community health.

Colleagues, throughout my career, I have worked to advance mental health for all ages, with a particular focus on children and families.

I urge you to support this important initiative, as it reflects our collective commitment to building a healthier and more equitable future for Black communities across Canada and indeed for all Canadians.

For it is when we throw off the shackles of caste and class that we can liberate our minds and experience, as Canadians, the totality of what it means to be a Canadian and what it means to truly unleash the potential and promise of this great country.

Thank you, *meegwetch*.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators and visitors in the gallery, we are receiving signal alerts. They are emergency safety alerts to test the system. Could you completely close your cellphones so that we are not interrupted? Thank you.

[*Translation*]

INTERNATIONAL WOMEN'S ENTREPRENEURSHIP DAY

Hon. Amina Gerba: Honourable senators, on this International Women's Entrepreneurship Day, as rapporteur for the Commission on Economic, Social and Environmental Affairs of the Assemblée parlementaire de la Francophonie, I had the honour of organizing a webinar this morning on women's entrepreneurship as a pathway to empowerment in the francophone world. We listened as experts reminded us of a basic truth: Entrepreneurship is a driver of growth and women play a decisive role in that regard.

According to Statistics Canada, women are majority owners of almost 20% of private companies. They employ about one million people and generate over $90 billion in annual revenues. They also account for nearly 40% of self-employed workers.

In the Francophonie as a whole, women are becoming increasingly active in entrepreneurship. Africa's participation rate, however, outpaces the levels seen in other francophone regions. In sub-Saharan Africa, 27% of adult women engage in entrepreneurial activities, the highest rate in the world.

Whether in Canada or elsewhere in the Francophonie, obstacles persist, including access to financing and markets, the need to develop skills and the lack of structured networks.

[*English*]

Dear colleagues, according to the Women Entrepreneurship Knowledge Hub, or WEKH, report by the Diversity Institute, if economic parity and full participation of women were achieved, it could add up to $150 billion to Canada's GDP.

These findings compel us to act — to invest in women's entrepreneurship. Investing in women's entrepreneurship is not just a matter of equality; it is essential for economic growth.

[*Translation*]

To invest in entrepreneurship is to build sustainable and shared growth.

Thank you.

[*English*]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Yosra Abdulkarim AlMakadma. She is the guest of the Honourable Senator Ataullahjan.

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

Hon. Senators: Hear, hear!

ARTIFICIAL INTELLIGENCE CHATBOTS

Hon. Salma Ataullahjan: Honourable senators, I came across a troubling BBC article two weeks ago. It reports that a mother who lost her son alleges that an AI chatbot encouraged the young man to kill himself.

As a mother myself, I can only imagine the mother's grief. As a parliamentarian, I know that it is my duty to try to help stop the occurrence of such tragedies.

Alarmingly, stories abound of AI chatbots either encouraging self-harm or providing harmful advice to people with mental health issues. It has happened in the U.K., in the United States and even here in Canada.

We must take this as a clear warning. Technology is moving fast and our legal and ethical safeguards are not keeping up.

Several years ago, I proposed a study on cyberbullying in the Standing Senate Committee on Human Rights. It documented how online harassment, trolling and cyberbullying impacted the mental health of young people.

That work was vital. It helped us understand how digital abuse works, spreading peer to peer. It guided early rules for online safety. But what happens when the abuse comes from a system with no accountability — a system that is unregulated by clear safety standards?

• (1410)

Colleagues, we have entered a new era. Online abuse can be algorithmic, automated and amplified by artificial intelligence. AI chatbots can engage and persist in ways that the human brain is not always prepared for. It can be constant, persuasive and personal. Its simulated empathy can feel indistinguishable from real care, and it develops way too fast for our current frameworks. We must act, and we must act now.

We need modern rules that treat AI systems as environments that shape behaviour. We need to put the onus on companies to test their AI systems for risk, monitor them and respond quickly when things go wrong.

We must expand research by building on work like the Human Rights Committee's cyberbullying study to understand how AI-generated interactions affect vulnerable people. We have to equip parents, educators and young people with digital literacy to recognize the "friend" online is just software with limits and blind spots.

AI will not slow down, and we cannot afford to let it outpace the safeguards put in place to protect the people we serve. It is our duty to make sure that our laws will move as fast as — if not faster than — the technology we are dealing with. Thank you.

[*Translation*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Martin Normand, President and Chief Executive Officer, and Louka Morin-Tremblay, Analyst and Researcher, at the Association des collèges et universités de la francophonie canadienne. They are the guests of the Honourable Senator Surette.

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

Hon. Senators: Hear, hear!

ASSOCIATION DES COLLÈGES ET UNIVERSITÉS DE LA FRANCOPHONIE CANADIENNE

TENTH ANNIVERSARY OF FOUNDING

Hon. Allister W. Surette: Honourable senators, I rise today to mark the tenth anniversary of the Association des collèges et universités de la francophonie canadienne, or ACUFC, and its important contribution to francophone minority communities in Canada.

The ACUFC represents 22 francophone and bilingual universities and colleges in francophone minority communities. As an association representing education and research institutions, ACUFC is a key player in post-secondary education in Canada and plays a leadership role in Canada's francophone and Acadian communities.

At a time when the post-secondary education sector is facing significant challenges, it is more important than ever to have strong voices, like the ACUFC, to represent and defend the interests of francophone university and college institutions in minority communities across the country.

ACUFC member institutions play a decisive role in the local economic development of their regions. By training a skilled francophone workforce in key areas such as health, education, justice, technology and community services, they directly support business growth and local innovation.

Their institutions also promote entrepreneurship, applied research and partnerships with economic actors, thereby contributing to the creation of sustainable jobs and helping keep young people in their communities.

Through its leadership, expertise and strategic partnerships, the ACUFC actively contributes to training and research in French from coast to coast to coast. From day one, the ACUFC has been coordinating with its members the Réseau national de formation en justice, the Consortium national de formation en santé and, for the past several years, the Comité de gestion national en petite enfance. These various programs contribute to strengthening the vitality of francophone and Acadian communities across the country.

Since 2015, the ACUFC has been committed to the francophonie, overcoming challenges and achieving successes that have helped build an effective and respected network within and beyond the Canadian francophonie. So I want to congratulate the ACUFC, all of its members and its staff on these first 10 years of success. I wish them many more decades of success and accomplishments.

Thank you.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Sukhvinder Obhi, Professor in the Department of Psychology, Neuroscience & Behaviour at McMaster University. He is the guest of the Honourable Senator Dhillon.

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

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Chief Dale Steinhauer, Councillor Kenton Cardinal and Elder Eric John Large from Saddle Lake Cree Nation in Alberta. They are the guests of the Honourable Senator Greenwood.

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

Hon. Senators: Hear, hear!

THE LATE HONOURABLE LANDON PEARSON, O.C.

Hon. Margo Greenwood: Honourable senators, I begin by acknowledging the traditional and unceded lands of the Anishinaabe Algonquin Peoples and thank them for allowing me to be here on their lands.

I also want to wish Elder Eric Large a big happy birthday on your eightieth birthday today.

I rise today to honour my friend and colleague the late former senator Landon Pearson. Belovedly known as Canada's "children's senator," she would have celebrated her ninety-fifth birthday this past Sunday. I can think of no better day than National Child Day to honour Landon and her work — even though it is officially tomorrow and my tribute to her is one day early.

Tomorrow is a day for us to honour children by recognizing their right to be happy and safe, to be healthy and free and to realize their fullest potential.

Landon Pearson's lifetime of advocacy spanned over six decades and touched countless lives. Landon co-founded Children Learning for Living, a groundbreaking mental health program for elementary-school-age children that ran for 23 years in the Ottawa area.

She participated in the creation of the 1989 UN Convention on the Rights of the Child and was a key figure in shaping Canada's response to the convention.

It was in the early 1990s that I first met Landon. I participated with her in the National Children's Agenda consultations that would inform her work in the 2002 international session on children.

It was also with her encouragement and support that I authored *General Comment No. 11*, which focused on interpreting how the convention applies specifically to Indigenous children.

Landon served in the Senate from 1994 to 2005, where she championed every piece of legislation affecting children's and young people's lives.

When she left the Senate, she founded the Landon Pearson Resource Centre for the Study of Childhood and Children's Rights at Carleton University. Launched in 2006, the centre is Canada's only dedicated children's rights centre. The centre works to promote awareness and understanding of the UN convention to ensure that children's participation is honoured, respected and upheld.

After a lifetime of public service, Landon's gift to all of us remains. Her legacy and work continue to impact countless children across the world and influence senators here in this chamber to this day.

As we head into National Child Day tomorrow, I want to celebrate the many senators in this room who champion children, their rights and their well-being. I also want to celebrate each of you and your contributions to children's well-being as mothers, fathers, grandparents, brothers, sisters, aunties and uncles. I thank you.

Hiy hiy.

• (1420)

[*Translation*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Professor Deep Saini, President and Vice-Chancellor, and Jean-Félix Lévesque, Senior Director, Government and Institutional Relations, at McGill University. They are the guests of the Honourable Senator Moreau.

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

Hon. Senators: Hear, hear!

[*English*]

ROUTINE PROCEEDINGS

ADJOURNMENT

NOTICE OF MOTION

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, November 25, 2025, at 2 p.m.

COMMONWEALTH PARLIAMENTARY ASSOCIATION

EXECUTIVE COMMITTEE MEETING, MAY 12-13, 2025—REPORT TABLED

Hon. Rosemary Moodie: Honourable senators, I have the honour to table, in both official languages, the report of the Commonwealth Parliamentary Association concerning the Executive Committee Meeting, held in London, United Kingdom, on May 12 and 13, 2025.

BELIZE NATIONAL ASSEMBLY POST ELECTION SEMINAR, JUNE 4-6, 2025—REPORT TABLED

Hon. Rosemary Moodie: Honourable senators, I have the honour to table, in both official languages, the report of the Commonwealth Parliamentary Association concerning the Belize National Assembly Post Election Seminar, held in Belmopan, Belize, from June 4 to 6, 2025.

COMMONWEALTH PARLIAMENTARY CONFERENCE, OCTOBER 5-12, 2025—REPORT TABLED

Hon. Rosemary Moodie: Honourable senators, I have the honour to table, in both official languages, the report of the Commonwealth Parliamentary Association concerning the Sixty-eighth Commonwealth Parliamentary Conference, held in Bridgetown, Barbados, from October 5 to 12, 2025.

[*Translation*]

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it is almost 2:30 p.m. I am told that Minister Fraser is currently outside the chamber. Shall we invite him to join us so that we may to begin question period right away, rather than interrupt the debates and come back to question period later?

Hon. Senators: Agreed.

[*English*]

Hon. Yonah Martin (Deputy Leader of the Opposition): I think our leader is probably the first questioner. He has just left the chamber, so is it okay if we begin a little bit later?

The Hon. the Speaker: What if we pause until the Leader of the Opposition is with us so we can call upon him to ask the first question? If leave is granted, let's pause, and we'll probably get to 2:30, as indicated. Thank you.

Hon. Senators: Agreed.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

The Hon. the Speaker: Honourable senators, before proceeding to Question Period with the minister, I would like to remind you of the time limits the Senate established for questions and answers in the order of June 4, 2025.

When the Senate receives a minister for Question Period, as is the case today, the length of a main question is limited to one minute, and the answer to one minute and thirty seconds. The supplementary question and answer are each limited to 45 seconds. In all these cases the reading clerk stands 10 seconds before the time expires.

I will now ask the minister to enter and take his seat.

[*Translation*]

QUESTION PERIOD

(Pursuant to the order adopted by the Senate on June 4, 2025, to receive a Minister of the Crown, the Honourable Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency, appeared before honourable senators during Question Period.)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, today we have with us for Question Period the Honourable Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency to respond to questions concerning his ministerial responsibilities.

On behalf of all senators, I welcome the minister.

Minister, as I have noted to the Senate, a main question is limited to one minute and your response to one minute thirty seconds. The question and answer for a supplementary question are both limited to 45 seconds. The reading clerk stands 10 seconds before these times expire. I ask everyone to respect these times. Question Period will last 64 minutes.

[*English*]

MINISTRY OF JUSTICE

CRIME PREVENTION

Hon. Leo Housakos (Leader of the Opposition): Minister, welcome to the Senate.

Earlier this week, Canadians were stunned by reports out of the Greater Toronto Area describing a police operation to disrupt a duo responsible for robbing graves and mausoleums. Police have counted more than 300 thefts so far, including jewellery pieces containing human remains.

Minister, it's unimaginable that after a decade of Liberal governments, Canada has reached a point where not even the dead are safe from criminal activity. Families already grieving their losses must now fear that their loved ones' resting places will be desecrated. It's really heart-wrenching. Minister, let's call this what it is: It's a complete failure of the public safety and criminal justice system.

Why can't the government take the safety of Canadians seriously and finally step up to address the crime crisis unfolding in communities from coast to coast to coast?

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: Thank you sincerely, senator, for the question, and thank you all for the kind invitation to have an important conversation with you today.

Obviously, public safety is a pressing priority for the Government of Canada. It's a pressing priority, frankly, for Canadians in every part of the country. The circumstances that you described are clearly heinous examples of criminal misbehaviour that need to be addressed with serious penalties but, ideally, with prevention that actually stops crime from happening before it takes place.

The strategy we're moving forward with has several pillars. The first is to have stronger laws to ensure that people who commit serious crimes face serious penalties. The second is to ensure, senator, that we properly resource the front line. For our part, 1,000 new RCMP officers and 1,000 new border officers will help make a meaningful difference.

Finally, we have to engage in upstream investments, whether it's mental health and addiction support or affordable and supportive housing, which are important programs that target at-risk youth to prevent people from engaging in criminal lifestyles to begin with.

These are not easy solutions, but I have all the faith in the world that if we give law enforcement the tools they need to do their job and if we work across levels of government and political party affiliations, we can advance meaningful reforms that will not only punish wrongdoers for these kinds of heinous acts but prevent crime from happening in the first place.

Senator Housakos: Minister, when criminals feel emboldened enough to desecrate graves hundreds of times without fear of consequences, that tells us everything that we need to know about the state of law and order under our government. This is what a decade of weakened sentencing, lax enforcement and catch-and-release justice has produced.

• (1430)

Minister, you must admit that your approach over the last decade is not working. We need to commit to restoring real consequences for crimes and criminals before Canadians lose all confidence in our judicial system.

Mr. Fraser: Senator, you may be surprised by our points of agreement: We believe when serious crimes take place, the perpetrator should face serious penalties. These are not just words on my part but also backed by actions, including the introduction of Bill C-14 which adopts stronger bail measures targeting repeat violent offenders, stronger sentences for those who would commit serious crimes as well as aggravating factors for people who target certain harms that would reverberate throughout the entirety of a community.

I completely agree that serious penalties can act as a deterrent to help stop crime from taking place in the future. But that is only a part of the equation. We need to ensure that the front line is properly supported and we make those upstream investments if we want to effect change not just over the next year or two — though we are seeing crime rates come down in the past year — but we also solve these kinds of challenges over the course of a generation.

[*Translation*]

QUEBEC—BILL 21

Hon. Claude Carignan: Minister, in a response to an Order Paper question in the other place, we learned that, as of November 7, 2025, your government had spent nearly $2 million challenging Bill 21 before the Supreme Court. We're talking about $2 million of public funds being spent to challenge a law that was passed democratically by the Quebec National Assembly.

Minister, I have personally reviewed the factum, which includes 24 pages of arguments. Many pages cite well-known principles. The amount spent comes down to $83,000 per page, $2,200 per line and $181 per word. Minister, after examining the government's factum and looking at the legal fees incurred, it seems clear to me that your government will spare no expense in challenging this Quebec law. Do you intend to challenge these fees in court?

[*English*]

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: Senator, with enormous respect, the importance of ideas cannot be measured in the number of words that appear in the pages of a factum.

[*Translation*]

We're talking about issues that are extremely important to protect the national interest, Canadians' rights and the Constitution. This amount includes expenses incurred for employees at my department. If we have an opportunity to defend the Charter and the Constitution, the federal government does not only have the option, but the obligation, to intervene. No reasonable person would think that the government should stay out of this very important conversation.

JUDICIAL APPOINTMENTS

Hon. Claude Carignan: Minister, Robert Leckey was a member of the Quebec Bar for only seven years. However, the Judges Act requires that someone be a member of a provincial bar association for a minimum of 10 before being appointed as a judge. Furthermore, by pure coincidence, Judge Leckey campaigned against Quebec's bills 21 and 96 and was a generous donor to the Liberal Party of Canada. Minister, I know that you think no price is too high to fight against Bill 21, but it also appears that fighting against Bill 21 can earn you a judgeship illegally. Will you suspend the judge pending the court's decision on the validity of his appointment?

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: I do not wish to comment on the quality of judges after their appointment. I'm aware of the challenges in this case, but at the same time, it's not my place to question the independence and impartiality of judges after they've been appointed.

[*English*]

It is extremely important to me that we protect the independence of the judiciary and the respect for the judiciary in the legal system. The administration of justice depends upon people respecting their independence. I think it would be inappropriate for me to comment in favour or against.

HATE GROUPS

Hon. Paula Simons: Thank you, minister. My question is about Bill C-9, the combatting hate act. In the bill, you make it a criminal offence for someone to display a symbol that is principally associated with a listed entity. A listed entity includes things such as the Bishnoi Gang and Tren de Aragua — organizations that are more commonly thought of as organized crime organizations — as well as political extremist groups like the Kurdistan Workers' Party or the Shining Path.

But the list does not include notable hate groups such as the KKK, which would mean that displaying a burning cross or a noose would not be captured by Bill C-9. Could you explain to me why your department decided to use the listed entity list as a proxy for hate groups?

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: Thank you, senator, for your question.

I have one point of clarity before addressing the point you made about the groups you referenced. We did not simply criminalize the display of certain symbols, but we criminalized the wilful promotion of hate through the display of those symbols. Of course, if someone wilfully promotes hate today through the use of those symbols or otherwise, there is the potential for criminal liability that could attach to those acts of hate, should they meet the existing definitions within the Criminal Code.

The question you posed about which symbols are included on the list for that additional charge is an interesting and important one. I look forward to the benefit of the deliberations of the various parliamentary committees, whether in the House of Commons or the Senate, which may seek to improve these bills.

The reason we've chosen to limit it to a certain objective criteria — specifically those which are listed as terrorist entities in the Criminal Code — is to ensure that this is not subject to the political whims of the governments of the day, but rather it is tied to some pre-existing standards that can evolve on an evergreen basis based on the decisions taken by the national security apparatus.

Should those decisions evolve over time to group new organizations into the definition — of course in an automatic way — we would expect those symbols to be incorporated by reference. This is something that I do not intend to be dogmatic about. This morning, I had an opportunity to meet with the steering group for Canada's Black Justice Strategy who raised similar concerns. Should parliamentarians determine there is a better path forward, please know that I will accept those recommendations in good faith.

Senator Simons: This does beg the question: If you were going to use a list created for a completely different purpose and transpose it into this legislation, surely you will always have the problem that there are people on that list who are not hate groups and there are hate groups that will never qualify to be on that list.

What remedy would you suggest is available, because the mechanism in the legislation does not seem fit for purpose?

Mr. Fraser: Thank you. Let me reiterate the invitation for parliamentarians in either house to offer feedback by virtue of amendments so that this bill can be improved.

You realize when you try to ring-fence issues as complex as hate, there is no one perfect definition that the entire world will agree upon. We wanted to strive to achieve some level of objectivity to avoid this becoming a political decision that governments down the road in 10, 20 or 50 years from now could use in a way that may not necessarily reflect the policy outcomes we're hoping to achieve today.

We thought it was a fairly safe bet to start with listed terrorist entities and the Nazi Party in particular, but should there be other definitions to better capture groups that actually promote hate, please know that I would be interested in the feedback from this chamber.

[*Translation*]

PROTECTION OF VICTIMS OF SEXUAL ASSAULT

Hon. Manuelle Oudar: Good afternoon, minister. Thank you for the work you do within your department.

I want to draw your attention to a particularly concerning reality that affects victims of sexual assault.

In Canada, the journey of sexual assault victims through the justice system is fraught with obstacles. According to Statistics Canada, only 6% of victims report to the police. Among these reports, attrition is significant at every stage: Just 36% of those reports lead to charges, and some of those charges result in convictions. These figures are not insignificant. They point to the fact that very few people are being held responsible by the justice system for the sexual violence suffered by thousands of people, particularly women. They also mean that things need to change to give more victims the courage to press charges. Finally, they illustrate the need to restore confidence in the justice system.

Minister, faced with these alarming figures and criticism from some experts—

The Hon. the Speaker: Thank you, Senator Oudar.

• (1440)

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: I think I understand the question, and I hope you have the opportunity to finish asking it later.

This is a very important issue, and the government needs to address it. I will be introducing a new bill this year to address the reality of violence against women, including the process followed by courts when dealing with offences such as sexual assault.

[*English*]

The laws that we're going to introduce will address gender-based violence in society more broadly but include reforms in the criminal trial process. My eyes were opened to the scale of this problem during the few years I spent early in my career as a parliamentarian on the Status of Women Committee when we studied in depth some of the challenges of women facing violence and the challenges they were coming forward to report. It is going to include a whole-of-society approach, from educating boys and men to educating police officers to having trauma-informed responses in the courts.

It is also going to require procedural changes that do not make it so painful to go through the process. In addition to these challenges, we need to address the subject of delays, which, in the events where we do have people coming forward, trying to bring their case to conclusion, still sometimes see things result in a stay rather than a conviction not because a person has defeated the charges but because the clock has run out.

We intend to address many of these challenges in a piece of legislation coming forward in the next few weeks.

[*Translation*]

Senator Oudar: Thank you very much for your informative answer, minister. As you plan and develop this reform, do you intend to consult victims and community groups?

[*English*]

Mr. Fraser: Yes. That consultation process is under way, some of which includes my personal engagement on round tables dealing with victims' advocates. Others involve engagements by the department to reach a broader audience. My own philosophy is that laws developed behind closed doors on Parliament Hill will never properly address the concerns of the people who rely on the systems we try to build. If we incorporate, in a democracy, the voices of those most affected by the decisions we make, we will make better decisions.

To the extent that you, other parliamentarians or Canadians more broadly wish to take part in the process, know that we sincerely hold the belief that building their perspective into the bill will result in stronger protections for survivors of sexual violence.

MI'KMAW LEGAL SUPPORT NETWORK

Hon. Paul (PJ) Prosper: Welcome, minister. As you are from Nova Scotia and given your work as Minister of Justice, I believe you may be familiar with the work of the Mi'kmaw Legal Support Network, or MLSN, which provides legal services and support to Mi'kmaq who encounter the justice system. It is a critical service, given the overrepresentation of Indigenous people in the justice system. Their ability to offer culturally sensitive support in the Mi'kmaw language has been invaluable to those who have used their services.

Successive evaluations of MLSN have all pointed to the critical issue of core and long-term sustainable funding. This remains a pressing issue.

Minister, since the fiduciary responsibility for First Nations falls within federal jurisdiction, will your government commit to stable, long-term funding for this vital service?

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: Thank you, senator, for the important question.

I am familiar with the work of the organization that you have referred to. I, of course, do not have funding announcements to make today on the floor of the Senate, as you can appreciate.

Philosophically, we need to understand that rules written on paper without systems and without people who work within those systems would not be worth the paper on which our laws are written.

We need to understand how we can deploy resources to ensure that the voices of those who have too often been ignored and not properly included in this process find representation to take their voices to the systems meant to serve them and that too often work against their interests.

To the extent there are unique opportunities to work with the organization you have referenced or others, know we very much value the feedback on where a finite level of public resources can be deployed to have maximum impact. This is a conversation I would be happy to carry on offline, perhaps when we are both back home in Nova Scotia.

RESTORATIVE JUSTICE

Hon. Paul (PJ) Prosper: Minister, seeing as your government has reduced spending targets for Indigenous Services Canada and Crown-Indigenous Relations, in an effort to prove your government's commitment to reconciliation, will your department also be prioritizing reconciliation through the funding of restorative justice programs that focus on rehabilitation and reintegration for Indigenous offenders?

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: Thank you. In addition to programs that have the potential to fund the activities of groups who promote this, we have the opportunity to adjust legislative measures that will better address restorative justice. There are certain proposals that we are considering presently to include in upcoming pieces of legislation to address restorative justice.

My own view is the path to reconciliation is going to include more than one-off legislative reforms and more than one-off funding decisions. Thankfully, we benefit heavily from the group of the Indigenous Advisory Council and other tripartite tables that help us with the implementation of the Indigenous Justice Strategy and the UN declaration more broadly. I'm out of time, but this is a conversation deserving more than the 45 seconds we were allotted.

[*Translation*]

ONLINE HARM

Hon. Julie Miville-Dechêne: Minister, Canada still has no legislation to protect children from online harm because governments have been slow-walking the issue for the past five years. The threats, however, keep growing. Minors are using dating apps that place them at the mercy of pedophiles. Children also have access to pornographic chatbots created by artificial intelligence. When will restrictions be imposed? When will mandatory age assurance requirements be introduced to protect Canada's children?

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: Thank you for the question. I mentioned a bill that I'm about to table in a few weeks. It includes measures for protecting children from online harm through Canada's criminal justice system.

[*English*]

In addition to the criminal reforms we are looking at regarding online exploitation and child luring through ever-changing and rapidly changing technology, there are more reforms we are considering as a government.

Those reforms are being led, when we are dealing with the regulation of platforms, for example, by some of my colleagues on whose behalf I don't want to speak, but, notably, our ministers responsible for culture and identity and for artificial intelligence are engaging in this conversation right now to understand how they can advance some of these reforms.

They are going to complement some of the criminal reforms we put in place with the goal we all share of protecting our kids in an ever-changing online environment, which, as I'm a parent of young children who are increasingly being exposed to technology, is a pressing concern not just nationally but in my own household.

[*Translation*]

Senator Miville-Dechêne: I want to hear you speak to the substance of that bill because the need for action is urgent, especially with the arrival of artificial intelligence, as you said. In Quebec, a mother recently revealed that her teenage son had been using chatbots to create blood-curdling rape scenarios in which he was the attacker. Some children have become addicted to robot companions that encourage self-harm, suicide and violence. Is that the kind of society you want, as the father of young children?

[*English*]

Mr. Fraser: Clearly not. No one in Canada, regardless of partisan affiliation, whether we hold seats in the House of Commons or the Senate or are simply right-minded human beings, wants that kind of society to emerge.

What is important, though, is we actually figure out what solutions are available to us and how we can implement them in a way that is going to be able to respond to technology, which is evolving at a pace faster than governments typically have the ability to operate at or respond to.

These are challenging conversations. Some of the solutions will be, when we can identify who the perpetrator of criminal activity is, to hold them accountable. Others will require us to figure out how we can ensure that the platforms Canadians have access to are subject to a regulatory environment designed to protect kids rather than allow these platforms to profit off them.

USE OF REASONABLE FORCE

Hon. Yonah Martin (Deputy Leader of the Opposition): Minister, after 10 years of the Liberal government, most Canadians no longer feel safe in their own neighbourhoods. It is no surprise a recent poll shows that 87% of Canadians believe they should have the right to defend themselves and their families with reasonable force against an intruder.

After the home invasion case in Lindsay, Ontario, last August where a homeowner was charged for defending his own home, Canadians are now more confused and anxious. They are left wondering whether the law will protect or punish them when their safety is on the line.

• (1450)

Minister, if your government cannot keep Canadians safe by keeping high-risk offenders off our streets, will you at least provide the legal clarity needed so Canadians can exercise their fundamental right to self-defence in a way that genuinely protects their homes and their families?

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: Thank you. This is an important question, and you've correctly outlined the appropriate legal test in your question.

Let me be unequivocal: Canadians have the ability to defend themselves in their homes today through their use of reasonable force. Some of these cases, as they make their way into the public fora through reporting, invite conversations suggesting that no such law exists today.

The law that's on the books today was put in place by a previous Conservative government. Despite being a Liberal, I think that was the right thing to do. We need to ensure that the laws enable people to protect themselves in their homes, but then we need to put systems in place that ensure that there is a public responsibility to protect Canadians more broadly in their communities.

This is going to involve some of the reforms that we are now advancing through Parliament through Bill C-14, An Act to amend the Criminal Code, the Youth Criminal Justice Act and the National Defence Act (bail and sentencing), and upcoming legislation with Bill C-9, An Act to amend the Criminal Code (hate propaganda, hate crime and access to religious or cultural places). It's also going to involve more resources by a different level of the government on the front line of law enforcement, and it's going to require those upstream investments.

But to the point of your question, just to be unequivocal once again, Canadians have the right to use reasonable force to defend themselves and others in their homes should they be facing an attack.

Senator Martin: But, minister, Canadians watched a homeowner do everything to protect himself in the face of an armed intruder, yet he ended up as the one facing charges. That sends a chilling message to every law-abiding citizen across this country.

Minister, will you commit to reviewing the Criminal Code provisions on self-defence to ensure that Canadians defending their families are not treated like criminals while real criminals walk free?

Mr. Fraser: Without offering commentary on the specifics of the case, I think it's important that we trust the police to exercise their discretion in circumstances where it's appropriate.

While we still recognize that the law includes, today, the exact features that you're calling for — the use of reasonable force is permitted — in addition to confirming that that law exists and that we do not intend to erode it one iota, we have to advance additional provisions to protect people against home invasions, specifically in Bill C-14. Both on the sentencing side and on bail reform, we're going to have tougher penalties and harder bail conditions when it comes to people who are facing charges for violent home invasions and, of course, harsher sentences for those who commit violent home invasions.

It's a complex area, but to be clear, the law provides the exact remedy that you've asked for in your question: the use of reasonable force to protect yourself in your home.

GENDER-BASED ANALYSIS

Hon. Denise Batters: Minister Fraser, your Liberal government promised during the April election that ". . . every measure in this platform will be implemented with a full GBA+ analysis . . . ."

Before Mark Carney became the Prime Minister, there were more than 100 mentions of Gender-based Analysis Plus in mandate letters to cabinet ministers. Now it has been completely erased from Prime Minister Carney's universal mandate letter to ministers.

A GBA Plus analysis used to be available online when a government bill was introduced in Parliament. Now they are nowhere to be seen, including with your Bill C-9. The previous Trudeau government was a fake feminist government that paid lip service to the equality rights of women. That government — of which you were a key part — was infamous for its multitude of broken promises.

Is your so-called new government just carrying on this fine Liberal tradition?

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: It will not come as a surprise that I have a different characterization of the role of Gender-based Analysis and the high regard with which we hold the need to consider the feminist perspective when adopting different policies.

We do still conduct gender-based analyses to understand the unique impacts of decisions that we take as governments on women and women of different backgrounds to ensure that we're looking at those intersecting grounds of discrimination.

We also have made the decision to reinstitute funding for women and gender equality to continue to not only consider the impacts as we're developing laws but also to support the organizations that are on the front line helping advance the rights of women in communities.

We may disagree on the success or failure of those policies, but rest assured, they're an ever-present feature of the political conversations we have when we make decisions about which laws to adopt in Canada.

Senator Batters: So the Gender-based Analysis now is secret.

Minister, for the last 10 years, your government claimed that GBA Plus is a key lens for evaluating legislation, and you promised to conduct this analysis, but there's now nothing public for parliamentarians and Canadians to review. In so many areas, the Carney government is even less transparent than the Trudeau government was.

Are you keeping your GBA Plus analysis secret because it has nothing favourable to say about your government's legislation?

Mr. Fraser: No. I don't think that we have to turn gender-based violence or gender considerations into a partisan exercise. If you wish to, I can point out that the Conservative Party of Canada voted against the National Action Plan to End Gender-Based Violence.

I would rather have a conversation about what decisions we're actually going to make to advance the rights of women and advance the well-being of Canadians. We want to continue to understand the impacts that our laws are going to have on people from different walks of life and from different life experiences, and for that reason, gender-based analysis is still an important tool that is used to strengthen the impacts that our laws are going to have.

[*Translation*]

DECRIMINALIZATION OF HIV NON-DISCLOSURE

Hon. René Cormier: Good afternoon, minister. Welcome to the Senate of Canada.

During the Forty-fourth Parliament, we, in this chamber, started an inquiry on HIV and sexually transmitted and blood-borne infections. Thanks to the expertise of several of my colleagues, this inquiry led to the publication of a report that sets out 34 strategic recommendations, including one on the decriminalization of HIV non-disclosure.

With World AIDS Day fast approaching, other than the consultations that your government conducted in 2022-23, how does your government intend to follow up on this recommendation and, more importantly, do you really intend to reform the criminalization of HIV non-disclosure?

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: Thank you for the question.

[*English*]

With respect to your question, we should actually have a deeper follow-up. There are a number of my colleagues who are involved in this conversation.

Obviously, there's an element of this analysis that touches on potential criminal reforms. Others involve policy decisions that are led or informed by Health Canada. To the extent that we're able to dig in with more specificity, I would invite a follow-up conversation personally.

I would be more than willing to provide answers to you in writing through my office after we wrap up this session in Question Period today.

[*Translation*]

Senator Cormier: Thank you. I'm pleased that you want to continue the conversation.

In an article published by *The Canadian Press* last August, stakeholders indicated that they were unable to meet with you to discuss this issue. Some people have met with your officials. Do you intend to personally meet with stakeholders? If not, why don't you want to meet with them, given the numerous claims that have been made in recent years and the importance of this public health issue?

Mr. Fraser: You're right. The department has been meeting with stakeholders. Next week, my parliamentary secretary also has meetings. It is possible for me to personally meet with stakeholders, but my priority in this parliamentary session is three bills to reform our criminal justice system. It is very difficult for me to meet with stakeholders on every policy under discussion in Canada. Once this third bill is before the House of Commons, then I will be able to meet with stakeholders on other issues.

[*English*]

OVERREPRESENTATION OF INDIGENOUS PEOPLE IN PRISONS

Hon. Kim Pate: Welcome, minister.

The types of approaches proposed in Bill C-14 make bail more difficult to access, which, as we know, often encourages people in those situations to plead guilty when they may have defences, thereby increasing the risk of miscarriages of justice and exacerbating mass incarceration, in particular, of Indigenous Peoples.

Through commitments to the Truth and Reconciliation Commission of Canada's Calls to Action, Canada committed to eliminate the overrepresentation of Indigenous Peoples by this year. Instead, as documented this week by the Office of the Correctional Investigator, Indigenous women now represent 55% of federally sentenced women.

The approaches taken so far have not worked. What urgent steps will the government be taking to eliminate this overrepresentation, and will they include the type of criminal record expiry proposed in Bill S-207, An Act to amend the Criminal Records Act, to make consequential amendments to other Acts and to repeal a regulation as a means of preventing recidivism and supporting people in moving on and contributing positively to communities?

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: Thank you. There's a lot to unpack in a limited amount of time with that question.

Overrepresentation is a real problem, and we need to address it. We also see that the challenge of repeat offenders is a real problem, and we want to address that.

Sometimes, when you have different priorities, they can butt up against one another, and we have to figure out how we can accomplish two things at the same time.

My sense is that there are tools available outside of the strict laws that appear in the Criminal Code when it comes to bail reform that will help address that, both over the short term and over the long term. Some of that is going to be developing expertise within the courts, and some of it will be addressing some of the challenges that you referenced around records. There is a process that plays out for governments to take positions on specific bills. I want to protect the ability to have that full conversation.

• (1500)

As we move forward with measures that are certainly going to toughen bail rules for people who are charged repeatedly and who have a lengthy criminal history, we also need to ensure that courts are properly informed. We need to do a better job of enforcing Indigenous laws and embracing Indigenous legal systems. We have the benefit of experts in this space who are providing advice to me and my department on how we can reform legal systems to implement generational change that will start helping people in the shorter term but solve this problem in the longer term. It is a conversation that I would welcome your continued participation in and extensive expertise on.

Senator Pate: Thank you. I look forward to that as well and am happy to participate.

I'm also interested in what specific and concrete evidence you and your department used to assess the potential impacts of Bill C-14 on overrepresentation of Indigenous and other racialized folks in federal and provincial prisons, what strategies and resources will be applied to monitor these impacts in practice, and what steps you have taken with the Minister of Public Safety to ensure that adequate decarceration strategies are in place, including measures like record expiry.

Mr. Fraser: Again, responding in 45 seconds will be very difficult. Clearly, we will have a follow-up conversation.

What we're trying to do in terms of the solutions and the perspective that we were relying upon was largely informed by those who work within, and those who administer, the justice system. The problems that we tried to address often relied upon feedback from an area in which, I will acknowledge, there is a paucity of good data. One of the challenges that we have when we're dealing with a federal criminal law, which can be a blunt instrument, is that, though we are in control of the words in the code, we don't necessarily administer the systems that are better positioned to capture that data. We need to work collaboratively not just with Indigenous governments but with provincial governments and municipalities that may be better able to collect the data. I do not have time to address the other issues that you referenced, but in the follow-up conversation —

[*Translation*]

MINORITY LANGUAGE RIGHTS

Hon. Réjean Aucoin: Welcome, minister. We are both from Nova Scotia, where the Divorce Act, as amended in 2019, explicitly provides for the right of litigants to be heard in the official language of their choice by a judge who is competent in that language. In Nova Scotia, the absence of a francophone judge in the family division continues to prevent the full implementation of this legal obligation. Can you specify when the Government of Canada intends to appoint a francophone judge to ensure full compliance with the language rights provided for in the Divorce Act?

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: Thank you for the question. It is essential for Canadians to be able to speak the language of their choice and to use the language of their choice in their daily lives, particularly when dealing with the justice system, whether in the family division or other divisions.

With respect to the appointment of a judge, an independent process has been established to address the situation. Following the recommendations made by the committee responsible, I'm now in a position to proceed with the appointments. However, I'm obligated to wait for the committee's opinion before issuing recommendations regarding the individuals concerned, their language skills and their legal expertise.

Senator Aucoin: Thank you, minister, but to my knowledge, there are currently no francophones representing Nova Scotia on this federal committee. Does your government recognize that the current situation compromises the consistent application of the Divorce Act across the country, and can you tell me what measures the government plans on taking to work with this province, where the act is still not being enforced, so that this shortcoming can quickly be resolved?

Mr. Fraser: I will discuss your question with my staff, my department and the representatives from Nova Scotia at our next meeting. But the problem is we don't have anyone who stayed on the committee and who made recommendations. Today, I promise to quickly find a solution to this problem, and I will contact you at a later date to inform you of the process, if you're interested.

Senator Aucoin: Thank you.

[*English*]

HATE CRIME IN CANADA

Hon. Kristopher Wells: Minister, as of 2024, the most recent data we have from Statistics Canada indicates that the number of police-reported hate crimes has increased six years in a row, up an exponential 169% since 2018. Sadly, hate appears to be on the rise in Canada. Among the most frequent victims of police-reported hate crimes are members of the Jewish, Black and 2SLGBTQI+ communities. Hate crimes are message crimes. They say to every member of a community that they are at risk of violence and victimization. Over the course of the last two parliaments, the government has attempted to take action to address this disturbing trend through legislation designed to strengthen Canada's hate-crime laws.

Minister, with the introduction of Bill C-9, we are close to finally having the urgently needed tools to combat this rising tide of hate.

My question to you is this: Is your government committed to working with all parties and groups as well as stakeholders to get this important bill passed?

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: Certainly. The short answer to your question is yes, we are committed to working across party lines and with participants in Parliament and both chambers to advance these important laws.

Specifically, you pointed out there were different groups who were disproportionately being targeted by hate crimes in this country. You mentioned the Jewish community, the LGBTQ2IA + community and the Black community. This bill started out as a campaign commitment that was targeting hate directed toward religious communities. Very quickly, when we started to engage, we realized that hate is not limited to the doorsteps of our religious institutions. For that reason, as a result of that feedback, we decided to include a stand-alone crime of hate that would layer on top of all other crimes that are motivated by hate in this country.

Through the committee process to date, there are potential amendments that I understand will be coming on things like the definition of hate we've used, the role of the consent of the Attorney General in a given province and a series of other measures that could potentially inform how this bill could be strengthened.

We are willing to consider those amendments in good faith. We do not wish to be dogmatic about this process. My view is that if we can actually send a signal to Canadians that there is multi-partisan cooperation, there is belief across party lines from different parts of the country and that there is a path forward on hate, it is only going to strengthen the resolve not just of

governments but of Canadians to combat hate in their communities. I welcome the feedback, regardless of which group you're affiliated with, of senators who may wish to inform this important bill.

ONLINE HARM

Hon. Kristopher Wells: Thank you, minister. In addition to the important measures contained in Bill C-9, there is still much work to do in combatting hate, particularly online. In the previous Parliament, the government tabled comprehensive legislation to combat online harms, including hate speech, through the creation of a new digital safety commission. Does the government remain committed to reintroducing legislation to combat online harms, including the growing radicalization and proliferation of hate on the internet and through social media?

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: Thank you. I know you're referring to the previous Bill C-63. Canadians should expect to see the government take action to address some of the same harms that were the subject of that bill. You should not expect to see an identical bill copied and pasted in its previous form. We've already, for example, taken action through some of the measures that would have been included in that bill through Bill C-9, which you've mentioned. The legislation to which I've referred earlier in this appearance at the Senate today that will be targeting gender-based violence and protecting kids online will have additional measures that touch on the Criminal Code reforms.

In addition to the criminal justice reforms we are planning to implement, there is a consultation process now under way, engaging my colleagues — the ministers responsible for cultural identity and artificial intelligence — who are, I understand, looking at additional reforms in this space.

VICTIMS' RIGHTS

Hon. Leo Housakos (Leader of the Opposition): Minister, earlier this fall, I introduced Bill S-236, a bill to amend the Canadian Victims Bill of Rights and establish an enforceable framework for the implementation of victims' rights in Canada. This is work that many victims' advocates and, frankly, many parliamentarians expected the federal government to complete since the Canadian Victims Bill of Rights was adopted in 2015. Yet it has been over a decade, and no concrete legislative mechanism has been put in place to make these rights meaningful and enforceable.

Why has your government not acted in almost 10 years to meaningfully strengthen victims' rights, and why has it fallen to individual parliamentarians and not your department, the Department of Justice, to move this forward for victims who desperately need some support?

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: Thank you sincerely for the question and, more importantly, your concern for the victims of crime in this country. At risk of sounding like a broken record, there is a bill I have cited a few times that we will be tabling in the coming weeks.

• (1510)

There are a number of issues that might be included in that bill or subsequent legislation that we wish to target. I mentioned intimate partner violence and protecting kids online. We will also seek to address delays in the justice system.

An important additional component that we're seeking to address through legislation is reforms to the Canadian Victims Bill of Rights. People ought to know to what information they are entitled. People ought to have access to certain testimonial aids to take part in the process. People should understand what remedies they have, not just in a criminal context but a civil one, when they are victimized by crime.

This is an extremely important issue. It has the attention not only of individual parliamentarians but the Government of Canada, and the Department of Justice is fully seized with the issue and putting together potential reforms as we speak.

Senator Housakos: Minister, for a decade we have also sounded like a broken record when it comes to victims' rights. If your government is truly committed to improving victims' rights, how do you explain that, in your own department's report on the Statutes Repeal Act, one of the provisions scheduled for repeal is a section explicitly designed to make access to information easier for victims, including information about release conditions, temporary absences and potential proximity to the offenders? How can the government claim to support victims while at the same time choosing to repeal a provision specifically designed to protect — a provision that was never brought into force in the first place?

Mr. Fraser: The piece of legislation that you're referring to occurs annually. It's a mechanism of good governance to clean up laws that were never brought into force. Some of these laws are not brought into force for good reasons; others sit on the books and are not actually doing anything to help people.

I would not read too much into a formulaic repeal of legislation that has never been brought into force when we can point simultaneously to the initiatives I have mentioned that will be introduced through legislation to amend the Canadian Victims Bill of Rights.

To the extent that you have follow-up questions on the statutes that were not brought into force but have been repealed, I would be happy to follow up and answer offline whatever questions your office may have.

[*Translation*]

MANDATORY MINIMUM PENALTIES

Hon. Claude Carignan: Minister, on October 31, 2025, in a five-four split decision in the *Senneville* ruling, the Supreme Court of Canada struck down the mandatory minimum one-year prison sentence for possession of child pornography and accessing child pornography, declaring the sentence unconstitutional. This ruling deeply shocked a large part of the Canadian population.

My question is simple. Does the Liberal government intend to respond to this decision by using the constitutional lever that is the notwithstanding clause, or has it voluntarily deprived itself of this option by challenging Quebec's Bill 21 before the Supreme Court, an intervention which, I would remind you, cost $2 million for 22 pages of arguments?

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: Thank you for the question. I will soon be introducing a bill that will address this Supreme Court decision.

[*English*]

When we're dealing with sexual crimes against children — sexual exploitation and abuse material — we are dealing with some of the most heinous crimes that exist in Canada. The criminal law should respond and punish those who are abusing children and committing these horrible acts of violence against kids.

The Supreme Court identified a fairly narrow area that gave them concern about the constitutionality. I believe that we can address that fairly simply through the constitutional tools available and at our disposal today. I think we can act more quickly by operating within the boundaries of the Constitution without necessarily immediately going to the "notwithstanding" clause in order to address this specific and acute need to act.

There was a gap left after the *Senneville* decision. We're going to fill that gap, and we are going to do so very quickly.

[*Translation*]

Senator Carignan: Minister, I appreciate your answer. However, what concrete measures do you plan to take to ensure that minimum sentences for child pornography offences remain sufficiently dissuasive and reflect the severity of the crimes?

Beyond the political debate, there's a moral imperative here, as you've rightly pointed out, to protect children vigorously and consistently.

Mr. Fraser: I completely agree that this isn't a partisan issue, because it is essential to be able to defend our children who are the most vulnerable people in our society.

As for strategies related to the Supreme Court of Canada decision, we're currently finalizing our recommendations. I need to speak with my counterparts in cabinet in order to move the bill forward in the House of Commons. Certain issues relate to my colleagues' parliamentary privileges.

[*English*]

I wish to have the opportunity to complete the policy development process, put forward a bill and discuss openly with both chambers in a short period of time.

BAIL REFORM

Hon. Bernadette Clement: Hello, minister. We have more opportunities to unpack the impacts of systemic racism.

At the October 7, 2025, Justice Committee meeting on their study of the bail system, sentencing and the handling of repeat violent offenders in Canada, Nicole Myers of the Department of Sociology at Queen's University said the following:

> It is critical to strongly emphasize that it is indigenous peoples, Black and other racialized people, people experiencing poverty, as well as those who are struggling with mental health issues and substance use who are dramatically overrepresented. Said differently, it is the most marginalized in society who experience the most punitive aspects of our system. Any efforts to tighten the bail system will amplify these disproportionate impacts.

Given that, Bill C-14 will further entrench systemic anti-Black racism. What is your government doing to undo or minimize these impacts as you further legislate bail?

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: This is extremely important, and we alluded to this in an earlier conversation. There are multiple challenges within the criminal justice system. I believe that we need to tighten the bail system and have significant changes to sentences, particularly for repeat violent offenders.

I do not want to exacerbate the very real challenge of overrepresentation. We know that Indigenous and Black offenders, in particular, are more likely to face carceral sentences. We know they are more likely to have interactions with the police to begin with. There are multiple reasons as to why that is the case, but when we're developing the criminal laws of Canada, I want to land on a framework designed to protect and promote public safety, and then I want to ensure we have the resources and systems to address the downstream impacts that you have raised here today.

That will include a range of tools. Some of that will be important training to ensure that people are culturally competent, whether that is in a community policing, Crown prosecutor or judicial role. Keep in mind that, in victim services, overrepresentation is not just an issue of incarceration but also with respect to the people who are victimized by crime.

In addition to putting resources into the system, not just to have more cops on the street but to have better-trained officers on the street and better-trained people in the system, we also have to make those upstream investments targeting at-risk youth to ensure people are not more likely to fall into a lifestyle of criminal behaviour. We need to ensure that we have targeted, supportive and affordable housing and mental health and addictions supports.

I see that I've run out of time, but I will happily continue this conversation.

Senator Clement: Staying on the topic of youth, Canada's Black Justice Strategy reminds us that the 2024 Fall Economic Statement proposed $23.6 million over two years starting in 2025-26 for the Department of Justice Canada to, among other things, develop diversion conferencing and bail supervision projects for Black youth.

Can you give us an update on whether this funding has been received and the progress around this commitment?

Mr. Fraser: Thank you for the question.

The funding that was outlined in the 2024 Fall Economic Statement, despite having seen a prorogation of Parliament, a change in government, a new cabinet appointed and the summer without a legislative period, has now gone through the Treasury Board process. Calls for proposals have been issued. I expect recommendations from my department over the course of the next month or so, and we are aiming to be making funding awards early in the new year from the bucket of funds that was established in the 2024 Fall Economic Statement.

OVERREPRESENTATION OF BLACK CANADIANS IN PRISONS

Hon. Rosemary Moodie: Welcome to the Senate, Minister Fraser.

In your role as Attorney General of Canada, you oversee the Public Prosecution Service of Canada. In terms of the overrepresentation of Black people, they are overrepresented in federal custody to an extent much greater than their actual numbers within the Canadian population. You talked a bit about some of the steps that the Government of Canada will be taking to try to change and reverse this trend.

Can you tell us what specific steps you are taking with federal prosecutors to receive mandatory anti-Black racism training, review prosecutorial discretion practices and identify disparities in charge selection and plea bargaining that disproportionately impact Black Canadians?

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: This is a conversation that is clearly of importance to the Senate. I'm starting to think, as I'm receiving these questions, about the potential to benefit from a proper parliamentary study that digs into what the systemic solutions to overrepresentation may be.

• (1520)

Additional training for those in the Public Prosecution Service must be part of the solution. It is a little bit challenging sometimes to predict what the long-term strategies will be because many of the operational decisions, including training, are properly made by those who run the Public Prosecution Service, which is independent of my office.

We can put resources on the table for certain kinds of themes, but the exact nature of that training will likely vary, based on the nature of the challenges that people face in different parts of the country in the communities that they serve. From Ottawa it's difficult to say very distinctly what exactly can be done to solve challenges that differ between regions and between communities.

Suffice it to say that making resources available to better train not only prosecutors but police officers, judges and those who work within the justice system has to be part of the long-term solution, but I would invite a more fulsome conversation with all those concerned with overrepresentation, certainly.

Senator Moodie: Thank you. Black offenders are also overrepresented at the provincial level in correctional services. Can you tell us in what ways you've engaged provincial attorneys general to discuss similar reforms to prosecutorial training, discretion within their jurisdiction, so that Black Canadians experience equal justice across the country and not only at the federal level?

Mr. Fraser: Thank you. With limited exceptions, due to the very recent nature of certain provincial elections, I've had the opportunity to engage in depth with all of my counterparts from across Canada on a series of issues, not just the criminal justice reforms that we've advanced through legislation, but, importantly, the need for provincial governments that have carriage of the administration of these systems, to make the investments that protect against overrepresentation.

Of course, the decisions that each of them take will vary by jurisdiction. My sense is that they do understand with changes — which, by the way, the provincial governments have been requesting — that there is likely to be an impact that will trigger a need for more provincial resources. Some of these will be specifically on training. Others will be process-oriented, but I want to respect the time I've been given, now that the table officer is standing.

ENFORCEMENT OF FIRST NATIONS BYLAWS

Hon. Paul (PJ) Prosper: Hello, again, minister. I first want to applaud Senator Mary Jane McCallum, who is sponsoring two bills aimed at ensuring that First Nations bylaws are properly enforced. One bill targets the Royal Canadian Mounted Police Act, but the other targets the Public Prosecutions Act.

As I'm sure you are aware, bylaw enforcement is not just about ensuring that police services enforce bylaws but also that prosecutors follow through with prosecutions.

Minister, given that the law recognizes that First Nations bylaws have the full effect in law as any law passed by Parliament does, will your government commit to ensuring that bylaws are properly enforced and prosecuted?

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: Thank you. If you'll allow me, before I arrived in politics, if you'd asked me what the greatest policy success was that I was personally aware of, it actually would have been the changes to the education system in Nova Scotia when it came to handing over the keys to education to Mi'kmaw Kina'matnewey, which has seen a remarkable increase in the graduation rates of Mi'kmaq students in my home province from below 40% to now over 94% — higher than the national average.

The key feature that made it a success was actually putting in charge the people who knew the issues best. I'm actually a big believer that we can do meaningful work to improve the enforcement of bylaws that were adopted by Indigenous governments but an embracing of Indigenous legal systems as well.

I don't want to do this in a way that is not fully thought through. I want to have the benefit of engagement on this very specific issue, including through the advisory council that we've established to help guide the work of the implementation of the UN Declaration, but also the work that we're doing to advance and implement the Indigenous Justice Strategy, which deals not only with the bylaws that you mentioned but also with Indigenous legal systems.

This is meaningful work. It will take engagement with rights holders, importantly, if we are going to understand how to do this the right way. I'm very interested in this file, and I want to ensure that we actually embrace the laws that are being adopted by the people who know their communities best.

Senator Prosper: Thank you, minister. I should tell you that every community I visited on my tour throughout Mi'kma'ki raised the issue of bylaw enforcement as a main priority. What is your department doing to ensure that bylaws are respected and properly prosecuted?

Mr. Fraser: To be completely candid, the conversation is earlier in its implementation than I would like it to be. Frankly, I wish this conversation could have been carried out over the course of the past almost 160 years in Canada. Sadly, it has only captured the attention of federal policy-makers in the last few years. There may be some exceptions to that blanket statement, but certainly at a Government of Canada level, you're hearing a more fulsome engagement with this issue.

Concretely, as we go through the listed priorities from within the Indigenous Justice Strategy, we are seeking to adopt a framework through which we can engage rights-holders to better implement the bylaws that they are actually putting forward.

CRIMINAL JUSTICE SYSTEM

Hon. Rodger Cuzner: Welcome here today, my friend. It's always great to welcome another StFX-Ring into the upper chamber.

Minister, my question is with regard to a horrendous case — I know you're familiar with it, and it's back in the news in Nova Scotia — that of Fenwick MacIntosh, formerly from Port Hawkesbury, Nova Scotia. He received a guilty verdict for 17 counts of sexual abuse against nine young boys back in the 1970s. Those charges were subsequently quashed by the Nova Scotia Court of Appeal, which was followed by the April 2013 Supreme Court of Canada dismissal of the Crown's appeal.

In the wake of the Supreme Court decision, a federal government report identified a number of human errors that might have been caught through better oversight, better follow-up and better communication between departments and agencies.

Can you comment on the steps taken by the Department of Justice Canada to ensure that incidents like this never happen again?

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: Thanks very much. Before I address the very serious question, it's wonderful to see you here. It's almost like they're going to let anybody into this place, Senator Cuzner.

The issue, though, is extremely serious. This is a case that has captured the attention of people in our home province and not in a positive way. It has shone a light on the fact that there can be human errors within the justice system and, importantly, a very serious challenge around delays. There are certain day-to-day fixes we need to work on. We're going to have to engage with this not just as a federal government but with the provincial counterparts who have carriage of the administration of justice.

In addition to working with provinces and taking care of our own backyard, we also need to deal with the issue of delays in the criminal trial process that have played out over years. I don't want to comment on the specifics of an individual case, but we are seeking to address some of the delays which have been exacerbated since the challenging *R. v. Jordan* decision where Canadians are seeing cases involving complex drug investigations and cases of sexual assault, resulting in a stay for delay rather than because the person has faced and overcome charges.

We do intend to address some of these challenges through legislative reforms. It will include, specifically, conversations around how timelines ought to be calculated for the purpose of courts that may dismiss decisions for delays. It's going to be looking at streamlining the process to ensure that there is not such a burdensome process of adducing evidence that will drag out the process and lead to more opportunities for things to be missed along the way or ultimately —

The Hon. the Speaker: Thank you, minister.

ANTI-SEMITISM

Hon. Leo Housakos (Leader of the Opposition): Minister Fraser, Canada's spy chief delivered an alarming warning last week. Nearly 1 in 10 terrorism investigations now involve at least one minor who is radicalized online. He reported that violent extremist content, including anti-Semitism, is spreading faster than ever and is increasingly targeting young people.

Even more disturbing, he confirmed that several disrupted plots involved attacks planned specifically against Jewish communities, including two Ottawa minors arrested last year for allegedly plotting a mass casualty attack.

Minister, this is what happens when your government allows the open, wilful promotion of extremist propaganda on our streets, including pro-Palestinian protests calling for intifada and the elimination of the State of Israel and its people. When will the government finally take anti-Semitism seriously and bring forward real concrete legal measures to protect Jewish Canadians from the growing threats they face in communities across the country? I know we have a bill that's coming here soon, but why did it take so long? And why did we have to get to the point where we are now?

Hon. Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada and Minister responsible for the Atlantic Canada Opportunities Agency: Senator Housakos, you raised a number of different issues in your question. The first is on the recruitment of minors for very serious criminal offences. This is a pressing and substantial concern that demands action. We are looking at different options, likely of a legislative nature, that will address the recruitment of young people into criminal activity, criminal organizations and potentially terrorist activity as well.

• (1530)

We need to send a very clear signal that if you recruit children to carry out criminal behaviour, you will face very serious consequences.

There is a perception that because young people may face different criminal consequences, they are better recruits for certain kinds of criminal behaviour. We need to go upstream a level to ensure that those who would do something so egregious as to recruit a child to commit crimes are treated with serious consequences.

On the second item you mentioned about protecting Jewish Canadians, I do take issue with one characterization: I would differentiate between a peaceful protest in support of Palestine from hatred directed toward Jewish Canadians.

As we have discussed at length during this appearance, we do intend that legislative measures be designed to attach protection to religious institutions including synagogues and to buildings including Jewish community centres and to hate crimes more broadly regardless of where they take place in our communities. I am out of time. This is an important conversation, and I thank you for the question.

Senator Housakos: Minister, I think our government has been late. I think there has been a lack of political will in really tackling anti-Semitism in a serious way — when we have radical Hamas protesters in Toronto who are supported by police forces shutting down recordings of the Canadian national anthem, and when earlier today, I had a Jewish student sending me a video of protesters at McGill University, so to speak, but it's more than that: Masked individuals were going into a classroom at McGill University under the supervision of McGill's security. It highlights the degree to which this has gotten out of hand. It has gotten out of hand because we are not applying the Criminal Code and the hate elements of the Criminal Code that are there because of the lack of political will.

When will the highest authority — our justice minister — start sending a signal, along with the Prime Minister, that none of this behaviour will be tolerated any longer?

Mr. Fraser: You have asked when we will start sending a signal. I would think that tabling legislation to address this precise issue on the floor of the House of Commons counts as sending a signal.

With enormous respect, there are stakeholders representing the interests of Jewish Canadians who are endorsing the bill we have now moved forward with, while some parliamentary colleagues from other parties decry it as a censorship bill and will not commit to actually supporting the measures designed and developed in some ways through the feedback we have received directly from the Jewish community.

We have iterated significantly the initial vision of this bill — which was designed in its infancy to protect people seeking to participate in religious buildings and institutions — to ensure it captures hate not just against Jewish Canadians but also hate more broadly no matter where it takes place in our communities.

The signal has been sent. The difference is being made. All that is left to do is to attract the support of enough members of Parliament from different parties.

[*Translation*]

The Hon. the Speaker: Thank you, minister.

[*English*]

I'm certain all of you wish to join me in thanking Minister Fraser for joining us today. Thank you, minister.

Hon. Senators: Hear, hear.

ORDERS OF THE DAY

CITIZENSHIP ACT

BILL TO AMEND—THIRD READING—DEBATE

Hon. Suze Youance moved, for Senator Coyle, third reading of Bill C-3, An Act to amend the Citizenship Act (2025).

She said: Honourable senators, please bear with me, as English is my third language.

I am honoured today to speak on behalf of Senator Coyle, the sponsor of Bill C-3, who apologizes that she can't be present to speak today due to unforeseen circumstances.

We have been working together on this important bill, as I have been serving as the legislative lead within the Independent Senators Group for Bill C-3. Senator Coyle asked me to deliver her remarks today. And here they are:

> Colleagues, at second reading, I provided you with some history on Canadian citizenship as a legal status and on the Canadian Citizenship Act which this bill will amend.
>
> I outlined some of the changes to the Citizenship Act over the years and some of the impacts of those changes, including the problematic situations that Bill C-3 is designed to address, and I provided some examples.
>
> I mentioned the example of my own family with my daughter Lindelwa Naledi Coyle, whom I gave birth to in Botswana, not having the same rights as her Canadian-born sisters, Emilie and Lauren, to pass on her citizenship to her daughters Violetta and Sierra who were born in Mexico.
>
> I described the key elements of the bill which provided clear rules for access to citizenship by descent going forward. In future cases, where the Canadian parent is born or adopted abroad, their child born or adopted abroad can gain citizenship if the parent has a substantial connection to Canada.
>
> The legislation also addresses historical gaps. If enacted, it would confer citizenship on those subject to the first-generation limit, meaning all those born abroad in a second or subsequent generation to a Canadian parent before this legislation comes into force.
>
> It also restores citizenship to some who previously lost it and provides a framework that provides similar access to citizenship for families who adopt children abroad — most but not all of them. I'll share more on this later.
>
> I explained why Bill C-3 is both necessary and urgent.
>
> Our task at third reading is to decide whether the bill before us is a principled and practical way to restore fair access and clarity to citizenship by descent.
>
> The Standing Senate Committee on Social Affairs, Science and Technology has completed its study of Bill C-3 and has reported it back to this chamber without amendments.
>
> The Social Affairs Committee met on November 17 to study Bill C-3. The committee heard from the Minister of Immigration, Refugees and Citizenship and her officials as well as nine other witnesses, including lawyers from the Canadian Bar Association and the Canadian Immigration Lawyers Association as well as academics, parent adoption advocates, "Lost Canadians" advocates and the Parliamentary Budget Officer.
>
> The Social Affairs Committee also conducted a pre-study of Bill C-3's predecessor, Bill C-71, in December 2024.
>
> As the Senate sponsor of Bill C-3, I agree with the committee's report. Some colleagues asked whether moving to pass this legislation now allows sufficient time for sober second thought. I respect that concern, but the legal and administrative context matters.
>
> In December 2023, the Ontario Superior Court of Justice declared key provisions of the first-generation limit on citizenship by descent unconstitutional, finding they violated equality and mobility rights under the Charter. The court suspended its declaration to allow Parliament time to respond until tomorrow, November 20, but recently provided an extension until January 20, 2026.
>
> Bill C-3 is the solution. It would remedy the status of people who, were it not for the first-generation limit set in 2009, would have been Canadian citizens by descent from birth. This includes a cohort of children 16 and under and includes the descendants of previously remedied "Lost Canadians." It addresses a small cohort who lost citizenship under outdated provisions of the 1977 Citizenship Act.

• (1540)

> Going forward, Bill C-3, An Act to amend the Citizenship Act, would also ensure that a child born or adopted abroad by a Canadian with a substantial connection to this country has access to citizenship no matter where the family lives.

That connection must be demonstrated through the parent's physical presence in Canada for at least 1,095 cumulative days — or three years in total — before the child's birth or adoption abroad. Some people have argued that these three years should be spent within a five-year time frame based on the logic that this approach mirrors Canada's approach to naturalization. But citizenship by descent is different. It is not about granting citizenship to someone new who has immigrated to Canada. It is about verifying that a Canadian born or adopted abroad has a substantial connection to this country before they can pass on citizenship to their child also born or adopted abroad. A cumulative model recognizes the reality that Canadians can build profound, durable ties to this country over time, even if those ties are not within a five-year period.

We have also heard concerns about application volumes, costs and possible pressures on social services. Honourable colleagues, it is important to note that the fear mongering around hundreds of thousands or even a million people gaining Canadian citizenship because of Bill C-3 is an unfounded overexaggeration.

On Monday evening at committee, Jason Jacques, Interim Parliamentary Budget Officer, said:

> . . . Based upon our analysis, we estimate the total net cost of the proposed amendments to the Citizenship Act to be about $21 million over five years. The total number of persons who would be affected is estimated to be around 115,000 over the same period. . . .

Between January 2024 and July 2025, the department received just over 4,200 applications under the interim measure for those affected by the first-generation limit. Similar amendments were previously made in 2009 and 2015, and in the decades since, around 20,000 people applied for proof of their remedied citizenship status.

The number of Section 8 "Lost Canadian" applications for a discretionary grant of citizenship is also low and decreasing. Immigration, Refugees and Citizenship Canada, or IRCC, initially received 35 to 40 applications per year. The department did not see a surge in applications in any of these instances.

The net fiscal impact should also be limited.

Some in the new cohort covered by Bill C-3 are already living in Canada and contributing to general revenues, while those abroad are generally not eligible for most domestic social programs. Every federal and provincial program has its own eligibility rules based on age, income, legal status, tax filing or residency in Canada or a province for a set period. Anyone who applies to a program or service needs to meet all its criteria, just like any other Canadian.

Questions were also raised about security, language and knowledge tests. Citizenship by descent has never required screening for security, criminality or language proficiency, and this bill keeps it that way. Canada cannot have different classes of citizens: those born here whose citizenship is automatic and those born abroad beyond the first generation who must pass extra tests.

The burden of proof rests squarely on the Canadian parent, who must provide evidence of their 1,095 days of physical presence in Canada before their child's birth or adoption abroad. Documents such as educational transcripts, pay stubs or leases will be reviewed by officers. If a parent can't demonstrate their substantial connection to Canada, their child born or adopted abroad will not be Canadian.

Colleagues, at second reading, the critic of this bill argued that the government should have appealed the court's decision and that proceeding under a court deadline risked compressing debate. I still understand the concern. However, we are not legislating in the dark, and we don't have much time even with the new deadline.

We have a constitutional problem to remedy. We have a clear solution. We have tested policy choices. The cumulative 1,095-day standard borrows its number from naturalization. It's applied differently to provide flexibility for Canadians to pursue opportunities abroad. It's a practically feasible rule that respects families' real lives and preserves the value of Canadian citizenship.

Some have suggested that multi-generational Canadians living permanently abroad could acquire citizenship without connection. The bill's structure addresses that. Each generation beyond the first must demonstrate their connection again before passing citizenship on. If a parent does not have a substantial connection to our country, citizenship by descent stops with them.

At Monday's committee, we heard about the opposite problem existing under our current reality. We heard about the hardships and costs the unremedied situation imposes on Canadian women born abroad and who happen to be living abroad when they want to have children.

Toronto Metropolitan University professor Allison Petrozziello said:

> . . . Since 2009, the only advice the government has been able to offer Canadian women about how to ensure they can pass on their citizenship is to fly home in late-stage pregnancy to give birth in Canada. Even during COVID-19, even when it's a high-risk pregnancy, even when the couple has been trying for years to get pregnant through IVF treatment and even when the doctors and health insurance are in place in their country of residence but not back home here in Canada. So Bill C-3 promises to eliminate gender discrimination from our Citizenship Act once and for all, and to allow Canadian parents to make the reproductive decisions in consultation with their doctors, not government.

The substantial-connection provision is a principled and fair rule. It is also a human one because it focuses on one mother's real, demonstrated ties to Canada rather than on rigid calendars that may penalize families whose lives cross borders.

Honourable senators, Bill C-3 is designed to restore citizenship status to those who were left out. It sets a clear, evidence-based standard for the future. It maintains the integrity of Canadian citizenship by making sure that connection — not convenience — governs transmission beyond the first generation.

After passing Bill C-3 at the Social Affairs, Science and Technology Committee, Senator Arnot introduced three observations, which were also supported —

[*Translation*]

The Hon. the Speaker: Senator Youance, I'm sorry but your time has expired. Are you asking for five more minutes?

Senator Youance: Yes, one minute.

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

Hon. Senators: Agreed.

[*English*]

Senator Youance: Thank you, Your Honour.

• (1550)

With Bill C-3, we can remedy the status of "Lost Canadians" and modernize our law so that it reflects how Canadians actually live.

Canadians are mobile and global, and yet we are deeply connected to this country. I urge you to pass Bill C-3 so that our Canadian Citizenship Act can better reflect our modern reality.

Thank you.

Hon. Senators: Hear, hear.

Hon. David Arnot: Honourable senators, I rise today not to delay this bill. The timeline imposed by the Ontario Superior Court of Justice in the *Bjorkquist* case is real, and the consequences of missing it are serious. However, even under judicial deadline, Parliament has an obligation to ensure that, in correcting long-standing inequities, it does not inadvertently create new ones.

It is in that spirit that I wish to speak to one central concern: the inequitable treatment of intercountry adoptees under Bill C-3. These are children brought into Canadian families through a lengthy, highly scrutinized adoption process, children for whom Canada's obligations under the Hague Convention require equality of status with domestically adopted Canadian children. Yet, Bill C-3 risks creating new barriers that fall unfairly and uniquely upon that group.

Bill C-3 applies to children born abroad to Canadians, children adopted abroad by Canadians living abroad and, critically — though problematically — intercountry adoptees.

One crucial thing that is important to note is that the phrase "international adoption" is a general term. "International adoption" is the broad term for any adoption in which the child and adoptive parents are from different countries. Importantly, the phrase "intercountry adoption" is a legal term. It is used in Canadian and international law to describe the process of adopting a child from another country through the formal cross-border legal system, such as the Hague Convention.

In recent correspondence, officials from Immigration, Refugees and Citizenship Canada, or IRCC, provided essential clarifications, particularly, that children born abroad to Canadians living abroad — group 1 — and children adopted abroad by Canadians living abroad — group 2 — may obtain citizenship under section 5.1 of the Citizenship Act even if they never lived in Canada at all. Their parents do not need to reside in Canada after adoption, and their adoption need not be recognized by provincial authority. Citizenship is granted directly.

The IRCC also confirmed that section 5.1, created after the *McKenna* case in 1998 and interpreted in the *Worthington* case in 2008, was intended to ensure equality between children born abroad and children adopted abroad, but not to create new distinctions. Finally, the IRCC emphasized that Bill C-3 applies the substantial connection test equally to children born abroad and children adopted abroad.

However, colleagues, equal wording does not always produce equal outcomes, and that is where the specific concerns about intercountry adoptees arise. The IRCC's clarifications reveal that we must recognize three distinct groups:

Group 1, children born abroad to Canadian citizens living abroad, may never reside in Canada, yet still acquire and transmit citizenship if their parents meet the 1,095-day requirement; group 2, children adopted abroad by Canadians living abroad, similarly, may never live in Canada, yet are granted citizenship by direct grant; and group 3, the intercountry adoptees. These children are adopted by Canadian citizens living in Canada. They are — in fact and in law — adopted in Canada. They must have their adoption authorized and supervised under provincial and territorial law. They undergo the Hague Convention safeguards. They enter Canada only after federal approval and are raised in Canada, often from infancy, as fully integrated members of Canadian society.

Yet, unfortunately, Bill C-3 treats them for citizenship transmission purposes as if they belong to group 1 or 2, children who may never live in Canada at all. For intercountry adoptees, the application — and this is the problem — of the substantial connection test is fundamentally inequitable.

If you take one thing away from my speech today, let it be this: Intercountry adoptees must be treated the same as domestic adoptees. It is a requirement of the Hague Convention that intercountry adoptees have the same rights and treatment as in-country adoptees.

Another way to say this is that, because domestic adoptees do not have a substantial connection test, neither should intercountry adoptees. That is the requirement in this bill that is the barrier which is prohibited by the Hague Convention.

Let us reflect on this: No group of Canadian citizens undergoes a more rigorous, multi-layered vetting process before entering Canada than that of intercountry adoptees. These children are subject to these tests: provincial and territorial approval, provincial child welfare oversight, foreign state approval, best-interests assessments, anti-trafficking safeguards, a Hague Convention compliance review, a federal citizenship review and confirmation that the adoption is genuine, not procured for citizenship advantage.

Witnesses told the Standing Senate Committee on Social Affairs, Science and Technology that this is an integrated process. An adoption order triggers a "letter of no objection" from the province, and it is only then that the IRCC will allow the child to enter Canada.

As one witness put it, ". . . if the IRCC does not believe we are compliant of the law, I don't have a son."

Despite all of this, Bill C-3 requires these adoptees — children who grow up here in Canada, attend Canadian schools and whose lives unfold in Canada — to again prove a substantial connection to the very country that adopted them. It is an absurd anomaly.

Witnesses described this as a form of double scrutiny and, more painfully, as calling into question the legitimacy of the adopted child's status as a Canadian. One mother put it this way: Asking an intercountry adoptee ". . . to prove they are connected to the nation that adopted them is tantamount to asking them who their real parents are."

This bill raises matters of constitutional and international law for intercountry adoptees, which include the equality rights in section 15 of the Charter. Intercountry adoptees face discriminatory impacts because of their country of birth, their adoption pathway, their disproportionate representation among racialized children and their potential reduced mobility due to trauma and medical needs. They are treated differently than domestically adopted children despite the Hague Convention's guarantee of equal treatment.

Section 6 of the Charter, mobility rights: The substantial connection test restricts the future mobility of adoptees, who may not be able to accumulate 1,095 days in Canada while they are still young.

Section 7 of the Charter, security of person: Witnesses explained that limiting an adoptee's ability to transmit citizenship threatens family unity and future security.

International law, under the Hague Convention: Canada must ensure that intercountry adoptees have the same rights as domestic adoptees. Domestic adoptees receive automatic, full transmissible citizenship. Therefore, Bill C-3 violates that principle.

Witnesses stated bluntly that Canada has been failing to comply with the Hague Convention since 2009. It is a serious allegation, and it deserves serious examination. Time did not permit that.

The government put forward a Charter Statement of issues. The Charter Statement asserts the bill is constitutional.

• (1600)

Here, we must be clear and precise and state that this Charter Statement is deficient. Here are the deficiencies: first, it does not address intercountry adoptees at all; second, it offers an incomplete equality analysis; third, it does not consider the Hague Convention or the UN Convention on the Rights of the Child; fourth, it does not address the adverse-effect evidence heard by the Social Affairs Committee on Monday night from Canadian families; and fifth, the committee's work therefore fills the constitutional gaps that this Charter Statement does not address.

Some have argued that there is no time for amendments. That is true, but Parliament can still place its concerns on the record and commit to future corrections. Indeed, witnesses reminded us that is precisely what occurred in 2009. In 2009, under similar time pressures, the Senate passed Bill C-37. Despite concerns about rigidity and fairness, the Senate nevertheless entered strong observations into the record — warnings that were later cited in Charter litigation. We can, and should, follow that example.

The Social Affairs Committee heard extraordinary testimony from Ms. Katherine Lanteigne and Mr. Graeme Ball, adoptive parents of Nathanael, age 10. Their testimony clarified essential legal realities. First, it is illegal to adopt a child abroad through intercountry adoption unless the parents reside in Canada. Second, intercountry adoption is not the same as international adoption; I mentioned that on purpose before. It is a specific and highly regulated Hague process. Third, intercountry adoptees are not immigrants; their status is determined by adoption law, not immigration law. Fourth, the IRCC's public explanations have, at times, blurred these distinctions, creating confusion for policy-makers.

The Social Affairs Committee witnesses described the trauma, racialized othering and lasting harm that arises when adoptees are treated as less than fully Canadian. They made clear that if Bill C-3 passes unchanged, as it will today, they will pursue a Charter challenge on behalf of their son. They have retained experienced constitutional counsel, including Professor Sujit Choudhry, who previously successfully litigated the *Bjorkquist* case — the Ontario case. They have reminded us that Canada's noncompliance with the Hague Convention is not merely theoretical; it risks affecting Canada's reputation with partner countries that trust Canada to follow the convention faithfully.

The evidence provided by Ms. Lanteigne and Mr. Ball was powerful, emotional, deeply personal and rooted in law. It must inform our deliberations.

Because the declaration of invalidity is suspended only until January 20, 2026, the Senate cannot realistically amend this bill without risking a legislative vacuum. We cannot allow a situation where no citizenship transmission rules apply. But we can, and must, make our concerns clear: first, that intercountry adoptees form a distinct, uniquely vulnerable class of Canadian children; second, Bill C-3 is a clear, unambiguous breach of the Canadian Charter of Rights and Freedoms at sections 15, 6 and 7, and is a breach of the Hague Convention as applied to them; third, Parliament never intended to make their citizenship conditional or less transmissible; and fourth, future legislation should include a targeted, narrow fix, such as treating intercountry adoptees who grew up in Canada as — and this is a legal term — "citizens otherwise than by descent," as the United Kingdom does, to cure this breach.

It is a simple, straightforward, legal legislative remedy. It is an amendment that I would have brought forward had I been allowed to with more time.

I also note, with encouragement, that the minister, the Honourable Metlege Diab, has agreed to meet with representatives of intercountry adoptees, including Ms. Lanteigne and Mr. Ball. This is a positive step that I encourage because I hope there is a legislative solution, which is the only thing that could carry this.

Colleagues, I want to thank Senator Coyle, the sponsor; Senator Youance, who read Senator Coyle's speech; Senator Moodie, Chair of the Social Affairs Committee; the deputy chair, Senator Osler —

The Hon. the Speaker: Senator Arnot, your time has expired. I will ask your honourable colleagues if they will allow you more time.

Is leave granted?

Hon. Senators: Agreed.

Senator Arnot: I just want to mention all the Social Affairs Committee members who grappled with this issue thoughtfully and who supported the three observations.

Citizenship is more than a legal status; it is a declaration of belonging. When Canadian parents adopt a child from abroad, they do not say to the child, "You are Canadian but only conditionally." They say, "You are ours."

Bill C-3 moves Canada toward rectifying the injustices suffered by "Lost Canadians," and for that, it deserves support, but it also risks creating a new generation of Canadians who face barriers that no other Canadian children face: children whose connections to Canada have been proven more thoroughly than those of any other Canadian citizen yet who must still prove them again.

Let us pass this bill to meet the court's deadline, but let us also speak clearly, as the Senate did in 2009, so that future Parliaments can finish the work: Intercountry adoptees must never become the next generation of "Lost Canadians."

Thank you, colleagues.

Hon. Scott Tannas: Honourable senators, I'll be very brief. I would have asked Senator Arnot a question, but we ran out of time.

I don't understand how we could receive a bill this Monday — within our rules, we actually had extra committee time; it wasn't used — and be here at this point. There are three weeks left in the sitting calendar, and you're telling us that you were told that there isn't enough time to do what we're supposed to. This is our job. Why? Sir, how bad will you feel if we pass this amendment — and we are going to have an amendment — send it back and don't have the one that you wanted?

I'm shocked that we would stand here and say that we don't have time to deal with this. It's a real shame.

I thank you for your comments and your passion about this. If we had a nickel for every time a minister told us not to amend a bill for whatever reason, we would be rich.

Senator Arnot, I'm sad for you; you're a valued member of this Senate and an important contributor here. I wish that we had an amendment that you could whistle out of our desk right now, because we are going to deal with amendments here. I don't know if that's possible, but maybe. I don't know what the amendment that we're dealing with is, but if we pass it, this minister might stand up and introduce the amendment that you would and should have introduced here. Thank you.

Hon. Leo Housakos (Leader of the Opposition): Honourable senators, I rise today as critic of Bill C-3, An Act to amend the Citizenship Act.

Normally, I would begin by reminding the chamber of the bill's details, but given that barely less than two weeks have passed since my previous remarks, I will instead begin with the legislative history that has brought us to this point.

• (1610)

We need to go back 21 years, to 2004, during the Third Session of the Thirty-seventh Parliament, when Senator Noël Kinsella introduced Bill S-17 to remedy cases of individuals who had unintentionally lost their Canadian citizenship because of outdated provisions in the 1947 act.

Although unanimously adopted in this chamber, the bill died on the Order Paper in the other place. Its substance returned in the next Parliament as Bill S-2, which received Royal Assent in 2005 and became one of the early steps, driven by the Senate, in restoring status to those unfairly excluded under earlier laws.

Building on that foundation, Bill C-37, in 2008, addressed many remaining cases and introduced the first-generation limit, an attempt to balance fairness and inclusion with the need to preserve the value of Canadian citizenship and prevent so-called citizens of convenience.

Bill C-24 later made further technical adjustments, and Bill S-245 from the last Parliament sought a targeted remedy for families serving Canada abroad.

With Bill C-3 now in front of us, we have a bill that not only aims to close the loopholes for "Lost Canadians" from the *Bjorkquist* decision but actually rewrites citizenship by descent in this country.

It is important to recognize that it was this chamber — composed of both a government caucus and an opposition caucus, each tied to national parties — that first set in motion the effort to remedy these inequities. It was the Senate's sober second thought, combined with senators' ability to elevate overlooked issues within their caucuses, which paved that way. Through careful study, principled advocacy and collaboration across party lines, the Senate played a decisive role in prompting Parliament to act.

With that history in mind, colleagues, it is concerning that a bill of such consequence — one that redefines citizenship by descent and addresses the rights of "Lost Canadians" — is before us for less than two weeks. If we take away the break week, colleagues, as Senator Tannas pointed out, we're talking about hours and days.

Few questions and bills demand sober second thought more than the question of citizenship in our country. From Senator Kinsella's initial efforts to the Harper government's attempts to strike the right balance, Parliament has historically approached this file with diligent care.

Yet, today, we see a different approach. We have a government using a judicial deadline imposed by the court as a reason to fast-track our deliberations on Bill C-3 and to eliminate, in effect, sober second thought. Instead of senators' conducting sober second thought focused on the content of the Citizenship Act and the potential consequences of Bill C-3 for Canadians and future generations, we are focused on meeting a deadline when it comes to the most fundamental element, our citizenship.

We were in the same situation with this bill's predecessor, Bill C-71, last year, limited to four panels for committee study. How can we express with certainty that sober second thought was exercised under these types of conditions?

It is important to point out again that the government came to this chamber on November 6 with a motion we agreed to at the time because of an impending court deadline of November 20. As I said in my second-reading speech, we supported the procedural motion to ensure we could meet the court's timeline. But then, on November 12, the Ontario Superior Court granted an extension of two months to January 20. Lo and behold, the crisis evaporated, a crisis we can now confirm the government had itself constructed for political expediency.

Colleagues, at that time, with the facts that we had before us, all leaders came together, and we made a deal. And being a responsible opposition, we will honour that deal.

But meanwhile, so far in this Parliament, we have received a very limited number of government bills. Outside of the mandatory supply measures, this chamber has dealt with exactly four government bills since May, colleagues. It's unprecedented after a general election, a government with such a clear mandate to be transformational for generations to come, and all we've seen since the month of May, colleagues, is Bill C-5, which in effect is an offshoot of the Speech from the Throne, Bill S-2, Bill C-3, and we're just beginning debate on Bill S-3.

That is the full extent of the government's legislative ambition to date. After 34 sitting days since the opening of Parliament, only one government bill has received Royal Assent. If this keeps up, Canadians will start wondering not what the Senate is doing, but what Parliament is doing.

Despite claiming to have an ambitious agenda, despite every committee being ready and willing to study government legislation, the government appears in no hurry to govern or certainly to have their governance face the scrutiny of Parliament. Yet, if we count the number of days the Prime Minister is jet-setting across the country trying to save us, I think that adds up to a lot more than even 34 sitting days.

What is unmistakably becoming clear, even at this early stage of this Parliament, is that political expediency has taken precedence over everything else. Public relations, navel-gazing and photo ops are more important than legislation building.

We had the Minister of Justice today. I asked him some very concrete questions, and he kept giving me answers of aspirational legislation that is coming. He couldn't come up with one piece of legislation to deal with victims' rights, never mind over the last 34 days, the last 10 years. But, "Trust us; wait and see; it is coming." It's always coming.

We were told that Bill C-5 had to be rushed through immediately, and that one, perhaps, could be understood in the context of an election promise. We rushed that through with the collaboration of both sides of the chamber. However, the inconsistencies between Bill S-2, Bill C-5 and Bill C-3 are glaring.

With Bill C-5, the government assured First Nations across the country that consultations could simply happen after the bill passed. They said, "Trust us," the most famous words I keep hearing from that government. I keep saying to be wary of any politician with gifts, let alone the comments along the lines of "Trust us."

Yet, with Bill S-2, the very same government refuses to meet the committee halfway on amendments to eliminate the second-generation cut-off, suddenly insisting that their duty to consult is essential and of utmost importance.

Then, with Bill C-3, they pivot once again, demanding that the Senate pass the bill immediately to eliminate the second-generation cut-off in the Citizenship Act, but this time for Canadians born abroad.

The truth of the matter, colleagues, is that we have a government that is not interested in respecting the parliamentary process and a Prime Minister who shows little interest in being present in Parliament or in carrying out the mandate Canadians entrusted him to do in a transparent way, in consultation with the role that we as parliamentarians have.

As for the content of this legislation, as parliamentarians, our duty is to uphold the intrinsic value of Canadian citizenship and to ensure that meaningful ties remain at its core. Any amendments to the act must be clear, coherent and easy to administer, not only for prospective citizens but also for the public servants responsible for applying the law. During the committee's last panel on Monday night, that's exactly what was referred to.

And it is not the first time. In 2008, during its study of Bill C-37, the same committee put forward an observation that the government rewrite the Citizenship Act to make it clearer and easier to administer for the civil servants who have to apply it. We have that responsibility, colleagues.

That is why the amendments adopted by the House of Commons Standing Committee on Citizenship and Immigration were so important, two of which I thought were most important. By anchoring the 1,095 days within a five-year window, they ensured that the substantial connection test actually reflected a meaningful link to Canada while adopting identical requirements for citizenship by naturalization and by descent.

Furthermore, by extending language and security requirements to citizenship by descent and adopted children, they strengthened integration and national security. Finally, by introducing annual reporting requirements to Parliament, they provided transparency and oversight on the real-world impacts of these reforms.

These amendments represented a constructive step toward a clearer and more coherent Citizenship Act. But they also highlight a broader concern that cannot be ignored — the need for genuine transparency and accountability from the government — a matter that this government unfortunately tends to place on the back burner, the first of two amendments I thought were the most important.

At the House of Commons Standing Committee on Citizenship and Immigration, a simple yet essential amendment proposed by MP Brad Redekopp was adopted. This amendment added no administrative complexity and did not change the scope of the bill at all. It simply required the minister to table, at the end of each fiscal year, a report before both houses of Parliament indicating how many people were granted citizenship as a result of the coming into force of this legislation, including their countries of citizenship other than Canada, where applicable, their most recent country of residence and the specific provisions of the act under which citizenship was granted. This is pretty reasonable, colleagues. In short, it was a transparency measure — a tool of parliamentary oversight — allowing Canadians and their representatives to assess the real impacts of such a significant legislative change.

• (1620)

Let us be frank: No one, not even the department, can currently say with precision how many individuals will become Canadian citizens because of this reform.

Colleagues, citizenship in Canada should not just be a piece of paper; it should be the most essential, valuable identity element of our nation. It has to be clear and transparent, and the government cannot take it lightly. If we do not have instruments to identify who is granted this important element of our identity, and how, what are we doing in this town?

I remember a former prime minister who not too long ago put out a simple tweet saying that Canada was open — come all and come free. The next thing we knew, we couldn't handle the people coming in at Roxham Road. We couldn't build hotels fast enough in Montreal, Toronto and across the country.

The catastrophe today — the cost of living and scarcity crisis we have in this country — is in large part due to irresponsible behaviour of that nature.

So when we put legislation as important as this forward, we need to be able to quantify the results.

During testimony at our committee on Monday evening, the assistant deputy minister stated that it is difficult to estimate the exact number of people who would be impacted by this legislation. That's not me saying it; it was the assistant deputy minister. Instead, they looked to 2009, when a little over 20,000 individuals came forward. Also, since the court decision, from January 2024 to July 2025, they've received over 4,200 applications already.

The minister herself confirmed this lack of data during her testimony before the House of Commons Citizenship and Immigration Committee. Questioned by a committee member, Minister Diab initially stated that she did not believe Canada collected exact control data. That was before correcting herself after a brief exchange with her officials.

That episode, colleagues, also illustrates the level of confusion at the highest levels of the department on the availability and reliability of basic data required to assess this bill's impacts. And it's not because this government hasn't hired more bureaucrats over the past 10 years; just look at the numbers.

When she was simply asked how many people would be affected by Bill C-3, the minister responded, "It's impossible to know the exact number . . ."

Mine is not an isolated observation. Andrew Griffith, former director general at Immigration, Refugees and Citizenship Canada, or IRCC, noted in his brief to the Social Affairs Committee that the quality of the information provided by the minister and her officials was "weak" and that confusion persisted even on the simple question of whether exit controls exist in Canada. Mr. Griffith added that IRCC publishes only 1 dataset on citizenship out of more than 100 available on the government's open data portal. He described this situation as ". . . woefully inadequate . . ." for a program of such importance, pointing out that the publication of data on citizenship certificate applications — the only measure allowing us to know how many people reclaim their citizenship — ceased many years ago.

He concluded that MP Redekopp's amendment was essential to ensure accountability.

In short, neither the department nor the minister can say how many people will see their status changed by this reform. The best estimate that we have is from the PBO — that, over a five-year period, Bill C-3 could affect around 115,000 individuals and cost millions of dollars. Yet the government chose to reject an amendment that would have addressed this gap by requiring an annual report to Parliament.

Then again, this is a government that finds Parliament a major inconvenience. God forbid we allow Parliament to play its role as a transparent agency.

In such a context of uncertainty, Parliament's role is not to sign a blank cheque to the executive; it is to ensure rigorous monitoring of the law's implementation. That amendment did exactly that: It imposed a reasonable accountability measure, consistent with democratic best practices and Canadians' expectations of transparency.

The second and most important amendment to me is the one that aligned the requirement of citizenship by descent and naturalization to 1,095 days within five years, which was ultimately rejected by the government in the other place at the report stage.

Under Bill C-3, an individual need only accumulate 1,095 days in Canada at any point before a child's birth. It's not exactly a very rigid criterion. They can do it possibly decades before they have that child, which means they might not have been in Canada for 20 or 30 years, but at some point in time, if they accumulated 1,095 days and were somehow able to prove it, here we are.

In the government's view, three years spent in Canada at any time constitutes a ". . . substantial connection . . . ." to our institutions, our values and our national community. Colleagues, it is common sense that citizenship by naturalization and by descent should operate on the same metrics: 1,095 days within a five-year period, together with the requirements for applicants to be aged 18 to 54, demonstrate proficiency in one of our official languages and meet appropriate security standards.

Greater global mobility does not require us to weaken our citizenship framework; it requires us to adapt responsibly while maintaining its integrity.

In the context of the PBO and even the minister herself being unable to say how many people this bill would affect, having a stronger substantial-connection test is not only reasonable but the responsible thing to do.

When the government cannot quantify the scope of the population it seeks to automatically confer citizenship upon, Parliament has an obligation to ensure that the framework is sound, measured and defensible. A more robust connection requirement acts as a safeguard against unintended consequences, preserves the integrity of citizenship and ensures that any expansion of automatic citizenship is grounded in evidence rather than guesswork.

In the absence of clear data, prudence is not obstruction; it is the very essence of sober second thought and what we should be doing in this place.

Not only was the amendment made to strengthen the substantial connection contained in our Citizenship Act, it was also done with a view of streamlining the Citizenship Act. The committee heard from Amandeep Hayer, representing the Canadian Bar Association, who recommended we need to stop using complex language and go to a very simple, consistent, easy-to-understand act.

Furthermore, collecting the evidence of someone making an entry and an exit over 10, 20 or 30 years to document 1,095 days could create an administrative burden almost impossible to follow. Imagine for a moment, colleagues, the administrative burden of tracking the entries and exits of individuals over 25 or 30 years, coming into the country for a few months or a few weeks, et cetera. Imagine that. We have a hard enough time collecting taxes in an efficient fashion — or tracking how many people around the world are not paying taxes. Percy Downe can remind us how efficient the Canada Revenue Agency is at doing that.

Imagine how the IRCC is going to perform in keeping track of all of this over a period of 20 or 30 years.

We hear stories where individuals or families were ordered to leave the country due to clerical errors. We read the story of Diana Calderón in the CBC.

I want to be clear, colleagues: I'm not blaming the IRCC public servants — far from it. The government came in with Bill C-3, added a new metric to be measured over an indeterminate period of time before a child's birth and dumped it on the public service to figure out. But at some point, we as parliamentarians need to help them facilitate how they deliver services to Canadians. It is our duty to do so. It is our duty to make sure that the bill and the services that the public service is required to carry out here are rational and practical.

By having it framed within a five-year period, like naturalization, the department already has the know-how to apply the policy. It makes sense, but yet again, the government decided it knows better than the committee and will impose the burden to implement this policy on the public service. It is saying, "You figure it out."

These amendments would have been a step toward simplifying an already overcomplicated act. This need is not new: In 2009, during its study of Bill C-37, our own Social Affairs Committee called for a complete rewrite of the Citizenship Act to make it clearer and easier to administer. With Bill C-3 — and with the thoughtful amendments adopted in the other place — we finally had an opportunity to move closer to that goal. That observation was echoed again in the committee's report on Bill C-3:

> Your Committee observes that the Citizenship Act has become increasingly complex and difficult for Canadians to understand. Given the many piecemeal amendments over decades, the Act would benefit from comprehensive modernization, including the adoption of plain-language drafting techniques.
>
> Simplifying the Act would enhance public understanding, reduce administrative burdens, and ensure that Canadians can more easily know and exercise their citizenship rights and responsibilities.

• (1630)

Unfortunately, that opportunity was deliberately taken away when the bill was restored to its original form at report stage. In that moment, every effort by the committee in the other place to strengthen the bill was dismissed with the flick of a pen.

And what makes this all the more troubling is that it occurred at the very beginning of this Parliament. In these early months, when the government should be setting the tone with coherent, thoughtful legislation, we are instead seeing disorganization and complete indifference toward Parliament. If this is how the session begins, we are left to wonder: Is this the tone Canadians should expect for the Forty-fifth Parliament?

What the sequence reveals is a troubling pattern: urgency when it suits the government's political narrative and delay when Parliament seeks to address inequities the government has chosen not to prioritize. We were told that the Senate had to move at an unprecedented speed to rescue the government from a deadline it claimed could not be shifted. Yet, last week, the same government quietly secured an extension. Parliament was not informed, senators had acted in good faith, and here we are, colleagues. This is not how a responsible government should work with a chamber of sober second thought, especially one that has shown, on both sides of the chamber, our willingness to be responsible and to be transparent. It undermines trust in the process and weakens parliamentary scrutiny. The next time the government has a deadline, will it be a real deadline or another one where the government will change the target at the last minute after this chamber acts in good faith?

As we conclude our deliberations on Bill C-3, citizenship is one of the most significant legal statuses our country confers. Our responsibility is twofold: to ensure the long-standing injustices facing "Lost Canadians" are finally resolved and to preserve the coherence, integrity and meaning of Canadian citizenship for future generations.

While our time with Bill C-3 was very limited and too short, I cannot stay silent on the common-sense amendment adopted by the Standing Committee on Citizenship and Immigration in the other place to even out the time frame of 1,095 days within five years between naturalization and citizenship by descent. We also heard this recommendation from Andrew Griffith during the Social Affairs, Science and Technology Committee, and it makes sense, colleagues, to at least clear up the language, add some uniformity and strengthen safeguards to Canadian citizenship.

I quote Andrew Griffith at the committee on Monday evening on the complexity of reading the act:

> . . . This addressed my main concerns regarding the difficulty for both applicants and the IRCC to administer Bill C-3, along with creating a stronger connection test. Processing time for citizenship proof has already increased from five to nine months' pre-Bill C-3 implementation. In my view, it would be irresponsible to add the additional administrative burden of determining 1,095 days of residence over a lifetime as opposed to five years on a department that is already struggling with meeting service standards.

Colleagues, with that, I move that Bill C-3 be not now read a third time but that it be amended in clause 1:

> (a) by replacing line 36 on page 3 with the following:
>
> "1,095 days during any period of five consecutive years before the person's birth; or"
>
> (b) by replacing line 28 on page 4 with the following:
>
> "1,095 days during any period of five consecutive years before the person's birth."

Honourable colleagues, I think this is a reasonable amendment. It brings integrity and transparency to the process. It will allow the objective of this bill to have a fighting chance because otherwise it would not be manageable on the part of the civil service.

Even though we have not been given an opportunity to pass other amendments that would also strengthen this bill — and I listened very carefully to the speech from Senator Arnot, who brought up many good points that needed to be addressed and won't be addressed unfortunately — this is a key element, one of four or five amendments that we have an opportunity to address. We should send it back, and I believe that without this amendment, this bill does not have a chance of surviving. I think this bill would not be applicable. The administration in Immigration, Refugees and Citizenship Canada would have a hard time making sense of this. It would be a failure to all of those "Lost Canadians" who do deserve legitimately to have bestowed upon them the right of Canadian citizenship, but it needs to be done in a fair, balanced way.

I move this amendment. I hope it garners support. I remind our fellow senators that at the end of the day, all these amendments will be decided upon by the elected House and the elected government, but I think it's incumbent on us to shed light where there is darkness right now and to push back even though the government has shown a propensity not to be open to common-sense sober suggestions. I think this is one, and I hope it does meet your approval. Thank you, colleagues.

MOTION IN AMENDMENT NEGATIVED

Hon. Leo Housakos (Leader of the Opposition): Therefore, honourable senators, in amendment, I move:

That Bill C-3 be not now read a third time, but that it be amended, in clause 1,

(a) on page 3, by replacing line 36 with the following:

"1,095 days during any period of five consecutive years before the person's birth; or";

(b) on page 4, by replacing line 28 with the following:

"1,095 days during any period of five consecutive years before the person's birth.".

[*Translation*]

Hon. Pierre Moreau (Government Representative in the Senate): Would Senator Housakos take a question concerning his amendment?

Senator Housakos: Yes.

Senator Moreau: I won't return to Senator Housakos' speech, because I disagree with a lot of what was said.

However, I clearly heard that one of the key items is that the senator wants to clarify the bill's language and make it more precise. Why is it that the English and French versions of the amendment do not match up, and why does the English version provide for a 1,095-day period while the French version provides for a 15-day period? Do you have a stronger preference for francophones or anglophones when it comes to the acquisition of Canadian citizenship, senator?

Senator Housakos: Thank you for the question.

People who know me know full well that English Canadians and French Canadians are equal in my eyes. It was probably a typing error that will not take long to correct —

The Hon. the Speaker: Senator Housakos, if I may, I'd like to say something.

As a rule, the lines don't always match up, but when we compare both versions, they are similar. It is important to refer to the full version for the purpose of comparison.

I wanted to correct you, Senator Housakos. That is not an error.

Senator Housakos: I imagine that the government leader received a version that differs from the one presented in this chamber, as happens from time to time.

Hon. Pierre J. Dalphond: Would you take another question? Thank you.

I see that, on the previous line of the French version of the bill, it says "mille quatre-vingt-," the missing number "quinze" appearing on the next line.

Your group proposed an amendment to the House of Commons that included three components: three years of residency in Canada in the five years preceding birth, knowledge of either official language and passing a security screening.

Am I to understand that your group now considers that a security screening and knowledge of either official language is no longer necessary?

Senator Housakos: Senator Dalphond, just to clarify, I'm talking about 1,095 days over five years, not 10 years, not 30 years, no more, no less. This is very clearly stated in the amendment.

We also have to remember that, for several years now, one of the important features of immigration and citizenship has been respect for Canada's official languages. There's a scoring system for candidates who speak French or English, especially on the French side for Quebec. There's an agreement in place with the Government of Quebec regarding immigration that must be respected.

Every person who applies to immigrate to Canada or obtain citizenship must absolutely pass a security screening. This isn't in my amendment, but this is something that exists in immigration and is assumed.

My amendment specifically aims to change a principle in the bill whereby a person must remain in Canada for 1,095 days, but that's over an indefinite period. It isn't defined clearly. I want a clear definition, namely 1,095 days over the past five years.

Finally, all the other elements that are in the bill will be respected by Immigration, Refugees, and Citizenship Canada. With regard to bilingualism and security screening, no one wants to change that; it's not an issue, senator.

• (1640)

Senator Dalphond: The committee evidence shows that your colleagues in the House of Commons stressed the fact that it was unacceptable for a person born outside of Canada who has lived in Canada for 1,095 days not to prove that he or she is proficient in French or English, or not to be tested on his or her knowledge of Canadian culture, and complete a security screening. Your amendment today is much more limited than the one by your colleagues in the House of Commons. Am I to understand that you disagree with your colleagues in the House of Commons, and you think that they were asking too much? Have you decided to be more reasonable today and ask for less?

Senator Housakos: Senator Dalphond, for an independent senator, you seem really concerned about what goes on in the House of Commons. We, the Conservatives in the Senate, are not so concerned about what goes on in the other place. Our concerns centre on our responsibilities in this place, as senators, and I invite you to take up this principle with us.

[*English*]

The Hon. the Speaker: Will Senator Housakos accept a question?

Senator Housakos: Absolutely.

Hon. Krista Ross: I have a question about Canadians who are born overseas, and then they move and perhaps live in Canada most of their life, but perhaps they work in the diplomatic service, as some of our esteemed members have. Diplomatic appointments can be as lengthy as four years. That would mean they did not live in Canada for 1,095 days during a three-year period over the previous five years.

How would exceptions be made for people in this type of a situation? Conceivably, after a four-year appointment, they might move back to Canada or they could be appointed to another country. And in addition to that, there are people who work overseas yet have lived most of their life in Canada, but perhaps it's not during a direct five-year period prior to having a child overseas.

Senator Housakos: It is a good question. This bill can be confusing, senator. This bill does not apply at all in the case of what you are thinking of. I will break it down more simply.

My wife and I are both Canadian citizens born and raised here. For diplomatic or work reasons, if we go halfway around the world and live somewhere else while our children are born, then our children are automatically Canadian citizens. It has no impact. For any diplomat or bureaucrat working overseas, if they or their spouse is Canadian, their child becomes an automatic citizen.

Where this bill kicks in is if that child never repatriates and never comes back to Canada and gets married abroad. It applies to the third generation born overseas who has never come to Canada. For those diplomats, if their child is living in Thailand, for example, and has never set foot in Canada, that is where this bill starts to kick in and apply.

Senator Ross: I think you have misunderstood my question. Perhaps that career diplomat was born overseas. Perhaps their parents were career diplomats. You or your wife were born overseas. You come back, live in Canada, spend time here and then you become a diplomat, so you are overseas and you have your children there, and you were born overseas but have been living in Canada for most of your working life or educational life. However, perhaps in that four-year period, you were not.

Senator Housakos: First, I believe there are exemptions in the immigration act for diplomats specifically. Again, I do not think that your question would apply to this particular bill.

It would apply to children who are born to Canadians. They receive their citizenship, and for their children to be passed on in that third-generation sequence, they would need to have some kind of connection here.

Again, to join the Canadian diplomatic corps and to pass a diplomatic corps test, you have to be a Canadian citizen residing here. The case that you are talking about is somebody born in, for example, Thailand but has never lived in Canada, yet they have Canadian citizenship and they apply to join the Canadian Foreign Service. I guarantee you they would not be allowed entry into the Canadian Foreign Service.

Senator Ross: That is actually not what I said.

However, let's say they are not diplomats. Let's say they work for a Canadian company overseas, and they are working in Holland. They have perhaps been born overseas. They lived in Canada and received their education in Canada, but as an adult, they move and work for five years overseas. It is so limiting to say it has to be within a five-year period.

Senator Housakos: I am having difficulty understanding your question. Even now I am trying to repeat your language. Somebody is born here, raised here, goes overseas and lives overseas —

The Hon. the Speaker: Would you like a clarification of the question, Senator Housakos?

Senator Housakos: I would love that.

The Hon. the Speaker: Senator Ross, would you repeat the question, please?

Senator Ross: I will try.

You spoke of you and your wife. Let's say you were born to Canadian parents, but you were born overseas. Then they finished their service with whatever company they were working with or whatever work they were doing. They came back to Canada; they brought you with them. You were educated and brought up here.

However, as an adult, you decide to work maybe for five years for a corporation overseas — it might even be a Canadian corporation. You have children while you are there. They are born overseas. You are Canadian, although you were not born

here, yet you have lived here, but not necessarily for 1,095 days in that five-year period. I am wondering why you want to limit it to a five-year period — three years out of five years.

Senator Housakos: I am using your example: If I had a child overseas and that child never came back to Canada at all, and if they had no connection to the country and spent 20 or 30 years away from Canada — I am trying, but I really don't understand. I am trying, but I really do not understand or see the logic in it.

The Hon. the Speaker: Do you have one more question, Senator Ross?

Senator Ross: I will phrase this as a question, but perhaps if one of my colleagues understands what I am trying to say and could explain it in a better way to Senator Housakos, my question would be: Would you ask that question?

The Hon. the Speaker: I see two senators standing. Is it for a question or on debate?

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): I am on debate. Honourable senators, I rise today on behalf of the Government Representative's Office to speak in opposition to our honourable colleague's proposed amendment to Bill C-3.

I want to start by thanking the chair of the Social Affairs Committee, the steering committee and the entire committee for their work. I want to thank Senator Arnot for his careful consideration of this bill, his work on it, his analysis and the work that he will do going forward. I speak on behalf of the Government Representative's Office when I say that we want to help you get that work done.

I also want to thank Senator Youance for pinch-hitting today. We are grateful. You did a fantastic job.

Colleagues, this amendment would only add further barriers to citizenship — which I believe is the point Senator Ross was trying to make — which counters the very objective of this legislation before us. Under the Citizenship Act, there are three ways to acquire Canadian citizenship: birth in Canada; naturalization by immigrating to Canada and acquiring Canadian status; or descent, which is birth outside Canada to a Canadian citizen parent.

Bill C-3 amends the Citizenship Act in order to extend access to citizenship by descent beyond the first generation. Once passed, Bill C-3 would automatically confer citizenship by descent to all those born abroad to a Canadian parent before the coming-into-force date of the legislation.

For those born after the coming-into-force date, there will be a new framework governing citizenship by descent, where citizenship by descent can be passed on beyond the first generation only if the Canadian parent can demonstrate a substantial connection to Canada, defined as 1,095 cumulative days of physical presence in Canada.

Bill C-3 would also create a simplified process to renounce citizenship for people born before the coming into force who would automatically become citizens as a result of the bill but who do not wish to be Canadian.

The bill would further provide access to a direct grant of citizenship for persons born abroad and adopted by a Canadian citizen parent born abroad. As with biological descent, foreign-born parents of individuals adopted abroad after the coming into force of the bill will have to meet a substantial connection test.

More importantly, colleagues, Bill C-3 responds to a court ruling on unconstitutionality.

On December 19, 2023, the Ontario Superior Court of Justice declared unconstitutional key provisions from 2009 setting out the restriction to citizenship by December to the first generation born abroad.

• (1650)

These provisions provided that children born outside of Canada to a Canadian citizen beyond the first generation did not automatically acquire Canadian citizenship at birth. The court found that this first-generation limit contravened section 6 mobility rights and section 15 equality rights of the Canadian Charter of Rights and Freedoms. Consequently, without Bill C-3, Canadians would be able to pass on citizenship to their children in perpetuity, regardless of their connection to Canada.

The Government of Canada did not appeal the court's ruling, because it agreed that the law as it currently stands has had unacceptable consequences for Canadians whose children were born outside the country.

Bill C-3 aims to strike a balance, establishing reasonable limits to automatic citizenship by descent while protecting the rights and privileges associated with Canadian citizenship. As the Minister of Immigration, Refugees and Citizenship, Lena Metlege Diab, stated before our Standing Senate Committee on Social Affairs, Science and Technology:

> Bill C-3 ensures that a child born or adopted abroad by a Canadian with a substantial connection to this country has access to citizenship, no matter which parent passes it on or where the family lives. That substantial connection must be proven through physical presence in Canada for at least 1,095 days before the child's birth or adoption.

She went on to say in French that Bill C-3 aims to ensure that no Canadian family is left behind in terms of citizenship because of outdated rules. It guarantees fair treatment, preserves equality and honours the generations of Canadians who have chosen to live abroad while maintaining their roots here, in their homeland.

Indeed, colleagues, Bill C-3 is designed to allow Canadian parents who give birth abroad to pass on citizenship to their children beyond the first generation as long as they can show that substantial connection to Canada, defined as the three years spent in Canada at any point before the child's birth. This flexibility

recognizes that Canadians living overseas can still maintain deep, genuine ties to Canada, even if their time here is spread across different stages of their lives.

The 1,095 days criterion was aligned with other parts of the Citizenship Act in terms of how someone could demonstrate a connection to Canada. It was designed to reflect the way that Canadian families live today. It gives them the flexibility to live their lives abroad and to continue to maintain a connection with Canada.

Senators, we are talking about citizenship by descent — for those born to Canadian parents abroad — versus the grant pathway where we are talking about foreign nationals who become permanent residents and pursue citizenship to become a Canadian citizen here in Canada.

By contrast, the proposed amendment would confine the 1,095 days, which is three years, to a single consecutive five-year window. Department officials have stated that such restrictions could likely create a new cohort of "Lost Canadians." Many families who live abroad return regularly to Canada, maintaining community ties and spending significant time here but not necessarily packing all 1,095 days into a five-year span. In fact, some may have spent far more than three years in Canada overall, just not within the narrow time frame the amendment requires. By imposing that limit, we risk excluding parents who clearly have strong connections to Canada and preventing them from passing citizenship to their children by descent.

By way of example, officials noted scenarios whereby families living abroad who have children outside of Canada come back to Canada over the years — for example, visiting grandparents, aunts, uncles and connecting with their families here in Canada. They may not spend 1,095 days within five consecutive years in the country, but they take their love of this country abroad and continue to be global citizens as well as Canadian citizens.

That does not even account for all of those grandparents travelling to visit their children or grandchildren in other countries, as well.

Communication and connection are maintained in a variety of ways.

By enforcing that tight limitation on them, you may then exclude them from citizenship by descent or from being able to pass on citizenship through descent to their children. That, in turn, may create another cohort of "Lost Canadians."

Given that there are two different pathways — one where they are born to Canadian citizens and one where foreign nationals become permanent residents — Bill C-3 allows additional flexibility to allow Canadians living abroad to pursue the opportunities and lifestyles they wish while knowing that they can still maintain a connection to Canada.

It is the government's view that Bill C-3, as drafted, responds to the court's ruling on unconstitutionality while providing flexibility. Canadians living abroad can and do maintain strong connections to our country. By restricting the time frame, we disregard the reality that many Canadians face and risk creating a new cohort of "Lost Canadians."

For these reasons, the government does not support the amendment.

Canadian citizenship provides us all with a deep sense of belonging to the diverse and democratic country we all call home. I respectfully urge us to pass this legislation as is without further delay to limit prejudice to Canadians and to ensure a timely response to a ruling of unconstitutionality.

Colleagues, I thank you for your kind attention.

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

All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: Is there agreement on the length of the bell?

An Hon. Senator: Thirty minutes.

The Hon. the Speaker: Is leave granted for 30 minutes?

Hon. Senators: Agreed.

The Hon. the Speaker: The vote will be held at 5:27.

Call in the senators.

• (1720)

Motion in amendment of the Honourable Senator Housakos negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Adler	Martin
Ataullahjan	McPhedran
Batters	Miville-Dechêne
Carignan	Patterson
Downe	Quinn
Housakos	Robinson
Lewis	Smith
MacDonald	Verner
Marshall	Wallin—18

NAYS
THE HONOURABLE SENATORS

Al Zaibak	McBean
Arnold	McNair
Arnot	Mohamed
Aucoin	Moncion
Boehm	Moodie
Boudreau	Moreau
Burey	Muggli
Cardozo	Osler
Clement	Oudar
Cormier	Pate
Cuzner	Petitclerc
Dalphond	Petten
Dasko	Prosper
Deacon (*Nova Scotia*)	Pupatello
Deacon (*Ontario*)	Ravalia
Dean	Ross
Duncan	Saint-Germain
Forest	Senior
Gerba	Simons
Gignac	Sorensen
Greenwood	Surette
Harder	Tannas
Hay	Varone
Hébert	Wells (*Alberta*)
Kingston	White
LaBoucane-Benson	Wilson
Loffreda	Woo
MacAdam	Youance—56

ABSTENTION
THE HONOURABLE SENATOR

Ince—1

• (1730)

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Youance, for the Honourable Senator Coyle, seconded by the Honourable Senator Arnot, for the third reading of Bill C-3, An Act to amend the Citizenship Act (2025).

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

Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

(*At 5:34 p.m., pursuant to the order adopted by the Senate on November 6, 2025, the Senate adjourned until 1:30 p.m., tomorrow*.)

CONTENTS

Wednesday, November 19, 2025

PAGE

SENATORS' STATEMENTS

ROUTINE PROCEEDINGS

PAGE

QUESTION PERIOD

CONTENTS

Wednesday, November 19, 2025

ORDERS OF THE DAY