



CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Thursday, January 31, 2008**

—  
**Speaker: The Honourable Peter Milliken**

## **CONTENTS**

(Table of Contents appears at back of this issue.)

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# HOUSE OF COMMONS

Thursday, January 31, 2008

The House met at 10 a.m.

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*Prayers*

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## ROUTINE PROCEEDINGS

• (1005)

[*English*]

### CONFLICT OF INTEREST AND ETHICS COMMISSIONER

**The Speaker:** Pursuant to section 15(3) of the Conflict of Interest Code for members of the House of Commons, it is my duty to lay upon the table the list of all sponsored travel by members for the year 2007 as provided by the Conflict of Interest and Ethics Commissioner.

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### CANADIAN WHEAT BOARD ACT

**Hon. Raymond Simard (Saint Boniface, Lib.)** moved for leave to introduce Bill C-498, An Act to amend the Canadian Wheat Board Act (members of the board).

He said: Mr. Speaker, I am pleased to rise in the House this morning to introduce my private member's bill to further democratize the Canadian Wheat Board. All Canadians have seen how this new government has tried everything to bypass the proper legislative process in order to kill the Wheat Board, one of the most successful institutions in Canadian history.

This bill will strengthen the position of the board of directors, composed of a majority of elected western producers, and will ensure that this government and future governments will have a duty to consult with the board prior to making substantive changes. These types of safeguards should not be required, but this anti-democratic government has shown that even a Federal Court decision will not deter its infatuation to kill the Wheat Board.

This bill will also ensure that western producers are treated fairly and that any plebiscite question on the Wheat Board's future will be clear and concise.

(Motions deemed adopted, bill read the first time and printed)

### HERITAGE LIGHTHOUSE PROTECTION ACT

**Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC)** moved that Bill S-215, An Act to protect heritage lighthouses, be read the first time.

He said: Mr. Speaker, it is a pleasure for me to rise today to table Bill S-215, An Act to protect heritage lighthouses. Despite broad support for this bill from all parties, similar legislation has failed in the past.

All but two provinces in Canada have heritage designated lighthouses, therefore making this a national issue. Without proper designation and protection, these important structures can be arbitrarily altered or disposed of without public consultation. Lighthouses hold significant historic importance and Bill S-215 will ensure that they are properly cared for.

I sincerely hope that members of the House can come together to pass this heritage lighthouse protection act.

(Motion agreed to and bill read the first time)

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### COMMITTEES OF THE HOUSE

#### STATUS OF WOMEN

**Mrs. Irene Mathysen (London—Fanshawe, NDP):** Mr. Speaker, I move that the first report of the Standing Committee on Status of Women presented on Thursday, November 29, 2007, be concurred in.

As we all know, having heard consistently from NGOs and witnesses to the Standing Committee on the Status of Women, human trafficking in Canada and in the Vancouver area in particular is a problem that governmental and non-governmental authorities are only beginning to confront. Profound concerns have been raised that the 2010 Olympic Games in Vancouver will present an opportunity for the trafficking of human beings, for the enslavement of young women and children, and I know the government is very concerned and is interested in hearing this important debate today.

On May 29, 2007, the Standing Committee on the Status of Women recommended:

That the government, in collaboration with provincial and municipal counterparts as well as experts from the police, international organizations and NGOs, develop and implement a plan prior to the opening of the 2010 Olympics to curtail the trafficking of women and girls for sexual purposes during the games and after.

*Routine Proceedings*

As we know, big sporting events such as the Olympics or the World Cup of soccer are known to generate an increase in prostitution, which in turn leads to a rise in human trafficking.

A recent report by the Future Group, an anti-human-trafficking NGO, said that during the 2006 World Cup in Germany authorities implemented a wide range of actions to combat human trafficking during the event, with some success. The result was that, while there was an increase in prostitution, authorities did not detect a rise in human trafficking.

However, when Greece hosted the Olympics in 2004, the measures adopted were not as extensive as those in Germany and a 95% increase in human trafficking was recorded for that year. That is cause for profound concern among Canadians, particularly those in the Vancouver area.

Human trafficking is the biggest money-spinner for organized crime, after drugs and firearms, and it has been steadily increasing. We know what the effects of illicit activity are in terms of the impact on our communities, our way of life and our sense of safety, so human trafficking is right up there with drugs and firearms. It is clearly cause for concern.

It is estimated that the number of people being trafficked to or through Canada each year could be as high as 16,000. We are not sure because the traffickers are very careful and clever in the ways they keep these numbers secret and of course one of those ways is through violence, through abuse and coercion of victims.

Traffickers tell victims that the police will never believe them or that they cannot get away. They threaten them with personal violence and violence against their families, with death and the death of family members. Therefore, many women are compelled to remain silent. However, at this point, we know that at least 16,000 people are trafficked. That is an exorbitant and incredible number.

In the international human trafficking trade, Canada serves as both a destination country and a transit country. It is a source country as well, with young aboriginal women, mainly from the Winnipeg area, being the most likely victims. We know about the stolen sisters, the 500 missing women, the 500 daughters and young mothers. We do not know where they are. Their families do not know where they are. This has caused incredible pain and disruption in a community that is already suffering as a result of racism and poverty.

Let us imagine losing a child or a sister and not knowing what happened to her, never hearing from her again and never knowing the outcome of that disappearance. Women from reserves are being taken away and trafficked, either within the country or across the borders. Again, they are our sisters, our daughters and our children, never to be seen again.

• (1010)

Globally and nationally, the majority of trafficked persons are women and children. That includes boys. Many are forced into the sex trade. It is estimated that up to 4 million are sold worldwide into prostitution, slavery or forced marriages.

These are the people suffering the effects of poverty, military disruption or civil war. They are lured by promises of safety, of a job, of a better life and the ability to transfer their families to a country

where they can be safe. Unfortunately, these lures and promises are a trap and a deception. These young victims end up in slavery and despair.

Vancouver was singled out in the U.S. state department's "2007 Trafficking in Persons Report" as a destination city for trafficked persons from Asia. The report also stated that a "significant number" of victims, particularly South Korean females, transit Canada before being trafficked into the United States.

Clearly Vancouver is already a point of concern. The Olympics of 2010 will exacerbate that. According to the Future Group, undercover police investigations have revealed the use of student or visitor visas to spirit young women from Asia into the sex trade in Vancouver and then on to other cities, including Calgary.

In 2005 the federal government made human trafficking a criminal offence. Legislation was introduced to prevent work visas from being used to traffic women and measures were recommended by the Standing Committee on the Status of Women to provide victims with temporary residence, medical care and support. I hope we are serious about making sure that the recommendations of the committee are firmly in place. They would go a long way in terms of addressing this problem, which is of profound concern.

As I said earlier, we have learned some lessons with regard to international sporting events. What we have learned is that there are two main ways that international sporting events may affect human trafficking in the host country. The first is by contributing to a short term increase in demand for prostitution and other forms of sexual exploitation in and around the locale of the event. The second is by facilitating entry of trafficked persons as visitors before they are transited to other countries and cities and exploited in those locations.

There is relatively little research on the impact of international sporting events on human trafficking, but what is clear is that the countries that have hosted recent international sporting events have had to take the threat seriously, as will those countries that will be hosting upcoming international sporting events. We simply must take this threat seriously.

For example, London metropolitan police commissioner Sir Ian Blair has appointed a new assistant commissioner specifically to act as head of security for the 2012 Olympic Games in London, England, with a mandate to deal with terrorism threats, human trafficking, illegal construction workers and counterfeit operations.

The 2006 German FIFA World Cup provides lessons on the importance of preventative efforts to reduce the attractiveness of such events to traffickers. There is evidence that human trafficking increased during the year of the 2004 Olympic Games in Athens, where preventative measures were not as extensive as those taken in 2006 in Germany.

*Routine Proceedings*

In 2006 in Germany about 3.36 million people attended that sporting event. After widespread international concern about the threat of an upsurge in human trafficking in connection with FIFA, German authorities, together with local and international non-governmental organizations, pursued a wide range of activities aimed at preventing the possible exploitation of this major international event by human traffickers.

When we invite the world to the 2010 Olympics in Vancouver, we are going to want the world to see what a progressive, safe, remarkable country we have here. We would never want that impression to be blemished by the activities of human traffickers.

●(1015)

Therefore, the Germans adopted a range of measures and these have been relatively successful, or at least were relatively successful. Germany coordinated state and federal police forces before and during the World Cup through the FIFA 2006 World Cup national security strategy and the framework strategy by the federal and state police forces for the World Cup.

These frameworks provided for uniform standards on the investigation and prevention of human trafficking, among other matters. They were intended to build and improve upon existing efforts to combat forced prostitution and human trafficking.

Federal and state police in Germany also worked with special counselling services, NGOs, host cities, churches, sporting associations, and others to identify stakeholders that could assist with public education campaigns, prevention activities, identifying potential victims and providing services to rescued victims.

It is absolutely key to provide services and ensuring that these young women are rescued and have a safe haven where the effects and the realities of human trafficking can be addressed.

Non-governmental organizations and special counselling organizations conducted a range of activities aimed at preventing forced prostitution and human trafficking both during and after the World Cup in Germany. These activities included public events, discussions, press conferences, interviews, information desks, posters and leaflets to let people know and understand the extent and the severity of the problem. They conducted mailing campaigns, education and information forms via radio and television.

Telephone hotlines were set up. These are very important because the one thing that has become very clear in our research is that these young women and girls are completely cut off. They are isolated. They are robbed of their travel documents, their money, and their ability to communicate what is happening to them. These telephone hotlines were very important.

There were websites so that people could access information, and of course information about the assistance available at shelters. I would hope that Vancouver is going to be diligent about making sure that these kinds of measures are in place and that the shelters and the NGOs have the ability to provide aid.

One of the leading campaigns supported by the German federal government was designed by the National Council of German Women's Organizations and called "Final Whistle—Stop Forced Prostitution". Another preventative campaign involved the Interna-

tional Organization for Migration and the Swedish International Development Cooperation Agency.

These organizations joined forces in a prevention campaign to raise awareness among fans that women would likely be trafficked into Germany in response to an expected increase in demand for prostitution. It included a provocative television ad, a website, and information about a hotline to anonymously report information of suspected human trafficking or forced prostitution to the German authorities.

This makes absolute sense. Most of the people attending that sporting event were there to see the best and the finest in athletic participation. To have that event sullied by human trafficking, by sexual slavery, I am sure was abhorrent to most people.

However, we know that because of the incredible amounts of money that can be coerced and appropriated by forced prostitution and trafficking, there will always be that temptation. Having the fans on the alert was a very important step.

Federal and state police focused their investigative activities related to forced prostitution and human trafficking in and around the host cities because it is not just in one place. It is in the region.

These measures included: a greater police presence, both uniformed and plainclothes, at high risk venues; raids conducted in known areas involving the sex trade; temporary reinstatement of border controls at federal borders; formation of new and strengthening existing specialist police task forces; contact with police informers in relevant high risk areas; increasing awareness among hotel and accommodation staff; coordinating with authorities and event sites; and liaising with the social service agencies and special counselling services.

●(1020)

What is clear, as a result of the evidence taken at the 2006 World Cup in Germany, is that an expectation of increased demand for prostitution did in fact take place. However, as a result of the extensive immigration law enforcement measures and the plan that I have just outlined taken by the German government, the majority of the prostitutes were not likely international victims of human trafficking, but from the existing domestic supply of prostitutes from elsewhere in Germany where prostitution is legalized. Accordingly, while prostitution increased as a result of the 2006 World Cup, the number of reported human trafficking cases likely did not increase substantively.

Conversely, or by way of comparison, in Athens in 2004 there was a huge number of people present, over 10,000 athletes, 45,000 volunteers, 21,000 media representatives and over one million tourists at the gates. Efforts taken to address the possibility of human trafficking were not as extensive. The end result was that there was far more trafficking into the 2004 Olympic Games than in the 2006 World Cup.

*Routine Proceedings*

These, of course, were victims from Eastern Europe and we know who they are. They are young women who live in poverty. They are young women perhaps with small children who do not know how they are going to provide for them. They are young women looking for something more than that very impoverished lifestyle that they lead and are therefore easily seduced by those who would do them harm and do harm them.

I have some recommendations here that I think are very important. I would like to read them into the record because they provide that possibility and hopefully the framework that we could adopt to make sure that the travesty experienced at some sporting events is not repeated here.

Effective action to combat human trafficking involves a three-pronged approach: first, prevention of human trafficking by working with source countries to address root causes, including deterring the demand side of the industry; second, protection of trafficking victims includes rescue, rehabilitation and, when appropriate, repatriation and reintegration back into the home country; and third, prosecution of traffickers and commercial sex users in criminal proceedings.

Countries that have been most effective in combating human trafficking have adopted a clear legal framework to protect victims and prosecute offenders. They have devoted sufficient financial resources to enforce their laws and support victim recovery. They have demonstrated a high degree of cooperation between law enforcement, government agencies and non-government sectors, and coordinated their international development efforts to deal with root causes of poverty and corruption in source countries. I would say that we would do well to address the root causes of poverty in our own country.

•(1025)

These countries show their success with a steadily increasing number of trafficking victims protected and traffickers prosecuted. The government of Canada has begun to take several steps toward combating human trafficking such as making human trafficking a Criminal Code offence, adopting measures to provide victims with temporary residence and medical care, and introducing legislation to prevent work visas from being used to traffic women.

The B.C. government has recently created the B.C. Office to Combat Trafficking in Persons. All of these measures are laudable, but they are only the first step. The key is proper implementation and funding, and it is less clear that is taking place. That is my concern and the impetus of this debate.

To date not a single person has been successfully prosecuted for the offence of trafficking in persons under the Criminal Code and only a handful of victims are known to have received protection until the recent 2006 citizenship and immigration guidelines on human trafficking. We must be more aggressive. We must do what we can. We must pursue the kind of remedies that were pursued in Germany for the sake of all women, here and abroad.

•(1030)

**Ms. Judy Wasylycia-Leis (Winnipeg North, NDP):** Mr. Speaker, I thank my colleague, the member from London, who gave a very important address to the chamber regarding a serious issue pertaining to sex trafficking as it relates to the 2010 Olympics. She gave us a

very detailed description of the problem, cited some of the recommendations, and commented on the work of the parliamentary status of women committee.

In particular, she referenced the motion of her committee dated November 26, and it is a very clear motion calling on the government for an action plan.

My question is whether or not she is aware of any response from the government to the recommendations of the committee. I note that there are numerous suggestions and recommendations from various quarters and other countries.

In particular, I note that the British government has already issued an action plan in anticipation of the Olympics in 2012. It has announced the U.K. action plan on tackling human trafficking. This was done last March. That plan aims to protect victims through improved support services, victim detection, increased awareness campaigns and enforcement activity.

I know that there have been various efforts made and initiatives started in terms of leading up to the 2010 Olympics, but can my colleague tell me if there are any plans coming out of the government, anything that is equivalent to the U.K. action plan?

**Mrs. Irene Mathysen:** Mr. Speaker, the issue that my colleague raises is the very reason for this debate and that is our concern that there has not been a great deal of activity to date in regard to addressing problems around 2010.

I know that last year the government introduced a bill to limit the entrance of exotic dancers into Canada, but I have not heard a great deal more in regard to anything more concrete than that. I do know that as late as November 2007, when the head of security, the person appointed to address security for the 2010 Olympics, was asked about the issue of human trafficking, he indicated that it had not really hit his desk yet, that it had not been taken into consideration.

Of course, time is passing and there is a great deal to do. Clearly, if the British are already planning for 2012, we may have to do some catch up. For one thing, we have to get the word out to Canadians. We have to have an extensive information campaign in Vancouver. We have to let residents know about the dangers. We have to advise those providing accommodation, hotels and people who will be providing places for tourists. We have to make sure that the coordination is placed between local police, the RCMP, regional police forces and the NGOs who are going to, hopefully, provide services to support any women who are trafficked.

My fear is that time is getting away from us and not enough has been done. I would encourage the government to look carefully at the recommendations from the committee on the status of women and look carefully at the work done by some of our laudable members on the government side who have taken this issue very seriously to the credit of Parliament. This issue has been taken very seriously, but we need to act. We cannot just wring our hands and wish that the problem was going to be addressed. We have to do something substantive.

*Routine Proceedings*

•(1035)

**Hon. Karen Redman (Kitchener Centre, Lib.):** Mr. Speaker, this is a very important issue and one on which I know members of our caucus have worked long and hard. They will be speaking to this issue later this morning.

Could the member tell us what concrete steps the government should take for the trafficking of Canadian women and girls within Canada?

I know she is focused on the issues surrounding the Olympics in 2010 and, while that is of concern and should be anticipated, the government needs to take action in anticipation of that.

I was wondering if she would comment on the issue that exists as we speak today of Canadian women and girls who are being trafficked and what we need to do to combat that.

**Mrs. Irene Mathysen:** Mr. Speaker, we do have an issue in our own backyard.

One of the first and most important recommendations of the Committee on the Status of Women in regard to addressing the trafficking of women within our country was the issue of poverty. Poverty and lack of opportunity is at the centre of the kind of despair and vulnerability that makes young women susceptible to the lures of those who promise them jobs and who say that they love them. They use all kinds of seductions. Affection, love and the promise of a better life are part and parcel of that.

For young women who grow up in the inner city, young women in rural areas or young women on reserves where there are very few resources, they are very susceptible to that kind of seduction.

We need to address poverty in this country and we know that it exists. We know one in six children are living in poverty and do not have the kind of opportunities that will help them to grow into productive and secure citizens who would not be so lured.

We need to have cooperation among police forces and we know there has not always been the lines of communication. Local police, regional police and national police need the expertise to identify victims of trafficking.

In my city of London, we received a phone call from a family that was concerned about a young woman who had come as a domestic worker into the home of a neighbour. There was a very strange reality about the relationships in that household. They called the office and we suspected that there could well be a case of human trafficking in London, Ontario, a place that regards itself as safe and where these things simply do not happen. I think there is a lot of communities like that. They believe that this simply does not happen in their town or city. That coordination needs to be in place.

We need to support our NGOs, those non-governmental organizations that provide information, support and understand the problem. We need to ensure they have the resources they need.

We also need to ensure that women's shelters are properly funded. We know that we do not have enough in this country. In the city of London, for every one woman who is able to find security in a shelter, another woman is turned away. We also need an understanding of what women are experiencing.

We need to ensure that all the support systems are in place: medical care, the ability to stay in this country, the ability to seek counselling and the ability to be protected by the law so that these women can, in safety and security, confront the perpetrators, those who have tormented and tortured them. I would suggest that work be done.

**Mrs. Joy Smith (Kildonan—St. Paul, CPC):** Mr. Speaker, I commend my colleague from London—Fanshawe for once again bringing this motion on the issue of human trafficking to the House.

Human trafficking has become a big issue in Canada. After two attempts to get this issue to the status of women committee, I finally got it there. I must commend my colleague for being a part of that committee and getting on the human trafficking issue.

The Government of Canada takes this issue seriously and is taking real action to address this horrendous crime. Several initiatives have already taken place. It is hard to get a hold on the crime of human trafficking. Things need to be put in place quickly to help the victims and our government has done just that. We have taken quick action to implement laws and programs that are helpful to the victims.

In 2007, the Minister of Citizenship and Immigration announced changes to the guidelines for immigration officers to help victims escape the influence of traffickers. The new guidelines extend the length of the temporary resident permit, or TRP, for which victims are eligible from 120 days to 180 days. In individual cases it can be extended beyond that.

With respect to our actions on improving the guidelines to help victims of human trafficking, the president of the Canadian Council for Refugees said:

These measures mean that the government will begin to treat trafficked persons, often women and children, as victims of a crime, rather than as people who should be detained and deported. Like many other organizations, the CCR has been calling for this policy change for several years – we are very pleased....

I must commend members on all sides of this House who have worked hard with our government to ensure that action was taken very quickly.

We have also introduced legislation to help prevent the potential exploitation and abuse of foreign nationals seeking to work in Canada. Bill C-17, which is in committee right now, would help prevent the sexual exploitation and abuse of foreign nationals seeking to work in Canada. It would also address an important gap that currently exists in the Immigration and Refugee Protection Act.

The proposed amendments in Bill C-17 would give the Minister of Citizenship and Immigration the authority to instruct immigration officers to deny work permits to individuals who might be at risk of exploitation or abuse should they enter Canada.

Why is that so important? It is important because our law enforcement and NGOs are beginning to understand how easily it is for innocent victims to be trafficked into Canada. As the member for London—Fanshawe said, traffickers become friendly with girls travelling alone. They will convince her that she can have a new life in Canada. They show her how she can get through customs and often the perpetrator is going through customs at the very same time.

*Routine Proceedings*

The training video for RCMP officers on the human trafficking issue shows how this happens. I was at an event last night where the RCMP video was shown. People need to understand the nature of human trafficking and what happens to these women. Border guards need to be trained and alert. They need to wonder why a girl is travelling alone. They need to ask her questions and listen very carefully to her answers.

● (1040)

Bill C-17 would provide a window for protecting the most vulnerable young men and women. People think it is only women but it is not. Without the authority in Bill C-17, our immigration officers are not able to deny a work permit to someone meeting all the requirements to enter the country, even if they believe there is a strong possibility of exploitation and abuse.

The fact is that a gap exists where people can supposedly meet all the requirements but red flags should go up all over the place when a girl is alone. One must wonder why she cannot answer the questions in quite the way she should.

With respect to Bill C-17, we have strong support from various stakeholders because they have experience working with trafficked people and they know the gap was there, which was frustrating.

Sabrina Sullivan of The Future Group said:

[The] Immigration Minister... has taken an important step to protect women from sexual exploitation and end a program that made Canada complicit in human trafficking. It is clear that [the] Prime Minister's... government is serious about combating human trafficking.

I would dare say that members on both sides of the House are very concerned about this issue and are very aware that it is a growing issue. They have made a number of recommendations as outlined in the report from the Status of Women to ensure that this human trafficking issue is stopped.

The Salvation Army has worked very extensively with trafficked women and children. Christine MacMillan, the territorial commander for the Salvation Army in Canada and Bermuda, said:

This announcement is an excellent advancement towards the protection of women from sexual exploitation. It is another positive step in the fight against human trafficking, and we are encouraged by the leadership shown by the Federal Government.

As was John Muise, director of public safety for the Canadian Centre of Abuse Awareness, said, "Bill C-17 is part of the response that needs to occur in protecting women and children in the country".

It goes on and on.

The member for London—Fanshawe mentioned another important point. She talked about the 2010 Olympics. As is well-known, sporting arenas or any big events that occur in any country are often magnets for human traffickers to set up shop and to make as much money as they can off the backs of innocent victims.

I know ministers throughout our government have met, continue to meet and are taking specific action across all ministries to ensure the educational component is in so the public is aware of human trafficking. They are also in the process of implementing initiatives. As the member for Kildonan—St. Paul, I have been very concerned about the 2010 Olympics. It is something that we on the committee

for the Status of Women talked about. I dare say that it is something our government is extremely concerned about and is taking concrete action to ensure vulnerable citizens and people from inside and outside of our country are protected.

Also, Bill C-2, which is sitting in the Senate right now, addresses a myriad of crime issues. It would help to put laws in place in Canada to suppress criminals who exploit children, the age of consent being one of those laws. This side of the House has been trying for a long time to raise the age of consent and the bill is still sitting in the Senate. I hear, to my dismay, that about 59 witnesses have been lined up. I am really suspect of the number of witnesses required to get this very important bill through. The age of consent has been in the House for such a long time and was finally put into Bill C-2 and now it is being held up in the Senate.

● (1045)

When we talk in the House about stopping the crimes against vulnerable victims, this is the concrete kind of action that needs to be taken. We need to pass Bill C-2 to ensure the laws of the land are in place to protect our most vulnerable citizens. We need to ensure that Bill C-17 is passed and in place, so border guards and patrols, NGOs and people who work at the borders can spot these vulnerable citizens who come through. We need a tool to use to ensure we can do something in a concrete way and protect these people.

We know human trafficking occurs in Canada. We have studied it and we know about the severity of the situation.

I commend the ministers in our government who have taken this issue extremely seriously. I also commend the members in the House who take this issue very seriously as well.

I caution that we should work together and support this. We can stand in the House and say that we need tougher laws, but when Bill C-2 is stopped in the Senate, we cannot get age of consent on the books as a law of Canada. It means that what is said in the House is not carried through.

We need to ensure that everything is done. Bill C-2 needs to be passed. The age of consent has to be raised. It helps innocent victims, not only the ones who are being trafficked but the young girls who are being sexually exploited. They go to court and because they are a certain age, they are up against older adults who can intimidate them. There is no law in Canada that raises the age of consent. If they are 14 right now and if a lawyer is skilful enough, he can prove it is was consensual sex.

We can do some very concrete things right now. Every one in the House of Commons can support the kinds of things that need to be done by allowing the things to go through in a timely manner and to ensure we also work together for additional support for our most vulnerable citizens, our youth.

*Routine Proceedings*

The educational component of human trafficking is of paramount importance. If we can as Parliament stand up for the right laws, work together and ensure that Bills C-2 and C-17 are passed, that is a good start.

The educational component for the Olympics is already being talked about as well as other things.

I call on all members in the House to work together. I think we are all on the right page in many respects. We have to put our partisan differences aside and we have to work together.

I commend the member for London—Fanshawe for her interest, her support and for what she has brought forward this morning. However, I caution that the partisan issues need to be set aside. We need to get Bills C-2 and C-17 passed as laws in Canada. Then we have to continue to work, as we all are right now, on the human trafficking issue. It is very serious.

• (1050)

**Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.):** Mr. Speaker, I commend the member for her interest in this critical human rights issue, not only within Canada but around the world.

A number of these young people, particularly women, come from countries in Eastern Europe and Southeast Asia. One challenge is the ability to negotiate and engage with some of these governments, within which, quite frankly, the judicial systems are corrupt.

I want to know from the member the initiatives she proposes the government will engage in other countries to strengthen their own judicial systems so when people are caught within those countries, they will receive the heavy penalties they should receive for the criminal acts in which they are engaged.

I also like to challenge the member to suggest to the Minister of Justice that the government propose a plan to deal with organized crime. When we were in government, we put forth a number of initiatives to deal with organized crime gangs in Canada. Gangs are quite clever. They are business people in suits that go beyond the law for their nefarious activities.

Will she approach the Minister of Justice to suggest the government should deal with some of the issues that were not there when we were in government, which would allow our police officers and correctional systems to go after organized crime gang members, who commit the very criminal acts she has talked about, the human slave trade? Will she propose solutions that would allow our police to go after the organized crime gangs, who are the real parasites in our society?

• (1055)

**Mrs. Joy Smith:** Mr. Speaker, our government has been very tough on crime. I am a mother of a police officer and I can assure the House that police officers across the country have been very pleased with the tough legislation we have put forward to combat crime.

I share with my colleague that there is a need for tougher legislation against organized crime. Indeed, the justice minister continues to work hard on this very issue. Members opposite could certainly help us out by supporting Bill C-2. It is sitting alone in the Senate and is being held up. If we could get those types of bills into the House and pass them, it would be very helpful.

Internationally, in Vienna, on February 12, there will be a meeting with the UN. Many countries are getting together to talk about human trafficking. Our government has been dealing with people from across the globe in terms of this issue.

In 2008 there will be a lot of good partnerships throughout the globe to combat human trafficking. Networking, collegiality, assessing the problem and establishing concrete steps to stop it globally will impact on every country, including Canada.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I am pleased to have an opportunity to ask a question in this important debate about coming up with a plan to curtail trafficking of women and children at major events like the 2010 Olympics in Vancouver.

We have heard that time is of the essence in regard to planning this kind of campaign, this kind of program, this kind of coordinated approach to dealing with trafficking at the 2010 games. When people are in downtown Vancouver outside the art gallery, they see the big clock, which constantly ticks down to the start of the Olympics, two years from this month. Everyday that comes closer, but the plan does not seem to be in place yet.

We know trafficking is a \$32 billion global industry. We know traffickers have incredible resources available to do this terrible work. We also know there is an incredible amount of money and these big international events are a prime site for trafficking and related activities like the sex trade and drug trafficking that go on around them. We have seen differences between approaches that the World Cup in Munich and the Olympic Games in Athens took and the very different results. There was a much more positive result in Munich than there was in Athens.

When we plan these big international events like the Olympics, we always seem slow to put the social problems related with those games at a high priority. We hear constantly that the facilities are coming along well. In Vancouver a lot of the facilities are completed and are being tested and used already, yet some of the social issues related to the games are still not being addressed, issues like housing and the displacement of people caused by the games. That plan is in trouble. We also hear now that there is not a clear plan in place yet for dealing with the trafficking issues around that.

It is very frustrating to see that we can deal with issues of facilities and training our athletes, but the other social problems related to big events like the 2010 Olympic Games seem to be further down the list. When the member for London Fanshawe said that the official in charge of security for the 2010 games really had not even considered the issue of trafficking, I get very worried.

We have also heard from Dr. Benjamin Perrin from the UBC Faculty of Law. He wrote a report on this issue in November. He said:

*Routine Proceedings*

Canada's already attractive, but primarily it is a transit country to the U.S. The Olympics give traffickers an easy cover story, and the border guards aren't sufficiently trained to identify these people.

Does the member know what measures are being put in place to ensure border guards and other Canadian border officials are getting the training we need immediately to put this in place?

• (1100)

**Mrs. Joy Smith:** Mr. Speaker, the immigration border guards are being trained so they can recognize trafficked persons and look at the characteristics. On the ground training in this area is taking place as we speak. We addressed this issue in the Status of Women. We have talked about it within our government, and it is a very important one. Often trafficked women and children present as ordinary citizens as they come through, so that training is very important.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I understand one of the issues from the committee's discussions was the traffic in aboriginal persons, particularly being the Vancouver area. I am not sure whether the member commented on this, but it would appear relevant that specifically the aboriginal leadership within the aboriginal communities should also be a partner in this process.

Has the committee considered how it might engage the aboriginal community itself?

**Mrs. Joy Smith:** Mr. Speaker, many contacts and meetings in the aboriginal community have taken place. I have been on the ground on many reserves. I have worked with the Salvation Army on actual victims who were trafficked from different locations. This is a very important component. All Canadians, whether we are Greek, Scottish, Aboriginal, want to stop this horrendous crime. We have to look to where the pockets of our most vulnerable citizens are, and we are doing that.

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** Mr. Speaker, I am very pleased this morning to rise to speak to this motion. I presented the first report on behalf of the committee on November 26, 2007. I presented it based on a motion that I and my colleagues put forward in committee, so I am happy to have the opportunity to discuss the issue of human trafficking as it relates to the 2010 Olympics.

Mr. Speaker, I will be sharing my time with my colleague, the member for Mount Royal.

I had the opportunity recently to visit Vancouver and meet with a number of groups there concerning this very important issue. We have heard from members opposite that trafficking is indeed a modern day form of slavery. It involves the recruitment, transportation and harbouring of victims for the purpose of sexual exploitation and often for other purposes. What we have not focused on as much is the importance of addressing the trafficking of women within our own country, and I will speak to that a little further on.

Typically we know that the victims are deceived or coerced into the sex industry, often for reasons of their existing lifestyle and poverty, and the opportunity, as they see it, for a way out.

The UN estimates that over 700,000 people, mostly women and children, are trafficked annually. The estimates vary but we are told that it is a value of somewhere between \$10 billion to \$12 billion

U.S. annually. It is a very substantial business for some very ruthless individuals.

Before I speak to the existing issues, I want to put on the record the amendments that were made by the previous government to the Criminal Code, which provided the underpinning for some of the issues and initiatives that are going on today.

There were a number of Criminal Code amendments where we identified trafficking in persons which would prohibit anyone from engaging in specified acts for the purpose of exploitation or facilitation, and would carry a maximum penalty of life imprisonment when they involved kidnapping, aggravated assault or sexual assault.

A second offence would prohibit anyone from receiving financial or other material benefit from the commission of a trafficking offence. It would be punishable by a penalty of 10 years of imprisonment.

A third offence would prohibit the withholding or destroying of documents, such as identification or travel documents, for the purpose of committing or facilitating the commission of a trafficking offence. This would carry a maximum penalty of five years of imprisonment.

It was an important step by the previous attorney general, my colleague from Mount Royal, in laying the underpinning in addressing the issue of trafficking. To combat trafficking requires an ongoing government commitment. I want to put on the record a number of the initiatives that were taken by the previous government and which have subsequently been built upon by the current government.

We developed a website on the trafficking of persons. We developed an anti-trafficking pamphlet which was available in at least 14 languages and a poster in over 17 languages. Round tables were held in British Columbia and elsewhere to address the issue. Training seminars were held for police, prosecutors, immigration and customs officials and consular officials. The Department of Justice was a co-host. A community forum on trafficking in persons was held by the Canadian Ethnocultural Council in conjunction with the Department of Justice and Status of Women Canada.

• (1105)

There are four major components in terms of dealing with the issue of trafficking of individuals, particularly as we look at the 2010 Olympics. There is the whole issue of awareness, prevention, sensitization and commitment, and protection. As we heard earlier, a comprehensive legislative strategy is required.

I sat on the status of women committee when we looked at the trafficking of women. I was shocked, perhaps naively, when I heard the Vancouver police department indicate that Vancouver was known across the country as a sex destination city. Coupled with that, the lead-up to the 2010 Olympics makes the issue even more pressing.

*Routine Proceedings*

I want to take a moment to note the work of some of the people in my own community. At my last International Women's Day breakfast, I was fortunate to have a speaker, a lovely articulate woman who has been involved in the modelling industry, Liz Crawford. She talked about the hazards of models who model internationally. That was an important session in terms of increasing the awareness of those who were in attendance.

The Sisters of the Holy Names in Winnipeg have taken on this issue with great energy and commitment to advance their concerns and to get government officials to speak out on it. I particularly want to note the young women of St. Mary's Academy who have taken on this matter. They developed a very moving play, which I had the privilege of watching not too many months ago. They have taken this issue on in terms of awareness and sensitization of the community. It is an important issue.

We have heard other members speak about the importance of protection, the role of the police officers, the sensitization of police officers, the role of immigration and border security officials and I will not repeat those remarks. A comprehensive legislative strategy certainly is required. We on this side will work with all parties to ensure that such a strategy is put in place.

While there is much emphasis on the international trafficking of women and children, we often turn a blind eye to the trafficking of women and children that goes on in our country. I can assure the House that unless there is an aggressive attempt to deal with that, the 2010 Olympics will become a focal point, a hub of activity for many of the young women who are in a kind of enslavement, certainly in my city and other cities across the country, to those who use the bodies of young women for their own purposes.

Frequently we see that young aboriginal women are the victims of real poverty in their own communities. They come to the cities and see this as a last resort and an opportunity for what might be, in their minds, a better life. When the government looks at developing strategies to address the whole matter of the trafficking of women leading up to the 2010 Olympics, it is important to address the issue of the internal trafficking of women with a particular focus on the internal trafficking of young aboriginal women largely from western Canada.

Members have heard me speak many times on the systemic issues facing young aboriginal people in their communities. That must be addressed with a long term solution by the federal government and other governments in this country. There have to be very definitive strategies developed in the short term to ensure that the trafficking of young women inside this country is curtailed substantially.

• (1110)

**Hon. Irwin Cotler (Mount Royal, Lib.):** Mr. Speaker, I propose to organize my remarks around two themes: first, an appreciation of the nature, scope and pernicious effects of the evil of trafficking that we are seeking to combat; and second, as my colleague referred to it, to affirm and reaffirm a proposal for a comprehensive strategy to combat trafficking, one that is anchored in the proposal I first offered the House when I was the justice minister.

May I begin with an understanding and awareness of the scope and pernicious consequences of this evil which we need to combat, this scourge of human trafficking, this pernicious, pervasive and

persistent assault on human rights, what can be referred to as a commodification in human beings, where human beings are treated as cattle to be bonded and bartered.

What we are dealing with in effect is the enslavement of human beings, what I first called in the House when I presented legislation in this regard, as a global slave trade, treating human beings as goods to be bought and sold and forced to work, usually in the sex trade, but also in agricultural labour or in sweat shops for little or no money.

Through the dedicated efforts of people like Professor Harold Koh, the dean of Yale Law School, and Radhika Coomaraswamy, the former UNHCR rapporteur with respect to violence against women, we now have a comprehensive understanding of the scope of this global sex trade.

We know that this grotesque trade in human beings now generates upward of more than \$12 billion a year. In other words, human trafficking is so profitable that it is now the world's fastest growing international crime. We know that the majority of victims who are trafficked are women and children, girls under the age of 25, and that many trafficking victims also include children.

We know that the victims of trafficking are desperate to secure the necessities of life. As a result of that, their lives are mired in exploitation, rooted in the greed of those who prey upon them. In fact, exploitation is at the core of the crime and evil of trafficking.

UNICEF has estimated that 1.2 million children are trafficked globally each year. The International Labour Organization estimates that 2.5 million children are currently in situations of forced labour as a result of being trafficked. As I have said before in the House, and as my daughter has always counselled me, she said, "Dad, if you want to know what the real test of human rights is, then always ask yourself at any time, in any situation, in any part of the world, is what is happening good for children?" That is the real test of human rights, and what is happening with respect to trafficking is an assault, the most fundamental of assaults on the most vulnerable of all, namely, children.

We know that no matter for what purpose they are trafficked, all trafficked persons suffer deprivation of liberty, physical, sexual and emotional abuse, including threats of violence and actual harm to themselves and their family members.

If we are to develop a comprehensive strategy, as my colleague spoke of, in order to combat trafficking, we need to stop thinking in terms of abstract silos, of thinking of human trafficking as an abstract or faceless problem, of thinking of it as a criminal law problem, or a law enforcement problem, or an immigration problem, or a public health problem or an economic problem. It is each and all of these, and more.

Simply put, transborder trafficking is a multi-billion dollar criminal industry that challenges law enforcement people, that flouts our immigration laws, that threatens to spread global disease, and constitutes an assault on each of our fundamental rights.

*Routine Proceedings*

Most important, behind each and all of these problems is a human face, a human being who is being trafficked, and that trafficking constitutes an assault on our common humanity. Accordingly, it must be seen first and foremost as a generic human rights assault with a human face as its victim and as being the very antithesis of the rights in the universal declaration of human rights.

The question is, what then can be done?

● (1115)

I am going to briefly outline a comprehensive strategy, speaking telegraphically, of which the first component must be a strategy of prevention: to prevent the trafficking to begin with; to raise awareness of this new global slave trade and of the urgency to take immediate action against it; to appreciate that by raising our voices in domestic and international fora, by making it clear that this is a priority for all of us, then this trafficking can be prevented if we mobilize this constituency of conscience, both domestically and internationally.

This motion today can serve as a call to action to ensure that Canadians across the country realize that this modern global slave trade is not something out there that does not touch us. It is not something out there that has no relevance for us, but it is something that touches all of us and that is present here in Canada as well. It is something that exists here and is part of an international connecting link, an assault for which we will need this comprehensive strategy of cross-commitment.

This leads me to the second element in that strategy, which is the protection strategy, respecting the victims of trafficking. This involves a number of elements, including the residency protection, protecting against ill-considered detention and deportation such that the victims of trafficking are re-victimized a second time. At the same time they are re-traumatized a second time, where they are sometimes detained as illegal immigrants facing criminal charges rather than trafficking victims who are deserving of protection.

There is also the need for support services. We find the need for shelter, health, counselling and the like, that must be provided to the victims of trafficking. These are services that are very often within provincial jurisdiction and so we need a coordinated effort, a coordinated federal-provincial-territorial effort, with respect to the delivery of services in the context of the protection of victims because the services very often end up having to be delivered by NGOs who themselves become burdened in the process when it is a service that is in effect an obligation of our governments to deliver and provide protection for the victims.

These victims also need protective support in the form of witness protection with respect to those who may wish to testify against those who have in effect assaulted them.

This brings me to the third component, the comprehensive legislative component. We have an Immigration and Refugee Protection Act. We previously enacted criminal law legislation in this regard. We have an international law framework that we have domesticated. What we need to do is to invoke, apply and enforce this comprehensive legislative framework.

Fourth, we need a focal point for our work. We need a focal point in terms of an interdepartmental working group that would be co-

chaired by justice, foreign affairs and the like because one can only address this in terms of a comprehensive coordinated governmental strategy.

Fifth, we need to intensify the work of the RCMP, both domestically and internationally.

Sixth, we need to engage our federal, provincial and territorial counterparts. This must be a partnership of all governments in that regard.

Seventh, we need to work with our international counterparts to enhance existing legislative tools and combat trafficking across national borders.

Finally, I will conclude by saying that addressing and redressing this most profound of human rights assaults, this profound assault on human dignity, requires this comprehensive strategy of cross-commitment that is organized fundamentally around the four Ps: to prevent the trafficking to begin with, to protect the victims, to prosecute and pursue the perpetrators of the trafficking, and to engage in partnerships in that regard, both domestically and internationally.

We have a common cause and by working together we can create the critical mass of advocacy on behalf of this common cause and protect the most vulnerable of the vulnerable from this most evil of the evils.

● (1120)

[*Translation*]

**Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ):** Mr. Speaker, I think it is very appropriate that this matter is before the House, and the party that introduced it should be commended.

I listened to the speech from my colleague, who has an action plan and has considerable experience in this area, as we know. The Olympics are supposed to be a display of human achievement. I am reminded of the saying, "a healthy mind in a healthy body". It would look very bad if we did not do everything we could to avoid the kind of trafficking that we suspect, and that will happen if we do not take the necessary steps.

Obviously, it does not all come down to a single event. But focusing on this event will help get a real, concerted effort underway. Our society has taken serious action about this in the past. Now, we must put in an extra effort and we must take the offensive.

Does my colleague think that the Conservative government is properly addressing the issue at this time, and that it will be able to implement an action plan similar to the one proposed by the member?

**Hon. Irwin Cotler:** Mr. Speaker, I hope that the government is committed to fighting this and that it is working in partnership.

As I said, if we want the strategy to be successful, the federal government must partner with the provincial and territorial governments. There must be a comprehensive strategy not only among the different levels of government, but also at the national and international levels.

*Routine Proceedings*

The government must work very hard to develop an international partnership. At the same time, it must work with all the departments, not just the departments of Justice, Citizenship and Immigration or Foreign Affairs. We need a comprehensive strategy, coordinated with all the departments and all levels of government within Canada and throughout the world.

• (1125)

[*English*]

**Mr. Ron Cannan (Kelowna—Lake Country, CPC):** Mr. Speaker, I would like to thank the member opposite for his very passionate speech this morning. I truly support his words, which I believe are from his heart.

I also want to commend my colleague from Kildonan—St. Paul, who has been very dedicated to this whole issue of human trafficking.

The Minister of Public Safety has visited my riding, as well as other organizations. They have been working on this initiative since the government was elected, over the last couple of years. Prior to that I was on city council in Kelowna for nine years.

I echo and support the member's daughter's comments. It is a very wise daughter he has. If something is not right for children, then it obviously has to be changed.

I sat here listening with great perplexity. The member opposite was in cabinet with the previous government for years and I am wondering why there was no legislation proposed when he was in government.

**Hon. Irwin Cotler:** Mr. Speaker, I have to correct my colleague. Not only did the Liberals propose legislation but they in fact enacted legislation to prevent trafficking, as well as to prosecute the perpetrators. Where I felt Liberals had begun but had not gone far enough had to do with respect to protection.

I said then and say now that the issue of protection of victims of trafficking is that which has yet to be sufficiently addressed. That will require a coordinated involvement between all governments. Otherwise, if we do not protect victims, even if we have criminal law and immigration legislation on the books, we will not sufficiently protect them unless we provide those supports.

[*Translation*]

**Ms. Nicole Demers (Laval, BQ):** Mr. Speaker, it does not give me much pleasure to speak to this issue because such issues are never fun to talk about. Nor am I very enthusiastic about it, despite the enthusiasm I typically exhibit, as our Conservative opponents have often pointed out. However, we do have to talk about this issue, and time is of the essence.

The Olympic Games to be held in Vancouver in 2010 will offer many people an opportunity to visit a very beautiful part of Canada for the first time. British Columbia is certainly a beautiful place. However, we know there have been a number of cases of human trafficking all over Canada and Quebec. Human trafficking, which also victimizes children, happens on every continent, whether it is in Thailand, the Dominican Republic or even Tanga, a small kingdom that I had the opportunity to visit recently.

Elected officials in various countries are worried about this issue because the number of human trafficking cases is growing. Children and women are being treated like livestock and stripped of their rights. They are often taken under vile conditions to countries they do not know and from which they will probably never return.

It is easy to see how this can lead to a sense of paranoia. As parents, as fathers and mothers, we all worry about our children. I am sure that this goes for parents in the countries that victims of human trafficking come from too. All parents want their children to take advantage of the freedom and rights they enjoy so that they can explore their childhood and develop their personalities with no fear for their safety.

Unfortunately, that is not what is happening. When a child is taken from its parents or a woman from her family under false pretenses, and that person is then taken to another country to be subjected to the base instincts of another, that is a very serious crime. We have to put a stop to this criminal activity. We have to put an end to the sad fate of the more than 2.5 million victims who are taken from one country to another every year to be used for sexual purposes and menial work—in short, for slavery. We have to put an end to this.

The staging of the 2010 Winter Olympic Games in Vancouver provides an excellent opportunity to establish measures to eradicate this scourge. I would remind the House that the World Cup in Germany was the setting of a number of incidents involving human trafficking. We do not want the same thing to happen in Vancouver, British Columbia, just as we would not want it to happen in Quebec.

We have already heard reports of certain municipal bodies in British Columbia that would like to develop areas where people who practice non traditional professions, such as prostitution, can ply their trade in relative security. We can already detect an undercurrent of sexuality associated with the games. This undercurrent must be inhibited in order to prevent any undue influence on the practice of human trafficking any more than in other situations.

Any time a large number of people travel to a specific location, naturally, the temptation for human traffickers is even greater.

• (1130)

Certainly, people who engage in human trafficking, those who benefit and make money from it, are more tempted to go to places like Vancouver during the Olympic Games because they know there is a great deal of money to be made there. There can be no victims without a victimizer. Unfortunately, that is another problem that needs to be addressed.

*Routine Proceedings*

As my colleague was saying earlier, the Department of Citizenship and Immigration already implemented some measures in 2006, when we joined the Palermo protocol. The Government of Canada, through the Department of Citizenship and Immigration, promised that victims of human trafficking would benefit from the protocol and that they would be taken care of. That constitutes the most important aspect of our action. In fact, if we really want to be able to eliminate human trafficking, we must ensure that the women and children who are victims, the ones who are found and who denounce their aggressor and the people who exploited them for trafficking purposes, are adequately protected.

I know that at present, these victims are allowed to stay here for 120 days to decide what they are going to do with their lives. I know that they can have their case reviewed to determine whether they qualify for political asylum. I know that all that is done and that the victims receive medical care as well.

But we must not forget that women and children who are used for months or even years are in a very fragile mental state. I hope that the medical care they receive includes psychological and psychiatric treatment.

I also hope that when these people have to face Canadian citizenship and immigration officials, they can take advantage of the refugee appeal division. But this poses a problem, however: the refugee appeal division is not yet in place in Canada. It is all well and good to say that people can claim refugee status, but that does not mean much if there is no one to rule on refugee claims.

I am also aware that the problem of human trafficking has existed for a number of years. In Quebec, however, we were not as aware of this problem, even though there were cases of child abduction and rape, because we knew that there were people who willingly worked as exotic or erotic entertainers, for example, without being forced. It is not the same situation when children are abducted.

We did not really know that human trafficking was so widespread. The advent of the Internet has opened our eyes to the fact that now, crime and organized crime have no borders or boundaries. This means that from now on, we must be increasingly aware of these situations and concern ourselves with the fate of women and children in other countries.

In recent months, two Canadians have been arrested in Thailand for purchasing the sexual services of children. We cannot escape this reality. We can never escape this reality. Sexual abuse and human trafficking have no borders and so we have to educate anyone who may come into contact with the victims. This must be carried out not only at the local, municipal and provincial level, but also at the national and international level.

● (1135)

It is important to remember that awareness and information are the most important tools we have to put an end to this trafficking. If we do not take action now, if we do not immediately take steps to ensure that, in 2010, Vancouver will be a good place to be, a place that people will choose to go to and where they will have the necessary security to enjoy the Olympic Games, we will find ourselves in a situation where there will be many victims. It is best to take action now. It is best to ensure right now that we have taken all the

necessary measures and that we have all the tools at our disposal to eradicate human trafficking.

I will have to stop, as I can no longer speak. I regret that very much.

[*English*]

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, this is a very important debate about the report the member is speaking to with regard to the Olympics, a report urging all levels of government to cooperate collaboratively in some sort of plan to mitigate what inevitably is going to occur, just as it occurs at virtually every major international event.

With regard specifically to the 2010 Olympics, the Olympics occur as a regular event every four years. There must be lessons to be learned from those cities that have hosted summer and winter Olympics. This issue continues to be a significant problem with regard to major international events. As well, everybody knows that the housing situation is a real problem, because people attend from around the world to find a place to enjoy the games. Obviously lessons have been learned.

As for the thrust of my question, and not to diminish the fact that trafficking in human beings globally is an extremely important problem, I wonder if the member could advise the House on whether or not the committee took the opportunity to consult the reports or consult with spokespersons of other Olympic events or other major international events on the kinds of approaches they have used when trafficking and the sex trade have been issues.

The member specifically mentioned urgency, saying that we need to do something now. We cannot look for a national strategy to address trafficking in people generally in regard to this report. We need some quick, deliverable solutions, including public education, and certainly we need collaboration among all levels of jurisdictions, but under one authority. I am not sure whether that authority would be a government. It would seem to me that it must be under the umbrella of the Olympic committee itself and specifically its security branch.

● (1140)

[*Translation*]

**Ms. Nicole Demers:** Mr. Speaker, I thank my colleague for his question.

We did consult various spokespersons, as well as a UN report, about human trafficking, the trafficking of women.

The report seemed to say that the measures put in place in May 2006 by Immigration Canada were good measures, but should be improved. These measures were not enough to ensure that victims would report the situation.

If they return home after 120 days because they have no choice but to go back where they came from, they find themselves in the same situation.

*Routine Proceedings*

We must not forget that human trafficking is worth \$7 billion to \$10 billion annually. As a result, traffickers are not necessarily going to stop because we decide to send these people home after protecting them for 120 days. The situation in their home country has not changed; we have not eradicated the problem at its source.

We have to give these people assurances that we will protect them and keep them safe, that they will be entitled and able to live here if they choose, that they will have the ability to make choices about their lives and that they will not be pressured to make up their minds within 120 days. For a woman or a child, 120 days is not much time to recover after being beaten, tortured and subjected to all sorts of sexual abuse.

[*English*]

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I thank the hon. member for her intervention in this very important debate despite her cold. I also want to thank the Standing Committee on the Status of Women for putting this issue forward, because this very important piece of the planning for the 2010 Olympic Games has been neglected.

For the standing committee to say that the government must develop and implement a plan in collaboration with provincial and municipal governments as well as experts from the police, international organizations and NGOs prior to the opening of the 2010 Olympics, and to put that on the agenda of the House of Commons, means that little work has been done on it. We have seen that in terms of the Future Group's report, which talks about how little planning has gone into this important social consequence of this kind of major international gathering.

For instance, we know that London, in the U.K., which has the summer Olympic Games in 2012, already has announced an action plan on tackling human trafficking. Officials there announced that almost a year ago in March. It has been a significant piece of the planning they are doing for the 2012 Olympic Games. We have the 2010 winter Olympics here in Canada in British Columbia, in Vancouver and Whistler, yet this piece of it has been ignored.

Could the member comment on why she thinks that here in Canada we have given so little importance to this? Why it is taking this debate and the actions of the standing committee to really give impetus to putting this on the agenda as part of the planning for the 2010 Olympic Games?

• (1145)

[*Translation*]

**Ms. Nicole Demers:** Mr. Speaker, unfortunately, until today, there has never been much awareness here in the House about human trafficking, including the trafficking of children. Until recently, it was estimated that 8,000 to 16,000 people, including children, were victims of human trafficking annually, but in reality we know that number is much higher. Quite often we bury our heads in the sand like ostriches; what we do not see does not exist.

Addressing this problem in committee has allowed its members, including myself, to realize the extent and the horror of the situation. We therefore wanted to be sure that, even if the Winter Olympic Games organizing committee was not paying attention to this issue, someone was. It is the responsibility of everyone, every man and

every woman, to ensure that those who come here will not be coming here as victims or slaves, but as visitors to attend the Winter Olympic Games.

[*English*]

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, we know that a lot of the folks who have been exploited would love to be able to stay here in Canada. Because the 120 days is nowhere near enough, we are seeing situations in which they either do not know about what was offered to them or are fearful that if they go back to their home country something will happen to them or their family members there.

This is why the NDP has always said that if people have been exploited and choose to stay in Canada, it is important that landed immigrant status be made available to them and their children. In other instances, people always should be able to tell immigration officials at overseas offices who the person was who gave them the wrong information in regard to ending up in Canada. Would that help to stop the trafficking and protect the people who end up in Canada and are exploited sexually?

[*Translation*]

**Ms. Nicole Demers:** Mr. Speaker, I want to thank my colleague. Any measure that could help make restitution to the victims either mentally, physically or financially, is welcome. Such measures could help them take charge of their own lives and to stay here as long as possible.

My colleague is absolutely right when she says that when victims go back to their home country something bad might happen to them or their family members there. Quite often the parents are the primary victims. They are led to believe that their children will be brought here for a better life and that they will be given money to help other children in the family, but that is not what happens.

Any measure that could help the victims of human trafficking is welcome.

[*English*]

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, I am pleased to speak to this fundamentally important issue, which is the concurrence report from the Standing Committee on the Status of Women calling for the government to put in place a plan prior to the opening of the 2010 Olympics to curtail the trafficking of women and children for sexual purposes during and after the duration of the games.

This is a fundamental issue. There is absolutely no doubt about it, because this is, I would suggest, one of the great scourges of our time. This is an epidemic that has occurred over the last few decades, developing around the world. It has a lot to do with economic conditions deteriorating for most people on our planet, but I will come back to that in a moment.

*Routine Proceedings*

Fundamentally, we are talking about a crime that creates, estimates show, about two and a half million victims each and every year. We are talking about women and children who are coerced or threatened and forced into prostitution. Through coercion, through violence, these victims, half of them children, half of them women, are put in the most abominable circumstances imaginable. We are talking about literally an epidemic that has not been dealt with effectively around the world and that we need to deal with effectively.

The report of the Standing Committee on the Status of Women calls very clearly for governmental measures. I will come back to that in a moment. That results from the work of a number of organizations and a report that I will cite a little bit later on, but we need to start from the first primary point, which is that poverty and the worldwide economic degradation of most humans on this planet is the fundamental cause of human trafficking.

The U.S. state department estimates that between 600,000 and 800,000 humans are trafficked each year across international boundaries. As I mentioned earlier, we are talking about 2.5 million victims of forced prostitution.

The criminal gangs that are embarking on this trafficking are taking advantage of people who are fundamentally vulnerable because of poverty and a variety of circumstances. However, it is economic inequality that creates the conditions by which human trafficking, human slavery, let us call it what it is, the slavery of two and a half million human beings each and every year, takes place. Economic conditions cause this reality.

We have seen figures about how wealth on our planet is increasingly concentrated. Even in our own country, wealth is increasingly concentrated. It is estimated that the 400 wealthiest billionaires on this planet have more wealth than two billion of the planet's inhabitants.

We have billions of people on this planet who are living on \$1 to \$2 a day. Thirty thousand children will die in this 24-hour period, this very day, Thursday, January 31, from midnight to midnight, of starvation and preventable diseases on this planet. This is not unique to this particular day. Tomorrow, Saturday and Sunday, another 30,000 children will die, not because we do not have the resources on this planet to provide them with health care, housing, food and clean water, but because the resources go to a very few people on this planet. That is a unique social democratic perspective that the NDP brings to the House.

Recent opinion polls said that there was virtually no difference between Conservatives and Liberals, and I am sure you would share that observation, Mr. Speaker, essentially that the Conservatives and Liberals take the same economic approach, laissez-faire, that things are just fine the way they are. However, they are certainly not when 30,000 children die each and every day on our planet. That is a fundamental crisis that we as human beings who are part of this global sphere that we inhabit, need to deal with as parliamentarians.

• (1150)

The economic inequality around the world is, as well, very present in North America. In the United States, it has been estimated that economic inequality now has reached the same level as it was in

1928, prior to the Franklin Delano Roosevelt new deal, prior to the rate of social legislation that built up the United States of America. Now we have turned the clock back, through laissez-faire economics, to 1928, prior to all of the social legislation that was put in place, creating, as I mentioned, the same conditions in the United States that we have seen globally, where the living standards and quality of life of most people are deteriorating.

In Canada we have seen the very same thing. Since 1989, we have seen the real income of most Canadian families go down, not up. We have now seen that half of the nation's income goes to the wealthiest 20%. The elites in Canada are doing better than ever but most Canadian families have actually seen a deterioration of their incomes. At the same time, it explains why debt levels have doubled. Most Canadian families are finding it hard to make ends meet.

When we talk about these global issues, we can translate them right back to our communities. This degradation in living standards that we are seeing around the globe, we also see in Canada and the United States. This global degradation of economic conditions, except for the very narrow economic elite, the jet-setters who are doing better than ever, is something that translates directly into these fundamental problems, such as that of human trafficking.

We cannot isolate the human trafficking issue, the fact that women, children and their families are put in desperate situations that allow them to be exploited by criminal gangs, those who have no conscience, no humanity and no ability to see that the abuse of a fellow human being is entirely unacceptable.

I now come back to the report that was issued which addresses the fundamental issue of why it is so important that the government take action prior to the Olympics, not during the Olympics nor to simply put together a press conference, but to take the kinds of actions that are necessary to prevent human trafficking coming to our shores.

The apprehensions that were raised by the member for London—Fanshawe this morning when she moved the motion for concurrence of the report by the House of Commons are quite legitimate. Her concerns are based on the fact that the Athens Olympics contributed to nearly a 100% increase in human trafficking victims. We saw that during the Olympics held in Greece in 2004. In Germany there was a substantial increase in human trafficking victims during the World Cup in 2006.

We see a pattern that has developed due to the economic degradation of most inhabitants of this planet, leading directly to when the resources of the planet are allocated to these Olympics. We do not seem to be able to find the resources to provide health care, homes, food and clean drinking water for the world's inhabitants, even though, compared to the world's military budgets, it is a microscopic budget.

*Routine Proceedings*

Essentially, we have the resources now to eliminate those economic conditions that cause human trafficking and allow people to be exploited. We certainly have a lot of money for military acquisition budgets around the world, including the American military and other military forces from both democratic and undemocratic countries. We certainly seem to have resources for sporting events, such as the World Cup and the Olympics. As a result of that, because of the cash that is around at those events, that then attracts criminal gangs to apply human trafficking, to abuse victims and to profit from the money being available for the Olympic Games or the World Cup.

● (1155)

The report issued, which is extremely important, is called “Faster, Higher, Stronger: Preventing Human Trafficking at the 2010 Olympics”.

The Saint John *Telegraph-Journal* had an excellent article on the report. I will quote a few of sentences from the article before I go on to the recommendations contained within it. The headline reads “Warnings issued for 2010 Olympics; Report says event could be used by human trafficking and sex trades”. The Future Group, which published the report, states:

“There is a real risk that traffickers will seek to profit from the 2010 Olympics”, said Sabrina Sullivan, managing director of the non-partisan, non-governmental organization. She goes on to say:

This event could create an increased demand for prostitution, and also give an easy cover story for victims to be presented as ‘visitors’ by traffickers.

It goes on to interview RCMP assistant commissioner, Bud Mercer, who is responsible for security. It states:

—the head of security for the 2010 Olympics said earlier this week that the issue of human trafficking during the Games hasn't hit his radar.

“For me, not, not yet.” RCMP Assistant Commissioner Bud Mercer said in an interview Monday with The Canadian Press.

“I've never seen anything that's come across my desk, but keep in mind it's Day 2”.

● (1200)

The report in the *Telegram* then goes on to cite the Athens Olympics and the increase there, a 95% increase in human trafficking, and the significant increase that took place in Germany as well. It states:

While numerous factors come into play, a certain correlation between the Olympics and an increase in human trafficking cannot be discounted, the report stated.

“Canada is playing catch-up since authorities have yet to convict a single person for the offence of human trafficking,” said Benjamin Perrin, the lead author of the report and an assistant professor in the faculty of law at the University of British Columbia.

The article in the *Telegram* is an effective resume of the comments of the Future Group's report on the importance of ensuring that human trafficking is not part and parcel of the 2010 Olympics, not part and parcel of the social fall-out that could well occur if we do not pay particular attention to the social aspect of the Olympic Games.

As my colleague from Burnaby—Douglas mentioned earlier, the facilities seem to be coming along well, but at the same time there is real concern that we are not addressing environmental factors around the Olympics, and we are certainly not addressing social factors.

This is a primary concern of those of us from the Lower Mainland of British Columbia. We have concerns about the displacement of those who are marginally housed in the downtown east side for example, possible gentrification or those individuals who are extremely vulnerable being displaced. We saw similar concerns raised with Expo 86. We certainly have not seen, from VANOC or from governmental authorities, measures being put into place to address legitimate concerns around exploitation in the Olympics and the use of human trafficking.

What recommendations does the report, “Faster, Higher, Stronger: Preventing Human Trafficking at the 2010 Olympics”, bring forth? They are recommendations that are extremely important for the House of Commons to take into account. It mentions three very clear elements.

The first element is the prevention of human trafficking. It uses the word “prevention”. It uses the word “protection” of trafficking victims. It also uses the word “prostitution” of traffickers and commercial sex users in criminal proceedings.

A number of other organizations are concerned about human trafficking. One notable reference is [humantrafficking.org](http://humantrafficking.org), which I suggest to members of the House. It says very clearly that another element is reintegration of the human trafficking victims once they are uncovered and liberated from the gangs that have preyed on them. Reintegration is a fundamental approach that has to be taken into consideration as well. Those organizations that are fighting against this worldwide calamity, which is human trafficking and human slavery, are suggesting very clearly that it has to be taken into consideration.

Let us get back to the three elements that are contained within the report specific to the 2010 Olympics. It talks about the prevention of human trafficking by working with source countries to address root causes.

I mentioned earlier about the whole fundamental issue of the economic degradation of most of the planet. While elites are doing better than ever, most people on this planet are striving to survive for the day. Billions of people are living literally hand to mouth in the midst of so much opulence, wealth and luxury that is available to so few inhabitants of the planet.

I mentioned earlier that we see economic degradation in the United States. Those in charge of economic levers have turned the clock back to 1928 in the United States and similar levels of inequality here in Canada. The poorest of Canadians have lost about a month and a half of income on average for each and every year since the Canada-U.S. Free Trade Agreement was implemented in 1989. That economic degradation since 1989 has been constant and appalling.

*Routine Proceedings*

● (1205)

That economic degradation since 1989 has been constant and appalling. Imagine, back in 1989, those who worked 12 months a year were paid for 12 months. Now they are working 12 months a year and only getting paid for ten and a half months of real income, which explains the massive increase in debt load for average Canadians. Therefore, prevention of human trafficking to address root causes is a fundamental approach that has to be taken into consideration.

The second element is the protection of trafficking victims, which includes rescue, rehabilitation and, as I mentioned earlier, reintegration and repatriation, then prosecution of traffickers and commercial sex users in criminal proceedings.

What is suggested in the report is that we deter traffickers and these potential sex tourists through effective public awareness campaigns before, during and after the 2010 Olympics. We have to start well before to make it very clear that the Lower Mainland of B. C., Vancouver and Whistler, is a human trafficking free zone. The Canadian public and those visiting Canada need to be advised of laws against sexual exploitation and human trafficking. This is important given the fact that no one in Canada has been prosecuted for human trafficking. We have to ensure that the public education campaign is wide, vast and deep in nature.

We have to disrupt the trafficking networks and prosecute traffickers through a coordinated and proactive law enforcement response at the local, provincial and federal levels, ensuring that we are identifying and disrupting both domestic and international trafficking networks.

There is no doubt that it will take more resources. What we have seen from the government is an obsession with corporate tax cuts, with \$14 billion handed out last fall. However, these are the kinds of resources that Canadians are calling upon the government to allocate. We have been talking about the meltdown in the manufacturing and forestry sectors and the government is delaying implementation of what is, compared to the \$14 billion given away to the most profitable corporations in the country, a very modest aid program. It has said that it cannot implement it for weeks or perhaps months. At the same time, we need resources here.

The \$14 billion corporate tax giveaway makes no sense, given resources that need to be allocated to our police officers at the municipal, provincial and federal levels to combat human trafficking.

The third element is preventing human trafficking and enhancing border integrity. This means border controls that are much more effective.

The final element is protecting trafficked persons by ensuring that arrangements are made to provide them with safe and appropriate housing, counselling, legal aid, temporary residence status, translation and medical assistance while they recover from their ordeal.

These are all the elements that need to be put into place. The government needs to start acting now. This is why I find it so important that the member for London—Fanshawe has brought forward the motion of concurrence. We need the House of Commons

to tell the government, today, that it needs to apply the resources and put in place a plan so we can ensure the Vancouver-Whistler Olympics in 2010 are completely a human trafficking free zone.

● (1210)

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I always appreciate hearing from the member on a range of issues and certainly on the most relevant one to his community. The information he provided not only about the implications on the 2010 winter Olympics but more generally with regard to the serious problem of trafficking of human beings was helpful to all Canadians.

I have read a number of reports on this issue. Meetings have been held in Brussels and other countries in Europe. The United States is a leader in terms of advocacy in addressing the serious problem of human trafficking.

I want to ask the member about the consequences. The committee report specifically has to do with the 2010 Olympics. Earlier in debate, a reference was made by the member for Winnipeg North that the Vancouver area had been designated a sex destination. That is a pre-existing condition, apparently. This means the trafficking of persons into the Olympic geography is probably going to exacerbate and feed the situation.

Could the member inform the House about the pre-existing conditions, which I suspect are really being served by the formal prostitution trade and not so much the human trafficking issue? We are talking leading off to 2010.

If Vancouver has a bad situation already, it will be exacerbated when the Olympics start. However, it will not deal with the root causes. The fact is the problems with regard to prostitution, or drugs or any other social ills will not be fixed by a bandage. There are more systemic issues to be addressed.

Would the member care to comment on whether it should be the federal government that should be taking the lead with regard to the Olympics or should the Olympics committee and its security organization coordinate the efforts of all levels of government and NGOs?

**Mr. Peter Julian:** Mr. Speaker, the member for Mississauga South is quite right to say a problem already exists in the Lower Mainland. This problem has been created by criminal gangs bringing profoundly vulnerable women over from Asia and Europe. These women do not speak English or French for that matter. They are lured into this human trafficking situation and then forced into prostitution.

The police have been able to investigate a number of cases in Vancouver. They have found women in profoundly violent and coercive situations. They suffer the most degrading treatment imaginable. It is difficult for Canadians to imagine what these women go through.

What is lacking is resources and the kind of support our police services need to keep on top of these gangs, to catch them and prosecute them. This misallocation of resources is criminal in many respects.

*Routine Proceedings*

The Conservative government has chosen corporate tax cuts as its fundamental priority. Billions of dollars are being given away to the corporate sector, yet front line police officers need more support. We need support for housing and health care. We need support for the victims of human trafficking. The resources are not necessarily in place for their reintegration when they are found or for the counselling they require after a horribly traumatic situation.

The government needs to understand that this is an important issue and resources need to be allocated to it.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, it always strikes me as strange as we have these important and large international events like the Olympics that we all enjoy. We enjoy watching them. Many people participate directly in them and it is very important in terms of their various athletic endeavours. It is a very big deal for all of us to host, to view and participate in an event like the Olympics, but we often ignore the social consequences of those large international events. We see that today with the need for this debate about a plan for human trafficking.

I know my colleague has also been very concerned about labour standards and labour issues associated with the 2010 Olympic Games. We have seen temporary foreign workers brought into British Columbia to build facilities related to the Olympic Games, like the rapid transit line from downtown Vancouver to Richmond and the airport.

They have been subjected to terrible working conditions. Working conditions that ignore wage standards and other employment standards. Working conditions that have ignored reasonable hours of work, provided terrible accommodation for those workers, and things that violated very basic workers' rights in this country. It would appall all Canadians.

That is a related aspect to this. I wonder if the member could comment about the situation of temporary foreign workers who come to Canada to help build facilities for the 2010 Olympic Games.

•(1215)

**Mr. Peter Julian:** Mr. Speaker, I know the member for Burnaby—Douglas has done incredible work as the former citizenship and immigration critic for our party in fighting back what has been the hypocrisy of the Conservative government.

Essentially, what it has created is a situation where foreign workers were brought into Canada in conditions of indentured servitude. They simply cannot leave their employer regardless of how bad the working conditions are and if they are fired, they are sent out of the country. So these workers are particularly vulnerable. They are indentured servants brought in, paid below minimum wage, and forced into conditions that have nothing to do with Canadian standards or the Labour Code.

A company which would do that is not a company that is responsible. Yet, the government is encouraging those companies which would act this way by undercutting the Labour Code and labour standards. It is saying it will fast-track the process, five-day turnaround, and will approve foreign worker qualifications regardless of whether or not there are Canadian workers available to do the job.

I do not think anyone would object if those foreign workers actually were subject to Canadian labour standards and were not being treated like indentured servants. However, essentially they are. Instead of taking action to stop that, the government is encouraging it which is cause for concern for all of us. How can the government take human trafficking seriously if it allows these conditions of indentured servitude?

**Mr. Ron Cannan (Kelowna—Lake Country, CPC):** Mr. Speaker, I am pleased to rise in the House this afternoon to lend my voice to this very important issue.

I would like to thank the hon. member for having brought this matter to the attention of the House because trafficking in persons is a vile criminal act. It strips individuals of their freedom and basic humanity, and leads ultimately to a life of exploitation, usually in the sex industry or forced labour. These individuals are coerced into such a life, often through violent assault or threats to their families.

I also rise at this time to remind opposition members that they do not have the monopoly on care and compassion for Canadians. Our government takes this matter very seriously and we have taken a number of measures to deal with this issue.

I would like to take the time to explain the role that our public safety agencies are playing in combating this crime in Canada and abroad, led by the hon. Minister of Public Safety.

The Government of Canada is taking a collaborative approach to dealing with trafficking in persons. The government has made the interdepartmental working group on trafficking in persons the focal point for all federal anti-trafficking efforts. This working group brings together 16 departments and agencies, and serves as the central depository of federal expertise. It works to strengthen federal responses through the development of government policy on human trafficking, information exchange and the facilitation of international and national cooperation.

We are also working collaboratively with the provinces and territories to respond to this issue. For example, we are utilizing various federal, provincial and territorial networks, including FPT ministers responsible for justice, the FPT heads of prosecutions, the coordinating committee of senior officials, and criminal justice and FPT victims issues.

The federal government's strategy for dealing with this heinous crime is consistent with other international approaches. This reflects the unanimous agreement for the need for a multi-disciplinary and multi-sectoral response.

In essence, the government is addressing this issue through a variety of responses aimed at prevention, protection of victims and bringing perpetrators to justice. The government is committed to fighting this crime within its own borders and abroad.

Victims may be exploited within Canada or transported through Canada for final destinations in the United States. This is a challenging issue, but fortunately our public safety agencies are working diligently to crack down on this crime.

*Routine Proceedings*

Both the Royal Canadian Mounted Police and the Canadian Border Services Agency play a crucial role in combating trafficking in persons. For instance, the RCMP has established the human trafficking national coordination centre to coordinate the federal government's law enforcement efforts to combat human trafficking and provide training.

This includes offering specialized training for law enforcement; producing awareness-raising material for municipal, provincial, federal and international law enforcement officers to help identify a potential victim and traffickers through, for example, a new awareness video; building an extensive network of partnerships with domestic and international agencies; and gathering, sharing relevant domestic and international information and intelligence through a team of analysts across the country to help law enforcement at home and abroad coordinate their approach.

For its part, the CBSA is contributing greatly to the fight against human trafficking by providing enforcement at various ports of entry, but more than that, the CBSA works to screen and intercept inadmissible individuals before they arrive in Canada. It has been proactive by doing research and making sure checks and balances are in place as much as possible before these individuals arrive into the country.

The CBSA monitors regular migration to Canada and publishes regular intelligence analysis which identify trends and patterns in irregular migration and migration-related crimes, including trafficking in persons.

The CBSA also performs a number of functions to help shut out the flow of victims by preventing their transport to Canada as well as to deter trafficking organizations from using Canada as a destination country or a transit country.

CBSA's network of migration integrity officers works overseas with airline security and local authorities in 39 countries around the world to prevent irregular migration, including migrant smuggling, by taking measures to intercept individuals before they arrive in Canada.

• (1220)

CBSA intelligence officers also work with Canadian and U.S. partners and integrated border enforcement teams, known as IBETs, that bring a harmonized, specialized approach to cross-border criminal activity. IBETs are strategically placed at our shared borders to detect and apprehend individuals who commit illegal activities, including migrant smuggling and trafficking in persons.

Integrated border intelligence teams also support IBETs and partner agencies by collecting, analyzing and disseminating tactical, investigative and strategic intelligence information pertaining to cross-border crime between Canada and the United States. This intelligence is shared with participating agencies to target international, national and criminal organizations, once again an example of an integrated, coordinated, unified approach.

To effectively combat trafficking in persons, the government is providing additional resources and encouraging training for law enforcement agencies. One of the most horrible aspects of human trafficking is the fact that young children get caught up in this exploitation.

As we have heard from various speakers today, it is truly the ultimate when children are being victimized. Consequently, in budget 2007 our government allocated an additional \$6 million to strengthen current activities to combat child sexual exploitation and trafficking.

Initiatives related specifically to human trafficking include: reinforcing law enforcement capacity to combat trafficking in persons; providing for public education, awareness and outreach to combat trafficking in persons; and working with the Canadian Crime Stoppers Association to launch a national campaign on human trafficking and provide for a central point to report potential cases of trafficking in persons.

The central Okanagan and the area that I represent, Kelowna—Lake Country, have incredible crime stoppers organizations that have been recognized internationally for their efforts. I would like to applaud them as well for their coordinated work in helping to reduce human trafficking and identifying those involved in human trafficking in British Columbia, Canada and around the world.

Coming from British Columbia, I am very concerned. It will be two years next Wednesday that the countdown will start to the Olympics. We are doing all we can to ensure that we can stop the trafficking of humans, not only in 2010 but from today forward.

There are initiatives to conduct research to assess the impact of trafficking and the sexual exploitation of children and the impact on aboriginal and visible minorities communities, as well as help communities and individuals whose social economic status affect their prosperity and allow them to be victimized.

Funding is one thing, but promoting training to ensure our people are well equipped to deal with this crime is all the more crucial. That is why, for example, in November 2007 officials from the RCMP, Justice Canada, the Public Prosecution Service of Canada, Citizenship and Immigration Canada and the CBSA provided four one-day intensive workshops on trafficking in persons to RCMP officers, municipal police, border services and immigration officers, as well as to victim service providers in Alberta. These workshops were built on previous ones organized in Toronto and elsewhere.

I had the privilege of attending a workshop in my own riding that involved a variety of organizations throughout my riding and the province that are very concerned about human trafficking. It was hosted by a member of the RCMP. It was well attended and was an excellent education forum, an example of how we are trying to continue to raise the awareness and education for all Canadians of this heinous crime that is taking place.

The RCMP and CBSA continue to provide training for their officials on this issue, supported by a range of resource materials, including computer-based learning modules, videos, toolkits and reference cards.

*Routine Proceedings*

I would like to say in conclusion that trafficking in persons is a horrible crime. We are taking a multifaceted approach to fight it and it is providing results. Back in mid-January, for example, Toronto police arrested four individuals allegedly involved in a human trafficking ring. Such arrests give hope to law enforcement agencies that this difficult crime can be thwarted.

From speaking to RCMP members, they find it very discouraging. They go through the exercise, but when they go to court, the accused persons often get off on a technicality. The government and all elected officials need to stand and give the tools to the men and women who are providing the safety in our communities, so they can bring justice where it is required, in this case arresting these individuals involved in human trafficking and making sure justice prevails.

• (1225)

More important, it gives hope to victims that someone is working to end their ordeal. It gives hope to our RCMP officers, hope to those agencies that are working in the communities to support and encourage the elimination of human trafficking. It gives hope to our children, who are our future.

As the hon. member for Kelowna—Lake Country, I thank the member for bringing this issue to the House. My concern is that our government has been working diligently and cooperatively with all these agencies, as I mentioned, and we are trying to bring forward legislation such as Bill C-2, which is being delayed in the Senate right now. We would like to see some cooperation from the opposition parties, specifically the Liberals, to get their members in the other house to pass that legislation. One item that is on the agenda for today that is being delayed because of this concurrence motion is Bill C-3, which deals with security certificates.

Hopefully we can all agree that we need to work more cooperatively and get action from both houses so we can make Canada a stronger, safer, better country.

**Ms. Penny Priddy (Surrey North, NDP):** Mr. Speaker, in the city of Surrey, where I am from, the two women's centres that I work most closely with talk very frequently about businesses where they see people, women primarily, who are being trafficked, but it seems that as soon as they are identified as such, there is no way to prove that they are not legitimate businesses.

People have spoken to the kind of police resources needed, and I hope there are enough resources because it is one of the issues here. Our communities have indicated to the federal government that they need more resources to carry out police duties to their communities.

Members today have spoken of girls and boys, or women and men. Most often when members of the public think or read about human trafficking, they think of women and girls, but we know very well that it also involves young boys and teenagers.

Are there different tactics used with young boys? Are there different approaches that should be used for young boys or young men? I am wondering whether there should be resources in place for them as well and whether those would be different.

• (1230)

**Mr. Ron Cannan:** Mr. Speaker, my colleague from British Columbia and I both have a concern for this issue. As she

mentioned, it is not isolated to one specific age group or sexual orientation. We have a real concern in dealing with this issue and in allocating the additional resources that I mentioned.

I had the pleasure of hosting and working with the International Justice Mission in my riding. That organization has worked in an integrated and coordinated approach with our government, led by our Minister of Public Safety, who also spoke at that event in my riding.

We have allocated resources in our budget to increase the number of RCMP members by a couple of thousand to help deal with issues such as human trafficking of all ages, not only in Canada but all around the world.

A video documentary identified a situation in Thailand. It showed how young boys were being lured in. We all have to be cognizant of this. It is not exclusively females, but it is a concern for young boys as well who are being abused at a young age. In many cases it ruins them for life.

I truly support the initiative that we have taken. I agree that it is something we have to invest in for all ages and all sexes.

As well as the allocation of dollars that we have put into our budget, we have also put forward Bill C-2 to increase the age of protection. This is something that is near and dear to my heart and the hearts of many of my constituents. I have met with the mayor of Kelowna who had worked for many years on this issue trying to ensure that we raise the age of protection from 14 to 16. That legislation is being held up in the Senate. Anything the Liberal opposition members could do to convince their colleagues to get off their hands and support this bill would be the best thing for all Canadians.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I appreciate that my colleague has outlined some of the measures that the government is taking.

I want to correct a misapprehension that may have been left in the debate today, that somehow under Canada's current age of consent laws, prostitution, luring or enticing a young person into prostitution, no matter what the young person's age, is somehow tolerated by the current law. That is not the case. We should be very clear that anyone who engages in that kind of activity can currently be prosecuted under the law. The changes that the government introduced recently, and which are in the Senate now, do not change that fact. That is already covered in the law. It is illegal, as it should be. I do not want to leave any misapprehension that somehow it is tolerated currently.

The member outlined some of the activities the government is taking relating to human trafficking. The report that has come from the Standing Committee on the Status of Women has asked that a specific plan be developed to deal with trafficking at the 2010 Olympic Games. We know that around these large international events there is an increase in human trafficking related to them. We have seen some of the difficulties that it has caused at other events. We have seen different approaches.

*Routine Proceedings*

The Athens Olympics did not have a very good approach, frankly. The Munich World Cup of Soccer actually had an effective approach. Here in Canada, we do not have a plan yet. We have heard that London, in preparing for the 2012 Summer Olympic Games, already has a plan in place.

Could the member address why there is no specific plan here? We heard the head of security for the 2010 Olympic Games in Vancouver say that he really did not see that as being on his agenda. Why has that situation developed? What measures is the government going to take to specifically address the development of a plan for the 2010 Olympic Games to deal with the issue of human trafficking?

• (1235)

**Mr. Ron Cannan:** Mr. Speaker, we just heard from another B.C. member of Parliament. We should remember that the Olympics are for all Canadians. We all might want to celebrate and acknowledge the fact that in 2010 the games are in Vancouver and Whistler, but they will be a benefit to all Canadians.

Human trafficking is a concern for all Canadians. I look at it and ask, why wait until 2010? The fact is that our government is taking action now. The Minister of Citizenship and Immigration introduced legislation in June regarding additional measures to help assist victims of human trafficking being brought in from abroad.

We specifically looked at extending the temporary resident permits from 120 to 180 days. The fact that the initial temporary resident permit and initial work permit will be fee exempt is another way of trying to help these individuals who are in very precarious situations. The victims are not required to testify against the traffickers in order to receive a temporary resident permit. This extension also helps victims apply for work permits and receive health care benefits and counselling services on an interim basis. Sometimes those 180 day extensions can be extended further.

Why wait until 2010? We are working on that now. We are getting things done not only for Canadians now, but for our children and our future. That is why I am so supportive of working together in doing all we can. Let us not wait until 2010. Let us move forward with what we have and build on that.

**Mr. Mario Silva (Davenport, Lib.):** Mr. Speaker, although we do need an action plan today to deal with human trafficking issues specifically around children and women, a plan is needed for the 2010 Olympics. History has shown in many other major events, be they the World Cup or past Olympics, that there is a major increase in human trafficking.

Trafficking is an appalling tragedy and blight in our society. The 2010 Olympics certainly are going to be a proud moment in Canadian history. We as legislators have to do everything we can to ensure that during those Olympics, no human trafficking will take place.

Trafficking is another form of slavery. People are held hostage. Their passports are taken away. It is an appalling situation that women and children go through.

We as a society have to emphasize to the government that there is a great need to pay attention to this issue. Thinking that it is not going to happen will not make it go away. Trafficking takes place

during major events and the government has to be cognizant of it. I hope my hon. colleague will respond to that in light of the important events that will take place in 2010.

**Mr. Ron Cannan:** Mr. Speaker, our government is very concerned about the 2010 Olympics. We want to make sure that the infrastructure is built on time and obviously as close to budget as possible. The labour shortages have presented some challenges within the construction aspect, but that is the buildings.

We are looking at human beings and the physical aspect implications for men, women and specifically the children. Our government is looking at law enforcement to make sure the games are safe for all who attend, and to ensure the safety of those mentioned previously, and to avoid the potential abuse of using the games for financial benefit. The figure of \$3.2 billion was mentioned with respect to the human commodity market.

Just over 200 years ago William Wilberforce abolished the sex trade in the U.K. and last year the film *Amazing Grace* was released. I think of how far we have come, yet how far we have to go.

Our government is doing diligent work in building a strategy not only for 2008, but for the 2010 Winter Olympics. Once again I reach out to my colleague, who is a member of the Liberal Party, to encourage his senator colleagues to act quickly and responsibly and pass Bill C-2, the age of protection legislation. It would be one way of helping our children for the 2010 Olympics and for the future.

• (1240)

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, anyone who has read the book *The Natashas: Inside the New Global Sex Trade* by Victor Malarek is probably horrified by the amount of sex trafficking and sex slavery occurring right now in the world.

We often talk about sex slaves and trafficking, but somehow our country treats these individuals as criminals rather than people in need of protection. The only provisions in the current law relating to trafficking serve to criminalize trafficking and to favour the detention of trafficked persons. There is nothing in the law to protect the human rights of trafficked persons.

It was mentioned today that women and children are trafficked most often, although trafficking is not kept strictly to women and children. Children are most in need of protection. We need special measures to reflect their vulnerabilities and needs.

We know that persons involved in the sex trade often feel a real sense of shame. They have not been given any choice in this. They often need some time in a secure environment to recover and reflect on what they are going to do next. That is why a proposal must include a provision for immediate temporary protection, which cannot be discretionary.

*Routine Proceedings*

Certainly some people choose to return to their home country. However, for some trafficked persons, returning home would involve significant hardship. They may feel stigmatized in their home country, especially if they were involved in sex work. They may fear retribution from the traffickers, who may still be in their village. They may be at risk of being forced into a new trafficking situation. Because they have been trafficked, they may have lost their ability to make choices about their lives. That is why asking them to make a choice in a very short period of time is difficult.

The only place in the present Immigration and Refugee Protection Act where trafficked people are mentioned in is in the regulation which includes having been trafficked as a factor in favour of detention, including children. There is nothing in the law to specifically protect the rights of trafficked persons.

With the recent change in 2006, there is a temporary protection permit. This permit can be extended to 180 days, but the problem with this process is that the individual is not allowed to apply in Canada in a permanent way. People need to have an alternative presented to them. They need to know that they have the choice to remain as permanent residents. We need to find ways to protect these people. Why? We need to protect them because they are at their most vulnerable.

There are factors that need to be taken into account when deciding whether there are reasonable grounds for people who have been trafficked to stay in Canada. We need to look at their allegations. We need to look at the facts about their arrival in Canada. Perhaps we could look at representations from credible non-governmental organizations that believe these people have been trafficked. We need to offer protection, alternatives, choice and hope for these people.

● (1245)

In the case of a child, the immigration officer should be responsible for making sure that the child is placed immediately under the protection of child protection services and has access to necessary services, including counselling. That is critically important. These children have to recover. If they do not get counselling, they are often at a loss in regard to what to do. The counselling component is extremely important. The temporary permit should be extended to six months. Or if the circumstances warrant it, they should be allowed to stay in Canada.

When the enforcement officers are interviewing these women or children, I think it is important that we have guidelines to make sure these officers do the interviews in the most sensitive manner. Hopefully we could also include the guideline that people can be accompanied by a representative of a non-governmental organization so there is an advocate working for these people if they so wish, so there is a helping hand, a person they can lean on and who knows and understands what they are going through. Therefore, training is important and having an advocate is also very important.

The other aspect is permanent protection, which is done so these people will not be at risk of being re-trafficked. In Mr. Malarek's book, we find situations where people are returned to their home village or country only to be scooped up again by people who are preying on the most vulnerable in those villages or small towns, and thus they again end up in the sex trade.

There needs to be psychological support, as I have said. As well, we need to make sure that a safe house, for example, will be made available to them. We know they need to have housing support. That is an aspect that has to be developed, expanded and funded.

The people who have been trafficked should be exempt from all fees, not just the application fees but also the right of permanent residence fees. They could be seen as protected persons. That law also has to be changed, because right now this is not the case. Women who have suffered from violence still have to pay the application and landing fees, but often these people are totally destitute and do not have the financial means. They are also very fearful.

We have to change the family reunification class so that trafficked persons will have the right to include family members, both inside and outside Canada, as protected persons, so if they have children they may be able to bring the children into the country.

In terms of the Immigration and Refugee Protection Act, we also need to amend section 133 to protect trafficked persons from prosecution for offences related to entry into Canada. If we do not do so, they would be too fearful to come forward, and any laws we put in place would defeat their own purpose. Currently we allow refugees to stay in Canada even though they may have an offence related to the way they came into the country. This amendment is critically important.

There is also an important amendment to the regulations, part 245 in the immigration act, which is flight risk, and also one to part 249, "Special considerations for minor children" to remove reference to a trafficking connection as a factor in favour of detention.

● (1250)

If we do not do those kinds of things and if we do not amend the Immigration and Refugee Protection Act, we will have just what we are seeing now. We had an instance of this in the summer of 2007. Because all the rules and regulations that were changed in May 2006 are discretionary, they are sometimes not offered to a trafficked person. They impose an unreasonable burden of proof on that person. The mandatory involvement of law enforcement agencies ends up deterring some of these victims from applying.

Despite the introduction of the guidelines, we heard in summer 2007 about a woman who was apprehended at the U.S.-Canada border despite being identified by Canadian officials as a victim of trafficking. She was never offered a temporary resident permit. She was held in detention and was deported before she was able to meet with a lawyer. This was an instance where we could have helped that person, but we lost that opportunity because we had not made the proper amendments to the Immigration and Refugee Protection Act.

*Routine Proceedings*

The only bill that is front of the immigration committee right now is Bill C-17. Bill C-17 does not offer all of those changes. It does not deal with the problems that have been identified. We absolutely have to make those changes right now. It needs to be seen as a priority so we can send a clear signal that a permanent policy is in place to offer protection to trafficked persons.

Also, with regard to overseas, an immigration operations manual has been in the works for two years and is still not finished. It is called IP9 and what it actually does is go after the so-called consultants. Really, they are the recruiters. They are the people who are bringing women and children across the border into the sex trade in an illegal manner. They need to be punished. They need to be charged, but right now there is no operations manual to instruct the immigration officer to be on the lookout for such recruiters and unscrupulous consultants.

On average, each year we have 110,000 foreign workers coming into the country. Some are recruited by these unscrupulous consultants and yet the Canadian Immigration Center has one secretariat and one part time person who has no power because that person is under the Canadian immigration department rather than the Canada Border Services Agency. So far we have not seen one person charged, convicted or jailed as a person involved in trafficking.

Therefore, the message we are sending is not very clear. We talk about punishing those who are involved in trafficking, yet our overseas officers do not have enough instruction and there is not enough training for them. In Canada, there is no coordination. It is not clear whether it is the immigration department, RCMP, CSIS or CBSA that is really in charge. That small secretariat with one part time person cannot do all the jobs that need to be done. There is no clear line of reporting. Of all the cases filed and all the complaints, hardly any have gone to court so far, and there have been no convictions whatsoever.

In looking at this situation, not only do we need to protect the people who are in Canada, but we also have to deal with the overseas immigration offices and the embassies to stop this at the source. We need to make sure the immigration officers know to whom to report. We need to make sure that charges are laid so there will be clear convictions.

• (1255)

I talked briefly about the need for safe houses and secure housing. We have heard of situations where women want to leave an exploitive situation but cannot find a safe haven. They do not have access to advocates who can support them because a lot of sexual assault units are not properly funded.

In downtown Toronto, for example, there are agencies helping young street people and yet they have no permanent funding. It goes from year to year. They do not have enough funds to provide the counselling, the advocacy for these sex slave victims.

Members of Parliament who are interested in knowing more about this issue can go to the website, [trafficking.ca](http://trafficking.ca), which was put forward by the Canadian Council of Refugees. It contains a lot of information. It gives a definition of trafficking and provides recommendations. Round table discussions have been held across the country. There are very specific legislative bills that we can act

on right now that could remedy the situation. I hope that we can take immediate action and not necessarily wait until the Olympics come to Canada.

**Mr. Mario Silva (Davenport, Lib.):** Mr. Speaker, I truly feel this is a very important issue.

Trafficking is the world's fastest growing international crime. UNICEF estimates that 1.2 million children are trafficked globally each year. International labour organizations estimate that 2.5 million children are currently in situations of forced labour as a result of being trafficked.

Trafficking in persons is a modern-day form of slavery. Victims transported for sexual and other forms of exploitation across borders suffer physical, sexual and emotional abuse, including threats of violence.

My hon. colleague mentioned in her remarks that all trafficked persons suffer deprivation of their liberty. What can we do as legislators to put forward a comprehensive strategy of prevention and also to raise awareness, a collective action by Parliament to work with NGOs and with the Canadian Council of Refugees? Could she elaborate further on what she thinks we could do to cooperate with other agencies so we can put an end to this modern-day form of slavery?

**Ms. Olivia Chow:** Mr. Speaker, there are a lot of barriers to protection, one of which is the lack of awareness. The government needs to ensure that trafficking issues are given a high priority and that the general public is educated on the issue. Unless there is public pressure, government policies will not change among service providers who sometimes do not recognize trafficking and do not understand the context that puts people into a trafficking situation.

The victims themselves need to be educated. Some may have a low literacy rate and therefore have little understanding of what is happening to them. That lack of awareness is a barrier. There is also a lack of information for the victims, the NGOs, the lawyers, the police, the public and especially for the women and children who are sometimes put in detention and criminalized.

We also know there is a lack of services, such as access to health services and insufficient legal aid coverage. As I said earlier, a lot of non-profit organizations do not have sufficient resources to support these folks. The attitude is a problem. A stigmatization sometimes takes place where people are marginalized because of race, culture, lack of language skills and, in part, because of the shame associated with their status.

Many of the victims are fearful and do not trust authority. They are fearful of their traffickers. They do not know or understand the system. Front line workers sometimes are fearful or worried about dealing with trafficked people, which is also a problem.

*Routine Proceedings*

We also see a lack of national coordination, which is why we need a national policy. We need a centralized place where all the information would go, perhaps a hot-line of some kind. We need focal points and we need advocacy efforts so that all these issues we are talking about are not fragmented.

Lastly, there needs to be partnership of all the people who care and support taking action on this issue. If we do not work as partners we will not be able to deal with this human tragedy.

• (1300)

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** Mr. Speaker, I have been listening with great interest to the member from the NDP with regard to the tragedy we have in our country concerning the trafficking in human beings, one of the most depraved ways of earning a living on anyone's behalf.

I have spoken to members of the RCMP who deal directly with this issue. Recently in Toronto we have seen some great progress in that we are bringing to justice people who would dare to do these terrible things. Further, the member for Kildonan—St. Paul has gone across this country advocating and doing the very thing that the member just referred to.

Last year I attended a conference in Belleville, Ontario, put on by two Roman Catholic sisters who invited everyone from the community, every group from the community, whether they be church groups, such as the Catholic Women's League, the United Church women, social workers and police agencies. The RCMP were there to let us know what they were doing. At that time we learned that there was a national coordinated effort, that they are making inroads, that they are talking to social workers who go into the communities and who are, as we speak, taking the fear out of people who are trafficked and making them realize they are in Canada, that they are able to seek out assistance and that they have nothing to fear from law enforcement agencies and everything to gain.

I am told that our immigration people are actually working with the RCMP to ensure that we let these people know that they will not be sent back into servitude, that Canada is a place they can come to and expect to be treated with dignity and have all their human rights respected.

Is the hon. member aware that these things are taking place, that many social agencies, whether they be church groups or social services, that people are working, going into the community and reassuring and getting the word out through the underground because these folks are being hidden? Is the member aware that there is a coordinated national effort by the RCMP as one of the lead agencies?

**Ms. Olivia Chow:** Mr. Speaker, I urge the member of Parliament and all members of Parliament to speak to the immigration minister and ask her to bring a bill into this House tomorrow that would allow these people to apply for permanent residence status rather than temporary protection, to amend section 133 so that they could be protected from persecution for offences related to entry into Canada, and to amend sections 245 and 249 to remove reference to trafficking connection as a factor in favour of detention.

If we do those three things in terms of the immigration amendments, then I will know that the government is serious about dealing with the issues. If not, then everything is still discretionary. It is up to the immigration officers who are at the border. Some may or may not know that a person is being trafficked and being brought in as a sex slave.

As well, regarding the overseas work that I was talking about, I would ask the government to issue the IP 9 and change the operation manual so that overseas officers can be instructed to find these recruiters, charge them and jail them. If we do not do that, then the recruiters and the people who are calling themselves consultants, the go-betweens, will continue to operate and prey upon the most vulnerable.

• (1305)

**Mr. Rick Norlock:** Mr. Speaker, I understand the member's desire to change laws but it is not about changing laws. It is actually about having the resources to enforce the laws that we currently have, and that is what this government is doing right now. We are bringing additional RCMP and police officers on-line. Our immigration officials are working with the RCMP and they are cognizant that this problem exists. The problem is that these people are being ferreted away in nooks and crannies and actually in jails with locked doors.

What we are doing is letting people know that there is help available. If authorities in Canada do come upon people who are being trafficked, they will be treated in a humane way, their rights will be protected and they will not be punished.

**Ms. Olivia Chow:** Mr. Speaker, I certainly hope that is the case because what I am hearing on the ground is that there are not sufficient resources to go after these illegal recruiters and consultants. I have been picking that up from overseas officers and from immigrants who have been ripped off or exploited by these so-called recruiters.

We also have had a promise that there would be 2,500 more police officers on the streets. I still have not seen them yet. I certainly hope that when there is a—

**The Deputy Speaker:** Order, please. It is my duty to interrupt the proceedings at this time and put forthwith the question on the motion now before the House.

The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

**Hon. Jay Hill (Secretary of State and Chief Government Whip, CPC):** Mr. Speaker, there have been discussions between all parties, and I believe you would find unanimous consent for the following motion. I move:

That, notwithstanding any Standing Order or usual practices of the House, the debate pursuant to Standing Order 66 scheduled for tonight be deemed to have taken place and the First Report of the Standing Committee on Aboriginal Affairs and Northern Development, presented on Monday, December 3, 2007, be now concurred in.

**The Deputy Speaker:** Does the hon. chief government whip have the unanimous consent of the House to move the motion?

*Routine Proceedings*

**Some hon. members:** Agreed.

**The Deputy Speaker:** The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

**Hon. Jay Hill:** Mr. Speaker, at this time I would also seek the unanimous consent of the House for the following: that, notwithstanding any Standing Order or usual practice of the House, on any day that Bill C-3 is under consideration, the House shall sit beyond the ordinary hour of daily adjournment and shall not be adjourned before such proceedings have been completed except pursuant to a motion to adjourn proposed by a minister of the Crown.

• (1310)

**The Deputy Speaker:** Does the hon. chief government whip have the unanimous consent of the House to move the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

\* \* \*

**IMMIGRATION AND REFUGEE PROTECTION ACT**

**Hon. Jay Hill (Secretary of State and Chief Government Whip, CPC):** Mr. Speaker, pursuant to Standing Order 56.1, I therefore move:

That, notwithstanding any Standing Order or usual practice of the House, on any day that Bill C-3 is under consideration, the House shall sit beyond the ordinary hour of daily adjournment and shall not be adjourned before such proceedings have been completed except pursuant to a motion to adjourn proposed by a minister of the Crown.

**The Deputy Speaker:** Would those members who object to the motion please rise in their place.

*And more than 15 members having risen:*

**The Deputy Speaker:** More than 15 members having risen, the motion is deemed to have been withdrawn.

(Motion withdrawn)

\* \* \*

**PETITIONS**

## POST-SECONDARY EDUCATION

**Mr. Alex Atamanenko (British Columbia Southern Interior, NDP):** Mr. Speaker, I have two petitions. One is addressed to the Minister of Human Resources and Social Development. The petitioners state that students are being hit hard today, that the chronic federal underfunding of core post-secondary education has led to soaring tuition fees and average student debt is approaching \$25,000, and that it is very difficult in the area of student loans.

Therefore, these petitioners would like the government to create a federal needs based grant system for all Canada student loans in every year of study by rolling in the budget of poorly targeted federal PSE programs and the expiring millennium scholarship foundation, to reduce the federal student loan interest rate, to create a federal student loan ombudsperson, and to create enforceable federal standards governing the conduct of government and private student

loan collection agents subject to the policy objective of helping students find ways to repay their loans, among other things.

## SENIORS

**Mr. Alex Atamanenko (British Columbia Southern Interior, NDP):** My second petition deals with seniors and the fact that Statistics Canada has made a major error in its calculations of the consumer price index showing the rates for hotel/motel rooms dropping 16.5% when they actually had risen 32.2%.

The petitioners, around 150 of them, call upon the Parliament of Canada to take full responsibility for the error and take the required steps to repay every Canadian who was shortchanged by a government program because of the miscalculation of the CPI.

## HUMAN TRAFFICKING

**Mrs. Joy Smith (Kildonan—St. Paul, CPC):** Mr. Speaker, today I table hundreds of names on a petition from across Canada regarding the combating of human trafficking in Canada. The petitioners are calling on the government to continue its good work toward stopping the human trafficking issue here in Canada.

## TRUCKING INDUSTRY

**Mr. Kevin Sorenson (Crowfoot, CPC):** Mr. Speaker, I have the honour to present a petition signed by almost 130 Canadians. Most of them are my constituents from towns in Alberta including Calgary, Halkirk, Three Hills, Coronation, Caster and Hanna.

The petitioners call on Parliament to look into the needs of Canada's trucking industry with a view to making drivers' hours of service less restrictive. These truckers maintain that their industry is diverse and regulations concerning commercial vehicle drivers' hours of service are too restrictive.

Canada's truckers provide an invaluable service to our economy and our country. Canada's truckers deliver the goods to each and every family across the wide expanse of Canada's geography and our government wants to help them get the job done. It is a pleasure to table this petition.

## WORLD POLICE &amp; FIRE GAMES

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, I have two petitions to table today in the House of Commons.

The first petition is from residents in the Burnaby area of British Columbia. They are calling upon the government to provide funding to the 2009 World Police & Fire Games. They are being held in the Lower Mainland of British Columbia, centred in Burnaby of course. The federal government has refused thus far to extend financial support to these games.

The petitioners from Burnaby and other communities call on Parliament to immediately extend generous financial support to the 2009 World Police & Fire Games and that this support, at a minimum, match that extended by the federal government to the last Canadian host city of the World Police & Fire Games, the same amount of funding that was provided to Quebec City.

*Points of Order*

●(1315)

## SECURITY AND PROSPERITY PARTNERSHIP

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, the second petition is regarding the security and prosperity partnership. Petitions are flooding in from right across this country. This particular petition is signed by dozens of residents in southern Ontario who are very concerned about the Conservative government implementing the Liberal agenda around the SPP.

The petitioners are calling upon the Government of Canada to stop further implementation of the security and prosperity partnership of North America, so called. They urge the Government of Canada to conduct a transparent and accountable public debate on the SPP process, involving meaningful public consultations with civil society and a full legislative review, including the work, recommendations and reports of all SPP working groups, and a full debate and vote in Parliament.

The NDP is the only party opposing the SPP and these petitioners are supporting its call to halt implementation of the SPP.

## INCOME TRUSTS

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I am pleased to present this income trust broken promise petition on behalf of Mrs. Joan Norris from Peterborough, Ontario, who remembers the Prime Minister boasting about his commitment to accountability when he said the greatest fraud is a promise not kept.

The petitioners remind the Prime Minister that he promised never to tax income trusts, but he broke that promise by imposing a 31.5% punitive tax, which permanently wiped out over \$25 billion of the hard-earned retirement savings of over two million Canadians, particularly seniors.

The petitioners, therefore, call upon the Conservative minority government to admit that the decision to tax income trusts was based on flawed methodology and incorrect assumptions, to apologize to those who were unfairly harmed by the broken promise, and to repeal the punitive 31.5% tax on income trusts.

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## QUESTIONS ON THE ORDER PAPER

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, I ask that all questions be allowed to stand.

**The Deputy Speaker:** Is that agreed?

**Some hon. members:** Agreed.

\* \* \*

## POINTS OF ORDER

## BILL C-219

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, I rise on a point of order respecting the procedural acceptability of Bill C-219, An Act to amend the Income Tax Act (deduction for volunteer emergency

service), which is currently on the order of precedence in the name of the hon. for Malpeque.

Without commenting on the merits of the bill, I would ask the Speaker to rule on whether the bill conforms to the procedural requirements for tax legislation.

Briefly stated, the Income Tax Act has been amended since the introduction of Bill C-219, so that the bill now has the unintended effect of increasing taxes.

Although the bill was in order when it was first introduced, I will be arguing that the bill should have been preceded by a ways and means motion when it was reinstated in the current session of Parliament.

I will therefore be arguing that the bill should be withdrawn from the order paper.

Bill C-219 proposes to amend the Income Tax Act to allow volunteer emergency workers to deduct \$1,000 from their taxable income if they performed at least 100 hours of volunteer service and \$2,000 if they performed at least 200 hours of volunteer service.

Bill C-219 was first introduced in the House during the previous session of Parliament on April 10, 2006.

On October 16, 2007 the bill was deemed to have been introduced and read a first time in the current session of Parliament pursuant to Standing Order 86.1 which provides for the reinstatement of private members' business following a prorogation.

As the Speaker knows, bills that increase the level of taxation must first be preceded by the adoption of a ways and means motion. The 22nd edition of *Erskine May* states at pages 777 and 778 that matters requiring authorization by a ways and means resolution include "the repeal or reduction of existing alleviations of taxation, such as exemptions or drawbacks".

Bill C-219 proposes to amend the Income Tax Act to provide a tax deduction for voluntary emergency workers. *Erskine May* makes clear at page 781 that bills that alleviate taxation do not require a ways and means motion.

I therefore recognize that the bill was properly before the House when it was first introduced in the previous session of this Parliament. However, since Bill C-219 was first introduced, the Income Tax Act has been amended and as a consequence Bill C-219 will now have the unintended effect of increasing levels of taxation.

Let me take a moment to explain why.

Bill C-219 would add proposed paragraphs 60(y) and 60(z), and proposed sections 60.03 and 60.04 to the Income Tax Act. As I noted earlier, after Bill C-219 was introduced, the Income Tax Act was amended by Parliament in ways which affect Bill C-219.

First, paragraph 60(y) of the Income Tax Act was added by subsection 174(1) of the Budget Implementation Act, 2006, which received royal assent on June 22, 2006.

*Points of Order*

The effect of this new paragraph is to provide a deduction equal to the amount of any universal child care benefit that a taxpayer is required to pay. The deduction is necessary because when the taxpayer initially received the universal child care benefit the amount is required to be treated as income. As such, it is taxable.

However, if the benefit is to be repaid, taxes would be paid on an amount the taxpayer did not get to keep. That is why the deduction is required. Without it, more taxes are paid. Therefore, removing the deduction would have the effect of increasing the taxes paid.

Proposed paragraph 60(y) contained in Bill C-219 would set out the new tax deduction proposed in the bill but would also have the effect of replacing existing paragraph 60(y) in the Income Tax Act. Therefore, as currently drafted, Bill C-219 would result in a greater tax burden.

The same could also be said for proposed paragraph 60(z), contained in Bill C-219. Section 105 of the Budget and Economic Statement Implementation Act, 2007, which received royal assent on December 14, 2007, has already added paragraph 60(z) to the Income Tax Act.

Paragraph 60(z) provides for the deduction of any repayment of any grants or bonds paid under the Canada Disability Savings Act. Bill C-219 would remove that deduction.

The third change to the Income Tax Act to which I wish to draw attention is proposed section 60.03 which was added by section 5(1) of the Budget Implementation Act, 2007, which received royal assent on June 22, 2007.

Section 60.03 of the Income Tax Act allows a couple to split their pension income to permit them to take advantage of a lower effective marginal tax rate.

• (1320)

The proposed section 60.03 of Bill C-219 sets out the evidence taxpayers are required to submit to be eligible for the new tax deduction proposed in the bill, but would also have the effect of replacing the existing section 60.03 in the Income Tax Act. In other words, Bill C-219 would repeal the pension splitting provisions and therefore result in a greater tax burden for seniors.

We have with Bill C-219 an unusual circumstance. A ways and means motion was not required when the bill was introduced in the previous session because the bill did not have the effect of increasing taxes at that time.

However, Bill C-219 amends the Income Tax Act, which has since been amended. The provisions of the Income Tax Act, which are being repealed by Bill C-219, were for the benefit of taxpayers. By removing these provisions, we would be adding to the tax burden. Consequently, I would suggest that the bill should have been preceded by an adoption of a ways of means motion at the time of reintroduction in this session and that the bill is therefore now improperly before the House.

I note that in this session the government tabled ways and means motions and had them adopted by the House before the reinstatement of two government tax increase bills from the previous session, namely Bill C-10, the income tax bill, and Bill C-12, the bankruptcy

and wage earner protection bill. The government would have tabled a ways and means motion for any new government bill to increase taxes which would remove provisions added in previous budget bills.

In addition, I suggest that the requirement for a ways and means motion is not limited to the introduction of a bill, but also to any motion that would increase taxation. For example, it is clear that motions to amend bills that have the effect of increasing taxation require a ways and means motion. Citation 982 of the sixth edition of Beauchesne's states that, "No motion can therefore be made to impose a tax".

It could therefore be argued that the motion for second reading of Bill C-219 is out of order, as the bill would have the effect of increasing the levels of taxation.

Finally, Mr. Speaker, if you were to find that Bill C-219 is now improperly before the House, as I argue, I believe you would be obliged to direct that the order for second reading of the bill be discharged and the bill be withdrawn from the order paper, as you did in the case of Bill C-418 earlier in the session, on November 28, 2007.

• (1325)

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I thank the parliamentary secretary for the information. He made an interesting argument.

As the member has stated, the bill, which would permit an exemption for taxable income, was in order and fully permissible. It would not require a royal recommendation because it did not prescribe the expenditure of government revenues. It would appear, however, that the arguments laid out by the hon. member lead to the assumption of consequential impacts on other taxation matters, whether it be child care or benefit items, or any other tax items that he mentioned.

It is not readily determinable whether there are cases where changes in the tax act, and with this bill in place, would not have reduced the taxes of other persons in Canada simply because of the level of taxable income, which would be used for determining the eligibility for other benefits, whether it be EI, OAS, or whatever.

There is no question that one could come up with some examples where taxpayers in certain situations may, as a consequence, find that their taxes would go up. However, it is not necessarily applicable to all taxpayers. It will have to be worked out, and I would like an opportunity to look at it.

There is another aspect to this. When a matter comes up with regard to a royal recommendation, the Speaker generally provides notice that a royal recommendation is required. Under the circumstances described by the parliamentary secretary, and prior to the reinstatement of the bill, no additional information was provided by the Chair, based on the analysis of those who advise the Chair on these matters, that the changes that had taken place now changed the situation. Therefore, the member in question had no opportunity to save his bill, and that is a very serious matter.

There is also another argument. Even should a royal recommendation be required, as described by the parliamentary secretary, it only means the question would not be put at the end of third reading. It does not mean the member does not have an opportunity, either in committee or at report stage, to make changes to the bill so the offending provisions requiring a royal recommendation could be remedied. The bill could then continue, have a vote and become law.

The parliamentary secretary is making a case for the bill to simply be dropped. He is totally eliminating the opportunity for the member to salvage his bill. He is not giving the member an opportunity, which all members have, simply because of a change.

I do not believe the case has been made that the bill would have a universal impact on all other taxpayers with regard to the benefits about which he talked. It may only be isolated cases. Whereas on a net basis, or in terms of net revenue for the government, it would not be the case. That cannot be said with certitude right now without having an analysis prepared by those who would argue that case.

I am sure there will be more interventions in this regard. I would ask that the decision on the ruling to eliminate the bill from the order paper on the basis that the parliamentary secretary outlined be held off because the argument is much more complex. The mover of the bill should have an opportunity to speak to possible remedies. Should there be a subsequent ruling or notice by the Chair that a royal recommendation would be required, the member would at least have the opportunity to determine the manner in which he could remedy the bill and still have it on the order paper and dealt with in the normal course.

• (1330)

**Mr. Tom Lukiwski:** Mr. Speaker, I agree completely with the hon. member opposite who has said that this is obviously a very complex and highly unusual situation concerning Bill C-219. I point out again, however, that we are talking about a ways and means motion rather than a royal recommendation. As the Speaker completely understands, there is a distinction between the two.

Even though I appreciate the arguments made by my hon. colleague about the need perhaps for the member who introduced this private member's bill to be consulted and have a chance to address the situation, and it is an unusual situation and I give full weight to that, Marleau and Montpetit, on pages 701-702, states that a fundamental principle of our parliamentary system is that all taxes imposed on our nation must be granted by Parliament. That was the crux of my argument.

This protection of the principle is an important concern for all members of the House. While I appreciate the arguments of my hon. colleague, there is also convention and procedures that we must observe, Mr. Speaker. I look for your ruling on this matter in the near future.

**The Deputy Speaker:** Before I hear the hon. government whip on a point of order, I want to apologize to the House for a mix-up that occurred earlier.

When the hon. government whip moved a motion pursuant to Standing Order 56.1, the Chair was in possession of a form that indicated that only 15 members needed to rise in order for the motion to not be acceptable to the House. That was a mistake.

### *Government Orders*

Pursuant to Standing Order 56.1, 25 people are required. Of course the Chair did not take pains to observe whether there were 25, or 24 or 26, but only that there were 15. This has been brought to my attention subsequently.

The only fair thing to do at this moment is to give the government whip the opportunity to move his motion, pursuant to Standing Order 56, again.

\* \* \*

### **IMMIGRATION AND REFUGEE PROTECTION ACT**

**Hon. Jay Hill (Secretary of State and Chief Government Whip, CPC):** Mr. Speaker, I appreciate your ruling on this. Mistakes happen everywhere.

Therefore, under motions, pursuant to Standing Order 56.1, I move:

That, notwithstanding any Standing Order or usual practice of the House, on any day that Bill C-3 is under consideration, the House shall sit beyond the ordinary hour of daily adjournment and shall not be adjourned before such proceedings have been completed except pursuant to a motion to adjourn proposed by a minister of the Crown.

**The Deputy Speaker:** Would those members who object to the motion please rise in their places.

*And fewer than 25 members having risen:*

**The Deputy Speaker:** There being less than 25 members having risen in their places, I declare the motion carried.

(Motion agreed to)

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## **GOVERNMENT ORDERS**

### **IMMIGRATION AND REFUGEE PROTECTION ACT**

The House proceeded to the consideration of Bill C-3, An Act to amend the Immigration and Refugee Protection Act (certificate and special advocate) and to make a consequential amendment to another Act, as reported (with amendment) from the committee.

[*English*]

#### SPEAKER'S RULING

**The Deputy Speaker:** There are 12 motions in amendment standing on the notice paper for the report stage of Bill C-3. Motions Nos. 1 to 12 will be grouped for debate and voted upon according to the voting pattern available at the table.

[*Translation*]

I will now put Motions Nos. 1 through 12 to the House.

[*English*]

#### MOTIONS IN AMENDMENT

**Ms. Penny Priddy (Surrey North, NDP)** moved:

Motion No. 1

That Bill C-3 be amended by deleting Clause 1.

Motion No. 2

That Bill C-3 be amended by deleting Clause 2.

Motion No. 3

That Bill C-3 be amended by deleting Clause 3.

Motion No. 4

*Government Orders*

That Bill C-3 be amended by deleting Clause 4.

Motion No. 5

That Bill C-3 be amended by deleting Clause 5.

Motion No. 6

That Bill C-3 be amended by deleting Clause 6.

Motion No. 7

That Bill C-3 be amended by deleting Clause 7.

Motion No. 8

That Bill C-3 be amended by deleting Clause 8.

Motion No. 9

That Bill C-3 be amended by deleting Clause 9.

Motion No. 10

That Bill C-3 be amended by deleting Clause 10.

Motion No. 11

That Bill C-3 be amended by deleting Clause 11.

Motion No. 12

That Bill C-3 be amended by deleting Clause 12.

● (1335)

**Hon. Stockwell Day (Minister of Public Safety, CPC):** Mr. Speaker, we in the House are giving consideration to the bill before us, which is to address the Supreme Court ruling regarding the issue of security certificates. To quickly recap, security certificates themselves, or a process not unlike what we have had over the last few years, have been in place in Canada for some period of time, dating back to at least 1977.

Here is the situation in its most basic form. About 95 million people visit this country every year. The vast majority of those who decide to stay contribute in a very positive way. Approximately 260,000 of those are people who want to stay here. The vast majority of those people add greatly to the strength and stature of our nation. They bring their skills, values, beliefs, hopes and dreams for the future. Our country is strengthened by that and made a better place. But among the people who come here every year, there will always be a few who should be deemed inadmissible because they are a threat to our country.

Our country has a very generous system for people to appeal a notice of inadmissibility. The process of appeal can take quite a period of time. There are a number of different levels at which a person can appeal. What does a government do?

Any government's first responsibility should be the safety and security of its citizens. There are some people who arrive on our shores who are identified by intelligence agencies, because of information the agencies have, as possible terrorists or who have strong terrorist affiliations. They may be active members of an organized crime organization. They could be serious present and imminent threats to our own people. When people are told they are inadmissible and have to return to their countries of origin, they begin the appeal process, which can take years.

Actually, most people who decide to appeal a particular notice of inadmissibility or an order which does not allow them to come in are not security risks. They may have other issues, but they are not security risks. However, from time to time there are individuals who are deemed to be so dangerous and such a risk to our own citizens that we cannot contemplate allowing them to move around the country at will for possibly a number of years while they appeal the

order to be removed. Therefore, a system of detaining them was put in place whereby a certificate would be signed.

The security agencies themselves, and in many cases it is our own intelligence service, will present to the Minister of Public Safety and the Minister of Citizenship and Immigration in confidence the reasons a person should be declared dangerous. They will ask that a certificate be signed. The person would then be detained while appealing his or her status.

It does not stop there. That security certificate has to go before a judge to make sure that it complies with our Charter of Rights and Freedoms and the vast framework of other guarantees and rights that are available to individuals. When a judge grants it, the security certificate comes into play and the person can be detained. If the individual's appeal process takes a year, two years or three years, the person is detained in a detention facility.

The interesting thing about the nature of that detention is that detainees are allowed to leave the facility any time they want, if they choose to go back to their countries of origin. Some choose not to do that for some obvious reasons.

This whole process was challenged and validated at a number of levels right up to the Federal Court of Appeal and found to be constitutional, until last February 2007 when the security certificate process was challenged. The Supreme Court, although not saying the entire process was unconstitutional, pointed out a couple of areas that had to be strengthened if the process was going to remain in place.

● (1340)

That is what we have done. We have taken the time not just legislatively but to consult with a variety of individuals, groups and organizations across the country to deal with the two areas mentioned by the Supreme Court.

The first is the notion of having a special advocate dedicated to the interests of the person being detained. That person can already have his or her own counsel, and in most cases already does. The special advocate has special powers to review all the confidential classified information that the intelligence services have brought forward against the person declaring him or her to be dangerous. That obviously is information which cannot be made public because it has to do with our national security. It has to do with people who work for our intelligence services and how they acquire certain information. That information does at least have to be seen in confidence by a judge.

Now we have arranged in the legislation for a special advocate with powers to see the classified information, for the ability to talk to the person who is being detained. There is still the provision that once they have seen all this classified information to do with national security, they cannot discuss that with the person being detained.

An addition has been made to the legislation, clause 85.2(c), which would allow the advocate to appeal to the judge for any other type of special power that he or she deems necessary to complete the work and properly protect the interests of the person being detained. It is a catch-all phrase to cover unanticipated circumstances that may come up.

The special advocate can also challenge the witnesses, the intelligence officers and the information itself.

Broadly speaking, we believe the special advocacy provision has been addressed and will give significantly increased protection to the rights of the detained individual.

The other area of concern to the Supreme Court justice was the length of time of detention without a possible review. Presently, if a person who is being detained is a permanent resident, he or she can have a review of that order within 48 hours and then automatically every six months. Until recently, foreign nationals could have a single review 120 days from the time the certificate was put in place. We have changed that to allow them to have the same footing as permanent residents. They can have that certificate reviewed every 48 hours and then every six months. We believe we have addressed that.

We have also looked at another clause called the privative clause. This is in the IRPA itself. As it exists now, that clause limits the amount of judicial review on a case like this. We have removed that to give even greater breadth.

There is a difference between criminal proceedings and immigration proceedings. In a criminal proceeding, a person has broken the law and proceedings start so that can be proven in a court of law. The person can be not just charged but convicted and in fact detained in a penitentiary, in the jail system, for punitive reasons and for rehabilitative reasons. That is entirely different from an immigration review process, which is done simply to determine and protect the safety and security of our citizens.

Those are the main elements of the bill before us. I would encourage all colleagues to set aside partisanship to realize that the security certificates have been proven not to threaten the individual rights and freedoms of Canadians. As a matter of fact, the security certificate cannot even be applied against a Canadian citizen. It can only be used on foreign nationals or those who are not Canadian citizens.

Further to that, since 2001, with about a quarter of a million people a year coming into our country, these certificates have only been applied in six particular cases, or it could be argued that it is seven cases. They have been applied in literally a handful of cases. This is where a judge has agreed, not just with me as public safety minister and public safety ministers before me but also with the intelligence information, that the persons who are deemed to need detention have either significant terrorist affiliations or are significantly involved or deemed to be involved with violent possibly international criminal organizations. These are people who are deemed to be so dangerous, with the necessary documentation provided to satisfy a judge, that they should not be allowed to be in our country. This provision has not been applied in a haphazard fashion. It has been done very carefully.

●(1345)

If we do not have these in place and pass the bill, the security certificate system will collapse. The Supreme Court gave us a year to do this. The year is almost up. I believe we have honoured the declarations of the Supreme Court and at the same time we have

### *Points of Order*

balanced individual rights and freedoms along with security interests.

Our country will be safer because of the security certificate provisions being in place, but our country and our citizens will be somewhat at risk if the system is allowed to collapse.

I ask members, especially those opposite, in a non-partisan way to consider the important nature of the provisions that we have attained today and to pass this bill.

\* \* \*

### POINTS OF ORDER

#### USE OF STANDING ORDER 56.1

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, a few minutes ago we had a vote in this House where Standing Order 56.1 was used and 25 members were required to stand in order to defeat a motion by the government to continue the debate on Bill C-3. In actual fact, if you look at Standing Order 56.1(1)(a), it is quite clear and I quote:

In relation to any routine motion for the presentation of which unanimous consent is required and has been denied, a Minister of the Crown may request during Routine Proceedings that the Speaker propose the said question to the House.

At that time we were not in routine proceedings. We had passed routine proceedings in the second vote. I believe that had the government wanted to go back and have that vote taken again, it would have required a motion to return to routine proceedings, a unanimous consent decision, and then if the government so chose, we would have returned to routine proceedings and it could have moved the motion.

I believe that the vote that we took under Standing Order 56.1 should not have been allowed under Standing Order 56.1 because we were actually not in routine proceedings. I believe that this vote should not be allowed to stand. If the government chooses to return to that point, it can try to do that, but that vote was not valid in this House because we were not in routine proceedings and therefore, Standing Order 56.1 could not be used.

**Hon. Jay Hill (Secretary of State and Chief Government Whip, CPC):** Mr. Speaker, I certainly appreciate the point of view of the House leader for the New Democratic Party, but as you know because there were some consultations between the Chair and myself prior to your decision to retake that vote, they were unusual circumstances in the sense that it would negate the need for unanimous consent of the chamber to return to routine proceedings.

Mr. Speaker, I fully support your decision to recognize that an unfortunate error had been made and that you made the decision as the Chair, having the decision earlier that you believed that 15 members was all that was necessary to stand. It was in doubt as to whether there were 25 or not because we had not counted that far, as you yourself stated, that you made the decision to simply retake that vote. I think it was the right decision and I believe it should stand.

*Government Orders*

•(1350)

**Ms. Libby Davies:** Mr. Speaker, with all due respect to the government whip, an unusual situation is his opinion and he is certainly entitled to it, but an unusual situation does not negate the use of the rules in this House. Otherwise how would we ever operate?

I think my point is very valid, that just because there is a discussion between the government whip and the Speaker where an agreement is made that we can just have this vote again does not negate the Standing Orders and the rules we have in this House.

Clearly, Standing Order 56.1 cannot be used unless it is in routine proceedings. We were not in routine proceedings. So whatever the member on the government side thinks, that is his opinion, fine and dandy, but we are using the rules of this House. That is how he rose in the first place. I believe that there is an inconsistency here and a contradiction and that the vote is invalid.

**Hon. Jay Hill:** Mr. Speaker, obviously I do not want to prolong this into a debate and I am sure neither do you. First, I point out that the hon. member, if she was going to dispute that vote, she should have done it at the time, and not waited until we were into the debate and then raise this issue. She had the opportunity to raise it. Second, it is very unfortunate, I will be kind and use that term, to challenge the Chair. The Chair made a decision. We on this side of the House want to stand by that decision and support your decision.

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, for the record, I was sitting behind the member for Vancouver East, the NDP House leader. She very clearly called “point of order” a number of times. She was trying to raise that objection even as the whip from the government side was trying to move the House in a way that very clearly the Standing Orders do not permit, according to the House leader. I am here as a witness that the House leader for the NDP, the member for Vancouver East, very clearly called “point of order” a number of times.

[*Translation*]

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, thank you for allowing me to speak in this debate. It is very important because we are establishing a precedent.

It seems very clear to me that, pursuant to Standing Order 56.1 of the Annotated Standing Orders of the House of Commons, page 209, this type of government motion can only be put under Routine Proceedings, under the heading “Motions”. It states:

In relation to any routine motion for the presentation of which unanimous consent is required and has been denied, a Minister of the Crown may request during Routine Proceedings that the Speaker propose the said question to the House.

Pursuant to Standing Order 56.1(2):

The question on any such motion shall be put forthwith, without debate or amendment.

Pursuant to Standing Order 56.1(3):

When the Speaker puts the question on such a motion, he or she shall ask those who object to rise in their places. If twenty-five or more Members then rise, the motion shall be deemed to have been withdrawn; otherwise, the motion shall have been adopted.

It clearly states “during Routine Proceedings” under the heading “Motions”. We were no longer there.

In my opinion, the point made by the House Leader of the New Democratic Party is valid. We would be creating a precedent that would allow a minister of the government to make a motion at any time during a debate and if there were not 25 members of the opposition present to oppose it, the motion would be adopted.

In my opinion, this decision should be reviewed. I am counting on your judgment, which is not only practical but eminently fair, to correct the situation.

[*English*]

**The Deputy Speaker:** I thank hon. members for their interventions on this matter. I want to reiterate that, notwithstanding the sometimes persuasive powers of the government whip, I have never been one to be pushed around by the government whip in any of his incarnations.

What I decided to do was on the basis that the Chair had made a mistake. It was not that the House had made a mistake, but that the Chair had made a mistake and had been in possession of the wrong documents and therefore the procedure relevant to Standing Order 56.1 had not happened in the appropriate way. To seek the unanimous consent of the House, of course, would have been to create a situation in which the correction of the error would have been impossible. It was the decision of the Chair.

I will take these matters under advisement and discuss it with the Speaker, but for now the decision certainly stands. I reiterate that it was a decision of the Chair in an attempt to correct a mistake that had been made here, and it was corrected with the intention of giving the House the opportunity to express itself in the way that Standing Order 56.1 actually requires.

We will move to questions and comments on the speech of the hon. Minister of Public Safety, with the hon. member for Burnaby—Douglas.

\* \* \*

•(1355)

**IMMIGRATION AND REFUGEE PROTECTION ACT**

The House resumed consideration of Bill C-3, An Act to amend the Immigration and Refugee Protection Act (certificate and special advocate) and to make a consequential amendment to another Act, as reported (with amendment) from the committee, and of the motions in Group No. 1.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I have a question for the minister. He talked about people who were so dangerous to Canadian society that we should suspend some of the key principles of our criminal justice system in Canada, which would allow things like indefinite detention, secret evidence and even secret trial, and instead deal with these people by seeking their removal from Canada.

However, it seems to me that when we are talking about crimes of terrorism, espionage and plotting against the national security of Canada, we are talking about some of the most serious crimes that could be perpetrated in this country. Yet our response through this law is to seek the removal of those people, not their punishment, not their conviction, but their removal, and thus foist them on some other jurisdiction.

*Statements by Members*

If we believe that these people are this kind of serious criminal, why are we not taking every possible measure to prosecute them criminally, to convict them and to incarcerate them here in Canada?

**Hon. Stockwell Day (Minister of Public Safety, CPC):** Mr. Speaker, I attempted to address that in my earlier remarks. There are two types of proceedings that in fact in their very nature are different from each other.

One is a criminal proceeding whereby we are pursuing people from the point of view of them having violated a law inside our borders and we want the charges seen through to a conviction and then incarceration for the purpose of both punitive and rehabilitative measures.

That is not the case with immigration proceedings. We have immigration proceedings that go on literally through the year by the thousands. As a matter of fact, last year, through immigration proceedings being appealed, and with the rules of immigration proceedings, possibly 12,000 people were removed from the country.

Is the member seriously proposing that there be separate trials set up in terms of inadmissibility to Canada? These are not Canadian citizens we are talking about. In terms of those who have been removed, these are people who came here under the wrong pretenses or who for some reason have come up against the rules and regulations of this country.

Is the member suggesting that there should be 12,000 more cases a year applied to individuals who are already allowed a very generous and extensive review process, sometimes with information that has been acquired with means that, if the information and how we got it were made available, would put our own people at risk and put our own intelligence networks at risk?

Is the hon. member saying to give the benefit of the doubt to somebody of whom a judge has said, and of whom a number of judges have said, that there is significant enough evidence to link this person, let us just say, to a terrorism network, so that person should not be put in some other jurisdiction, as he said, but sent back to their country of origin? He is saying that we should give the benefit of the doubt to the person who has evidence against him or her, certified by a judge, that shows him or her to be a possible imminent danger. He says to give the benefit of the doubt to that person instead of to Canadians who deserve to be protected.

**The Deputy Speaker:** I am sorry, but we have reached the time for statements by members. There will be one minute and 50 seconds left to question the Minister of Public Safety when the House returns to the consideration of Bill C-3.

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## STATEMENTS BY MEMBERS

[*English*]

### FOOD FREEDOM DAY

**Mr. Dave MacKenzie (Oxford, CPC):** Mr. Speaker, I rise in the House today to recognize the tireless efforts of Canadian farmers.

Food Freedom Day is designed to raise awareness of the contributions made by Canadian farmers and to also serve as a

reminder to Ontarians of the value, safety and quality of Ontario-grown food. Time and time again, farmers across Canada have demonstrated their passion and commitment to providing us with high quality products.

Food Freedom Day, which occurs this year on Sunday, February 3, is a celebration of the average Canadian having earned enough income to pay his or her grocery bills for one year.

Farmers in my riding of Oxford and across Canada should be proud and should celebrate the essential role they play in feeding a growing population with one of the most affordable high quality food supplies in the world.

\* \* \*

● (1400)

### CANADIAN HERITAGE

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, it gives me great pleasure, as co-chair along with the member for Yorkton—Melville, to congratulate the more than 50 senators and members of the House of Commons from all parties who attended last month's outdoor caucus breakfast. This is one of the largest caucuses in Parliament and for good reason.

Over 8 million Canadians from coast to coast to coast, urban and rural, of all ages, backgrounds and abilities, and of both sexes, enjoy our parks, boating, canoeing, camping, hunting, fishing and trapping.

Canadians over the age of 15 who fish outnumber those who play golf and hockey combined. Canadians spend as much on fishing each year as they do on beer.

Their outdoor activity represents a \$10 billion boost to the Canadian economy, yet so much that we do could negatively affect the activities of these millions of Canadians.

That is why I commend the over 80 parliamentarians who make up our outdoor caucus for their hard work to ensure that all Canadians can continue to enjoy our national heritage, the great outdoors.

On a sadder note, I would like to express my sympathy and that of my colleagues to the people of the Yellow Quill First Nation community in Saskatchewan on the tragic deaths of three year old Kaydance Pauchay and her one year old sister Santana. We share their sorrow.

\* \* \*

[*Translation*]

### BERNARD NORMAND

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, Bernard Normand, a man who devoted his life to public education, passed away this January. He wrote his own epitaph and left us with this message, "My life was driven by conviction. Two of those convictions are human dignity and *Bonne Justice*, as defined by Paul Éluard". That describes him quite well.

*Statements by Members*

Bernard was a friend and I regret his passing. Some say that when someone like him passes away, they leave a void. Bernard would be surprised to hear that, because he worked his entire life to improve the lives of ordinary people. He was so devoted to them. He has not left a void.

He was a builder his entire life. He was a builder of hope and of the future. He made sure that what he brought to public education would carry on after he left. Naturally, his friends, his wife Odette, his daughters, his grandchildren and his parents will feel the loss. Let us remember him for what he has left us: hope and confidence that the world will become more just from generation to generation.

Thank you, Bernard Normand.

\* \* \*

[English]

**COMMUNITY DEVELOPMENT**

**Ms. Penny Priddy (Surrey North, NDP):** Mr. Speaker, at every level of government much of our work is dedicated to creating liveable neighbourhoods. A liveable neighbourhood is not just a safe place to live. It is a community where people know one another, look out for their neighbours and work together for common causes.

Across my riding of Surrey North, there are people who have come together in residents' associations and community groups to build liveable neighbourhoods.

These groups participate in neighbourhood cleanups and other environmental restoration projects. They organize block watches and community picnics. This year in my neighbourhood we took great joy in going out Christmas carolling.

Some of the organizations dedicated to building a better Surrey are groups such as Bridgeview, Bolivar Heights, Whalley, Guildford and others. Some even have websites that provide current information around events.

Every day, organizations like these are taking action to improve the quality of life for people living in Surrey, building vibrant and liveable communities and neighbourhoods across our city.

Today, as the member of Parliament for Surrey North, I would like to honour and thank each one of them for their commitment to making Surrey an increasingly better place to live.

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**FOREIGN AFFAIRS**

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** Mr. Speaker, Brenda Martin is a Canadian being held in pre-trial custody in Mexico. Our government is taking this case very seriously, raising it at the highest levels with the Mexican government to ask for a speedy trial.

My heart goes out to Ms. Martin and her family in what is a very difficult time. I have personally raised this matter with the former foreign minister and with the Secretary of State for Foreign Affairs and International Trade. They have assured me that Canadian consular officials make regular visits to Ms. Martin, ensuring that her rights are respected and that she receives medical attention.

Despite her difficult situation, some members of the House offer nothing more than platitudes and ambulance chasing tactics, such as the member for Pickering—Scarborough East, who will say anything to get his name in the paper. The member knows all too well the extraordinary work consular officials undertake every day, because he used to work with them. Now he attacks them and our government while doing little to actually help.

This government works for and defends all Canadians at home and abroad. We are getting the job done.

\* \* \*

● (1405)

**HEALTH**

**Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.):** Mr. Speaker, 26% of Canadian children are overweight. In Atlantic Canada, childhood obesity is much higher. In my home province it is 32%. This is a devastating statistic. Healthy living must become a national priority and solutions will have to come from many areas.

Many provinces, led by Nova Scotia, have created health promotion departments. This is an important step. Organizations, such as the Heart and Stroke Foundation, are doing strong advocacy and educational work as well.

Individuals are also making a difference. Holly Bond of Dartmouth recognized this issue in her own family and this led her to take action. She established a fitness centre for children, Bulldog Interactive Fitness, where physical activity in a safe and youth oriented environment has caught on. She and her husband, James, are true champions of youth fitness and have been establishing franchises across Canada and now into the U.S.

Childhood obesity is devastating children and our health care system. We should commend everybody, governments, organizations, and individuals like Holly, who are taking steps to provide a healthier future for our children, our health care system and our country.

\* \* \*

**AFGHANISTAN**

**Mr. Laurie Hawn (Edmonton Centre, CPC):** Mr. Speaker, for the second year in a row, I celebrated Christmas in Afghanistan. I spoke with our troops, visited development projects and met some of the Afghan people.

One little girl has stayed in my thoughts. She was about six years old, with her whole life before her. That little girl can go to school, drink clean water, have access to health care, grow up and have a job because Canada is in Afghanistan.

I cannot imagine leaving that little girl to the mercies of the Taliban. If we leave Afghanistan now, the Taliban will return and the gains the Afghan people have made will be lost.

The Manley report has clearly stated that a stable and better governed Afghanistan with a growing economy is an achievable Canadian objective.

*Statements by Members*

We do need help and we are calling on our NATO allies to step up to the plate. We are also calling on the Liberal Party to remember its own proud heritage of standing up for oppressed people, even when the job is tough. It was the former Liberal prime minister who coined the phrase “responsibility to protect at the United Nations”. Those cannot be mere words.

I know our troops will rise to the challenge and I am confident that the Canadian people and my colleagues here in the House will do the same.

\* \* \*

[*Translation*]

**FORESTRY INDUSTRY**

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, today in Donnacona, 252 workers will lose their jobs because of the crisis in the forestry industry. Despite the demonstration held last Sunday, which I attended, along with the member for Trois-Rivières and 1,500 others, the AbitibiBowater mill will shut down indefinitely. This is one of the consequences of the Conservative government's inaction. Efforts to reopen the mill will continue with the help of a coalition of elected members, community representatives and union members.

The Bloc Québécois is calling on the government to finally take this crisis seriously. We will not let the Conservatives get away with their insufficient aid plan that is conditional on the passage of the budget. It is blackmail. Assistance for the manufacturing and forestry industries is the Bloc's priority. We want the Conservative government to invest \$5.5 billion, not a measly \$1 billion.

\* \* \*

**SUSTAINABLE DEVELOPMENT**

**Mr. Steven Blaney (Lévis—Bellechasse, CPC):** Mr. Speaker, there are those in life who merely talk and those who take action, like Tree Canada, which has planted more than 75 million trees in 10 years.

That organization helped me calculate the carbon emissions of the activities of the Lévis and Lac-Etchemin constituency offices and our office here on the Hill. We calculated a total of 20 tonnes of CO<sub>2</sub> a year. To offset those emissions, I intend to plant 166 trees in cooperation with the Comité de restauration de la rivière Etchemin, thereby becoming, with the certification of Tree Canada, the first carbon-neutral federal MP.

This will be a Canadian first, much like the Canadian plan to reduce our greenhouse gas emissions by 20% by 2020, thanks to binding targets for all large industrial emitters. This is on top of the \$2 billion for the ecoenergy program, \$1.5 billion for the ecotrust and \$2 billion for renewable energy.

As you can see, rather than spouting rhetoric while offering nothing, I am taking concrete, local action, as is our Conservative government, to make Canada a leader in sustainable development.

[*English*]

**YOUTH**

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, on behalf of the official opposition, I would like to offer our deepest condolences to the family of Kaydance and Santana Pauchay and to the community of Yellow Quill reservation in Saskatchewan.

I now would like to share the wonderful story of young Jessie Krejcik from NDG. On February 9 and 10, she will attempt to become the youngest person to earn the Coureur des Bois Gold Bar in the Canadian ski marathon.

[*Translation*]

Young Jessie, who is 13 years old, will cross-country ski 160 kilometres in two days, while carrying a back pack weighing at least five kg and camping outside overnight on February 9.

• (1410)

[*English*]

The individual effort required to complete in such a race is remarkable and that she is doing it to raise money for children's cancer treatment and research is truly commendable.

I am proud to support Jessie's campaign and call on my fellow parliamentarians and all Canadians to make a donation in Jessie's name to a children's hospital of their choice.

\* \* \*

**AFGHANISTAN**

**Mr. Deepak Obhrai (Calgary East, CPC):** Mr. Speaker, today marks the second anniversary of the Afghanistan Compact, a milestone agreement between the United Nations, the government of Afghanistan and the international community.

The Afghanistan Compact provides the framework for the international community's engagement in Afghanistan until 2011.

When it was developed, Canada was there, along with 60 other nations and international organizations, to pledge its full support to the compact. Our country was instrumental in ensuring that the compact included a mechanism to monitor programs and measure progress.

We have joined with the international community to help the people of Afghanistan build a better future. We know many challenges lie ahead but we are encouraged by the significant progress Afghans have been able to achieve since the fall of the Taliban.

Our support for this important agreement is a noble endeavour, that of helping a country devastated by decades of conflict and oppression to get back on its feet.

*Statements by Members***OUTDOOR CAUCUS OF PARLIAMENT HILL**

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Mr. Speaker, I would like to bring to the attention of the House of Commons one of the greatest caucuses on the Hill, and I am not just talking about the NDP caucus. I am talking about the outdoor caucus, which is organized by the member for Yukon and the member for Yorkton—Melville.

Prior to the break, we were treated to a wonderful reception. We were honoured by the presence of Mr. Bob Izumi, a great sports fisherman who has the greatest life of all: He gets to fish anywhere on the planet. Also present were: Mr. Phil Morlock of Shimano Canada; Mr. Barry Turner of Ducks Unlimited Canada; and Mr. Greg Farrant of the Ontario Federation of Anglers & Hunters. Mr. Tony Rodgers of the Nova Scotia Wildlife Federation and Mr. Walter Regan of the Sackville Rivers Association were there in spirit.

Those people, along with this caucus, are promoting the great life of outdoors in Canada. It brings tremendous economic opportunity to all Canadians and we would like to preserve the great outdoors for future generations.

Hip, hip, hooray to the outdoor caucus of Parliament Hill.

\* \* \*

**NORTHERN LIGHTS TRADE SHOW AND CONFERENCE**

**Mr. Todd Russell (Labrador, Lib.):** Mr. Speaker, this week, the nation's capital is playing host to the Northern Lights 2008 trade show and conference.

Northern Lights is a multi-industry event which is bringing together business, community and government leaders from Labrador, Nunavut and Nunavik to highlight the economic opportunities of these northern regions of Canada.

This initiative of the Baffin Regional and Labrador North Chambers of Commerce will build links between the corporate world of the Canadian south and the emerging economic and resource powerhouses of the Canadian north.

Northern Lights will also showcase the artistic and cultural richness of these regions through visual and performing arts.

At its heart, Northern Lights is about resilient and aspiring peoples whose rich history have helped shape this great country and whose future is as bright as the amazing aurora borealis on a clear winter's night.

I welcome my fellow northerners, some who are in the gallery today, and congratulate the organizers on putting together an informative and diverse package of speakers, workshops, sessions and entertainment.

I extend an invitation to all members to take in Northern Lights 2008.

[Translation]

**FLEUR-DE-LYS**

**Mr. Roger Gaudet (Montcalm, BQ):** Mr. Speaker, on January 21, 2008, Quebecers celebrated the 60th anniversary of their national flag, the fleur-de-lys.

On January 21, 1948, at 3 p.m., the national flag of the people of Quebec was raised atop the Quebec National Assembly for the first time. That very morning, the government had granted it the status of official flag of Quebec. The flag is only a little over half a century old, but all Quebecers can identify with it.

A number of events were held to celebrate the 60th anniversary, bringing together citizens of all backgrounds and beliefs in testimony to our allegiance and attachment to Quebec, the Quebec nation and our flag.

\* \* \*

**MANUFACTURING AND FORESTRY INDUSTRIES**

**Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.):** Mr. Speaker, after the Shermag plant shutdowns and the temporary closures, today the AbitibiBowater plant in Dalhousie is closing.

This closure affects the Restigouche area, where nearly 1,000 jobs depend directly or indirectly on the plant, and represents an economic loss of close to \$70 million. It is truly an economic and human disaster.

Instead of taking action months ago, the Prime Minister waited until the crisis had affected thousands of people before offering assistance. Even worse, he politicized the issue by making the financial aid conditional on the adoption of the budget. What is more, the Conservative government eliminated the \$1.5 billion in aid announced by the Liberal government in 2005, which could have prevented these tragedies.

The Conservatives' aid announcement has not stopped the plant closures and the layoffs, and there is proof of this daily. There is nothing for plant workers, nothing for workers at the port of Dalhousie, nothing for forestry workers. All the Conservatives should be ashamed of abandoning the communities, the workers and their families.

\* \* \*

● (1415)

[English]

**LEADER OF THE OPPOSITION**

**Mr. Dave Batters (Palliser, CPC):** Mr. Speaker, once again we are seeing weak leadership from the Leader of the Opposition who has failed to make passing our tackling violent act a priority.

Our government's Bill C-2 would better protect our children from sexual predators, protect society from dangerous offenders, get serious with drug impaired drivers and toughen sentencing and bail for gun crimes.

*Oral Questions*

Bill C-2 was passed by this democratically elected House and has widespread support from Canadians and yet the Leader of the Opposition has failed to direct his Liberal senators to pass this legislation quickly.

Why is the Liberal leader so allergic to leadership? Why does he refuse to stand up for the safety of Canadians? The opposition leader is weak and could never be entrusted to lead our country. Furthermore, he has revealed the true agenda of the Liberals. They are just like members of the NDP. They talk tough when it is time for an election but Canadians know they are soft on crime.

Only one party continues to stand up for safe streets and communities and—

**The Speaker:** Order, please. Oral questions.

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## ORAL QUESTIONS

[English]

### AFGHANISTAN

**Hon. Stéphane Dion (Leader of the Opposition, Lib.):** Mr. Speaker, today we heard reports that the government was allowing Afghan forces to take detainees directly during joint operations alongside Canadian mentors.

Because this is not technically a transfer, the detainee transfer agreement does not apply, but beyond technicalities are the immoralities of this practice.

Will the Prime Minister tell Canadians if this unacceptable practice is occurring, yes or no?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, as we train the Afghan forces to take more responsibility for the security of their own country, I think it can be assumed that they would also be taking more responsibility for all aspects of the mission.

I must admit that I am completely baffled by the perspective of some in the opposition that somehow Canadian Forces would not do any military operations in Afghanistan but we would take prisoners.

[Translation]

**Hon. Stéphane Dion (Leader of the Opposition, Lib.):** Mr. Speaker, once again Canadians have heard their Prime Minister refuse to answer a very clear question. I will therefore repeat it in French so that he may clearly answer whether or not, during joint operations, it is being left to Afghan forces to take prisoners and then transfer them to the Afghan detention system where they could be subjected to torture by that government. Yes or no?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, I assume that if Afghan forces take prisoners, they are responsible for the detention of these prisoners. If we take prisoners, they are our prisoners and we have an agreement with the Government of Afghanistan governing the nature of these transfers. Our Canadian Forces can transfer them if they believe it is in their operational interests.

**Hon. Stéphane Dion (Leader of the Opposition, Lib.):** Mr. Speaker, we will get there. The Prime Minister understands the

question very well. We are speaking of joint operations. During joint operations, who takes the prisoners? Do the Afghans or the Canadians keep them under their protection? It is a simple question. Prime Minister, what happens during joint operations?

**The Speaker:** Order, please. The hon. Leader of the Opposition knows very well that he is to address his questions to the Speaker even if they are for the Prime Minister.

The Right Hon. Prime Minister.

• (1420)

[English]

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, once again, these are operational matters. I would assume that if Canadian Forces seize the prisoners they are in Canadian custody and if Afghan forces seize the prisoners I would presume they are in Afghan custody.

As we train the Afghan forces to take over more and more of the responsibility for their security operations, of course they will be taking over more and more responsibility for these various aspects of the security operation.

**Hon. Ujjal Dosanjh (Vancouver South, Lib.):** Mr. Speaker, Canadians continue to learn the truth about the situation in Afghanistan from the newspapers because the government will not tell them the truth.

The government's attempt to circumvent the military's decision to stop detainee transfers is absolutely troubling.

Will the Prime Minister finally come clean with Canadians and admit that it was his government that issued this new policy to circumvent the detainee ban?

**Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC):** Mr. Speaker, in short, no, we will not admit this because the policy has not changed.

The Prime Minister has clearly stated, as I have stated, that the policy remains the same. Operational matters around the subject of transfers of prisoners are in the hands of the best people in the world to do so, and that is the Canadian Forces.

We stand behind the Canadian Forces.

**Hon. Ujjal Dosanjh (Vancouver South, Lib.):** Mr. Speaker, we know the government will never admit the truth. We know that and Canadians know that. The government has never levelled with Canadians on the transfer of detainees.

I will turn to the Minister of Public Safety and ask him a question. We know Canadian Forces conduct joint operations with Afghan soldiers. There are prisoners detained by those Afghan soldiers. Do Correctional Service Canada officials have access to and the ability to inspect those detainees?

*Oral Questions*

**Hon. Stockwell Day:** Mr. Speaker, we are very proud of members of Correctional Service Canada because when people volunteer, and these people are volunteers, to go to a country like Afghanistan they do so knowing the risks.

We are very pleased with how those individuals have been working with Afghan authorities, DND and others in the process of trying to demonstrate the types of things that we do here in this country which can guarantee or at least further the causes and interests of human rights everywhere. They are doing a great job.

\* \* \*

[Translation]

**PUBLIC WORKS AND GOVERNMENT SERVICES**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, when asked about his press secretary, Dimitri Soudas, who intervened in support of Michael Rosenberg, president of Rosdev and great friend of the Conservatives, in a dispute with Public Works and Government Services, the Prime Minister said in his defence, “the company received no advantages or special treatment”.

In other words, the Prime Minister's press secretary used political interference, but that does not matter to the Prime Minister, because nothing ever came of it. That is like saying a failed attempt at burglary is not a crime. Is that the Prime Minister's idea of ethics?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, I categorically reject the allegations of the leader of the Bloc. The fact of the matter is that Mr. Soudas was looking into an issue. He approved government decisions and those have not changed in two years. That company did not receive any special treatment from this government. That is the key difference. Now the Bloc can complain that the government does not grant anyone any favours.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, that appears to be the very definition of “mixed up”.

By way of explanation, the Prime Minister told us that this is old news that goes back a year and a half. If I understand correctly, while the Prime Minister was presenting his accountability bill to the House, a year and a half ago, his press secretary was wheeling and dealing on his behalf, in his office, in favour of a party supporter.

Does that not further prove that this government's ethics are nothing more than a facade used for partisan purposes?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, again, it is quite the opposite. We did not grant that company or that individual any favours. Mr. Soudas said that a Montreal city councillor approached him about an issue and he set about looking into it.

That is the nature of the work ministers and staff do here: they have a responsibility to look into issues. That is not interference, it is how the government works. Mr. Soudas was doing his job.

• (1425)

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** Mr. Speaker, on another file, this one dealing with an international company in the military sector, there was a surprising meeting between Dimitri Soudas, who is currently the Prime Minister's press secretary, or rather, his in-house lobbyist, and

Leo Housakos, a Conservative Party backer and agent for a military equipment supplier.

The question is a simple one. Is this not a case of going beyond information gathering into the realm of political interference? Is the Prime Minister prepared to acknowledge that?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, let me be clear. Mr. Soudas and Mr. Housakos have never discussed government files in my home or my office. That is the truth, and that is all I have to say about it.

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** Mr. Speaker, let us go back to something that happened a few months ago, say about two and a half years ago. Would the leader of the opposition at that time, who is now Prime Minister, have found it acceptable for Jean Chrétien's press secretary to meet with a military company and a party backer, such as Jacques Corriveau, to talk contracts? Whether or not the meeting produced results, contracts or regulations, would the Prime Minister not have called such activity political interference?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, those are absolutely not the facts.

[English]

The reality is that often many of us, in doing our jobs, are, from time to time, approached by people who have issues relating to interests they have in procurement with the government.

The answer that Mr. Soudas gives every time is the same one, which is that he has no responsibilities for procurement by the government, there is no point in talking to him, and he tells them to go and talk to the people who might have something to do with it. That is his standard answer and it was the answer in the case in question.

\* \* \*

**AFGHANISTAN**

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, when it comes to the handling of detainees in Afghanistan, Canadians are wondering who is telling the truth and who is in charge here.

Today, in the Federal Court, the government's own lawyer said that the practice of transferring detainees had stopped. However, right here in this House of Commons last Monday, the Prime Minister said that the transfer could happen any time.

Who is telling the truth, the government lawyers who say that the transfers have stopped or the Prime Minister who says that they have not?

*Oral Questions*

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, what the lawyers have said is exactly what the position of the government is. There is a transfer agreement with Afghan authorities that controls issues of transfer, of surveillance and of dealing with any complaints or problems. Those transfer arrangements are in effect. Officials of the government and people responsible for military operations make the decisions in the field whether to transfer or not and they will continue to make those decisions.

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, that is another example of the Prime Minister abdicating his responsibilities when it comes to the war.

First he turned to someone else, and it turns out it was a Liberal hawk, to lay out the vision of the war for the future. Then he asks our hard-working military to explain to Canadians what is going on in the war, something that he should be doing. Then he admits that he has never even talked to the Chief of Defence Staff or the governor of Kandahar regarding the transfer of detainees, the issue of torture and what is going on in the prisons.

When will he take some responsibility and stop the transfer of the detainees?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, the Government of Canada is extremely proud of the work that Canada's defence personnel, our diplomats and our development workers are doing in Afghanistan.

Yesterday the Leader of the Opposition said that there was a Taliban prisoner who died in Canadian custody so I went back and asked my staff to tell me about that. This was a Taliban individual who had apparently been wounded in combat, was treated on the field by Canadian doctors and later died in a Canadian hospital.

\* \* \*

• (1430)

[*Translation*]

#### PUBLIC WORKS AND GOVERNMENT SERVICES

**Hon. Denis Coderre (Bourassa, Lib.):** Mr. Speaker, although the Prime Minister tried to create a diversion yesterday by making degrading comments about the Greek community in Montreal, the fact remains that he must answer to Canadians.

His right hand man, Dimitri Soudas, and his trusted friend and Conservative fundraiser, Léo Housakos, engaged in influence peddling on two specific issues.

Can the Prime Minister tell us which military arms companies his press secretary, Dimitri Soudas, and his friend Léo Housakos had formal meetings with?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** None, Mr. Speaker.

**Hon. Denis Coderre (Bourassa, Lib.):** Mr. Speaker, I would like to note that he said there was no meeting with any military arms company.

We also understand that Léo Housakos, a friend of Dimitri Soudas and the Prime Minister, engaged in influence peddling although Mr.

Housakos was not officially registered as a lobbyist. So he acted illegally. That did not stop the Prime Minister from appointing him to the board of directors of Via Rail, for services rendered to the Conservatives.

Does the Prime Minister plan on keeping his press secretary and will he let Léo Housakos keep his seat at Via Rail?

[*English*]

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, I hope he will keep his appointment.

**Mr. Mark Holland (Ajax—Pickering, Lib.):** Mr. Speaker, when accounting for Dimitri Soudas' attempt to peddle PMO influence on behalf of unregistered lobbyist friends, the government House leader's unbelievable response was to say it was "behaviour we can be proud of".

Just for the sake of clarification, what is the government most proud of? Is it the fact that Mr. Soudas ordered a PMO meeting with unregistered lobbyists to benefit a land developer and Conservative ally in a \$50 million deal or that it took them so many months to be caught?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, I know the hon. member is very proud of himself. He left his home town to set the world on fire and I guess he has gone back now for more matches after a bit of a break.

The reality is that what he said is entirely false. We are dealing with the situation very differently from what used to happen under the Liberal government, which is why the Liberals think this is a scandal.

Their view of how the world works is that people come to the government for favours from friends. That is what the Liberal Party is all about. That is not what our party is about. That is why no favours were given out here. That is why there is no scandal here. That is what the Liberal Party thinks is surprising.

**Mr. Mark Holland (Ajax—Pickering, Lib.):** Mr. Speaker, while the Conservatives were publicly touting an accountability act, the PM's spokesman was privately doling out all-access PMO passes. The government's defence: Public Works officials saw illegal lobbying and refused to join in. The Conservative House leader even said we should be proud of the government for only trying to break the law.

In the last election, the Prime Minister held up Brian Mulroney as his ethical mentor, claiming he was quick "to pull the trigger" on impropriety. Now that he is Prime Minister, will he act or are Mulroney's ethical standards just too high for today's Conservative Party?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, I know the hon. member specializes in false and libellous statements. There is absolutely nothing true in almost anything he said.

*Oral Questions*

The one thing I can say that is true is a comparison that came out yesterday. Global Integrity, an independent non-governmental organization, reported that since taking office this government has made real changes for whistleblowers, fixed election financing, toughened ethics rules and improved accountability.

In fact, Global Integrity rates the anti-corruption rules put in place by this government as strong, the highest rating possible. It is a big difference from what we saw under the Liberals.

\* \* \*

[Translation]

**MANUFACTURING AND FORESTRY SECTORS**

**Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ):** Mr. Speaker, yesterday, the Prime Minister gave the following reply concerning help for the manufacturing sector:

—we cannot spend money without having concluded [legal] agreements with the provinces, or without the approval of this Parliament.

However, the Prime Minister knows very well that to allocate money to the trust, only Parliament's approval is required. The responsible thing to do would be to table a bill now, before the budget, to take that money from the \$11.6 billion surplus, and to give us a chance to increase the amount and vote on it.

Does the Prime Minister acknowledge that linking the creation of this trust to agreements with the provinces is an attempt to transfer the blame for his failure to act—

**The Speaker:** The hon. Minister of Finance.

[English]

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, the reductions in taxes on October 30 were well received, the business taxes that is, by the corporate sector in Quebec. The manufacturers and exporters of Quebec said:

[Translation]

We're pleased the Finance minister acknowledged the competitive challenges facing manufacturers.

• (1435)

[English]

In addition, there is the \$1 billion proposal for single industry towns that are hardest hit by the rise of the Canadian dollar in reduced exports. That is an important—

**The Speaker:** The hon. member for Trois-Rivières.

[Translation]

**Ms. Paule Brunelle (Trois-Rivières, BQ):** Mr. Speaker, how deplorable that the minister did not listen to the question before replying.

Last Sunday, the member for Québec and I, along with over 1,500 other people, participated in a march in support of the AbitibiBowater mill in Donnacona. Yesterday, the mill closed. Today, the company announced the closure of its Dalhousie mill. Over 600 workers will lose their jobs. The manufacturing crisis is getting worse, and just moments ago, the CSN reiterated its request for \$1 billion to support the forestry sector alone.

The Prime Minister should table a bill immediately so that we can improve the Conservatives' plan to help—

**The Speaker:** The hon. Minister of Natural Resources.

[English]

**Hon. Gary Lunn (Minister of Natural Resources, CPC):** Mr. Speaker, we are very much aware of some of the challenges facing the forest industry. That is in fact why we are so committed to this vital industry and why our Prime Minister recently announced a \$1 billion community development trust to work with the provinces to help assist these workers.

In addition to that, since we have taken office, we have put in \$72.5 million for the targeted initiative for older workers, we have committed \$127 million to help the forest industry on its competitive strategy, including \$70 million to promote innovation and \$40 million to look at expanding markets. We are delivering for the industry.

\* \* \*

[Translation]

**PUBLIC SAFETY**

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Mr. Speaker, the CBC reports that the taser was tested on pigs and that some died. These tests showed that tasers are dangerous. The president of Taser quotes studies that prove the guns are harmless, but does not say that some of the authors of these studies are shareholders in his company.

Given such contradictory findings, it is clear that the precautionary principle should prevail. Consequently, will the Minister of Public Safety declare an immediate moratorium on the use of tasers by the RCMP?

**Hon. Stockwell Day (Minister of Public Safety, CPC):** Mr. Speaker, I have asked that this issue be looked into, just as the member has requested.

The chair of the Commission for Public Complaints Against the RCMP has conducted a preliminary study, and another study will follow. I believe that there are currently about a dozen studies in Canada on this issue. In addition, the RCMP has accepted Mr. Kennedy's recommendations and will continue to study the situation and act on the recommendations.

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Mr. Speaker, nearly 300 deaths have been directly linked to taser use in North America, and police officers have been injured during training. Questionable studies by people with vested interests find that tasers are not dangerous, while other studies prove the opposite.

Given this conflicting information, would the minister not do well to declare a moratorium pending an independent inquiry by people who have no financial or other interest in this company?

**Hon. Stockwell Day (Minister of Public Safety, CPC):** Mr. Speaker, neither the Province of Quebec nor the other provinces have recommended that use of these devices stop. That is why we will continue to study this issue. We are already looking at the scientific and medical studies, and we will continue to examine the situation. As well, the RCMP has acted on some of the recommendations.

\* \* \*

[English]

#### MANUFACTURING INDUSTRY

**Hon. Judy Sgro (York West, Lib.):** Mr. Speaker, workers at Ledco Limited in Kitchener learned recently that their company filed for bankruptcy and that there was no money left to pay them the \$1.2 million owed in severance. This situation clearly points out the need for the Wage Earner Protection Program Act, a bill passed by the Liberal government in 2005 and again passed in revised form in the current Parliament. However, the government has been stalling implementation.

Now the workers at Ledco are victims of the government's indifference and neglect. Why does the government continue to let important workers down?

• (1440)

[Translation]

**Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC):** Mr. Speaker, in fact, that bill was passed here in the House of Commons and received royal assent. The purpose of the bill is to protect wage earners in case of employer bankruptcy.

We are now at the regulatory stage. As a general rule, it takes three to six months for the regulations to be completed. However, the process is well under way.

[English]

**Hon. Judy Sgro (York West, Lib.):** Mr. Speaker, I hate to think about the number of workers who are going to be suffering while they wait for that to happen. The situation at Ledco is part of a larger problem: the government's laissez-faire, "I don't care", attitude to the crisis in manufacturing.

It is clear that the finance minister intends to put Canada into a huge deficit just like he did in Ontario. Thousands of Canadian jobs are being lost and the finance minister just does not care.

Will the government put forward a plan to deal with this crisis in manufacturing or will it continue to thumb its nose at the manufacturing sector?

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, the economic fundamentals in Canada are good. They are the best economic fundamentals in the G-7 and that is after two years of government led by this Prime Minister.

What have we done over two years? The government of the day will reduce business taxes by in excess of \$50 billion.

**Hon. Ralph Goodale:** You blew the fiscal framework. That's what you did.

**Hon. Jim Flaherty:** Relax Ralph.

#### Oral Questions

That is over \$50 billion over this year and the next five years.

These are important tax reductions and I want to thank the Liberal Party and its spokesman for supporting these tax reductions. As the member for Markham—Unionville said, "Corporate tax cuts are one of the best strategies to attract investment—"

**The Speaker:** Order, the hon. member for Halton.

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#### THE ECONOMY

**Hon. Garth Turner (Halton, Lib.):** Mr. Speaker, today we learned that the Canadian economy virtually stalled in November. What has the Minister of Finance done to prepare for recession? He has cut the wrong taxes, he spent the cupboard bare, and he has taken the surplus and turned it into zero. Does he have a big Mike Harris poster over his desk saying "let the next guy deal with it"?

Canadians cannot wait. Mills and factories are closing, stock markets are eroding pensions and RRSPs. Where is the plan? When is he going to take action?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, I am very familiar with the member for Halton's concern about people losing their jobs.

Once he said that if members ever crossed the floor, they should subject themselves to a byelection, yet he has hung on steadily to that job notwithstanding having done exactly that.

I invite him. There are byelections on March 17 if he is really concerned about that democratic principle. Perhaps he could put his job on the line for the principles he claims to believe in.

**Hon. Garth Turner (Halton, Lib.):** Mr. Speaker, I am ready when those members are ready, that is for sure.

The Americans have an action plan for this crisis. U.S. interest rates have been cut five times deeper than ours, but in Canada the Prime Minister tells laid off workers "wait until I get my budget passed before I'll help". He shows no compassion.

Will he tell Canadians when the budget will be tabled? When will we get some action? Why can the Americans do this in a week and those guys cannot do it at all?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, the government saw the economic downturn coming in the United States some time ago. We had an economic statement in the fall with business tax cuts, a GST cut, and personal income tax cuts. These are all stimulants to help people keep their jobs.

That member was determined to keep his job. He would not resign for a byelection. Guess what? He would not do that job. He sat in his seat and never even voted on it.

\* \* \*

• (1445)

#### AFGHANISTAN

**Mr. Rick Casson (Lethbridge, CPC):** Mr. Speaker, today marks the second anniversary of the Afghan compact.

*Oral Questions*

As one of over 60 nations and international organizations dedicated to the cause, I believe we should take pause today and proudly recognize the contribution Canadians are making in Afghanistan. Our efforts to strengthen and improve the lives of Afghan people is making a difference and will contribute to national, regional, and global peace and security.

Our government's position is clear and our support for the recommendations of the Manley panel is also clear. Can the Minister of International Cooperation highlight the importance of the Afghanistan mission?

**Hon. Bev Oda (Minister of International Cooperation, CPC):** Mr. Speaker, the compact outlines the priorities for Afghanistan's development, agreed to between the Afghan government and its international partners.

I remind the House of Commons of Canada's commitment to Afghanistan and this commitment matters. It matters because we are rebuilding a country. It matters because of Canada's security and global security, and Canada's international reputation.

I also remind the House, as the Manley report stated, security is an essential condition of ongoing good governance and lasting development. In other words, no security, no development.

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**FORESTRY INDUSTRY**

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Mr. Speaker, the forestry crisis is devastating northern Ontario. White River, Wawa, Nairn Centre, Kenora, Dryden, Atikokan, Nipigon, Smooth Rock Falls, Cochrane, Iroquois Falls, Kirkland Lake, Larder Lake, Sturgeon Falls, and countless other communities are reeling.

The situation is urgent, desperate in some towns. In the blink of an eye the government gave an instant \$14 billion to its corporate friends.

Why does the government make communities in crises in northern Ontario wait? Will it bring the community trust forward for a vote today?

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, as I am sure the hon. member knows, there have been dramatic business tax reductions in Canada brought in by the government over this year and the next five years. These are not for big business alone but for small business and medium-sized business where the new job generation is in this country. Small and medium-sized businesses account for more than half of the job growth in Canada.

I know the member wants that to happen. I know that he wants to vote for the new community trust when it is before the House.

[*Translation*]

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Speaker, the AbitibiBowater plant in Dalhousie, New Brunswick officially closed its doors today after 80 years of existence. This closure affects 420 workers, their families and their communities. The people of northern New Brunswick need help in dealing with this forestry crisis. It has affected Smurfit-Stone in Bathurst, UPM in Miramichi and AbitibiBowater in Dalhousie. That is enough. Two thousand jobs have been lost.

Why is this government giving a \$14 billion hand out to big business and waiting to help communities with the \$1 billion promised? Why not hold a vote right now? Why not give that money to these communities now?

[*English*]

**Hon. Gary Lunn (Minister of Natural Resources, CPC):** Mr. Speaker, we are very concerned about the forest industry. We recognize our challenges.

If the hon. member wants to support the forest industry, he should stand up and support the budget. Our Prime Minister announced a billion dollar commitment in the community development trust. If they care about the forest industries in our country, then they should stand up and support this budget.

[*Translation*]

**Ms. Raymonde Folco (Laval—Les Îles, Lib.):** Mr. Speaker, hundreds of workers employed by Bowater in Donnacona, Quebec, and Dalhousie, New Brunswick, are going to work for the last time today. This has been coming for months. The Conservatives refuse to quickly vote on assistance for laid-off Canadian workers.

Why do the Conservatives not yet have a plan to prevent the unemployment line from becoming longer?

**Hon. Christian Paradis (Secretary of State (Agriculture), CPC):** Mr. Speaker, thanks definitely go out to the Liberals for supporting the economic statement because \$12 billion in tax cuts were made in Quebec. In addition, we have just announced the \$1 billion trust.

The Prime Minister was clear: agreements are presently being negotiated with the provinces. That is a sign that flexible federalism works. The Liberals do not understand that and the Bloc does not want to acknowledge it.

One thing is certain, I hope that we will have the support of this House when we introduce our bill.

**Ms. Raymonde Folco (Laval—Les Îles, Lib.):** What I am asking, Mr. Speaker, is that the bill be introduced in the House so that we can vote on it and help the workers in these provinces. The Liberals are not asking for thanks; they are asking the Conservatives to help Canadians find jobs.

The Donnacona plant is in Quebec City. As of tomorrow morning, Conservative MPs from that region will have 200 more unemployed among their constituents. These people have not heard or seen their MPs go to any great lengths to protect their jobs.

Do these members have a plan to protect the manufacturing industry before it is too late or do they intend to ignore it and do nothing?

•(1450)

**Hon. Christian Paradis (Secretary of State (Agriculture), CPC):** Mr. Speaker, I am astounded that the member could turn good news into bad news. For the first time, a community development approach is being taken. We are talking about a community investment trust. Decisions will be made by the people living in the area and not by an ineffective, centralizing government, as was too long the case.

The \$1 billion fund will help the affected areas and regions.

\* \* \*

[English]

#### AGRICULTURE

**Hon. Wayne Easter (Malpeque, Lib.):** Mr. Speaker, the incompetence of the Conservative government's farm policy is becoming starkly clear to the beef and hog industries. Canada's hog and beef farmers are facing unprecedented financial ruin. Bankruptcies and farm sales are spreading across the rural landscape, yet the minister fails to respond with real financial resources.

The minister talks about programs, raising expectations, but never delivers real cash. When will the minister deliver, not mythical promises but actual bankable solutions?

**Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC):** Mr. Speaker, the only disconnect bigger than the one between the member for Malpeque and Canadian farmers is the one between the member and the truth. We delivered more for Canadian farmers in the last short term than the Liberal government did over 13 years, \$4.5 billion and climbing.

I advise the member for Malpeque to hang onto his chair, quit sitting on his hands and support the budget when it comes up and more cash flow for Canadian farmers.

**Hon. Wayne Easter (Malpeque, Lib.):** Mr. Speaker, the minister may be bamboozled by the talking points of the Prime Minister's Office, but I can say this. Canadian producers are not.

This morning before a committee, producer organizations said that the minister's program was virtually useless. They stated, "It had very little bankable results". The program for hogs "was a cruel joke to many of our producers".

The Government of Canada has a responsibility to act. Why will the minister not put forward bankable real funding for hog producers?

**Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC):** Mr. Speaker, I hope members around him know CPR. He is going to need it one of these days. His eyes are going to pop out.

My members from committee were there as well. The government was well represented and we got our points across. The member opposite is selectively quoting from the cattle and hog producers. I have had meetings with both of them earlier this morning and with the Canadian Pork Council. They are quite happy with the direction we are going. They are all concerned about countervailability. They are all concerned about bankable programs.

#### Oral Questions

We have made the first major step in getting rid of that CAIS program and moving forward this spring with a brand new program that is bankable.

[Translation]

**Mr. André Bellavance (Richmond—Arthabaska, BQ):** Mr. Speaker, like the manufacturing and forestry sectors, the agriculture sector is in crisis and this Conservative government still does nothing. The pork and beef producers of Quebec have been asking for months now for help in dealing with the current situation and they have been waiting in vain for a sign from this government.

Instead of recycling funds that have already been earmarked, what is the minister waiting for to implement transitional measures to deal with the crisis in the pork and beef sectors and long-term measures related to competitiveness?

**Hon. Christian Paradis (Secretary of State (Agriculture), CPC):** Mr. Speaker, we have seen the recent efforts of the Minister of Agriculture and Agri-Food. Furthermore, we have worked with the provinces and the territories. We presented a Speech from the Throne that, for the first time, talked about agriculture and supply management.

What are the opposition members doing? They come up with magical thinking. They criticize and vote against supply management. Let them tell that to the producers. Talk about being useless.

We are working for the producers. Some \$300 million is currently being allocated to pork producers in Quebec.

•(1455)

**Mr. André Bellavance (Richmond—Arthabaska, BQ):** Mr. Speaker, I was not dreaming. Earlier, the real Minister of Agriculture and Agri-Food did not say anything very interesting in his responses. Frankly, the farmers are entitled to more substantive responses from him.

The unanimous report of the Standing Committee on Agriculture and Agri-Food submitted on December 12 includes many of the requests by the pork and beef producers of Quebec.

Does the minister—the real minister—intend to do nothing, as his government is doing with the manufacturing crisis, or does he intend to accept his responsibilities and follow through on the unanimous recommendations of the Standing Committee on Agriculture and Agri-Food?

**Hon. Christian Paradis (Secretary of State (Agriculture), CPC):** Mr. Speaker, I think the hon. member is hard of hearing. I just said that an additional \$300 million is being allocated through the Quebec's farm income stabilization insurance program.

I do not know if that means anything to him, but on this side of the House we are providing assistance and concrete actions, not useless, ineffective and meaningless criticism.

*Oral Questions*

[English]

**KENYA**

**Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.):** Mr. Speaker, Kenya is in meltdown and 850 people have died, including opposition member Mugabe Were. The violence is escalating. Canada can play a critical role to enable peace and security to return to the country.

Will the Prime Minister support an African Union stabilization force to be deployed to Kenya and will he also ask Elections Canada and offer Elections Canada services to run a free, open and transparent general election in Kenya?

**Hon. Maxime Bernier (Minister of Foreign Affairs, CPC):** Mr. Speaker, we are very concerned about the situation in Kenya. That is why yesterday my colleague announced in the House a contribution of \$3.3 million to help the Kenyans. However, the most important thing is we are there to help the Kenyans. We want to have a peaceful solution to the conflict.

\* \* \*

**JUSTICE**

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** Mr. Speaker, the Liberal leader is refusing to stand up for Canadians who are calling on the government to protect the safety of our children.

Ignoring the Liberal Ontario premier, who supports swift passage of the tackling violent crime act, the opposition leader refuses to show leadership by not urging his senators to expedite the bill.

More can be done and must be done to protect our children, and the Liberals should get on side. Could the Minister of Justice please tell the Liberals what they can do to ensure passage of the tackling violent crime act?

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, on Monday, I pointed out that Premier McGuinty of Ontario had some serious concerns with the Liberal approach to fighting crime. I did not want to leave the impression that he was the only one in that government who has some concerns. In fact, Michael Bryant, the former attorney general of Ontario, said that the Liberal approach to fighting crime was something out of the summer of love.

We have a bill right now before the Senate that gives mandatory jail terms for people who commit crimes with guns and protects 14 and 15 year olds from sexual predators. It is time for the Leader of the Opposition to get a hold of his friends and get that bill passed.

\* \* \*

**ABORIGINAL AFFAIRS**

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, education is a universal human right unless one lives on a first nation territory under the current government. The families of Attawapiskat are reeling from the fact that a school for which they have fought for eight years, which was supposed to begin this spring, has been cancelled.

We have had three Indian affairs ministers support the project, but the current minister told the community that first nations schools are no longer a priority for his government.

Why should the children of Attawapiskat have to put up with his fundamental disinterest in their health and well-being?

**Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC):** Mr. Speaker, I never said any such thing. Education is one of the keys for first nations communities, as it is for all Canadians, as is economic development opportunities.

We have invested over \$3 million into the school system on that reserve. We have also invested another \$250,000 to help with some renovations people wanted to have done. There are no health concerns in that school.

We would all like to have more and newer schools, but we continue to invest in schools across the country. It is a priority for the government.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** No health concerns, Mr. Speaker? I have been in that school. Those portables are a fire trap.

Health concerns, is that the minister's criteria for education? We are not talking about buying holding pens for cattle. We are talking about the most fundamental right that every child in our country should enjoy, the right to go to a good school to give them hope.

I will ask him a simple question. Would he put up with such a dismissive attitude for any school board official his children were under? Why should the children of the James Bay coast have to put up with his dismissive attitude?

● (1500)

**Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC):** Mr. Speaker, they have to put up with that sanctimonious attitude because the member knows full well, and we have had meetings on this, that there are requests from schools from across the country. We have extensive investments, record investments, in education across the country. It is a priority for the government.

There are no health concerns in that school. He should not portray it otherwise.

We continue to work with first nations across the country. Education is key to their success. We want to make it a priority, which we are doing right now, and we will continue to invest in first nations education from coast to coast.

### ETHICS

**Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.):** Mr. Speaker, yesterday the Prime Minister said the names of two individuals of Greek origin, namely one employee who works in Ottawa, and another who is a Conservative Party supporter in Montreal. The fact that the two are Montrealers of Greek origin does not mean there is a plot.

As a Canadian of Greek origin, I am asking for an explanation from the Prime Minister. I am asking the Prime Minister to have the decency to stand in his place and apologize to the House and all Canadians of Greek origin for this racist remark.

The fact that he has troublesome characters in this party has nothing to do with the fact that they are Greek.

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, not only is the opposition member mischaracterizing the remarks, he is doing it to such a degree that I would have to be convinced he was not even here yesterday. However, I could be wrong.

**Some hon. members:** Oh, oh!

**The Speaker:** I think the government House leader is aware of the rule that it is inappropriate to refer to the presence or absence of members in the House. I know there may be comments that members are not voting from time to time, but saying they are not here is not within the rules. I am sure the hon. member will want to ensure he complies with the rules in every respect.

**Hon. Peter Van Loan:** Mr. Speaker, to clarify, I said having heard that question, I cannot imagine that he would have been here to hear what the Prime Minister said. The Prime Minister said nothing of the character that was implied.

The reality is yesterday the Prime Minister was defending from repeated attacks from all opposition parties, including the Liberal Party, distinguished leaders in the Greek community who were advancing and they committed what the Liberal Party considered to be a crime.

They are Greek-Canadian community leaders who are participating in the mainstream of our society under this government. That is something of which we are proud. That is something we will continue to defend and members opposite should be apologizing for attacking—

**The Speaker:** The hon. member for Northumberland—Quinte West.

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### FOREIGN AFFAIRS

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** Mr. Speaker, my question is for the Secretary of State (Foreign Affairs and International Trade).

As the Secretary of State knows, Brenda Martin remains in a Mexican jail awaiting trial. My constituents of Northumberland—Quinte West are worried about Ms. Martin, while people like the member for Pickering—Scarborough East are using ambulance chasing tactics to try to make Ms. Martin's plight a political tool.

### Business of the House

Could the Secretary of State tell the House what steps our Conservative government is taking with Mexico to advance Ms. Martin's case to ensure a speedy trial and her rights are being respected?

**Hon. Helena Guergis (Secretary of State (Foreign Affairs and International Trade) (Sport), CPC):** Mr. Speaker, the member for Northumberland—Quinte West has worked tirelessly to advance Ms. Martin's plight.

Our Canadian officials regularly supply Ms. Martin with consular services. We have raised her case at the highest levels in both letters and personal representation up to and including the president of Mexico.

I returned last night from Mexico, where I met face to face with its foreign minister and its attorney general, where I again raised Ms. Martin's case. I also met with state and federal officials, expressing our concerns for consular matters and Ms. Martin's need for a very speedy trial.

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### PRESENCE IN GALLERY

**The Speaker:** I would like to draw to the attention of hon. members the presence in the gallery of His Excellency Dr. Norbert Lammert, President of the Federal Parliament (Bundestag) of the Federal Republic of Germany.

**Some hon. members:** Hear, hear!

**The Speaker:** I would also like to draw the attention of hon. members to the presence in the gallery of the Hon. Paul Oram, Minister of Business for the Government of Newfoundland and Labrador.

**Some hon. members:** Hear, hear!

\* \* \*

● (1505)

### BUSINESS OF THE HOUSE

**Hon. Ralph Goodale (Wascana, Lib.):** Mr. Speaker, I wonder if the government House leader could indicate his intentions for House business over the next week at least and hopefully two weeks.

I would point out to him that the House business advice that he gave to other parties last Tuesday is now obviously outdated because of events that have taken place in the meantime.

I would be particularly interested to know his plan for disposing of Bill C-3, because there is a court imposed deadline for dealing with that issue.

I would also be interested to know if he is yet in a position to designate any of the opposition days that must be designated during this supply period.

I wonder if I could ask as well whether there would be unanimous consent in the House for a motion that is on the order paper standing in the name of the member for Winnipeg South Centre which states:

That this House endorse the United Nations Declaration on the Rights of Indigenous Peoples as adopted by the United Nations General Assembly on September 13, 2007, and call upon the Parliament and government of Canada to implement fully the standards contained therein.

*Privilege*

**The Speaker:** I am not sure to whom the opposition House leader was asking this question. The last part was addressed to me, but perhaps we can have the answer to the first part and then he wants me to ask for consent for the second part later.

We will deal with the first part of the question from the government House leader first.

**Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC):** Mr. Speaker, since this is the first Thursday question of the year, I want to formally welcome everyone back to the House of Commons. Hopefully, we will be even more productive in 2008 than we were in 2007.

[Translation]

Judging by the first sitting day, I think we will be.

So far, the House has passed Bill C-8, on railway transportation, and Bill C-9, on the settlement of investment disputes.

Moreover, Bill C-31, An Act to amend the Judges Act, and Bill C-27, on identity theft, have been referred to committee.

This is a rather good start.

[English]

We hope to keep up that level of productivity by quickly passing our legislation to strengthen the security certificates process, which started debate at report stage today. That is of course Bill C-3. We now have a House order to assist us in facilitating that debate. We will continue to debate the bill until report stage is completed.

While all members of the House do not understand the importance of the bill, I believe that the official opposition does. I hope that we can work together in a spirit of cooperation and bipartisanship to have it passed before the date identified by the Supreme Court of Canada as the date by which it would like to see the law passed, February 23.

Following Bill C-3 tomorrow we will continue with the unfinished business from this week, namely Bill C-33, renewable fuels; Bill C-39, the grain act; Bill C-7, aeronautics; and Bill C-5, nuclear liability.

Next week will be a safe and secure Canada week.

[Translation]

Debates will continue until the bill is passed by this House.

After that, we will debate Bill C-25, which would strengthen the Youth Criminal Justice Act, and Bill C-26, which imposes mandatory minimum penalties for producers and traffickers of drugs, particularly for those who sell drugs to children. We also hope to discuss the Senate's amendments to Bill C-13, on criminal procedure.

[English]

Finally, in keeping with next week's theme, I would suggest that my hon. colleague opposite explain to his colleagues in the Senate the importance of quickly passing the Tackling Violent Crime Act, the bill which is overwhelmingly supported by Canadians across the country, and which was the number one priority of the government

throughout the fall session of Parliament and which passed this House last fall. It has already been in the Senate longer than its entire time in the House of Commons, yet the Liberal dominated Senate has not even started committee hearings on the Tackling Violent Crime Act.

While the elected accountable members of the House rapidly passed the bill, which I would like to remind everyone was a question of confidence, unfortunately it looks like the unelected, unaccountable Liberal dominated Senate is up to its old tricks again of delaying and obstructing in every way. Let me be clear. This government will not stand and allow Liberal senators to obstruct, delay and ultimately kill the bill. The Tackling Violent Crime Act was quickly passed in the House and Canadians expect the Liberal dominated Senate to act in the same fashion and pass it quickly.

• (1510)

**The Speaker:** The House leader for the official opposition asked if the House would give its consent to pass, without debate, the motion "That this House endorse the United Nations Declaration on the Rights of Indigenous Peoples as adopted by the United Nations General Assembly on September 13, 2007, and call upon the Parliament and government of Canada to implement fully the standards contained therein".

Is there unanimous consent to adopt this motion without debate?

**Some hon. members:** Agreed.

**Some hon. members:** No.

\* \* \*

**PRIVILEGE****ALLEGED IMPEDIMENT IN THE DISCHARGE OF A MEMBER'S DUTIES**

**Hon. Tony Clement (Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC):** Mr. Speaker, I would like to respond to the question of privilege raised by my friend, the hon. member for Mississauga South, a couple of days ago.

Requests for information received at Health Canada from members of Parliament and senators are of great importance to me and to my officials. We take them seriously. In order to facilitate the flow of information to MPs and senators, Health Canada officials follow the departmental guidelines that have been in place for many years. Indeed, these guidelines were in fact inherited from the previous government.

These guidelines advise officials to provide all public information to parliamentarians immediately. Upon receiving the inquiry, officials complete an electronic form, which is sent to parliamentary affairs officials in the department in case follow up action is required. This electronic form is used for tracking the inquiry.

The information is passed to the minister's parliamentary staff, who, as a courtesy, will often contact parliamentarians to ensure that they are provided with accurate information. Indeed, in this case, the minister's staff did contact my hon. colleague and provided him with the information sought.

*Privilege*

It is important to note that the electronic form in question was developed many years ago and was, as I have said, inherited by the present government. It did include contact information to ensure follow up and, yes, it did include party affiliation. I recognize that this could be misconstrued and give the wrong impression. Consequently, I agree with my hon. colleague that this is something that should have been stopped many years ago. I have, therefore, instructed my department to remove the information pertaining to party affiliation and we have asked officials not to seek this information. This was done yesterday.

Yesterday, the hon. member stood in his place and raised a point of order indicating that he had not received the form in question and that my office failed to correctly provide the information that he had requested. I trust the member has now, after 24 hours, taken the time to read the four documents and web links my staff provided to his office, because it is clear that he had not done so when he stood in the House yesterday. If he had read the documents, he would have realized that the note in question was regarding lead coating on pencils and not lead pencils themselves. That is the point.

My officials provided that document to the hon. member so that he may inform himself and his constituents on the issues surrounding topical lead coatings on products, including paint brushes, pencils and toys. Had he but taken the time to read past the first paragraph of the note, he would have found information on the health impacts of lead exposure, how to determine if someone is suffering from lead exposure and other vital information. This includes lead coating of children's toys, as the member requested.

Mr. Speaker, I hope these brief remarks address the member's very important question of privilege. Mr. Speaker, through you, I sincerely hope that this action and explanation assures him and all those who are watching that Health Canada will continue to respond to inquiries from all parliamentarians quickly and efficiently, regardless of their party affiliation.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I appreciate the minister coming back a second time to explain.

Yesterday the minister advised that the question was inappropriate. He also stated, if my memory serves me correctly, that it is not standard practice to ask for party affiliation. As a consequence of the minister's statements today, it is clear that yesterday when he spoke to the House, he misspoke himself about whether or not this was standard practice, which is what he is declaring today.

Finally, with regard to the information that was sent to my office, it had to do with lead in pencils and other things.

**An hon. member:** Sit down while you are ahead.

**Mr. Paul Szabo:** I would thank the House leader for a little bit of order.

Mr. Speaker, this is a matter of privilege which affects all members of this place. The minister yesterday made a representation which he admits today was incorrect. Also, in his statement today before the House he said that this addresses my inquiry because my inquiry was about lead in pencils, toys and other things. That was not the inquiry. This is how incompetent the minister's department is on these matters.

The question was clear and it was documented by the personnel in his department. The question was, what is the government's policy on the importation of goods to protect the safety of Canadians? The issue of China was one example that was given.

In fact, if the Minister of Health had read the intervention I made in the House, it was clear in my intervention that I used China as an example. The inquiry was a general inquiry from a constituent. It was an inquiry to ask the policy of the government with regard to product safety on the importation of goods. It is not a China question. It is not a lead question. It is not a pencil question.

The minister misled the House both yesterday and today as to the facts. The fact remains that when my office contacted product safety, as they were instructed to do by Service Canada, they asked the question of the product safety personnel who took the inquiry. The inquiry was recorded and they said they would have to call back. The call back to my staff, to reiterate, was, "Is your member a member of the opposition?"

• (1515)

**The Speaker:** I am hearing the same argument over again. I thought the purpose of the interventions today was not to rehash what was heard before, but to add additional material. The minister has submitted additional material. The hon. member for Mississauga South has expressed his dissatisfaction with some of it, but I do not need to hear the whole argument again about what happened in the telephone call or what the request was. We got all that detail when the matter came up initially.

I think we ought to move on pretty quickly with this. If he has more submissions about the minister's submission, fine.

**Mr. Paul Szabo:** Mr. Speaker, as a consequence of the matters that have gone on, that there was misinformation, whether deliberate or not, the fact remains that there was a system in place, a formal process. You may recall at a further intervention I had asked that a blank copy of that form simply be provided to me. That has not been done. I would like to have that to verify the representations that have been made.

I would then still ask, in view of the past events that have taken place where the privileges of members have come into some question because of the actions and activities of the government, that this matter continue and that it be referred to the procedure and House affairs committee to do a fair assessment of what is actually being done. This a matter of the privileges of all members of the opposition and I ask that it be referred to the procedure and House affairs committee.

**Hon. Tony Clement:** Mr. Speaker, I thank the hon. member for his interventions. The member is an honourable member and surely there is a way that we can sort this out outside of the time of the House. I would be happy to do so at the earliest opportunity.

**The Speaker:** The Chair will take the matter under advisement. I believe we have now heard all the arguments that are likely to be advanced in respect to this matter.

*Speaker's Ruling*

I would point out to the hon. member for Mississauga South and to the minister that they can have meetings together and possibly resolve the whole matter. In addition, if there is a continuing perception that this is a problem that affects other members, the hon. member from Mississauga South can go to the procedure and House affairs committee and ask the committee to examine the matter without me referring it there or the House referring it there if I decide this is a question of privilege. I will look into it to see if the member's privileges have been infringed and I will come back to the House with a ruling on the matter.

In the meantime, I would urge the minister and the member to work together to see if the appropriate exchange of documents or questions or whatever can be arranged.

I understand the hon. member for Malpeque also has a point of order.

\* \* \*

● (1520)

**POINTS OF ORDER**

BILL C-219

**Hon. Wayne Easter (Malpeque, Lib.):** Mr. Speaker, I rise on a point of order to respond to the comments made earlier today by the parliamentary secretary to the government House leader, in which he stated that my private member's bill, Bill C-219, was improperly before the House. I was not in the chamber at that time so I did not have a chance to respond.

Bill C-219 would amend the Income Tax Act to allow voluntary emergency workers to deduct from their taxable income the amount of \$1,000 if they performed at least 100 hours of volunteer service and \$2,000 if they performed at least 200 hours of volunteer service.

The parliamentary secretary contends that Bill C-219 is improperly before the House as it has not been preceded by a ways and means motion because, in his view, the bill would increase the level of taxation. He argued that Bill C-219 would increase taxation.

As I have already indicated, the bill would increase the exemption from taxation. *House of Commons Procedure and Practice* at page 898 states:

...private Members' bills which reduce taxes, reduce the incidence of a tax, or impose or increase an exemption from taxation are acceptable.

Ways and means motions are necessary for bills that impose a tax or other charge on the taxpayer. This bill does not do that.

The fact is that the current bill is similar to Bill C-273 that was in the last Parliament. It went as far as the finance committee and at that level there were technical questions on who it applied to, the record-keeping procedures for hours, et cetera, but not about increasing taxes.

This bill does not propose the expenditure of public funds but rather affects the exemption from taxation which is permitted under our rules.

In conclusion, I believe this bill is properly before the House and I ask that you, Mr. Speaker, allow this bill to proceed as it is supposed to during private members' business tomorrow.

**The Speaker:** I thank the hon. member for his interventions and certainly I will take them into account in preparing a ruling on this matter for the consideration of members.

The hon. member for Don Valley West is also rising on a point of order.

BILL C-474

**Hon. John Godfrey (Don Valley West, Lib.):** Mr. Speaker, it is with regard to the private member's bill that I introduced last year, Bill C-474, which is a bill to require the development and implementation of a national sustainable development strategy.

On December 7, 2007, the acting speaker invited comments as to whether this bill would require a royal recommendation and it was duly obliged on December 11 by the parliamentary secretary to the leader of the government in the House with a series of suggestions, the import of which was that yes, indeed this bill required a royal recommendation.

I have considered those remarks. I was invited to respond to that. As a result of consultations with House officials, I will be bringing forward a series of amendments, if the bill passes second reading and gets to the committee stage, which will address and amend any concerns there might be about this bill requiring a royal recommendation. I believe it will then satisfy the concerns raised by the parliamentary secretary.

● (1525)

**The Speaker:** I thank the hon. member for Don Valley West for his submissions.

\* \* \*

**PRIVILEGE**

STATEMENTS REGARDING AFGHAN DETAINEE POLICY—SPEAKER'S RULING

**The Speaker:** The Chair is now ready to rule on the question of privilege raised on Monday, January 28, 2008 by the hon. member for New Westminster—Coquitlam concerning replies on the issue of Afghan detainees given by the Minister of Foreign Affairs during oral questions on November 15, 2007.

I would like to thank the hon. member for New Westminster—Coquitlam for raising this matter and for providing the Chair with additional documentation. The Chair also appreciates the contributions on this matter from the hon. Parliamentary Secretary to the Leader of the Government in the House of Commons and the hon. member for Saint-Jean.

[*Translation*]

In presenting her case, the hon. member for New Westminster—Coquitlam charged that the Minister of Foreign Affairs deliberately misled the House in responding to her questions regarding the government's detainee policy in Afghanistan because he had not, in her opinion, provided all the information that was available to him at that time.

[English]

In particular, she stated that on November 15, 2007, the minister had not offered any information concerning the halt in the transfer of Afghan detainees to the Afghan authorities that had occurred 12 days earlier. The hon. member for Saint-Jean also noted that he found the minister's silence on this point particularly troubling. In his response, the hon. Parliamentary Secretary to the Leader of the Government in the House of Commons contended that the government made no misleading statement on this issue and insisted that no change in policy had occurred.

At the outset, I wish to remind hon. members that a minister may decide how or if he or she wishes to respond to an oral question. As indicated on page 433 of *House of Commons Procedure and Practice*:

Members may not insist on an answer nor may a Member insist that a specific Minister respond to his or her question. A Minister's refusal to answer a question may not be questioned or treated as the subject of a point of order or question of privilege.

[Translation]

Furthermore, the role of the Speaker with respect to oral questions is very limited. I refer the House again to Marleau—Montpetit which clearly states on the same page:

The Speaker ensures that replies adhere to the dictates of order, decorum and parliamentary language. The Speaker, however, is not responsible for the quality or content of replies to questions. In most instances, when a point of order or a question of privilege has been raised in regard to a response to an oral question, the Speaker has ruled that the matter is a disagreement among Members over the facts surrounding the issue. As such, these matters are more a question of debate and do not constitute a breach of the rules or of privilege.

[English]

With those principles in mind, the Chair has carefully read the two questions posed by the hon. member for New Westminster—Coquitlam, as well as the answers of the Minister of Foreign Affairs, as found in the *Debates* of November 15, 2007. Let me say, first, that my reading reveals that the hon. member for New Westminster—Coquitlam ran out of time before completing either of her questions that day and so these questions appear to be incomplete. Second, the Chair is unable to find in either question a precise request of the minister to provide the information the member is now alleging was not given.

Furthermore, the hon. Parliamentary Secretary to the Leader of the Government in the House of Commons has now made a categorical assertion that there has been “absolutely no change” in the policy of the government. This is an assertion the Chair is bound to accept, just as it would be bound to accept the word of any hon. member.

It appears to me that we are dealing with a matter of debate. I realize full well, not only from the content of statements but also from their tone, that there are strikingly different views on this subject held by hon. members in this House as to whether the current handling of detainees represents a change in government policy or not. There is also strong disagreement over whether the minister ought to have communicated to the House certain facts about the halting of prisoner transfers in Afghanistan.

[Translation]

However, as I stated earlier in this ruling and as I have mentioned before on various occasions in this House, any dispute regarding the

### Government Orders

accuracy or appropriateness of a minister's response to an oral question is a matter of debate; it is not a matter for the Speaker to judge. The same holds true with respect to the breadth of a minister's answer to a question in the House: this is not for the Speaker to determine.

[English]

As hon. members know, before finding a prima facie breach of privilege in situations such as these, the Speaker must be convinced that deliberately misleading statements were made to the House. The current case is a dispute about the lack of information in the minister's responses to questions on November 15, 2007.

The Chair acknowledges that there are strong differences about the issue of prisoner transfers as well as strong disagreements about what information on prisoner transfers has been or ought to have been provided. However, it is not for the Speaker to address or resolve these differences nor are they sufficient to convince the Chair that the House was deliberately misled.

Accordingly, the Chair cannot find that there is a prima facie question of privilege in this case.

I thank the hon. member for New Westminster—Coquitlam for bringing this matter to the attention of the House.

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## GOVERNMENT ORDERS

• (1530)

[English]

### IMMIGRATION AND REFUGEE PROTECTION ACT

The House resumed consideration of Bill C-3, An Act to amend the Immigration and Refugee Protection Act (certificate and special advocate) and to make a consequential amendment to another Act, as reported (with amendment) from the committee, and of the motions in Group No. 1.

**The Speaker:** When the House broke for question period, the hon. Minister of Public Safety had the floor for questions and comments as a consequence of his speech. There are two minutes remaining in the time allotted for questions and comments. I therefore call on the hon. member for York South—Weston for questions and comments.

**Mr. Alan Tonks (York South—Weston, Lib.):** Mr. Speaker, I thank the minister for clarifying the difference between Criminal Code violations and the processes and the security certificate process. He also made it clear that the security certificate process does not relate to Canadians.

However, I have been asked by constituents to clarify with the minister with respect to the role of the special advocates. In the criminal process there is protection with respect to client-solicitor relationship. If during the process of certificate implications are made with respect to allegations against Canadians, is there the same degree of protection that exists under the Criminal Code and natural justice? Could the minister explain whether that similar client-solicitor relationship applies?

*Government Orders*

**Hon. Stockwell Day (Minister of Public Safety, CPC):** Mr. Speaker, my colleague's question came up in the committee and it was as a matter of some concern.

A number of provisions are in place to protect the individual who is being detained from untoward situations that may arise in the course of the actions that would unfold. As a matter of fact, in the committee discussion it was agreed that there could be some things that would come up that would actually be unpredictable and that there needed to be something in place to allow for that.

One of the ways of addressing that is in clause 85.2(c), which is a catch-all provision that can be applied for and asked for by the special advocate himself or herself. There would also be provisions for the person being detained and I think, if in not all cases, in most cases they would have their own counsel. There would be provisions to ensure the person is protected from such an eventuality related to client-solicitor privilege.

**Ms. Penny Priddy (Surrey North, NDP):** Mr. Speaker, the concern that the NDP and I as the critic have with this, and the reason for putting forward all of these amendments, is that we have considered this to be completely the wrong way to go about dealing with the issues of terrorism. We are as concerned as anyone else that this country is protected, that its citizens are safe and that terrorism has absolutely no place and no acknowledgement in our country.

I think most Canadians would consider safety to be some kind of balance between freedom and security. They expect security in the country in which they live and raise their children but also they have a certain expectation of freedom.

I am a bit puzzled, I have to say, by the motions today to sit until the bill has finished report stage and by the rush to get it through. I understand perfectly well the deadline of February 23, but that was a year ago. If we had come back in September when we were due to come back, we would have had an extra month to work on this. Instead, we have had nine weeks.

It seems to me rather inconsistent that a bill that is of such great importance, and, by the way, I think it is, is left to the last two months of the year, because it has to go to the Senate as well, which has been known since the date was established last February. It seems to me that unless there is some other motive, the action does not reflect the gravity of the issue the bill has presented.

From the beginning, we have always seen this as the wrong way to go about dealing with terrorism, espionage and organized crime, and let us be sure that we are talking about all three things. Although terrorism is the phrase that is used most frequently, this is about also espionage and organized crime.

As members can see, we believe that if one has come to Canada to commit a terrorist act one should be charged and punished. To consider an act of terrorism in any country, but speaking of our own country, is one of the worst things imaginable. We have seen those examples in other countries as well as countries to the south of us.

So why would we not put in place legislation that would allow punishment of people instead of sending them back to their country of origin, where they may very well wish to go, and where they can or may continue their activities? I think in many cases they do

continue to engage in the planning of terrorist activities, again, perhaps toward Canada, and it may not be them but somebody else they have trained.

But to send them back with no repercussions whatsoever is not acceptable. I expect people to be punished for such an odious type of crime. I also, by the way, expect people to prove that the odious crime is in the process of being committed or that there is a demonstration of its planning.

• (1535)

I think we know that significant numbers of members in this House will publicly say they think this bill is flawed. Some will privately say they know this bill is flawed. We know that members of the legal community believe that this bill will not withstand, albeit its rewriting, a constitutional challenge again, and there will indeed be another constitutional challenge. I do not think we should mistake that at all.

The human rights issue within this bill is a concern for all Canadians, I would hope, because human rights are something that we hold dear. Standards, procedural fairness and due process are things we consider to be inherent in human rights.

The ability to fully answer and defend ourselves is a basic human right. That is not reflected at all in this piece of legislation, unless we say there is a level of human rights and we believe only certain people have human rights, but I do not think that is what most Canadians believe. I think they believe people have a right to know fully what they have been accused of and to be able to defend themselves against it.

The NDP believes, and many community organizations who made presentations to the public safety committee said the same thing, that the use of what we would call secret evidence is a grave threat to fundamental justice. This bill proposes that if a special advocate were to be put in place, the advocate could speak to the detainee and his or her counsel and then see the full file, but could not talk to the detainee again, or at least have any conversation about what is in the file, even if it might be helpful to the detainee.

We know it is a flawed system because there have been other circumstances where we have used information without the full advantage of having all of it. We have seen the kind of prosecution people have been put through.

The special advocate is being championed by this piece of legislation, but it does not explicitly give any kind of special powers to the special advocate to seek and obtain other government records that might be believed to be relevant. If the advocate reads in a file something that refers to another record that he or she thinks would be helpful, there is nothing that explicitly states the advocate has the right to see that information.

Certainly there are other models that people have suggested, such as the SIRC model, where there has been full disclosure of information that CSIS has available. That kind of process was used and was in place before the current process.

*Government Orders*

There also is a concern about how long people can be detained without any charge being laid at all. One individual has been in detention for seven years. Other individuals have been in detention for somewhat shorter lengths of time, but certainly not short lengths of time. There is nothing to protect them. Yes, detainees can have their cases reviewed on a regular basis, but that does not mean they cannot continue to be told no for some indefinite length of time.

They can be kept in prison-like settings that I think are built for two or three people, without any idea of why they are there, and without anybody presenting the charges to them. If we were to even consider that as a principle we would use anywhere else, Canadians would rise up in anger, as they should.

• (1540)

It is a basic premise. If we are charged with something or detained in jail, we have a right to know why. We have a right for our counsel to see the evidence and a right to defend ourselves. Under this piece of legislation, which we do believe is completely flawed in dealing with the issue of terrorism, which we believe should be criminally punished, we do not have that.

I look forward to other speakers.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I am proud to have seconded the motions my colleague put forward this afternoon, which delete all the clauses of this legislation as a way of showing our fundamental disagreement with this security certificate process, as well as the fundamental flaws and the supposed fix that the government has provided for this legislation.

Earlier I was incredulous when I heard the Minister of Public Safety say that he believed the security certificate process was appropriate, even though its sole aim, the whole deal, was to send someone accused of some of the most serious crimes against our society, those of terrorism, security threats and espionage, out of the country. It did not matter if they were ever charged, convicted or punished for perpetrating those serious crimes. What is more is that the only thing this legislation and this process seek to do is to get them back to their country of origin, where there is no guarantee that they will be charged, convicted or tried for those very serious crimes either.

This seems to be a piece of legislation that seeks to avoid dealing with the most serious crimes in our society. Would the member comment on that? How does this legislation make Canada or Canadians safer? How could a Minister of Public Safety support that kind of legislation?

• (1545)

**Ms. Penny Priddy:** Mr. Speaker, this will not make anybody safer. That is part of the issue. This is not going to make Canada safer.

On the minister saying earlier that releasing criminals across the country would not be considered acceptable, I agree with him. It would not, but I ask, please, for it to be proven that someone is a criminal. We cannot say that we are not going to release criminals across the country but also say that we cannot prove someone is a criminal, so we are just going to hold that person as long as we possibly can or send him or her back to be tortured or potentially to continue terrorist activities in his or her own country.

Not only will Canada not be safer, but as well, our justice system will not be made safer by this kind of legislation, which does not—I repeat does not—uphold the basic tenets of our justice system around the ability for full answer and defence.

[*Translation*]

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Mr. Speaker, I would like to ask the member who moved the motion why she put forward 12 amendments.

At this point, we do not support the bill that will be presented. I believe her party is also against it. Furthermore, I would have liked to have 20 minutes to explain why we are against this bill, instead of only 10 minutes. I do not understand this procedure.

Assuming that the arguments we present here could eventually convince other members, if people vote against the amendment after each clause, what would be the point of holding a debate on the bill itself? I must admit I do not understand this notion at all, unless of course it is some sort of filibuster.

[*English*]

**Ms. Penny Priddy:** Mr. Speaker, this is not intended at all to be a filibuster. It is intended to show that the NDP, as we have said all along, is opposed to this bill. We did not make amendments at committee stage because that would have been trying to fix what we consider to be a fundamentally flawed piece of legislation.

This was our way of demonstrating and saying to the people of Canada that we cannot support any piece of this legislation and that we do not have an amendment to bring forward to tinker with it, to try to change part of it, or to do any of that. The Chair chose to group the amendments from one to twelve. This is the only way that we saw for being able to do this.

**Hon. Ujjal Dosanjh (Vancouver South, Lib.):** Mr. Speaker, this is obviously a very important piece of legislation. I want to say at the outset that were we in government in response to the position expressed by the court, we would have definitely presented a different piece of legislation.

This is a piece of legislation that during the committee we have tried to actually improve partly or fully because we believe that the court deadline is very important, and the issue of national and public security is very important for the country. In a way, it is a non-partisan issue. It goes beyond political partisanship.

The fact is that this security certificate regime has been in existence since 1977. The court obviously had the opportunity to review this matter and review it in the context of the Charkaoui case and provide us with its judgment.

The fact is that the government could have chosen any of the three or four models, that the court looked at, without expressing approval for any one of those models.

*Government Orders*

In fact, one of the models the government could have actually adopted, as I said earlier when I spoke to this matter, was the SIRC model, the Security Intelligence Review Committee model, where there was much fuller disclosure available, where SIRC actually set up an adversarial process, and where SIRC was able to set up essentially a courtroom type procedure to deal with these issues and deal with the security issues prior to the security certificate regime coming into being.

The other particular model that the court referred to was the process under the Canada Evidence Act which handles the balance between the protection of sensitive information and the procedural rights of individuals. The Attorney General of Canada of course has a role with respect to that matter about the potential disclosure of important national security information.

Then in fact the court looked at the Arar case, where the commissioner devised a process to deal with sensitive information in a way that as much disclosure as was possible could be provided to Mr. Arar and/or his counsel.

Finally, the court also examined the special advocate regime that is presently in existence in the United Kingdom. It has been criticized in the United Kingdom. It is a scheme that even if the government wanted to bring this scheme into our legislation, it could have been improved much more than it actually attempted to.

I want to say briefly that our committees, both of the Senate and the House, had made several recommendations to deal with the anti-terrorism legislation. Some of those recommendations were directed to the security certificate regime. Both of the reports of the committees found that there was a need for some form of adversarial challenge to the governmental claims that the secrecy was necessary. Both committees concluded that the affected party be entitled to select a special advocate from a roster of security cleared counsels who would be funded by the government but independent of government.

It should also be noted that both reports also provided several other recommendations for changes to be made to this particular legislation beyond just the issue of how to achieve the correct balance. One of the issues that they had dealt with was the faster process and dealing with the issue of the torture evidence.

When we looked at this legislation and looked at it in light of the fact that there was a court imposed deadline and we needed to proceed expeditiously to deal with the issue, we felt that there were some areas of the legislation we could at least quickly improve upon.

• (1550)

The Liberal members on the select standing committee were able to make four amendments. Let me just go through those amendments. They are very significant because they deal with the rights of the detainee with respect to these matters and enhancing the rights of the detainee.

First, we were able to actually specify in the legislation, through the amendment, that there ought to be specific criteria for the minister when creating the roster of potential special advocates to ensure that they are duly qualified, that they are independent, and that they have adequate resources, which means that they are funded

by the government in an adequate fashion but they are independent of the government.

Second, we were able to make an amendment to the effect that the detainee, foreign national or permanent residence, who is the subject of the hearing, be allowed to choose his or her own special advocate from the roster and that advocate in cases would be appointed by the judge.

Third, and in fact very important, there was the absence of the solicitor-client relationship altogether in the legislation, and we were able to reinstate the solicitor-client privilege for the detainee to the extent of the information that the detainee may have given to the special advocate, so the special advocate is barred from sharing that information with anybody else other than the detainee himself. Therefore, that provides a degree of solicitor-client privilege which we believe was appropriate in the circumstances.

Fourth, and most important of all, we were actually able to successfully make a very broad amendment that dealt with the issue of evidence that may be the product of torture, whether it is the primary evidence or derivative evidence. Based on the amendment, if the judge that might be hearing the case believes, on reasonable grounds, that the evidence may be the product of torture, directly or indirectly, that evidence would not be admissible in the proceedings before the judge with respect to the particular detainee.

I believe that we have been able to make improvements. Let me just go back and recap, and say that if we were the government, this would not be the piece of legislation. The government could have done a much better job. The government could have actually adopted and built upon the homegrown concept and the process that the SIRC model uses. It did not do that. That would have been much better.

Therefore, we will be monitoring this. We will be attempting to make as many changes or improvements as possible over the next number of months and years, but it is important that the legislation pass. We have a deadline upon us and that is the deadline of February 23. It is important that we show some degree of responsibility, so that the court deadline that has been imposed upon us does not go by. We want to have a system in place before that happens.

• (1555)

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I do not know if the member saw a news report in the *Ottawa Citizen* earlier this week, a story about how the government is having difficulty finding lawyers who are willing to act as special advocates, who are even willing to apply for the position. Apparently, so far only 50 have responded to the month-long recruitment campaign.

There were reasons given for that by two very prominent legal experts. Lorne Waldman, a very prominent immigration lawyer, actually an expert on the special advocacy process, said, "Given the nature of what the lawyers are being asked to do, it does not surprise me that there has not been an overwhelming response". He further went on to say that the system "fundamentally abrogates" the right of the accused to know the evidence against them. He points out very serious problems.

*Government Orders*

Vanessa Gruben, a law professor at the University of Ottawa, also says that she thinks that the low number of applications for special advocate positions may stem from concerns about the proposed security certificate legislation.

There are concerns among the legal community that the model proposed in Bill C-3 falls short of the constitutional standards set by the Supreme Court. That is also supported by the Canadian Bar Association and the Federation of Law Societies in Canada.

I wonder, given those very serious concerns, why the member can support this legislation.

**Hon. Ujjal Dosanjh:** Mr. Speaker, let me first thank Lorne Waldman. I believe it was his evidence and that of others like him that enabled all of us to make the improvements that we were actually able to make to this legislation. I want to publicly thank him and others for making the contributions they did.

On the question of the shortage of applicants, I do not know whether the number 50 means that there is a shortage of applicants with respect to the role of special advocate. Everyone knows that the special advocates have to be in the vicinity of Ottawa or Toronto, mostly for these matters. Everyone that knows the requisites in this particular case, knows that one needs to be experienced in areas of constitutional, immigration and criminal law.

There are very few lawyers in this country who are equally familiar with all those three areas of law. Therefore, I think there could be a shortage of applications for that reason.

Also, I was talking to a very learned Queen's counsel in British Columbia the other day and he told me that in British Columbia they are finding it hard to find senior counsel who can do ad hoc criminal work, prosecutions. That tells me that lawyers are not necessarily going into certain areas of specialization as they ought to, in numbers as they used to.

•(1600)

**Mr. Mario Silva (Davenport, Lib.):** Mr. Speaker, I realize that we as parliamentarians sometimes have a series of objectives in our society that we have to maintain and sometimes these objectives can be in conflict with one or another, whether it is security and human rights. As citizens it is true to say that we have as much right to be protected by the state as from the state.

The security certificate decision that was taken by the Supreme Court in September 2007 was a very important decision. The court at that time had serious concerns with the security certificates in this country and there was not an adversarial role that was taking place in the process.

The decision came in February 2007, yet the government waited until October 2007 before tabling anything in the House. I find that very lamentable that it took so long to do that. It did not give Parliament sufficient time to deal with this very important issue.

Although I congratulate my hon. colleague for all the amendments he made at committee,—

**The Acting Speaker (Mr. Andrew Scheer):** I regret to have to cut off the hon. member for Davenport, but I do have to allow enough time for the hon. member for Vancouver South to answer the question.

**Hon. Ujjal Dosanjh:** Mr. Speaker, the member is saying that he did not ask the question, but I understood the thrust of his remarks.

Those are very important issues he raised, but as parliamentarians, as members of the government and members of the responsible opposition, we have to sometimes work with haste expeditiously to meet the deadlines that may have been imposed by the court. We must also try to create as appropriate a balance between individual rights and national security, as are possible under the circumstances. This is not the most ideal piece of legislation and is not what I would have done, but we need to move with some haste.

[*Translation*]

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Mr. Speaker, the security certificates we are talking about are misnamed. As a result, most people have difficulty understanding what they are. They are actually deportation orders, whereby a sovereign nation exercises its right to refuse to admit foreigners who are deemed to represent threats to national security.

When security certificates are used only when people arrive in Canada, as was done in the summer, far fewer problems arise. Security certificates are always issued against foreigners and cannot be issued against Canadians, for the simple reason that section 6 of the Canadian Charter of Rights and Freedoms provides that any Canadian has the right to enter, remain in and leave Canada. Consequently, this sort of procedure cannot be used against Canadian citizens.

There is a separate procedure for Canadian citizens who are deemed to be dangerous even though they have not committed any crime. In my opinion, many people believe the government could use the same procedure against foreigners, but that is neither here nor there. This law has been in existence for some time, and we cannot say it has been abused. Although it has been invoked 27 times, it has been used only five times since September 11, 2001.

A security certificate creates a real problem when it is issued against someone who has entered Canada, has been a permanent resident for many years, has started a family, has had children and, after spending considerable time in Canada, suddenly wants to become a Canadian citizen. Just when he qualifies to become a Canadian citizen and applies for citizenship, the government issues a security certificate against him.

That is what happened to Adil Charkaoui. He came to Canada in 1995 with his parents and, I believe, the person he married here. He had children. A security certificate was not issued against him until 2003.

When the security certificate applies to someone who can return to his country of origin, there is no real problem. We can accept the fact that a sovereign nation is simply exercising its right to refuse to admit someone if it considers that person dangerous. A problem arises when the person will face torture and perhaps even death if he is returned to his country of origin. That is why this person does not want to go back.

*Government Orders*

The government often defends these measures by saying that the person is in a three-walled prison. One wall is missing, so all the person has to do is leave. For some people, the fourth wall of their prison is actually a cliff. Leaving would mean certain death or torture. This is where serious problems arise. How long will we hold this person?

We must understand what a security certificate is based on. If ministers intervene, it is because the security agencies believe, based on the information they have, which is usually confidential, that this person is a risk. Why do they not reveal this information? There are three reasons. First, because the information was obtained from a country on the condition that it not be made public. It is also because the information comes from secret agents who have infiltrated terrorist organizations. Revealing the source of the information could mean a death sentence for these secret agents. The last reason is that, in the fight against terrorism, which is much more important than the fight against crime, if we were to reveal investigation methods, such as how the information was obtained, the terrorist organizations would have a leg up on our defences. I think these reasons are understandable.

● (1605)

Consequently, after the ministers have signed the security certificate, which is in effect a request for the court to authorize a removal order, the reasons must nevertheless be submitted to the judge—proof that we are a civilized country. He must be given the real reasons or sufficient reasons demonstrating that the decision is not being taken lightly. He must be presented with the facts and the methods and these cannot be revealed to the person in question. That creates a legal problem that is extremely difficult to resolve.

After reading the decisions of the Supreme Court, I was personally convinced. Given the significance of the risks related to terrorism today, I recognize that such procedures must exist to a point, especially procedures used in such an exceptional manner.

However, we do not agree with the government on the measure to be used. It never stops repeating that we must balance—and it is a fine principle—security and the respect for rights. That goes without saying. However, the Supreme Court, which is examining this issue, realizes that the individual involved cannot know all the reasons why they are suspected, in fact, very often, most of them.

I found that Mr. Charkaoui was quite convinced and sincere when he said that he did not know why a security certificate had been issued against him. He had some suspicions because they asked him to be a double agent and he refused. I understand why a father would refuse to be a double agent, especially since he told them that it was not true that he knew terrorists, that perhaps he knew them without knowing that they were terrorists and that, in any case, he did not want to get involved.

It is nevertheless very difficult to make a decision about someone in such a case because the final consequences are exactly the same as for the most serious criminals in Canada. In terms of seriousness, it is the second most severe type of sanction imposed on criminals that we have in Canada. The most severe sanction is life imprisonment. In that case conditional release is a possibility. The other most serious sanction is indefinite detention.

A number of conditions had to be fulfilled before making that kind of decision. Improvements had to be made in accordance with the Supreme Court's recommendation to the government. This government still believes that the Canadian Charter of Rights and Freedoms and Supreme Court decisions set limits that cannot be exceeded. The government is very proud of the fact that it abided by a Supreme Court decision. It seems to me that if the government had reviewed the Supreme Court's reasons for amending the legislation, it would have noticed that it should be doing a little more than what the court suggested, and that it is not up to the court to come up with the system.

I was prepared to talk about this for 20 minutes. The brilliant procedure proposed by the NDP would allow me to speak 12 times for 10 minutes, plus 20 minutes. However, at some point I still would have wanted to put together the reasons that we are likely to support. I will probably have a chance to come back to this.

In closing, we believe that when making a decision as serious as this one—upholding a security certificate—the judge must be certain that the person represents a real risk.

Then they decided to give the person the right to appeal, but it was not really a right to appeal. It was something that allowed judges to discuss issues that could be raised during a hearing. That is not a real right to appeal. I would prefer to give that person the same right to appeal that dangerous offenders get under section 159 of the Criminal Code, that is, a real right to appeal on questions of fact, of law or of fact and law.

● (1610)

[English]

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I want to thank the member for his intervention in the debate. His comments are always very helpful and very well informed, given his great experience.

Yesterday, the families of the five post-9/11 security certificate detainees gathered here on the Hill, Mohammad Mahjoub's wife, Mona El Fouli, Adil Charkaoui's mother, Latifa Charkaoui, and Mahmoud Jaballah's son, Ahmad Jaballah. A representative of Sophie and Mohamed Harkat, Christian Legeais, also attended. As well, we remembered Hassan Almrei, who is the only person still detained at the Kingston Immigration Holding Centre on a security certificate.

One of the pleas that the families made was to ask that MPs and senators not support this legislation because of their great concerns about the injustice that it does. Ms. Charkaoui, Adil Charkaoui's mother, said that she did not believe there was a place in Canada for a justice system that involved “justice à deux vitesses”, I believe that was the expression she used, two systems of justice, one for Canadians and one for permanent residents or visitors to Canada. She believed that we should be proud of our justice system in Canada and that everyone here should have access to that system.

*Government Orders*

I wonder if the member could respond to Latifa Charkaoui's concerns about what she believes this security system represents.

● (1615)

[*Translation*]

**Mr. Serge Ménard:** Mr. Speaker, if we want to talk about these issues in a strict, legal sense, we have to include nuances that are not always understood.

First, like many people, Ms. Charkaoui probably does not realize that this is not a criminal trial procedure, since the person involved has not been charged with anything. In fact, the first decision made about this person was not to incarcerate him, but to expel him. A citizen cannot be expelled unless it is a matter under extradition law, if he is being sought by the country where he allegedly committed a crime.

This is a process related to immigration law, which enforces the principle by which a sovereign country has the right to refuse entry to foreigners it considers dangerous.

I would have liked to have seen legislation that made concrete improvements, but I cannot propose amendments to change the legislation in that way.

I would like to take this opportunity to say that if the minister were truly serious in asking for a non-partisan attitude toward this matter, he should have talked to us, and we would have—

**The Acting Speaker (Mr. Andrew Scheer):** I am sorry to interrupt the honourable member for Marc-Aurèle-Fortin. I believe there are other questions and comments.

The hon. member for London West.

[*English*]

**Hon. Sue Barnes (London West, Lib.):** Mr. Speaker, I have worked with the member before. When we had witnesses before committee, as he knows, they came with some excellent suggestions for improving the bill. Not only that, members around the table tried to put in amendments to this bill.

The public needs to understand why some of these very good suggestions could not be incorporated into the bill at this point in time, because of the stage it was at when it came to the committee. I remember that the member had an amendment that was ruled out of order. I would like the member to go over some of the activity that occurred to try to improve this bill, but which improvements could not be incorporated because of the way in which the government chose to send the bill to committee.

[*Translation*]

**Mr. Serge Ménard:** Mr. Speaker, in my view, the opposition parties—at least two of them—took their work very seriously in addressing this question. I am convinced that this power must exist somewhere, but the balance has been shifted.

Moreover, we managed to get some amendments adopted. For instance, the person in question can choose his or her counsel from the approved list of lawyers. There was a clear amendment that states that the counsel is bound by solicitor-client privilege. We would have liked to go even further, yet we were held back: the bill, as it stands, provides that it would have to be the most ignorant of

counsel. One can sense, once again, that the government was reluctant to fully cooperate, with a view to ensure there were enough members at the meeting to restore the balance. It is unfortunate.

In particular, it would have required provisions to make a distinction between the decision to be made when someone has just entered the country and the decision to be made in the case of a father who has been living here for years, whose parents have received citizenship and whose children were born here and have Canadian citizenship. I do not see why such a person should not be treated like a Canadian citizen.

● (1620)

[*English*]

**Hon. Roy Cullen (Etobicoke North, Lib.):** Mr. Speaker, I am very pleased to rise to speak to Bill C-3, the government's response to the Supreme Court decision with respect to security certificates and also the government's response to the Standing Committee on Public Safety and National Security and the subcommittee that reviewed this aspect.

Getting the balance right between the civil liberties of citizens and the duty to protect citizens from criminals and terrorists is never easy.

[*Translation*]

I must say, in Bill C-3, the legislation we are debating today, I believe the government has made an attempt to achieve that balance. The government has paid attention to the work of the House of Commons Standing Committee on Public Safety and National Security and the subcommittee on the Review of the Anti-terrorism Act.

[*English*]

Recommendations of the subcommittee relating to the use of special advocate for processes other than security certificates, that is the listing of terrorist entities, the deregistration of registered charities and denial of charitable status, and applications for the disclosure of information under the Canada Evidence Act are still under study by the government. The government has, however, incorporated the subcommittee's recommendation to employ special advocates counsel for the security certificate process.

Security certificates are not a post-9/11 product. They have been around for more than 30 years. They are an instrument used very sparingly. Only 28 security certificates have been issued since 1991 and only 6 since September 11, 2001. Nineteen individuals have been removed from Canada as a result of security certificates. They are used to remove from Canada foreign nationals or permanent residents, not Canadian citizens, who are deemed to be security risks to Canadians. Individuals detained under security certificates may leave Canada at any time. Admittedly it is not always possible to find a jurisdiction that will accept these people or locate a jurisdiction that will not torture or cause them harm once they arrive. However, there have been many successful removals.

*Government Orders*

The subcommittee of the House of Commons Standing Committee on Public Safety and National Security reviewed the anti-terrorism legislation, which was required after five years that it was brought into play. The committee decided to include a review of security certificates even though they were not a feature of the anti-terrorism legislation. They are instruments administered by Citizenship and Immigration Canada.

I had the honour to work on this committee and participated in the review of the anti-terrorism legislation. Testimony from witnesses completed in the 38th Parliament before it was dissolved. Therefore, we had witnesses in the 38th Parliament and that testimony was regurgitated or brought back before the new Parliament. The subcommittee and the standing committee issued an interim report in October 2006 and a final report in March 2007 in the 39th Parliament.

The interim report had to be released to deal with the provisions of preventive arrest and investigative hearing contained in the Anti-terrorism Act. These provisions had been sunsetted and were about to expire.

There is often misinformation in the minds of the public about how security certificates work.

[*Translation*]

For example, the individual about to be detained is informed of what they are accused of. What they are not told is the sources of information employed by the Canadian authorities (CSIS, RCMP etc.) to convince a judge that the person constituted a threat to the security of Canada.

[*English*]

Persons detained, as I said earlier, may also leave Canada at any time. This can be problematic, admittedly, for some individuals for some countries. However, there are examples of people returning to their countries and not being persecuted.

The security certificates process has been challenged in the courts in Canada and had been affirmed as not violating the Canadian Charter of Rights and Freedoms. However, on February 23, 2007, the Supreme Court of Canada pronounced that the security certificates process was inconsistent with the requirements of the charter.

The Supreme Court concluded that these provisions of the act that allowed for the use of in camera, *ex parte* proceedings from which the named person and his or counsel were excluded violated the right to life, liberty and security of a person under section 7 of the charter.

The court found that the right to a fair hearing included the right to a hearing before an independent and impartial judge who decided the case on the facts and the law, the right to know the case that had to be met and the right to meet that case. Since evidence heard in camera and *ex parte* could not be tested by the named person and could not be disclosed by a judicially authorized summary of that evidence, the provisions of the act violated section 7 of the charter, the right to liberty.

The court also concluded that the provisions could not be saved by section 1 of the charter as being demonstrably justified limitations necessary in a free and democratic society. The Supreme Court gave

Parliament one year to replace and reform the relevant provisions of the act.

The court made reference to the existence of special counsel, special advocate or amicus curiae measures used in Canada and in the United Kingdom where there was a requirement to protect sensitive information while still recognizing the right of individuals to meet the case with which they were confronted.

With respect to security certificates, our committee recommended changes to the process in our March 2007 final report. We recommended the use of security cleared special advocate counsel for the security certificate process, but also for the listing of terrorist entities under the Criminal Code, the deregistration of registered charities and denial of charitable status to applicants under the Charities Registration (Security Information) Act, and applications for the disclosure of information under the Canada Evidence Act.

These three processes all have star chamber characteristics, in my judgment and in the judgment of the committee, and we recommended changes to improve the transparency and fairness of these processes. In Bill C-3 the government has accepted the recommendation to create special advocates to deal with security certificates.

With respect to the use of special advocates for processes other than security certificates, the ones I have just mentioned, the government, in its response to the subcommittee's report this summer, seemed to be lukewarm. The government's comment was as follows:

At the present time, the Government believes that further study of the use of special advocates in other processes is required.

I am hoping that the various government portfolios are still reviewing that and I would like to see some action on that in the future or a wholesome and fulsome response.

It would appear that changes to these other processes are not reflected in Bill C-3 and hopefully they will come later. These processes have the same in camera, star chamber qualities, in my judgment.

The role of the special advocate counsel is spelled out in clause 85 of Bill C-3.

• (1625)

[*Translation*]

The subcommittee of the House of Commons Standing Committee on Public Safety and National Security had other recommendations on the topic of security certificates. One of these was as follows:

The Subcommittee recommended that sections 79, 81, 112, and other provisions of the Immigration and Refugee Protection Act be amended so as to allow for an application to the Minister of Citizenship and Immigration for protection only after a security certificate has been found by a Federal Court judge to be reasonable.

[*English*]

In its response to the House of Commons report, the government responded this past summer to this recommendation as follows. The government stated that it agreed "with the stated objective of making the process more expeditious and will examine methods to do so".

*Government Orders*

Bill C-3 eliminates the suspension of consideration of the reasonableness of a security certificate that occurs when a person named in it makes an application for protection. In addition, Bill C-3 requires that a judge of the Federal Court must commence a review of the detention within 48 hours.

With these two provisions, the government has responded to the recommendation of the sub-committee on this matter. This improves the sequencing of the process such that people will not be seeking protection from being sent to a country where they would be at risk until a Federal Court has determined whether or not the security certificate is reasonable.

The sub-committee also recommended the following for security certificates:

The Subcommittee recommends that section 78(j) of the Immigration and Refugee Protection Act be amended by adding the words "reliable and" before the word "appropriate".

The government has incorporated this wording into section 83(1) (h) of Bill C-3. In my view this provides greater certainty that evidence presented to a judge, if obtained by torture, will be inadmissible. Our party at committee introduced amendments to make that even more clear. I am glad to say that the government supported that amendment as well.

Bill C-3 addresses the key concerns of the Supreme Court of Canada and the report of the House of Commons Standing Committee on Public Safety and National Security. For these reasons, I believe Bill C-3 deserves the support of the House.

• (1630)

**Ms. Penny Priddy (Surrey North, NDP):** Mr. Speaker, in spite of the changes to the act with which the official opposition is pleased, does the member think there will be enough financial resources for the special advocate to not only do administrative work, but further investigative work if it is necessary? Will the special advocate have the kind of freedom to information that he would want to see available if he were in the position?

**Hon. Roy Cullen:** Mr. Speaker, I thank the member for Surrey North for her hard work on the sub-committee and the committee on this matter.

This matter was raised and discussed in committee. There was some concern that not only did the special advocates need the sort of rum and ration type of support, but they needed to be able to do all the research and have the resources available as well so they could act and respond in a timely way. The government responded, not unreasonably, that the matters could not be built right into the legislation. We looked at the wording at the time and some improvements perhaps were made to make it more clear.

All of us in the House and all Canadians and people who are interested in this legislation will be watching, I am sure, as the government brings in the regulations to support the special advocate process. That will begin to spell out more clearly how this will work. The next stage will be the estimates and the budget building process to see what actual resources are made available. If they are not sufficient, the House, or the committee or both should flag that and take it on with the government.

**Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.):** Mr. Speaker, most Canadians would be stunned to hear that people

have been incarcerated in Canada for periods as long as five to seven years on evidence that potentially was obtained through torture. The bill as it stands now has been amended so that evidence obtained by torture cannot be used.

We also know that evidence is provided by countries from the Middle East, developing countries and third world countries that do not have the same standards of evidence that we have here in Canada and other democracies. What guarantees do we have that evidence from countries that have different standards than ours in terms of evidence, that people will not be incarcerated as a result of that type of evidence?

Second, we also know that many of these countries are not democracies, they are dictatorships. People often seek refuge from those countries because they are political opponents to those dictatorships and seek refuge in countries such as ours, Canada. We have a tradition of providing refuge.

We also know that some of those countries are quite adept at forging documentation and have in the past taken out personal vendettas against their political opponents who have escaped their grasp. What guarantees do we have—

**The Acting Speaker (Mr. Andrew Scheer):** I apologize to the hon. member, but I do need to give the hon. member for Etobicoke North adequate time.

**Hon. Roy Cullen:** Mr. Speaker, I know that in the hon. member's riding, he has a large population of Muslim Canadians, as do I. In fact, I think my riding has the third largest population of Muslims in Canada.

Some of the Muslims in my riding are not very happy with my stance on these particular issues. However, I can tell the House that the mainstream Muslim community that represents the vast majority of Muslims in Canada, I believe, have told me the reason they came to Canada was to escape the kind of intolerant societies, the risk to their personal lives, the corruption and the violence that goes on in those countries. They want a country that is safe for them and their children.

I am not suggesting they would all agree with Bill C-3, and we on the Liberal side are not suggesting that the bill is perfect. However, in response to threats to Canada, I think it is a reasonable solution. Ultimately, it could be challenged in the Supreme Court and the Supreme Court will decide.

I should say that the subcommittee—

• (1635)

**The Acting Speaker (Mr. Andrew Scheer):** Resuming debate, the hon. member for Saint-Hyacinthe—Bagot.

[*Translation*]

**Mrs. Ève-Mary Thāi Thi Lac (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, the bill was introduced following a decision handed down by the Supreme Court in February 2007, which stated that the procedure for the judicial approval of security certificates established by the Immigration and Refugee Protection Act was inconsistent with the Canadian Charter of Rights and Freedoms and, furthermore, that it was of no force or effect. First of all, I have serious doubts about five particular provisions of Bill C-3.

*Government Orders*

First of all, arrest without warrant is a serious concern to us. As we know, a warrant can be obtained very quickly if sufficient evidence is presented to a judge. Why is this not the case here?

Second, are security certificates really necessary? Yes, they are, in very exceptional cases. They should only be upheld if the individual is considered dangerous beyond any reasonable doubt. However, with this bill, reasonable doubt is sufficient grounds for the continuing detention of a permanent resident or foreign national subject to a security certificate.

My third concern is whether it is acceptable for the term of incarceration to be indefinite. People are sent to prison but not told how long they will be there, and that evidence is being gathered. Deadlines keep getting pushed back. We are worried about the fact that people can be detained indefinitely. The mere fact that indefinite detention is possible for subjects of security certificates seems extreme to us.

For how long can a society that claims to abide by the rule of law keep people locked up with no evidence that they have committed a crime? It makes no sense that in a free and democratic society, people can be detained without ever having been found guilty following a trial.

My fourth point is that special advocates are not given access to all of the evidence. We think it is important for a special advocate bound by solicitor-client privilege to have access to all of the evidence. Currently, they may be given only a summary of the evidence, but we think they should receive the evidence in its entirety. We think it is important for advocates to be able to defend the rights of an individual facing deportation.

The people involved should be able to select security-cleared advocates from the Minister of Justice's list. Is it not logical to ensure that special advocates have the resources they need to do their jobs? Special advocates should also be allowed to see their clients more than once so they can get additional information once they have received the evidence.

My fifth point is that, clearly, appeal procedures have to change. An appeal will only be allowed if the judge, having heard the government's and the special advocate's representations, upholds the order for removal or incarceration. If the individual cannot be deported, there can only be an appeal on a question of law or general interest raised by the judge. For the individual concerned, it is not very reassuring to know that the person confirming the deportation is the same one who drafted the notice of appeal.

I do not understand why the government went so far. A similar burden does not exist elsewhere in the law, at least not in our law. I still have a number of very serious reservations about Bill C-3.

• (1640)

**Mr. Alex Atamanenko (British Columbia Southern Interior, NDP):** Mr. Speaker, I thank my colleague for his speech.

I would like to ask a question. I do not believe that the Canadian public really understands what a security certificate is all about. I would like my colleague to confirm one thing.

For example, my in-laws live in the United States; they are American. In theory, if they were to come to Canada and if they were

suspected of wrongdoing, they could be arrested and put in jail without being given a reason and without having access to a lawyer. Is that true? Are security certificates a threat to us?

**Mrs. Ève-Mary Thāi Thi Lac:** Mr. Speaker, I would like to thank my colleague for his question.

Security certificates cannot be issued against Canadian citizens. However, they could be a threat to any visitor or anyone who has permanent residency but not citizenship, so any individual who was granted permanent residency by the government.

Any foreign national, any visitor or any individual living in or visiting Canada could be incarcerated with no access to a lawyer and without being told what evidence exists, if a security certificate was issued against this individual on our territory.

[*English*]

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, it looks like that in the U.K., which has often been quoted as being a country from which we should learn. There was a special advocate with seven years of experience, Ian Macdonald. He quit over the failure of the government to address the problems of the system.

It seems to be that the advocate proposal that is part of the bill does not really address the whole issue. Does the hon. member have an opinion on whether the advocate system really addresses the whole question of the denial of human rights?

[*Translation*]

**Mrs. Ève-Mary Thāi Thi Lac:** Mr. Speaker, indeed, elsewhere in the world, people have access to a special advocate, for example, in England, where that is part of their code. It has been proven that this method is ineffective.

The Bloc Québécois believes that allowing a special advocate to visit the person being held under a security certificate, but not allowing the advocate to reveal all of the evidence, is not consistent with the law in this country. The advocate should be able to reveal all the evidence to the person being held under a security certificate.

[*English*]

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, in Canada we have the Canadian Charter of Rights, a charter that makes us very proud. We talk about it with our friends who visit us from other parts of the world. It is one of the reasons that a lot of immigrants come to our country. We are mighty proud of the Canadian Charter of Rights.

In the Charter of Rights we give every person in Canada the same rights: the right not to be tortured, the right to be treated equally, all rights under the law that are basic fundamental rights. The charter is supposed to protect every individual in Canada, which means that if Canada does not tolerate torture then we do not want to see torture in other countries.

*Government Orders*

Bill C-3, regarding security certificates, treats people as two kinds of human beings. One kind is Canadian. The other kind is everyone else who may be subjected to a security certificate. A person, for whatever reason, could be given a security certificate without the person having any idea what the Canadian government has against him or her. It is supposed to be a national security issue.

In Canada, one would think that people who commit a crime would be charged and, if convicted, they would go to jail and be punished. Actually, the security certificate in Bill C-3 sets up a second class of human being. They will not be charged nor convicted. They will not be jailed nor punished.

I keep hearing the Conservative government and the Liberals saying that they want to be tough on crime. If they want to be tough on crime, why are they not punishing people who are supposed to be criminals? What are we doing with them? We just deport them back to their own country.

If they are real criminals, why do we want them to be deported elsewhere? They may be terrorists and we are supposed to be having a war on terror. If they are terrorists, rather than charging and jailing them here in Canada and keeping them under lock and key in a place that is secure from the rest of the world and from Canadians, we deport them back to their home country.

If people are real terrorists and they are set free in their home country, they could wreak havoc in their home country. They may even come back to Canada and who knows what will happen. I thought we were supposed to be tough on criminals.

How does deporting a person from Canada make Canadians safe? I do not know. Why are we afraid of the truth? What does the Canadian government have to hide? Are we seeing a pattern? Why are we keeping the offence hidden from Canadians and from members of Parliament? We do not know, Canadians do not know and the lawyers do not know what kind of offence was committed. The person detained has no idea what kind of offence he or she is being charged with.

What is the minister afraid of? Why will the government not tell Canadians the truth: that it believes the person is a security risk and that is why the person will be jailed and punished.

• (1645)

This kind of thing is a real problem. I will give some examples of people disappearing and people not knowing exactly what happened to them.

A story recently came to light about a gentleman named Benamar Benatta whose timing was really unfortunate. He came from New York City to Canada to declare refugee status just before the September 11 attacks a few years ago. I believe he was born in Algeria but left because he did not want to do what his country wanted him to do.

He joined the military at the age of 18, had some basic training, went to university and became an engineer. After graduation, he went back to the military and started teaching. He was uncomfortable with the military crackdown in Algeria after the 1992 general election so he decided to move to the U.S. However, because he spoke French he thought that rather than stay in the U.S. he would

move to Canada where he would feel comfortable being in a bilingual country. He said, "I had the impression that Canada had protection for human rights. Hell, it depends what kind of human beings. If you are not Canadian you may not get protected".

What happened? He came across the border, declared refugee status but was put into the back of a car and driven to the U.S. He was then jailed in New York where he was held with 83 other people who were high interest suspects of FBI investigations. He could not get to a lawyer. He said that he repeatedly had his head slammed against the wall, et cetera, and interrogated.

However, by November 15, 2001, the FBI decided that it did not have a case against him and officially cleared him from any connections to terrorism but he remained in detention.

After almost four and a half years, he was able to be finally return to Canada. I will not bore members with all the details, but it went back and forth. It was because of the good work of the Canadian Council for Refugees that he was able to get back to Canada. This person was a refugee claimant and, by the way, his refugee claim has been dealt with and he is now formally a refugee in Canada, so obviously he has a good case. This poor innocent man was in jail for five years because Canada was so afraid of people who may cause terror that the man was denied the basic fundamental rights that we accord every human being in Canada. We did not give him fair treatment, in my mind, and as a result he lost five years of his life.

Under this security certificate in Bill C-3, we will be sending people back to their home country. If they face torture that is fine with us. As long as we and the Canadian public do not really know what the charges are, perhaps we can say that we will be blameless.

• (1650)

That is not my definition of accountability, of being tough on crime, of being tough on criminals and certainly not my definition of being a proud Canadian.

• (1655)

**Mr. Alex Atamanenko (British Columbia Southern Interior, NDP):** Mr. Speaker, it seems to me that over the last couple of years our country has been sliding away from being in the front to fight for human rights to kind of taking a back seat. We are not standing up for the young kid in Guantanamo Bay who has been there for three years. Some of us parliamentarians have had to sign petitions in the hope that someone does that work on our behalf.

Right now we are saying that if someone is a terrorist we will just send them back or round them up. I will use the example that is kind of humorous. If my in-laws were to come to Canada they could theoretically be rounded up and put in jail because of these security certificates.

What will happen to Canada if the bill does not go through? Will we be in danger from terrorists?

*Government Orders*

**Ms. Olivia Chow:** Mr. Speaker, if we do not use security certificates, it will mean that someone who is not a Canadian citizen, not a landed immigrant and is here either without status or trying to declare refugee status or landed immigrant status can be deemed to be a suspect of committing a crime. If we truly believe that his or her presence in Canada will jeopardize our security or our national security, let us get the proof and let us make it public so Canadians know what kind of people we have in Canada. We will then collectively, through the courts, which we have faith in, say to this person that we believe he or she is a problem and we will put the person in jail. However, if the person is innocent, we must let them go free and allow them to stay in Canada. If the person is not qualified under the refugee immigration process, then the person will be deported in any event.

However, I must say that refugee claimants should have a chance for an appeal. The House of Commons has said over and over again that we should implement the refugee appeal division of the Immigration and Refugee Board but we do not have such a body, which is not fair.

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Mr. Speaker, I want to begin by making a statement, which is that suspicion is not guilt.

This past summer I had the occasion to travel to Edmonton to speak to some new Canadians and then some well-established Canadians from the Muslim community.

I was sitting with a gentleman who had been in Canada for 30 years. He had been a contributing member to the society in Edmonton for 30 years and was well respected in his community and in the broader community. He was telling me how, following 9/11, investigative officers from CSIS would drop by and speak to him about all the money that he was sending home, the money he had been sending home for 30 years to raise the standard of living for his family in his homeland, a commitment that we would all do.

In fact, I myself celebrated an anniversary recently of 40 years moving from New Brunswick to Ontario. In some people's minds that is like coming to a new world, at least it was in the sixties. Some of the good Canadians from the east coast would send some of their money back home in the same way. I was never questioned but perhaps I was fortunate that it was a different time or that I had different colour skin than the other gentleman.

What is happening to us as a country is a tragedy. It is an affront to our democratic processes that has occurred in the reaction that has followed 9/11. It has followed the Americans' approach to 9/11 and the Americans' fight on terrorism.

I rise to speak on security certificates, but I wish to heaven I would never have to do this again. I believe, along with the rest of the NDP caucus, that Bill C-3 continues to fail Canada and Canadians.

Canadians are not more free because of Bill C-3 and they certainly are not feeling any more secure. Furthermore, the NDP opposes Bill C-3 because, as we have heard repeatedly in this place, there are already measures in our Criminal Code to deal with the activities, to deal with crimes against Canada and crimes against Canadians. Security certificates themselves fail Canadians in a grand fashion.

A security certificate does not allow the presentation of evidence that would support the accusations against a person who is accused or suspected of terrorist activity. Instead, the security certificate simply removes the individual from Canada and in doing so, in my opinion and as expressed earlier by the member for Trinity—Spadina, it fails Canadians. If the individual is actually guilty, then a process should be enacted in this country to deal with that guilt.

A security certificate does not offer or support justice for either the accused or for Canadians. In fact, security certificates in themselves are an affront to Canada's national sense of what justice is. If the accused is guilty, the person should be charged and tried under our Criminal Code and the appropriate penalties applied and then the person should be deported, but not held in detention without the opportunity to face his or her accusers or see the evidence against him or her.

There is another side to this. The people in detention who proclaim their innocence and have not had a chance to speak to it in a court of law, the day comes when they are found to be innocent. If they had gone through our Criminal Code procedures, our courts, our justice system, they would have had a right to return to Canadian life, to pick up where they had left off, pick up the pieces. But they have spent years upon years in detention and again they have not been able to see the evidence against them, to refute the evidence, the most fundamental tenets of our justice system. That has put a chill through our country.

I alluded to the individual in Edmonton, Alberta, but there are more cases than that individual. Talk to Mr. Almalki who was detained in a cell which was more like a coffin for three months. We all know the case of Maher Arar. We all know when we fail, and we are setting ourselves up for failure again.

I am pausing because I tend sometimes to get a little emotional. I was raised to take great pride in our justice system, the fact that people can face their accusers and walk away. I am going to be speaking later today about a family incident and I will give a small piece of it here to make the point of what I understand is our justice system.

My sister was strangled to death as a 10-year-old child. My father was mistakenly accused of that crime. We were a poor family. A great fear went through us that we would not be able to save my father from those accusations. Later he was proved to be innocent and there was a mentally disturbed person in the family who was dealt with and spent time in an appropriate hospital following that. Let us consider for a moment the place we are putting people, where they cannot face their accusers and they cannot refute the evidence, and how terrible that is.

● (1700)

From time to time I will do my best to take a breath, but it is so crucially important to the sense of justice that all Canadians have that the people in this place pause, stop the rhetoric and think about the deterioration of our justice system if we gerrymander process, to put in place a process like this that is so ugly and disgusting. I cannot understand how anybody in this place could support it.

*Government Orders*

Our Criminal Code is among the best. Our justice system is among the best in the world. Canada will send people to other parts of the world to teach them our justice system. We should keep that pride. One of the few ways we can keep that pride is to ensure individual rights and the rights for people to face their accusers and the evidence against them.

For the NDP, the security certificate is an affront to civil liberties. There is a sense in my gut of how wrong this is that I just cannot put it aside.

We understand with Bill C-3 that the Conservative federal government is trying to address a flaw in the process that was pointed out by the Supreme Court. It is far more than a flaw. What it is trying to do today is move around something that was a violation of our Charter of Rights and Freedoms.

We should think about rights and freedoms for a moment. We should think about the fact that there are individuals detained in our country. Their freedom has been taken away and they have no rights. We have a Charter of Rights and Freedoms.

Imagine the setting aside of well respected, fundamental terms of justice and how that was so cavalierly done. The detainees have not seen any of the critical evidence against them. Their legal representation has not seen the evidence against them.

Let us just say that tomorrow, for whatever reason, it is deemed acceptable that they return to Canadian society, that there had been an error. They will always be besmirched by the fact that they have been detained. They will always live beside neighbours who doubt them. If they returned to their country of origin, many of the countries those folks would return to are countries where we know torture is committed. It is time for our country to take a strong stand for the liberty, for the human rights of our citizens and guests in our country, as well.

• (1705)

**Hon. Roy Cullen (Etobicoke North, Lib.):** Mr. Speaker, I appreciate the emotion the hon. member put into his remarks. One of the things that I think he got wrong is that security certificates have been around for about 30 years. In fact, they were brought in during the Trudeau era, the same prime minister who brought in the Canadian Charter of Rights and Freedoms. They are not a new vehicle. In fact, Bill C-3 and the work of our subcommittee and the decisions of the Supreme Court are actually going to lead to improvements in the process.

I will never forget a meeting we had of the Subcommittee on Public Safety and National Security when we were reviewing the anti-terrorism legislation. Someone from the Department of Public Safety and Emergency Preparedness brought forward a briefing document that was a dossier on someone who was being detained under a security certificate in Canada. The dossier had to be blanked out for the sources of information, but it was a chronicle of the charges that were made against an individual as to why the individual was being detained under a security certificate.

There was also someone from the B.C. Civil Liberties Association on the witness panel.

There is another misunderstanding people have. A person detained under a security certificate understands fully why he or she is being detained. What the person does not know are the sources of the information. It is the role of the judge to make sure that that information is corroborated and reliable and not the result of torture. That is why the special advocate process will improve that sort of process.

When this dossier was presented to the subcommittee, I recall asking the member of the B.C. Civil Liberties Association if he would like the person being detained under a security certificate to be his next door neighbour. This individual, who is someone from a civil rights organization, said no. I asked him what the problem was and he replied that the problem was the process.

That is why we are here today debating Bill C-3. This bill will improve the process. Will it be a perfect solution? Of course not. Our primary responsibility as parliamentarians is to protect the safety and security of Canadians. There is no perfect balance between dealing with those responsibilities and protecting the civil rights of Canadians.

• (1710)

**Mr. Wayne Marston:** Mr. Speaker, I certainly take the hon. member at his word for the process he was talking about and the information that was provided. I agree with him that the certificate has been around for 30 years, but its intent has been misdirected. That certificate was never intended to be used in cases of terrorist activity.

Our party is very clear. We still believe that within the Criminal Code of this country there are mechanisms and resources that we can turn to to deal with this.

Individuals are not being told what the evidence is against them. The question of facing their accusers and national security could be addressed in another manner. Very clearly, it is important that people and their legal representatives be allowed to see the evidence and that they be allowed the opportunity to access the most fundamental aspect of justice, and that is to face their accusers and to defend themselves against what may well be false allegations.

There are many times that people in the U.S. have been rendered to other countries. We know that in the justice system in the U.S., many times people are imprisoned because they are poor and they cannot afford proper representation. As I alluded to in my remarks earlier, my family faced such a thing. It leaves a mark.

I will not call into question the motivation of any member of the House. I am sure members are giving their best judgment. I just ask them to err on the side of caution and the side of justice.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I am glad to have the opportunity to speak this afternoon in this debate on the report stage amendments to Bill C-3, An Act to amend the Immigration and Refugee Protection Act (certificate and special advocate) and to make a consequential amendment to another Act. I was pleased to second the amendments put forward by my colleague, the member for Surrey North, on behalf of the NDP caucus today.

*Government Orders*

It is a somewhat controversial process to suggest that all the clauses of this bill be deleted, but it is a way for us in this corner of the House to show our very serious concerns with the legislation, to show our fears that this is the wrong process to protect Canadians, and to ensure fundamental justice in Canada. In the traditions of this place, putting forward those kinds of amendments is one way of showing that kind of deep concern.

The security certificate legislation is a feature of our Immigration and Refugee Protection Act, but my fear is that we are now using it essentially to prosecute very serious criminal matters, and in fact some of the most serious criminal matters that could face our society, those being terrorism, espionage and threats against the national security of Canada.

What this is saying is that we are prepared to use this lesser immigration process, which is essentially an expedited deportation process, to ensure that dangerous people are kept off the streets in Canada. It seems to me that this is short-circuiting our criminal justice process, especially when it comes to very serious crimes such as terrorism, espionage and threats against national security.

If there is a time when those crimes should be prosecuted, and prosecuted vigorously, it is when we have information about people who are present in Canada and participating in any of those kinds of activities. We should be ensuring that they are charged, prosecuted, convicted and then punished for those activities, but we should be doing it according to the principles of our justice system.

We should not be trying to short-circuit those very basic principles. I think that is what we are doing by using what I believe is a lesser provision of law in the Immigration and Refugee Protection Act to indefinitely detain people who have not been charged or convicted of any crimes and to deny them access to the evidence that is presented against them. They do not have the ability to fully test what is being presented and is leading to their continued detention.

Currently, post-September 11, this is being applied to six people in Canada, five of whom are Muslim men. I am very concerned that these men have had very serious allegations and accusations levelled against them, accusations that will follow them for the rest of their lives and make it difficult for them wherever they live, here in Canada or in any other country. Once people are labelled as suspected or accused terrorists, especially in the current world climate, their lives become very difficult.

Given the consequences of those kinds of allegations, we owe it to people to subject them to the highest possible standards of our justice system, not some lesser process. That is why I am fundamentally opposed to this legislation.

I would like to see us repeal the provisions of the Immigration and Refugee Protection Act relating to security certificates. If there is a problem with our criminal law such that we are unable to prosecute people accused of these very serious crimes, then we should fix those problems in our Criminal Code to ensure that this kind of prosecution can take place.

I am also concerned that if the security certificate process went through to its logical conclusion, these people could be deported to countries where their lives would be in danger or where they might

be subjected to torture. Canada must never deport someone to torture. We should never deport people when we have reason to believe that they will be killed once they return to their countries. We have a responsibility in that matter. Ultimately, the security certificate process allows us to avoid those kinds of responsibilities. We must never deport someone to torture.

I have to reiterate that using the security certificate process as provided in our immigration law is a lesser process that does not meet the important and longstanding traditions and standards of our criminal justice system. The appropriate way to deal with these very serious crimes is under the Criminal Code.

● (1715)

Of the five Muslim men who are currently the subjects of the security certificates, Hassan Almrei is the only detainee now being held at the Kingston Immigration Holding Centre. "Holding centre" is a nice way of describing what it actually is. It is a maximum security prison within a maximum security prison.

It is a maximum security prison located within the walls and the fences of Millhaven maximum security penitentiary, so it is not exactly a picnic of a place to be. I have been there on several occasions. It is a very difficult place. To be detained there indefinitely is I think a very severe penalty for anyone, especially someone who has never been charged or convicted.

Mr. Almrei is the only prisoner there. I believe that raises serious issues of solitary confinement, which we have to struggle with in this place and in our justice system. I do not think it is ever appropriate to hold someone in solitary confinement for a long period of time. Now that Mr. Almrei is the only prisoner there, that is the situation he faces.

The other four men who have been released on very strict conditions, Mohammad Mahjoub, Mahmoud Jaballah, Adil Char-kaoui and Mohamed Harkat, are living with very difficult requirements. There are very severe restrictions on their lives and the lives of their families.

The reality is that those four men have been released from detention because they have family members who have been willing, on behalf of Canadian society, to act as their jailers. I think that is a very difficult proposition to put to any family member: that on behalf of Canadian society they should have to be responsible for one of their loved ones 24 hours a day, seven days a week, to make sure they remain in custody and meet these very rigorous conditions.

The effect on the lives of those families is very severe, and again, when their loved one, their father, brother or spouse, has never been convicted of or charged with a crime in Canada. These are very severe restrictions and we see how difficult it is for these families. We have seen just recently how Mr. Harkat has been arrested for an alleged breach of his release conditions. We are waiting anxiously to hear the outcome of his hearing today.

In a sense, I believe that those conditions have been set so strictly so that they will fail. It is hard to imagine how anyone could live under those conditions. It is a testament to the strength of the relationships in those families that they have been able to hold those families and those relationships together given the conditions that they are required to live in.

*Government Orders*

I am very convinced that this legislation violates some of the fundamental tenets of our justice system and that it uses a lesser mechanism in immigration law to deal with one of the most serious criminal issues that could face our society, that being terrorism or threats against our security. That is why I strongly will be voting against this. I am glad that the New Democrat caucus in this Parliament will also be voting against it.

• (1720)

**Hon. Roy Cullen (Etobicoke North, Lib.):** Mr. Speaker, for the member opposite, in this whole discussion the factor that seems to be missing is the whole question of sources of information that Canada relies on for national security purposes.

This information comes from a variety of sources. It comes from agencies all around the world. There is an exchange of information. If this information were to become public, then of course those agencies and foreign countries would no longer give information to Canada. That would be an unfortunate development because a lot of that information is useful for our national security purposes.

The way the process goes is that under the current regime the government goes to a Federal Court judge and makes the argument on the information of CSIS, the RCMP, the Department of National Defence or other agencies. I note that a Federal Court judge does not get there because he or she is a rookie or does not have any experience or is just out of Osgoode Hall Law School. These judges have been around for a while. They are charged with challenging the credibility of the evidence being put forward.

Is the evidence corroborated? Is it reliable? Has it been derived from torture? That is the job of the Federal Court judge. What this bill is doing is actually enhancing that process, because a special advocate will actually pursue those questions quite vigorously on behalf of Canadians and on behalf of those who might be detained under security certificates.

To say that people do not know why they are being detained is not right. They know why they are being detained. They do not know all the sources of the information.

I would like to know from the member how he would deal with the question of sources of intelligence that are important for our national security interests if they got onto the floor of a court or into the public domain.

**Mr. Bill Siksay:** Mr. Speaker, the reality is that Canada's Criminal Code does deal with that. If a Canadian is charged with these kinds of crimes, there are mechanisms which accommodate exactly that. We do not need a special process like this. Those mechanisms already exist in the Criminal Code of Canada. We can see that right now, because there are Canadians charged with these kinds of crimes and those processes are in court. Those kinds of issues will be dealt with by the court as well.

To say that we need this lesser process to deal with people who are not Canadian citizens I think is a very flawed thing. To say that we need a separate system of justice or a lesser system of justice for someone who is a visitor in our country or is a permanent resident I think violates the charter at a very fundamental level. It certainly violates my hopes for what the charter might mean to someone who is present here in Canada.

I am someone who believes that the charter should apply to anyone who is here in Canada and that what is good for a Canadian citizen should be good for any of our brothers and sisters around the world, that we should respect that hope with all of those people. I do not accept that we need a separate process to deal with that.

I also do not accept that the special advocate in any way will address the problems of hearing secret evidence. We have seen that it has been a flawed process in Britain and in New Zealand. We have seen many recommendations made by experts in Canada about what a special advocate process might look like here. Unfortunately, the government chose not to implement any of them in the legislation it brought forward. It had that possibility and it had the studies for a long time, yet the bill that was presented here did not reflect any of that wisdom.

Some of the special advocates in other jurisdictions in Britain have said they have had to leave that work because all they were doing was adding a veneer of respectability to a very flawed process. I do not want to put a lawyer in Canada in that position. I think that is why the government has had to extend the deadline for applications for people who wish to be special advocates in Canada: because lawyers in Canada are unwilling to participate in that kind of flawed position. It is a flawed position that the Canadian Bar Association has said is likely to be held unconstitutional, so here we are debating a law that is going to end up back in court and which is likely to be rejected again according to many of the experts who appeared before the committee.

I do not think that is an acceptable process. We need to be clear about what our hopes are for our justice system. We need to be clear about protecting the principles of that justice system that has been established over hundreds of years and that we have fought hard and long for in this country. I believe this legislation flies in the face of that experience and that tradition. That is why I will not be supporting this legislation.

• (1725)

[*Translation*]

**The Acting Speaker (Mr. Royal Galipeau):** Is the House ready for the question?

**Some hon. members:** Question.

**The Acting Speaker (Mr. Royal Galipeau):** The question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Mr. Royal Galipeau):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Mr. Royal Galipeau):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Mr. Royal Galipeau):** In my opinion the nays have it.

*Private Members' Business*

*And five or more members having risen:*

**The Acting Speaker (Mr. Royal Galipeau):** Call in the members.

*And the bells having rung:*

**The Acting Speaker (Mr. Royal Galipeau):** The recorded division on Motion No. 1 stands deferred until Monday, February 4, at 6:30 p.m.

\* \* \*

[English]

**CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999**

The House resumed from January 30 consideration of the motion that Bill C-33, An Act to amend the Canadian Environmental Protection Act, 1999, be read the second time and referred to a committee.

**Mr. Alex Atamanenko (British Columbia Southern Interior, NDP):** Mr. Speaker, it is a pleasure to have the opportunity to speak to Bill C-33. It is important that we look at the provisions of the Environmental Protection Act dealing with fuels as part of a long range study on the impact of biofuels, not only in Canada but also throughout the world.

We support the bill in principle because of its potential benefits to farmers who finally, thanks to the surge in the biofuel industry, have at least a better chance to make a profit from going green.

My party and I also support increased funding and an expanded mandate for the Canadian Co-operative Association, specifically renewed funding for the cooperative development initiative, beginning as of April. Cooperatives, as we know, can be a very important part of this whole biofuel initiative.

When dealing with growing crops for fuel, however, we must look at it under the umbrella of food production. Does the cultivation of corn, for example, or wheat for fuel take away land which has been used to grow food. That is a fundamental question not only in our country, but throughout the world. This is an important question in light of the dwindling stocks of food supply in the world. I will try to come back to this later.

In Canada, Manitoba has attempted to reach what I call a healthy compromise in the food versus fuel debate. It has taken a three point approach to biofuels, which include agriculture, the greenhouse gas effect and the economy. It is using local grain and also some from Saskatchewan.

The federal program proposed by Bill C-33, however, opens the door to the import of sugar and palm oil, which are potential food stocks, and in many instances the cultivation of these commodities in the southern hemisphere has proven to be devastating for the environment as well as for local farmers. We have to be careful. We need a planned, balanced, moderate approach.

The province of Manitoba has determined that 10% of its grain and oilseed stock is not food grade and can thus be used for the value added industry. For example, wheat can be broken down to sugar for ethanol and protein for animal feed. We see in Manitoba a concrete

result for farmers. There is now a market for B grade crops and winter wheat, and winter wheat is still being grown.

• (1730)

**The Acting Speaker (Mr. Royal Galipeau):** Order, please. It being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

When we return to the study of Bill C-33, there will be 17 minutes left for the hon. member for British Columbia Southern Interior.

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**PRIVATE MEMBERS' BUSINESS**

[English]

**DEATH PENALTY**

**Hon. Judy Sgro (York West, Lib.)** moved:

Motion No. 411

That, in the opinion of the House, the government should reaffirm that:

- (a) there is no death penalty in Canada;
- (b) it is the policy of the government to seek clemency, on humanitarian grounds, for Canadians sentenced to death in foreign countries; and
- (c) Canada will continue its leadership role in promoting the abolition of the death penalty internationally.

She said: Mr. Speaker, it is a honour to rise today to speak to an issue that is extremely important, I believe, to all Canadians and certainly one that is very important to all parliamentarians.

I want to repeat exactly what the motion says so we have it clear what we are talking about tonight. It states:

That, in the opinion of the House, the government should reaffirm that: (a) there is no death penalty in Canada; (b) it is the policy of the government to seek clemency, on humanitarian grounds, for Canadians sentenced to death in foreign countries; and (c) Canada will continue its leadership role in promoting the abolition of the death penalty internationally.

It has been doing this for many years in the past.

The fact that the motion is even necessary and being discussed is frankly quite disturbing to many of us and to most Canadians.

The Liberal government of Pierre Trudeau abolished the death penalty in 1976, with a free vote in Parliament. In 1987 the Mulroney Conservative government held a free vote on the reinstatement of the death penalty.

The current Minister of Justice voted in favour of reinstating the death penalty at that time. Thankfully, with a full fledged debate, the House at that time voted against the reinstatement, and with good reason.

*Private Members' Business*

Let us take a moment to think about the miscarriages of justice that have occurred in recent memory, mistakes that have been made that could have cost the lives of wrongly convicted Canadians if we had the death penalty in Canada, wrongly convicted Canadians such as Steven Truscott, David Milgaard, Guy Paul Morin and others about whom we all have heard. Using the new scientific evidence to clear people is a real move of process in the new scientific way to identify whether a person is guilty or not.

Consider the incredible suffering these families would have endured had these innocent men been executed.

Let us think of the work of disgraced pathologist Dr. Smith, who we are currently dealing with in Toronto and the amount of people who were sent to jail for many years with flawed pathologist reports. What if some of these people had been executed based on totally incompetent work?

We do not have the death penalty in Canada for these and for many other reasons. However, secretly last year, very quietly the minority Conservative government admitted that it would no longer seek clemency for Canadians sentenced to death by foreign countries.

The Conservatives claim that the death penalty in the United States is legitimate because that country is a democracy. However, even American jurists are rejecting that view. The American Bar Association has found so many inequities and shortfalls in the death penalty systems in several American states that it has now called for a nation-wide moratorium on executions.

Canada's new position also undermines the efforts of the international partners with whom we have joined at the United Nations in a call for an international moratorium on the death penalty. We refuse to call on Montana for clemency, yet we ask the rest of the world for a moratorium.

Not only is it very hypocritical, but it is also clearly not the Canadian way and very un-Canadian. This announcement and this change in policy direction has given many Canadians reason to be very wary of what a majority Conservative government might actually do.

Quite frankly, it is disturbing this direction that it appears to want to take. The minority Conservative government is sending a clear message that we cannot count on the government to help us if we are sentenced to death in another country. The Liberal Party does not believe in turning our backs on its Canadian citizens.

By not standing up for a Canadian citizen facing the death penalty in the U.S., the Conservatives are reversing a long-standing Canadian practice and are appealing to a base of support that does not represent the views of most Canadians.

Do not misunderstand me. I believe in tough punishments for serious crimes. I want offenders severely punished and I do not have a lot of sympathy, if any, for any of them. However, I also do not support the death penalty for Canadians.

● (1735)

If the minority Conservative government really wants to further its socially conservative agenda, it should debate this issue in Parliament and tell Canadians exactly where it stands.

Despite their claims that they have no intention of reintroducing the death penalty in Canada, many of the current cabinet ministers have spoken publicly about their support for the death penalty. While the Prime Minister has tried to claim there has been no shift in official policy, a number of his prominent cabinet ministers have publicly stated their support for the death penalty in the past, including the current Minister of Justice, the Minister of National Defence and the Minister of Public Safety.

In fact, the current Minister of Justice said in the House, "One argument that I think has been made effectively is that capital punishment is necessary to restore public respect for the criminal justice system".

It is not only the justice minister who is a closet fan of the death penalty. The public safety minister said, "I believe that when somebody has cold-bloodedly and in a premeditated way removed someone's right to live by murdering them, then, subject to the recommendation of a jury, I would concur with saying they should also forfeit their life".

Those are very strong statements. However, what if that person had been wrongfully convicted?

As good as our criminal justice system is, we know clearly that it is not perfect and I do not think the criminal justice system in any country is.

While we are talking about interesting quotations, the Prime Minister was quoted as saying in 2004, in one of his speeches, "We can create a country built on solid Conservative values, not on expensive Liberal promises, a country the Liberals wouldn't even recognize, the kind of country I want to lead".

I have read that statement many times and wonder just exactly what that means. Does that apply to the death penalty and the changes that he would make had the Conservatives had a majority government? We should ask those questions.

The minority Conservative government is desperate to appear moderate, to trick Canadians into believing that a Conservative government would not move Canada closer to the radical agenda of President Bush and the Republicans. The truth is the government is eager to implement a socially conservative agenda and it will start by sneaking what it can through the backdoor, since it knows it cannot pass any of it in the current Parliament. Just imagine what the Conservatives might do if they had a majority.

Until last month, Canada has been the leader on the global stage in the fight against the death penalty. As a co-sponsor of numerous resolutions before the United Nations Human Rights Commission, Canada has worked alongside countries such as the United Kingdom and Australia to push for a worldwide moratorium on the use of the death penalty.

*Private Members' Business*

The government continues to show a complete lack of respect for Parliament. If it wants to change the policy on the death penalty, then let us debate it in the House and let Canadians see the real face of the government, once and for all.

The Liberal Party opposes the death penalty at home and abroad. We will not stand by quietly and watch the minority government reverse years of Canadian leadership on this issue.

• (1740)

**Mr. Mike Wallace (Burlington, CPC):** Mr. Speaker, I have one question for the member and I hope she will be able to clearly answer it for us in the House.

Would she support the government seeking clemency if it were contingent on murderers being brought back to Canada to either serve their sentences in Canada or to be released?

**Hon. Judy Sgro:** Mr. Speaker, under the international transfer, that would already happen. Let us be very serious about the issue.

I am not talking about bringing people back to Canada. I am talking about doing what we have done for years, which is to have the death sentence changed to life imprisonment. That is the difference. This is what we are talking about here. We are not talking about suddenly being sorry for any of these individuals. We are talking about not the death sentences, but having them spend the rest of their lives in jail.

[Translation]

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, it is an honour for me to ask a question of my colleague whose motion is being debated in this House.

I would like to ask why did you table this motion for debate in the House?

**The Acting Speaker (Mr. Royal Galipeau):** The hon. member for Notre-Dame-de-Grâce—Lachine has a great deal of experience in this house and I know that she realizes that she should refer to other members in the third person and not the second person.

The hon. member for York West.

[English]

**Hon. Judy Sgro:** Mr. Speaker, the issue is important. We often start out in life with one particular position on something and then we watch some of the miscarriages of justice such as what happened with David Marshall and Guy Paul Morin.

We take huge pride in our criminal system and we think it is perfect, but the reality is that it is not. Mistakes do happen. At least someone who has spent x amount of years in jail is able to get another trial and the original verdict may be over-turned.

Innocent people have been put to death and that cannot be reversed. There is no amount of money, nothing can be done, once someone's life has been taken, and I question that. The death penalty is the last thing we should be doing.

**Mr. Ken Epp (Edmonton—Sherwood Park, CPC):** Mr. Speaker, I noticed that the member said that she would support life imprisonment for murder. I wonder whether she would enlighten the House on her definition of life imprisonment.

Florida, for example, has what is called a toe-tag sentence. In other words, if individuals commit a serious, multiple murder crime, they will be in prison until they go out on a slab with a tag on their toe identifying their body. It is life until natural death in prison.

In Canada right now it is 25 years nominally. In some cases prisoners can apply for early parole at 15 years. It is still a life sentence but only 25 years are actually served in jail.

I wonder what level of life imprisonment she would support for people who commit heinous crimes.

**Hon. Judy Sgro:** Mr. Speaker, life imprisonment should be life imprisonment, period.

**Mr. Mike Wallace (Burlington, CPC):** Mr. Speaker, I am glad I have the ability to follow up because I was not sure of the answer that I received to my previous question to the hon. member. I am going to make it as simple as possible.

If clemency was contingent on a murderer being brought back to Canada, would you still support us bringing back convicted murderers if they are not facing the death penalty in whatever jurisdiction they are being kept if that is the only contingency that is available?

• (1745)

**The Acting Speaker (Mr. Royal Galipeau):** The hon. member for Burlington is new to this House, but he probably heard me mention to another member earlier that we address other members in the third person, not in the second person, so it is good for both sides of the House.

**Hon. Judy Sgro:** Mr. Speaker, under the international transfer, any individual can ask to be returned to Canada.

**Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, it is an honour to rise today and participate in this debate. Unfortunately, the motion before this House today is really a total waste of this House's time and nothing more than what I would say a cheap political trick and a feeble attempt by the Liberal opposition to draw debate where there is no debate.

We therefore oppose this motion today. The motion calls on the government to reaffirm that there is not a death penalty in Canada. We have said before and we will say again, there is no death penalty in Canada. The Minister of Justice and other members of this government have clearly said that this government is not changing the law in our country with respect to the death penalty.

Since December 10, 1962 no one has been executed in Canada. That is over 45 years. On July 14, 1976 the death penalty was removed from the Criminal Code. The death penalty was then removed from the National Defence Act on December 10, 1998. Since that day there has been no death penalty in Canada in law as well as in fact.

In 1987 a free vote regarding the reinstatement of the death penalty was held in the House of Commons. The result of the vote sent a very strong signal that Canadians were in favour of maintaining the abolition of the death penalty. As the Prime Minister has confirmed, this government is not going to reopen this debate in Canada.

*Private Members' Business*

The second part of the motion asks the government to reaffirm its policy to seek clemency on humanitarian grounds for Canadians sentenced to death in foreign countries. As we have said repeatedly, in cases where Canadians face the death penalty abroad the Government of Canada will continue to consider whether to seek clemency on a case-by-case basis based on what is in the best interest of Canada.

According to today's headlines, a majority of Canadians support our case-by-case approach and as we found out last fall, a majority of Canadians support our overall approach to justice, an approach that focuses on tackling violent crime and tackling crime in our communities.

It is an approach that puts victims first rather than the approach of the Liberals in the past, and what frankly continues to be their approach, of putting the rights of criminals ahead of the rights of law-abiding citizens.

The protection of Canadians is a priority for this government. It is the priority of this government and if securing clemency is contingent on a murderer or a multiple murderer being repatriated to this country and let free to roam our streets, this is not a risk that our government is willing to take. Bringing back convicted killers sends the wrong message.

The third part of the motion before this House today calls on the government to continue its leadership role in promoting the abolition of the death penalty internationally. This government has been and will continue to be a leader in speaking up for a principled stand on human rights and the rule of law in all international forums.

For those states that legally retain the death penalty, the government will continue to advocate for full respect for international law including international legal obligations. I might add that it is standing up for humanitarian issues that is the reason why we have men and women from Canada across this world today who are fighting for those very freedoms and those human rights.

Many states do retain the death penalty. International law imposes restrictions on the use of the death penalty and imposes strict safeguards on its imposition. Canada's interventions with other states, whether made at a bilateral level or in a multilateral arena, are made in the context of supporting human rights within the framework of international law.

There has been no death penalty in Canada for 45 years. Our government has indicated that there is no intention to change that. We have also indicated that the decision as to whether or not we will seek clemency will be assessed on a case-by-case basis based on what is in the best interest of Canada.

I also find it very interesting. We are having this debate tonight on this issue and yet in the Senate sits stalled the tackling violent crime act. We have the leader of the official opposition who has absolutely refused to force Liberal senators in the Senate to pass the tackling violent crime act.

• (1750)

The tackling violent crime act would protect Canadians right here in Canada, would make our communities safer, would make our

children safer, would take a tough approach on gun crimes, and would tackle the very serious issue of impaired driving.

Just today I got off the phone with a constituent who was concerned with the exploitation of young children by violent sexual offenders. We have in our legislation measures to protect young people, all of these stalled in the Liberal dominated Senate.

We have been calling on the leader of the official opposition for weeks to have the Liberal senators pass Bill C-2. This is legislation that provinces are calling for, parents are calling for and law-abiding citizens are calling for.

The only people I can imagine who would be against Bill C-2 would be criminals, and apparently the Liberal Party is also against passage of Bill C-2.

Everyone else I have talked to is in favour of getting tougher on crime. They are in favour of protecting children. They are in favour of making our streets and communities safer. They are in favour of tackling impaired driving. They are in favour of having an age of protection of 16 years rather than 14 years so that adult sexual predators cannot prey on Canadian young people. They are in favour of having laws that say if people commit a violent crime with a firearm, then they will do serious time for that crime.

That is what Canadians want. That is what our party wants. That is what this government wants. That is what we have introduced in the tackling violent crime act, and it is time for the Liberals to get the message.

If the Liberals want to stand with the criminal lobby that would prefer that we not pass this kind of legislation, they can continue to do so. We will stand on this side with law-abiding Canadians. We will continue to stand up for their rights. We will continue to make our streets and communities safer for all Canadians.

[*Translation*]

**Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ):** Mr. Speaker, it gives me great pleasure today to take part in the debate on motion M-411 introduced by the member for York West.

Briefly, motion M-411 states that:

—the government should reaffirm that: (a) there is no death penalty in Canada; (b) it is the policy of the government to seek clemency, on humanitarian grounds, for Canadians sentenced to death in foreign countries; and (c) Canada will continue its leadership role in promoting the abolition of the death penalty internationally.

This debate is very timely in that we believed that the issue of the death penalty had been closed, politically speaking, for more than 20 years. However, this Conservative government has recently sent out some rather disturbing signals on this issue. Are the Conservatives giving us a glimpse of the policies they would adopt if they had a majority government? It is up to them to prove otherwise.

I do not want to debate this government's reactionary claims. Instead, I would like to discuss each point in this motion, to show the people who are watching why the death penalty should be avoided and why it is unworthy of the society we live in today.

*Private Members' Business*

First, Canada no longer allows the death penalty. It was officially abolished on July 14, 1976 for all crimes, except certain offences committed by soldiers. However, in fact, there has not been a civilian execution in Canada since 1962.

The military death penalty was officially abolished in 1998, even though no soldier had been sentenced to death by a military court since the second world war, when there was only one execution. The decision to abolish the death penalty was based on a number of principles. I will not list them all, but one principle holds that there is no going back when a criminal is put to death. Any judicial error or miscarriage of justice cannot be corrected. Justice being human, it is impossible to guarantee that these sorts of errors will not occur.

Moreover, a justice system that applies the death penalty is focused on punishment, not re-education. It is implicitly ruling out the possibility that the criminal can change for the better one day. We must not confuse justice, which recognizes the harm that has been done to the victim, with vengeance, which is the desire to do harm. Justice can be the first step in the healing process for the victim, whereas vengeance imprisons the victim or victims in feelings that we know are negative.

Plenty of humanist arguments honourably support the decision to abolish the death penalty and could be the topic of a separate debate. This is why I maintain that wanting to reverse the abolition of the death penalty is a clear demonstration of narrow-mindedness and irrationality in terms of what we are at our very core: human beings.

Second, there is the fact that one of our policies is to seek clemency, for humanitarian reasons, on behalf of our citizens facing the death penalty in other countries. I would like to point out here that Canada did not hesitate in the past to appeal to other countries and ask that the death penalty not be imposed on its citizens who had been convicted. We do so not only for humanitarian reasons, but also to be consistent with our domestic laws.

Furthermore, this position has been reinforced by the Supreme Court, which ruled on February 15, 2001, that, under Canadian law, the death sentence constitutes cruel and unusual punishment. As a result, it prohibited the extradition of Canadian and other citizens to foreign countries if there is any risk they could be sentenced to death. In short, the Government of Canada must obtain guarantees that the death penalty will not be sought or imposed if the accused is to be extradited.

More recently, however, this government seems to be moving away from this humanist approach. Last fall, it refused to intervene with the State of Montana in the case of Ronald Allen Smith, an Albertan sentenced to death for the murder of two aboriginal men of the Blackfeet tribe in 1982. Mr. Smith was convicted of the murders and must serve an exemplary sentence, since his crimes are inexcusable.

However, the political debate triggered by this government has unfortunately strayed from the position mentioned earlier. Despite what the Minister of Justice said at the time, it was not a matter of bringing that individual back to Canada. Nor was it a question of public safety. It is not a debate on whether a country operates under the rule of law, or whether it is democratic.

● (1755)

The fact remains that we must follow the laws we have established for ourselves and not ignore them for the sake of the laws of another country. The Supreme Court was clear about this and we must abide by this position. This is why the government's inaction in Mr. Smith's case could permanently stain our international reputation.

In fact, it undermines our international involvement. For example, the Conservative government took a hard line with the Chinese government over human rights. But how will it explain that it defends the rights of people on death row in China, but not in the United States?

Canada has already been strongly criticized, notably by the Secretary General of the European Council, Terry Davis, who accused Canada of outsourcing the death penalty to other countries.

Our position must remain the same, regardless of the country, its importance or its domestic laws. Canada should have intervened and tried to get Montana to commute Mr. Smith's death sentence, while still respecting local laws.

I would like to take this opportunity to highlight the Bloc Québécois' extraordinary initiative to unite all opposition parties on December 6 to intervene with the governor of Montana. Our approach honoured our traditional position, did not excuse Mr. Smith's actions, and demonstrated absolute respect for Montana's institutions.

Third, it is time to show leadership in campaigning for the abolition of the death penalty worldwide.

Over the past few decades, we sponsored all UN resolutions concerning the abolition of the death penalty. Suddenly, in October 2007, that changed.

Canada surprised all of its natural allies by refusing to sponsor a resolution calling for a moratorium on the death penalty, a European Union initiative that enjoyed the official support of 87 countries.

At the time, the government said that it wanted to devote its energy to other more important documents. To hear them say it, one would think that supporting the resolution would have required a colossal effort on the part of the government. But according to a former Canadian ambassador to the UN, Paul Heinbecker, "co-sponsorship does not involve much more effort than a phone call or raising a hand during a meeting". The government's position does not hold water and is very disappointing.

Fortunately, the resolution was adopted nevertheless but we sent a message that we are moving away from our tradition as a champion of fundamental human rights, a tradition that brought a very positive cachet to our international image.

Therefore, it is more than necessary to reaffirm this determination once more and at the same time to correct the message sent to the international community.

*Private Members' Business*

I will close by stating that citizens interested in human rights should be concerned about the change in this government's position. There is no indication that it is the government's intention, any time soon, to restore the death penalty, a punishment that has not been proven to be a deterrent and that remains unconstitutional in the eyes of the Supreme Court. However, the Conservatives' actions—particularly the refusal to sponsor the United Nations resolution or to intervene in Mr. Smith's case—should sound the alarm for our citizens.

That is why the Bloc Québécois supports Motion M-411. This motion is more than necessary at a time when ideological or rhetorical sound bites are used to please a particular segment of society.

Previous generations fought to defend human rights and the respect for human dignity. We must face up to our principles and we must clearly reaffirm our commitment to them.

● (1800)

[*English*]

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Mr. Speaker, I want to begin by reading the motion moved by the member for York West. I think it is important because we have just heard the government talk around this motion and allude to things that are not contained in it. For the benefit of the Canadian people I would like to read it:

That, in the opinion of the House, the government should reaffirm that: (a) there is no death penalty in Canada; (b) it is the policy of the government to seek clemency, on humanitarian grounds, for Canadians sentenced to death in foreign countries; and (c) Canada will continue in its leadership role in promoting the abolition of the death penalty internationally.

There is not one single word in the motion about bringing anybody back to Canada. If anybody has been getting that message from the government, it is the wrong message.

When I decided to run for this place I considered what I had to offer. As with many people here, it comes from personal life experience. I made a commitment to the people of my riding of Hamilton East—Stoney Creek that I would bring their message, the average person's message, to this place instead of bringing the government's message to them. I have worked hard to do that.

Mr. Speaker, you are going to find in my remarks some very personal things. I am going to pause for a second. This may sound strange, but I say to my sister Audrey in Alberta, sit down, Audrey, you will understand in a moment.

Oftentimes, in fact most times when we rise in this place, we talk about the privilege that it is to stand and speak to an issue and the pleasure at times it is to speak to an issue. I cannot say that about Motion No. 411. I can speak to its intent, but I am deeply troubled that we find ourselves in a position of having to debate a matter that was supposedly put to rest some 32 years ago in an off-handed fashion.

This House decided at that time that it did not support the right of the state to put one of its citizens to death. Let us not talk death penalty; you are killing somebody; you are putting them to death. That ended capital punishment in Canada. As others have stated, it

put us at the forefront working for the abolition of capital punishment around the world, our rightful position.

Logically, following the decision, the government of Canada adopted as policy that it would seek clemency on humanitarian grounds, as in the motion, for Canadians condemned to death in other countries. That was the right position and it remains the right position today. It is also consistent with the views of most Canadians.

Personally, I feel it is an affront to Parliament that the Conservative government has taken upon itself to start a change that is so diametrically opposite to what Canadians believe and what Canadians want.

On a regular basis, as other speakers have said, DNA evidence and other evidence have thrown conviction after conviction out of court and returned people to the streets after six, eight, ten years in prison, and some of them had been on death row. How can we look at something like that and not respond? Often the only reason these people were in jail in the first place was that they were poor. I alluded to that in a debate earlier today.

I am going to go to that place that I just warned my sister Audrey about and I am going to get emotional. In 1949 my sister was strangled to death. My father was accused of the murder of that child. Over a period of investigation it became clear that another member of our family, who was mentally ill, had committed that crime. Our family never quite recovered from that in many ways. My father died an alcoholic at 51 years of age as the result of living with the system. He was poor. He was a labourer on the railway, and he did the best he could for his family. Simply because he happened to be the last person to go in to say goodbye to that child in the morning, and she was covered to her eyes, he was accused that crime.

● (1805)

I want to put the timeframe in perspective. As I grew to be a child of about 10 years of age, it was during the time of Steven Truscott, a young man who was taken away and, at first, sentenced to death. At my age of 10 or 11, of course it was a frightening thing to hear. Coincidentally, my father had been picked up for impaired driving and was in our local jail in Perth-Andover, which is close to Plaster Rock, where I am from.

I went with some people to post bail. It was a small-town jail. There were a couple of cells in the place. The person who was maintaining that jail offered me the opportunity to see a jail cell. Just a year before, I had learned what happened to my sister. It had been hidden from me for a number of years. When I walked into the jail cell, I looked up and saw a ring in the ceiling. I was standing on a trap door. The person, not knowing the family history, said that this was where they dropped a person through to hang them. It struck me to the heart, to the bone and to my very soul. That was the door my father would have dropped through had the system failed him.

*Private Members' Business*

We have to step back from all the rhetoric. We have to step back from where the government is trying to take us and understand the humanity of what we are doing. We have to understand that in the prisons there are many people who are totally innocent of the crimes. Many times they are there simply because they cannot afford a defence.

My notes have kind of gone out the window here, but let me say that there is a built-in discrimination in our society and even more particularly south of the border. Let us look at the fact that those who are on death row are more often than not poor and even more often than not black. If we look at the correlation that happens between who it is that commits crimes, we see that the black race and the white race commit crimes fairly equally, but when there is a white victim, more often people are put to death.

I am not going to bother with statistics, as I am a little bit emotionally past the point where I could deliver them anyway.

In the U.S., though, an important point is that 53 people were executed in 2006. That makes for a total of just over 1,000 since 1977, but what is happening even in the U.S. is that people are starting to take another look at this. They are starting to understand more clearly, because of DNA evidence, a system of computers and better investigative processes, that more people can disprove the charges against them. Thank God. Many of them have spent years on death row and many will be freed.

However, even so, called into question today in the southern states and many states where lethal injections are used is the failure of that mechanism to work properly. When we start talking about hanging, the method that was used in this country, we need to do some reading about its effects.

I am very close to concluding my remarks. I will say only that Canada has been a leader on many fronts and I do not believe that there is anything more fundamental than the protection of human life and having the grace to say that we are not going to take that life.

I have no sympathy for a criminal who kills. I have no sympathy for a person who commits rape or harms children in any way. However, I still do not believe it is the right of the state to take a life. We can put them away and lock them up. Again, I want to stress that nobody was talking about bringing them back to Canada.

● (1810)

[*Translation*]

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, I was quite moved, as I imagine all hon. members in this House were, to hear our hon. colleague from the NDP share with us some very difficult moments of his life. I want to thank him very much for sharing his life experience with us.

[*English*]

Many people have spoken on the issue of the death penalty and whether the state itself should engage in the practice of killing people. I would like to use my time to put before the House and anyone listening the words of others who can speak much better than I can on the issue of the death penalty.

However, I would like to say that I am vehemently opposed to the death penalty. I believe that Canada and the Conservative

government must reinstate the policy of seeking clemency on humanitarian grounds for Canadians who have been sentenced to execution, capital punishment, in jurisdictions outside of Canada. I also support the proposition that Canada should continue its leadership role in promoting the abolition of the death penalty internationally.

I would like to read some quotes for members. The first is as follows:

I want to say to the House, without reservation and without qualification that I do not support the motion to reinstate.

I will be voting against capital punishment on moral and logical grounds. I believe that it is wrong.

I am not persuaded the death penalty works as a deterrent. Nor am I persuaded it is appropriate as a punishment. On the contrary, I believe it is repugnant, and...I believe it is profoundly unacceptable. It is wrong to take life, and I can think of no circumstance excepting self-defence to justify it.

The effect of this resolution, if enacted...would be to confer upon the state the ultimate power, that of executioner. Moreover, if this motion were carried, the state, in the exercise of that responsibility, could indeed put to death an innocent man or an innocent woman.

...before all else, we uphold one simple principle: the inherent dignity of a human being, the inherent worth of a human life. I will resist with all of my strength, all of my life, any action that would diminish that reality and would lessen that value.

Those words were spoken in the House on June 22, 1987, by the then prime minister of Canada, the Right Hon. Brian Mulroney.

That is not all. Martin Luther King stated, "The death sentence is a barbaric act". Mahatma Gandhi said, "The old law of an eye for an eye leaves the whole world blind".

Coretta Scott King, the wife of Martin Luther King Jr., stated:

As one whose husband and mother-in-law have both died the victims of murder assassination, I stand firmly and unequivocally opposed to the death penalty for those convicted of capital offences. An evil deed is not redeemed by an evil deed of retaliation. Justice is never advanced in the taking of a human life. Morality is never upheld by legalized murder.

John Diefenbaker, on April 4, 1966, stated:

From my experience at the bar I say that anyone who says an innocent man cannot go to the gallows is wrong, because I know differently. It is a frightful thing when a man you believe to be innocent and whose attitude is, Don't worry about me, God will not allow it, walks to the gallows and months later the truth comes out.

Pierre Elliott Trudeau stated:

I do not deny that society has the right to punish a criminal, and the right to make the punishment fit the crime, but to kill a man for punishment alone is an act of revenge—nothing else. Some would prefer to call it retribution because that word has a nicer sound. But the meaning is the same.

Are we, as a society, so lacking in respect for ourselves, so lacking in hope for human betterment, so socially bankrupt that we are ready to accept state vengeance as our penal philosophy?

...my primary concern here is not compassion for the murderer. My concern is for the society which adopts vengeance as an acceptable motive for its collective behaviour. If we make that choice, we will snuff out some of that boundless hope and confidence in ourselves and other people which has marked our maturing as a free people.

● (1815)

That is not all. The current leader of the official opposition said:

The Conservative government is not representing the views of the majority of Canadians nor is it respecting long-standing Canadian law and policy on the issue, and I believe it is my responsibility to make those views known and to uphold the law.

*Private Members' Business*

By refusing to seek the commutation of the death sentence of Canadian citizens on death row in other countries, and by renegeing on Canada's decision to co-sponsor the UN resolution opposing the use of the death penalty, the Conservative government has changed Canada's policy by stealth.

I am opposed to the death penalty. I believe that the use of the death penalty undermines the human dignity of not only the individual who is killed, but of all involved in the process. I believe that the evidence supports the position that the death penalty has little to no value as a deterrent of crime. I can think of no acceptable justification for the taking of a life by the state. While there is obviously a strong argument for opposing the death penalty due to the risk of the state killing an innocent individual, I believe that it represents an injustice even when it falls on someone who is unquestionably guilty of crime.

The fact that this government doesn't even want to try [asking for clemency] shows me what this government would try doing to Canada if it had a majority. We could see the return of the capital punishment debate in Canada.

This government continues to show a complete lack of respect for Parliament. If they want to change the policy on the death penalty, they should debate the issue in the House, and let Canadians see the real face of this government once and for all.

There are sitting members in this House on the government side who have made statements in support of capital punishment, in support of reinstating the government, the state, executing Canadians. The Minister of Public Safety has made those statements. I have the quotes here.

The Minister of Justice has made those statements. Not only that, but when he was a member of Parliament in the Progressive Conservative government of Brian Mulroney and the vote took place in 1987 on a motion to reinstate capital punishment in Canada to have the Canadian state resume executing Canadians, that member, the Minister of Justice, voted in favour of the motion.

The Minister of Labour was a member of Parliament in 1987 with the Progressive Conservative government under the then prime minister, the right hon. Brian Mulroney. That member, who is now the Minister of Labour, voted in favour of the motion.

When the Parliamentary Secretary to the Minister of Justice rises here to speak to this motion and states that the government has absolutely no intention of reinstating the death penalty, he is giving bafflegab to this House and to Canadians. He knows full well that the Minister of Justice already voted in favour of the reinstatement of the death penalty. He already knows that his government has changed the policy and is now going to cherry-pick which Canadians for whom, as a government, they will seek clemency when a Canadian is under a death penalty in another country. They will cherry-pick and they will decide. If they do not like someone's face, they will not ask for clemency. If they like someone's face, they will ask for clemency. Who knows what criteria the government will use to determine. How easy will it be once Canadians get used to having Canadians executed in other countries to then bring the death penalty back into Canada?

I am opposed to the reinstatement of the death penalty. I want my government to be an active—

• (1820)

**The Acting Speaker (Mr. Royal Galipeau):** The hon. Parliamentary Secretary to the Minister of Foreign Affairs.

**Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC):** Mr. Speaker, before I begin I would like to tell my NDP colleague that the tragic events in his family have touched all of us and we offer him our sympathy.

This government is not reopening the debate on the death penalty in Canada despite what the member said. I want to make it very clear again and again so she understands once and for all, instead of going for the rhetoric she is talking about. This government is not reopening the debate on the death penalty in Canada.

Our position has been very clear. In cases where Canadians face the death penalty abroad, the Government of Canada, on a case by case basis, based on what is in the best interest of Canada, will continue to consider whether to seek clemency. We take our responsibility very seriously.

As we have repeatedly mentioned, our stance on this issue does not affect Canada's status as a country without the death penalty. We continue to strongly support international law and international standards on the death penalty.

Our position is clear. Canada's laws and history have made a response to the first part of this motion today unnecessary. There is no death penalty in Canada, not in law nor in practice and this has been the case since 1962.

In 1976, capital punishment was removed from Canada's Criminal Code when Parliament decided, after years of debate, that capital punishment was not an appropriate penalty for Canada.

In 1987, a free vote was held in this House regarding the reinstatement of the death penalty. The result of the vote was in favour of maintaining the abolition of the death penalty.

In 1998, Parliament removed the death penalty from Canadian law completely with the passing of an act to amend the National Defence Act.

This government continues to speak for Canada and make its voice heard at the international level on all matters of foreign policy, including international human rights. In addition, Canada's voice is a principled one which supports international standards and the rule of law.

It must be recalled that the death penalty is not, in and of itself, contrary to international law. International law clearly recognizes that different states may legitimately take differing views on the issue of the death penalty. One of the foremost human rights treaties adhered to by over 130 states is the International Covenant on Civil and Political Rights. Canada has been a party to this treaty since 1976. The covenant does not prohibit the imposition of the death penalty but rather sets out that states that retain the death penalty must abide by certain rules. Canada advocates full respect for the safeguards and due process of law where the death penalty is still in use.

I will conclude by reassuring this House, despite suggestions from the opposition that we are wavering in our support for the abolition of the death penalty in Canada, nothing could be further from the truth. The House has spoken on this issue previously and we will not reopen this debate.

• (1825)

[*Translation*]

**The Acting Speaker (Mr. Royal Galipeau):** Is the House ready for the question?

*Private Members' Business*

**Some hon. members:** Question.

**The Acting Speaker (Mr. Royal Galipeau):** The question is on the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Mr. Royal Galipeau):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Mr. Royal Galipeau):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Mr. Royal Galipeau):** In my opinion the nays have it.

*And five or more members having risen:*

**The Speaker:** Pursuant to Standing Order 93, a recorded division stands deferred until Wednesday, February 6, immediately before the time provided for private members' business.

[*English*]

It being 6:26 p.m. the House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6:26 p.m.)

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# CONTENTS

Thursday, January 31, 2008

## ROUTINE PROCEEDINGS

### Conflict of Interest and Ethics Commissioner

#### Canadian Wheat Board Act

Mr. Simard .....	2389
Bill C-498. Introduction and first reading .....	2389
(Motions deemed adopted, bill read the first time and printed) .....	2389

#### Heritage Lighthouse Protection Act

Mr. Miller .....	2389
Bill S-215. First reading.....	2389
(Motion agreed to and bill read the first time) .....	2389

### Committees of the House

#### Status of Women

Mrs. Mathysen .....	2389
Motion for concurrence .....	2389
Ms. Wasylcia-Leis .....	2392
Mrs. Redman .....	2393
Mrs. Smith .....	2393
Mr. Martin (Esquimalt—Juan de Fuca).....	2395
Mr. Siksay .....	2395
Mr. Szabo .....	2396
Ms. Neville .....	2396
Mr. Cotler .....	2397
Mr. Crête .....	2398
Mr. Cannan .....	2399
Ms. Demers .....	2399
Mr. Szabo .....	2400
Mr. Siksay .....	2401
Ms. Chow .....	2401
Mr. Julian .....	2401
Mr. Szabo .....	2404
Mr. Siksay .....	2405
Mr. Cannan .....	2405
Ms. Priddy .....	2407
Mr. Siksay .....	2407
Mr. Silva .....	2408
Ms. Chow .....	2408
Mr. Silva .....	2410
Mr. Norlock .....	2411
(Motion agreed to) .....	2411
<b>Aboriginal Affairs and Northern Development</b>	
Mr. Hill .....	2411
Motion for concurrence .....	2411
(Motion agreed to) .....	2412

#### Immigration and Refugee Protection Act

Mr. Hill .....	2412
Motion .....	2412
(Motion withdrawn) .....	2412

### Petitions

#### Post-Secondary Education

Mr. Atamanenko .....	2412
----------------------	------

### Seniors

Mr. Atamanenko .....	2412
----------------------	------

### Human Trafficking

Mrs. Smith .....	2412
------------------	------

### Trucking Industry

Mr. Sorenson .....	2412
--------------------	------

### World Police & Fire Games

Mr. Julian .....	2412
------------------	------

### Security and Prosperity Partnership

Mr. Julian .....	2413
------------------	------

### Income Trusts

Mr. Szabo .....	2413
-----------------	------

### Questions on the Order Paper

Mr. Lukiwski .....	2413
--------------------	------

### Points of Order

#### Bill C-219

Mr. Lukiwski .....	2413
--------------------	------

Mr. Szabo .....	2414
-----------------	------

### Immigration and Refugee Protection Act

Mr. Hill .....	2415
----------------	------

(Motion agreed to) .....	2415
--------------------------	------

## GOVERNMENT ORDERS

### Immigration and Refugee Protection Act

Bill C-3. Report stage .....	2415
------------------------------	------

### Speaker's Ruling

The Deputy Speaker .....	2415
--------------------------	------

### Motions in Amendment

Ms. Priddy .....	2415
------------------	------

Motions Nos. 1 to 12 .....	2415
----------------------------	------

Mr. Day .....	2416
---------------	------

### Points of Order

#### Use of Standing Order 56.1

Ms. Davies .....	2417
------------------	------

Mr. Hill .....	2417
----------------	------

Mr. Julian .....	2418
------------------	------

Mr. Paquette .....	2418
--------------------	------

### Immigration and Refugee Protection Act

Bill C-3. Report Stage .....	2418
------------------------------	------

Mr. Siksay .....	2418
------------------	------

Mr. Day .....	2419
---------------	------

## STATEMENTS BY MEMBERS

### Food Freedom Day

Mr. MacKenzie .....	2419
---------------------	------

### Canadian Heritage

Mr. Bagnell .....	2419
-------------------	------

### Bernard Normand

Mr. Duceppe .....	2419
-------------------	------

<b>Community Development</b>	
Ms. Priddy .....	2420
<b>Foreign Affairs</b>	
Mr. Norlock .....	2420
<b>Health</b>	
Mr. Savage .....	2420
<b>Afghanistan</b>	
Mr. Hawn .....	2420
<b>Forestry Industry</b>	
Ms. Gagnon .....	2421
<b>Sustainable Development</b>	
Mr. Blaney .....	2421
<b>Youth</b>	
Mrs. Jennings .....	2421
<b>Afghanistan</b>	
Mr. Obhrai .....	2421
<b>Outdoor Caucus of Parliament Hill</b>	
Mr. Stoffer .....	2422
<b>Northern Lights Trade Show and Conference</b>	
Mr. Russell .....	2422
<b>Fleur-de-lys</b>	
Mr. Gaudet .....	2422
<b>Manufacturing and Forestry Industries</b>	
Mr. D'Amours .....	2422
<b>Leader of the Opposition</b>	
Mr. Batters .....	2422

## ORAL QUESTIONS

<b>Afghanistan</b>	
Mr. Dion .....	2423
Mr. Harper .....	2423
Mr. Dion .....	2423
Mr. Harper .....	2423
Mr. Dion .....	2423
Mr. Harper .....	2423
Mr. Dosanjh .....	2423
Mr. MacKay .....	2423
Mr. Dosanjh .....	2423
<b>Public Works and Government Services</b>	
Mr. Duceppe .....	2424
Mr. Harper .....	2424
Mr. Duceppe .....	2424
Mr. Harper .....	2424
Mr. Guimond .....	2424
Mr. Harper .....	2424
Mr. Guimond .....	2424
Mr. Van Loan .....	2424
<b>Afghanistan</b>	
Mr. Layton .....	2424
Mr. Harper .....	2425
Mr. Layton .....	2425
Mr. Harper .....	2425

<b>Public Works and Government Services</b>	
Mr. Coderre .....	2425
Mr. Van Loan .....	2425
Mr. Coderre .....	2425
Mr. Van Loan .....	2425
Mr. Holland .....	2425
Mr. Van Loan .....	2425
Mr. Holland .....	2425
Mr. Van Loan .....	2425
<b>Manufacturing and Forestry Sectors</b>	
Mr. Crête .....	2426
Mr. Flaherty .....	2426
Ms. Brunelle .....	2426
Mr. Lunn .....	2426
<b>Public Safety</b>	
Mr. Ménard (Marc-Aurèle-Fortin) .....	2426
Mr. Day .....	2426
Mr. Ménard (Marc-Aurèle-Fortin) .....	2426
Mr. Day .....	2427
<b>Manufacturing Industry</b>	
Ms. Sgro .....	2427
Mr. Blackburn .....	2427
Ms. Sgro .....	2427
Mr. Flaherty .....	2427
<b>The Economy</b>	
Mr. Turner .....	2427
Mr. Van Loan .....	2427
Mr. Turner .....	2427
Mr. Van Loan .....	2427
<b>Afghanistan</b>	
Mr. Casson .....	2427
Ms. Oda .....	2428
<b>Forestry Industry</b>	
Mr. Martin (Sault Ste. Marie) .....	2428
Mr. Flaherty .....	2428
Mr. Godin .....	2428
Mr. Lunn .....	2428
Ms. Folco .....	2428
Mr. Paradis .....	2428
Ms. Folco .....	2428
Mr. Paradis .....	2429
<b>Agriculture</b>	
Mr. Easter .....	2429
Mr. Ritz .....	2429
Mr. Easter .....	2429
Mr. Ritz .....	2429
Mr. Bellavance .....	2429
Mr. Paradis .....	2429
Mr. Bellavance .....	2429
Mr. Paradis .....	2429
<b>Kenya</b>	
Mr. Martin (Esquimalt—Juan de Fuca) .....	2430
Mr. Bernier .....	2430

<b>Justice</b>	
Mr. Albrecht .....	2430
Mr. Nicholson .....	2430

<b>Aboriginal Affairs</b>	
Mr. Angus .....	2430
Mr. Strahl .....	2430
Mr. Angus .....	2430
Mr. Strahl .....	2430

<b>Ethics</b>	
Mr. Karygiannis .....	2431
Mr. Van Loan .....	2431

<b>Foreign Affairs</b>	
Mr. Norlock .....	2431
Ms. Guergis .....	2431

<b>Presence in Gallery</b>	
The Speaker .....	2431

<b>Business of the House</b>	
Mr. Goodale .....	2431
Mr. Van Loan .....	2432

<b>Privilege</b>	
<b>Alleged impediment in the discharge of a member's duties</b>	
Mr. Clement .....	2432
Mr. Szabo .....	2433

<b>Points of Order</b>	
<b>Bill C-219</b>	
Mr. Easter .....	2434
<b>Bill C-474</b>	
Mr. Godfrey .....	2434

<b>Privilege</b>	
<b>Statements Regarding Afghan Detainee Policy—Speaker's Ruling</b>	
The Speaker .....	2434

### GOVERNMENT ORDERS

<b>Immigration and Refugee Protection Act</b>	
Bill C-3, Report Stage .....	2435
Mr. Tonks .....	2435
Mr. Day .....	2436

Ms. Priddy .....	2436
Mr. Siksay .....	2437
Mr. Ménard (Marc-Aurèle-Fortin) .....	2437
Mr. Dosanjh .....	2437
Mr. Siksay .....	2438
Mr. Silva .....	2439
Mr. Ménard (Marc-Aurèle-Fortin) .....	2439
Mr. Siksay .....	2440
Mrs. Barnes .....	2441
Mr. Cullen (Etobicoke North) .....	2441
Ms. Priddy .....	2443
Mr. Wrzesnewskyj .....	2443
Mrs. Thi Lac .....	2443
Mr. Atamanenko .....	2444
Ms. Chow .....	2444
Ms. Chow .....	2444
Mr. Atamanenko .....	2445
Mr. Marston .....	2446
Mr. Cullen (Etobicoke North) .....	2447
Mr. Siksay .....	2447
Mr. Cullen (Etobicoke North) .....	2449
Division on Motion No. 1 deferred .....	2450

### Canadian Environmental Protection Act, 1999

Bill C-33, Second reading .....	2450
Mr. Atamanenko .....	2450

### PRIVATE MEMBERS' BUSINESS

<b>Death Penalty</b>	
Ms. Sgro .....	2450
Motion .....	2450
Mr. Wallace .....	2452
Mrs. Jennings .....	2452
Mr. Epp .....	2452
Mr. Wallace .....	2452
Mr. Moore (Fundy Royal) .....	2452
Mrs. Freeman .....	2453
Mr. Marston .....	2455
Mrs. Jennings .....	2456
Mr. Obhrai .....	2457
Division on motion deferred .....	2458

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