

# Spring Parliamentary Report

Irwin Cotler, M.P., P.C., O.C.



## Cotler Celebrates Preservation of Mount Royal Riding

### Dear Constituents,

I write from Ottawa as the spring Parliamentary session is in full swing. It has been a busy period that included the presentation of a new budget (more on page 3), the 31st anniversary of the *Canadian Charter of Rights and Freedoms* (below), and a number of important observances (page 2). I remain very active in my capacity as Liberal Critic for Justice and Human Rights, serving also as Vice-Chair of both the Standing Committee on Justice and Human Rights and the Subcommittee on International Human Rights of the Foreign Affairs Committee.

Closer to home, I am pleased with the Report of the Federal Electoral Boundaries Commission (Québec) tabled in the House of Commons. As you may recall from a previous constituency mailing, the initial proposal of the Commission called for the dismantling of the riding, erasing even the name 'Mount Royal' from the Québec electoral map. I am delighted that the Report preserves our historic riding, benefitting both the communities and residents therein.

Indeed, the Commission's report reflects its respect for the diverse communities of interest and acceptance of the myriad submissions made by the representatives of this 'rainbow riding'. In particular, I want to commend the yeoman efforts of my Chief of Staff, Howard Liebman, in mobilizing and ensuring the effectiveness of the representations made, thereby preserving our unique and historic constituency. I would also like

to thank all those individuals and groups who participated in this process, including all four municipalities in the riding, leaders of major institutions and community groups, who came together in common cause. At the time of this writing, the Report remains before the House for its consideration and final vote.

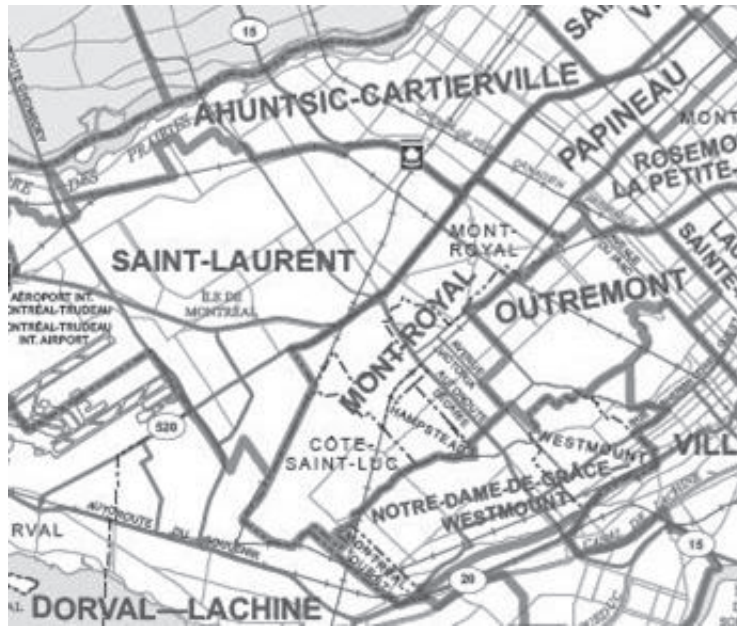
I regret that this mailing provides only a snapshot of my activities in Ottawa. I encourage you to follow me on Twitter (@irwincotler) or on my website (irwincotler.ca) for more up-to-date information and links to recent speeches in the House of Commons.

In closing, I thank you for your continued support as I serve the people of Mount Royal in Ottawa. It is a very exciting time, particularly with the election of a new Liberal Leader in the person of Justin Trudeau. I look forward to working with Justin and my caucus colleagues to both critique and challenge the Government's legislative agenda, while presenting alternatives and ideas — through motions and bills — in the House of Commons. As always, if my office can

be of assistance in some Federal matter, please do not hesitate to be in contact.

Best wishes for a healthy and happy remainder of spring,

Irwin Cotler, MP PC OC



## Happy Birthday, Canadian Charter of Rights and Freedoms

The *Canadian Charter of Rights and Freedoms* — a transformational Canadian legal document — turned 31 years young this April. Far from being an aging relic of Canadian law, the *Charter* received considerable attention in the House of Commons during the month of March. In a question of privilege raised in the House of Commons, various MPs — including myself — expressed our concern that the government has not lived up to its statutory obligations to ensure that all proposed government legislation is consistent with both the *Charter* and the *Canadian Bill of Rights*.

The *Charter* enumerates specific individual rights and civil liberties, giving them constitutional force. Prior to the *Charter*, Canadian courts dealing with the constitution focused on federalism — namely whether something fell within provincial or federal power. Since the advent of the *Charter* in 1982, Canadian courts became the guarantors of a panoply of non-negotiable rights and freedoms.

Because of the importance of the *Charter*, federal law — namely section 4.1 of the Department of Justice Act — places an obligation on the Minister of Justice to examine every government bill introduced in the House in order to ensure that it is consistent with the *Charter*. If the bill is not consistent, the Minister has an obligation to table a report of inconsistency before the House.

This is an extremely important provision; Parliamentarians have a duty to promote and protect the *Charter*. Moreover, its violation has serious consequences, as taxpayers bear the burden of the Government defending its legislation in Court.

Regrettably, despite these obligations on the Minister, no such report of inconsistency has been tabled, yet numerous court rulings have called into question the constitutionality of government legislation. Worse, Parliament has repeatedly been asked to debate government bills proposing legislative changes that are constitutionally suspect at the very least.

For example, the government's insistence on adopting mandatory minimum penalties is a case-study. Courts in Ontario and British Columbia have recently struck down such sentencing provisions as being in violation of the *Charter's* Section 7 right to liberty and security of the person, as well as the Section 12 right to freedom from cruel and unusual punishment. Still, the government has

continued to propose legislation that would implement more of these penalties. There is simply no need for this — not only may they infringe the *Charter*, studies prove they are ineffective at deterring crime and may indeed contribute to crime, both inside and outside of prison.

Constitutional concerns do not end with the question of mandatory minimum sentencing. Indeed, a variety of laws and executive actions taken by the government have raised serious *Charter* concerns, particularly in the area of immigration. For instance, a recent British Columbia Supreme Court judge found a section of the *Immigration and Refugee Protection Act* unconstitutionally overbroad.

Other Government acts — such as its decision this past October to terminate the contracts of all non-Christian chaplains at Canadian federal prisons — have raised *Charter* concerns. Indeed a British Columbia prisoner's rights group has recently initiated litigation asserting this change infringes the *Charter's* Section 2 right to freedom of conscience and religion.

Regardless of whether any particular government action runs afoul of the *Charter*, the cavalier approach with which this government has considered *Charter* issues implicated by its legislative agenda is highly problematic. Simply put, the *Charter* is protective of the inherent dignity and worth of all Canadians and represents our national aspiration towards the creation of a society that celebrates equality and diversity, while recognizing also our differences — and seeking to achieve equal dignity and worth for all. As we celebrate its 31st birthday, the government should not consider the *Charter* as an obstacle to be overcome but rather as an important document that must be promoted and protected, and should seek as well to safeguard against its violation.



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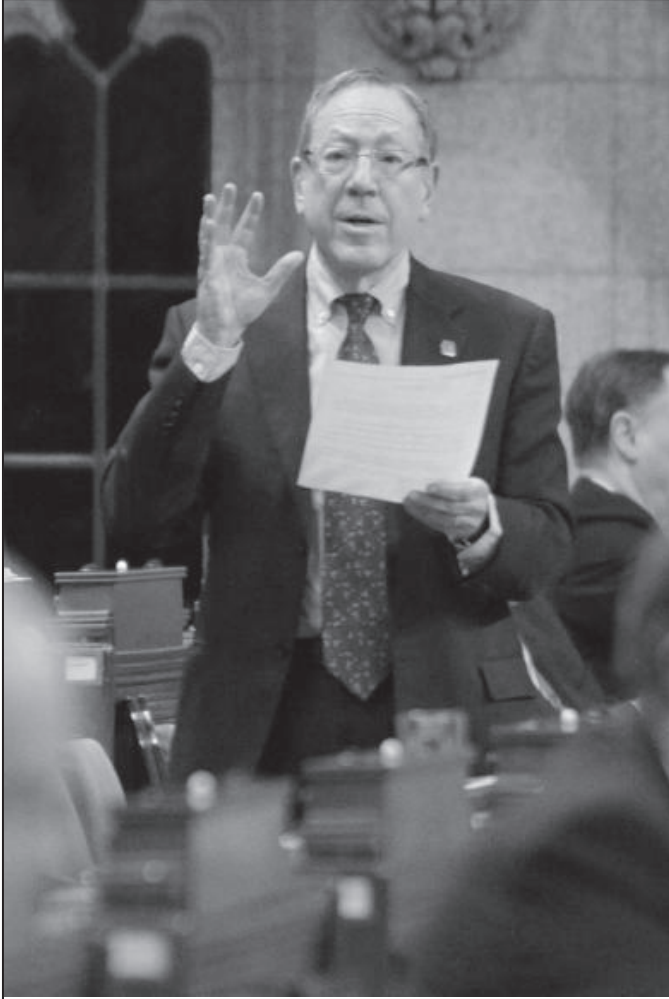
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## Selected Recent Interventions in the House of Commons



Countries will only succeed when women's voices are heard, when their fundamental rights are affirmed, when their dignity is respected and when their lives are secure.

*OFFICIAL REPORT (HANSARD)*  
Thursday, February 28, 2013

**Hon. Irwin Cotler (Mount Royal, Lib.):**

Mr. Speaker, on Tuesday, our Subcommittee on International Human Rights received Tibetan prime minister-in-exile, Dr. Lobsang Sangay, who provided compelling testimony on the ongoing repression and persecution of Tibetans by the Chinese government.

Dr. Sangay spoke with great sadness of the 107 Tibetans since 2009 who have expressed the ultimate cry of protest through self-immolation, some just days ago, which we ignore both at their peril and our own, to protect against the occupation and environmental degradation of their lands; against arbitrary detention and forced disappearance; and against marginalization, cultural suppression and the denial of religious freedom.

Tibetans value democracy, freedom and respect for the rule of law, while subscribing to the principle of non-violence in their pursuit of genuine autonomy pursuant to the Chinese constitution.

Let us all join our voices with Dr. Sangay in calling on Canada to press China to dialogue with the Tibetan administration, to permit Canadian representatives to visit Tibet and to work closely with the U.S., EU and international partners to end the persecution and pain of Tibetans.

*OFFICIAL REPORT (HANSARD)*  
Thursday, February 14, 2013

**Hon. Irwin Cotler (Mount Royal, Lib.):**

Mr. Speaker, Black History Month engages us in a celebration of our rich African-Canadian heritage and history, including Mathieu Da Costa, who accompanied Samuel de Champlain in the 16th century; Dr. Anderson Ruffin Abbott, Canada's first black licensed surgeon, who stood vigil at the deathbed of Abraham Lincoln; my own childhood hero, the legendary Jackie Robinson, the first ball player to break the colour line with the Montreal Royals before joining the Brooklyn Dodgers; my fellow Quebecker, pianist Oscar Peterson and the Right Hon. Michaëlle Jean, let alone all those black

Canadians whose struggles and successes have helped build community and country.

In Quebec, the theme of this year's festivities is "Now is the Time".

This call to action urges us to honour our Afro-Canadian history by building vibrant, prosperous communities that are united, and to develop even stronger ties among the various communities that make Canada such a diverse country, and proud to be so.

*OFFICIAL REPORT (HANSARD)*  
Thursday, January 31, 2013

**Hon. Irwin Cotler (Mount Royal, Lib.):**

Mr. Speaker, this week marks the United Nations International Holocaust Remembrance Day commemorating the liberation of the Auschwitz-Birkenau death camp in 1945, and serving as a poignant reminder of our obligation to confront and combat racism, hatred and anti-Semitism, the paradigm of racist hatred. Simply put, Jews died in Auschwitz because of anti-Semitism, but anti-Semitism did not die.

We must confront and combat the growing evil of both Holocaust denial and Holocaust inversion, the Nazification of the Jew and the Jewish state, thereby demeaning, distorting and diminishing Holocaust remembrance. We must confront and combat the indifference and inaction that took us down the road to the Holocaust, as it was revealed on this international day of Holocaust remembrance that the existence of the Nazi extermination program and the death camps was already known as early as May 1942.

Finally, we must remember and honour the heroism of Raoul Wallenberg, the Swedish non-Jew who saved more Jews in four months in Hungary in 1944 than any single government, as the European Parliament did this week and as Canada Post did this month by issuing a stamp in his memory.

By remembering the suffering of Holocaust victims, we honour them and their spirit of resistance. Never again.

*OFFICIAL REPORT (HANSARD)*  
Friday, March 8, 2013

**Hon. Irwin Cotler (Mount Royal, Lib.):**

Mr. Speaker, the clarion call of the Vienna conference on human rights in 1993 was that "women's rights are human rights" and that there are no human rights without the rights of women. Sadly, on this International Women's Day 20 years later, violence against women remains an overriding global problem.

Human trafficking is a multi-billion-dollar industry, condemning millions of women and girls to exploitation and servitude. Gendercide, the systematic abandonment and killing of baby girls, is responsible for 200 million missing women and girls, and 140 million women and girls live with the consequences of female genital mutilation. Women suffer extreme violence and sexual abuse in armed conflict. Forty thousand women in Canada were subjected to domestic violence in 2009 alone, and over 600 aboriginal women have gone missing or have been murdered in Canada in recent decades.

### Cotler Advocates on Syrian Crisis

Two years ago, the Syrian "peace and dignity" march began in the southern city of Dara'a, with thousands protesting the arrest and subsequent torture of 20 youths who had only written graffiti expressing their desire for freedom and reform.

Now two years later, close to 80,000 people have been killed, hundreds of thousands detained and disappeared, three million are internally displaced, and one million have fled as refugees. Even more tragically, UNICEF and Save the Children reported in March that two million children are among the victims. Compounding this immense suffering is a funding gap: Only 20% of the \$1.5 billion in aid pledged by international donors has been delivered. All of this is set against the backdrop of routine violence against civilians, with some 250 Syrians being killed daily, while much of the world is becoming increasingly desensitized.

In a word, what we are witnessing is the banality of atrocity.

Meanwhile, the international community has largely been a bystander. As we have learned, President Obama and Minister Baird both turned down recommendations over the past year to affirm and implement the Responsibility to Protect doctrine in Syria. However, everything that we were told would happen as a result of international action—more killing, sectarian strife, jihadist involvement—has happened because of international inaction. Indeed, the international community must move to implement the following measures with all deliberate speed:

First, we must ensure protection against the threat of Syria's chemical weapons, particularly the transfer of such weapons to Hezbollah or their seizure by jihadists.

Second, it is necessary to interdict and sanction the substantial military assistance provided to the Syrian regime by Iran and Hezbollah.

Third, we must continue to provide enhanced support to the besieged opposition, including food, fuel, medical supplies, tactical aid, and defensive weaponry.

Fourth, efforts to establish command and control structures within opposition forces must be expanded and expedited. Moreover, those elements of the

opposition who have committed or may yet commit human rights violations or acts of sectarian violence must be held accountable.

Fifth, there is a growing need to reinforce security around Syria's borders, particularly in the Golan Heights.

Sixth, we must establish safe havens in Syria to serve as civilian protection zones and as corridors for the delivery of medical and humanitarian relief.

Seventh, we must urge international donors to follow through on their humanitarian aid commitments, of which, as mentioned, only 20% has been delivered as of this writing.

Eighth, the international community needs to support the Syrian National Coalition in its transition towards an interim—and wholly representative—government.

Ninth, Assad and his inner circle should be brought before the International Criminal Court for their grave violations of international law, including war crimes and crimes against humanity.

Tenth, there needs to be a mandated deployment of a large international Arab-led peace protection force in Syria that will help secure the peaceful transition to a post-Assad regime.

**Below: Prof. Cotler meets with Syrian-Canadians in Ottawa in March.**



## Conservative Budget Reflects Misplaced Priorities

In March, the Finance Minister presented Budget 2013, which serves not only as a financial statement but as a statement of values and a reflection of the Government's priorities. Regrettably, this year's budget was largely a repackaging of existing programs, with decreases in funding for several important initiatives, and scant mention of a number of items that should be central to the Government's agenda for the coming year.

The Minister has vaunted supposed increases to infrastructure spending, something Montreal urgently requires. However, much of what has been announced as new funding was actually promised in 2007 but has yet to be delivered. Moreover, new money for the Building Canada Fund – established six years ago to support infrastructure projects across the country – drops from \$1.7 billion last year, to just \$210 million in 2013-2014.

The Government has also emphasized its new "Job Grant" program for worker training. Yet, not only will the implementation of this program be delayed for five years, but cash-strapped provinces and territories will be forced to match federal funding or be excluded. Already, the Finance Ministers of Ontario and Quebec have made known their reluctance to participate, a predictable response when the federal government tries to dictate provincial spending and take the credit.

Perhaps more important than what the budget contains is what it does not. The budget fails to address many issues of critical importance, such as social justice, access to justice, and the promotion and protection of fundamental rights and freedoms. While the Conservatives continue their ill-conceived



efforts to fight crime by putting more people in prison for longer periods of time, they offer no new support for legal aid services, and no new support for provinces and territories that bear the economic burden of the Government's so-called "tough-on-crime" approach.

Equally troubling, the Government has announced cuts to the Aboriginal Justice Strategy, a program designed to prevent crime in First Nations communities and support culturally sensitive alternatives to incarceration for non-violent offenders. This reduction in funding, combined with a lack of new support for First Nations education and on-reserve housing, risks adding to the disproportionate amount of Aboriginal people in Canadian jails. The Government's approach on Aboriginal issues will in fact be more expensive in the long term, as it costs far more to imprison ever larger numbers of Aboriginal Canadians than to address the structural problems responsible for the high rate of Aboriginal crime.

The budget is also silent about Canada's international role. The last Liberal budget – delivered in 2005 – featured a full section on our country's global responsibilities, such as supporting poverty reduction and healthcare in developing countries, and increasing security both at home and abroad. By contrast, the 2013 Conservative budget only broaches this topic to announce that the Canadian International Development Agency (CIDA) will be combined with the Department of Foreign Affairs and International Trade. To be sure, trade and development are related, but this merger suggests that Canada's development and human rights policies will now defer to commercial interests.

Regrettably, at a time of global financial uncertainty, the Government has presented Canadians with a 2013 budget notable mainly for its overstatements, omissions, and cuts.

## Promoting Human Rights in Iran

When it comes to Iran, the world is understandably preoccupied with its nuclear ambitions and its role in facilitating the slaughter of innocents in Syria. But just as alarming as it is overlooked on the international radar screen is the Iranian regime's massive repression of its own people.

In late February 2013, the UN Special Rapporteur for Human Rights in Iran released his latest report, which details an increase in the already high frequency and gravity of human rights abuses committed by the regime. These include executions (almost 500 in 2012), often of juvenile offenders and in public; torture, amputations, floggings, arbitrary arrest and detention, unfair trials; and, severe restrictions on the freedom of expression of journalists, human rights defenders, lawyers, religious minorities, and opposition activists.

With Iran's presidential election coming up in June, the regime has pre-emptively begun rounding up dozens of journalists, bloggers and activists to avoid a repeat of the anti-regime protests that followed Ahmadinejad's fraudulent election win in 2009.

This state of affairs is wholly representative of Ahmadinejad and Khamenei's Iran—a term I prefer to use to distinguish the regime from the people and public of Iran, most of whom are otherwise innocent targets. Simply put, the Iranian regime continues to engage in a wholesale assault on the rights of its own people.



## Human Rights Lectures

Continuing his long history with McGill University, Prof. Cotler returned to McGill's Law Faculty in February to deliver this year's René Cassin Lecture on the 65th anniversary of the Universal Declaration of Human Rights and Genocide Convention. Prof. Cotler sought to address twin main questions on this momentous occasion: What have we learned? And what must we do?

Cotler spoke of the legacy of René Cassin and the abiding lessons embodied by his life and career. Cassin's commitment to justice and human rights is unmatched by that of any other public figure of his generation.

In March 2013, Prof. Cotler was one of the Honourary Co-Chairs of the Third Echenberg Family Conference on "Democracy, Human Rights and the Fragility of Freedom." This international conference is part of a series of conferences hosted by McGill's Centre for Human Rights and Legal Pluralism addressing the most important human rights issues of our time.

For this year's conference, civil society leaders from around the world gathered to discuss some of the challenges faced by democracy and human rights defenders today, particularly in light of recent events such as the Arab Awakening. Those at the forefront of these struggles shared their experiences, and an international young leader's forum was also held.



From top to bottom: Prof. Cotler with students and professors as the René Cassin lecture; Prof. Cotler addresses the 2013 Echenberg conference at McGill. Photo credit: Adam Scotti.

## Excerpts of Recent Selected Articles by Prof. Cotler

### THE WALL STREET JOURNAL

WSJ.com

#### A Doctor's Nightmare Stopover in Dubai

March 12, 2013

By IRWIN COTLER

On Aug. 18, 2012, Dr. Cyril Karabus—a 77-year-old oncologist from South Africa—was arrested during a stopover at Dubai International Airport, as he was returning from his son's wedding in Toronto. Formerly the senior pediatrician at the Red Cross Children's Hospital in Capetown, Dr. Karabus had last visited Dubai in 2002, when he treated patients at the Sheikh Khalifa Medical City Hospital. [...]

When Dr. Karabus landed in Dubai last year, he was abruptly arrested and taken to jail in Abu Dhabi. [...] This case is about more than the fate of one unfortunate physician. It implicates important national interests of the United States, Canada and any country whose citizens work or travel in the U.A.E. [...]

### NATIONAL POST

#### Irwin Cotler: CNOOC-Nexen: The deal that human rights forgot

13/03/05

In his speech marking the establishment of the new Office of Religious Freedom, Prime Minister Stephen Harper rightly included religious minorities in China — such as Tibetans and Falun Gong practitioners — on his list of communities needing protection. Just a few months ago, however, a Chinese state-owned company accused of oppressing Tibetans and Falun Gong practitioners, CNOOC, bought a Canadian oil and gas company, Nexen, with the Prime Minister approving the deal as one constituting a “net benefit” for Canada. For Canadians concerned with human rights, this incongruity is difficult to understand. [...]

The decision-making process surrounding the CNOOC-Nexen deal lacked transparency, and was devoid of the consultation mandated in cases of foreign takeovers. The considerations on which the decision was based were essentially of an economic character. Human rights considerations do not appear to have been factored into the decision at all. [...]

### THE HUFFINGTON POST

CANADA

#### Policy Should Not Mistake the Mentally Ill for Criminals

Irwin Cotler

3/01/2013

Today the House began debating C-54, the Not Criminally Responsible Reform Act. From the Prime Minister's recent announcement of the legislation, one could easily get the impression that Canada is overrun with dangerous psychopaths and that Canadians should be fearful.

Yet, the available evidence indicates that very few mentally-ill people commit violent acts, even fewer are found not criminally responsible (NCR), and only a miniscule percentage of those found not criminally responsible reoffend after treatment. Indeed, while high-profile cases of horrific acts have attracted much media attention, the reality is that these cases are exceptionally rare and these reforms have more to do with public perception than public safety. [...]

### LE DEVOIR

#### Projet de loi C-309 - Manifestations: le masque est levé

Irwin Cotler, député

Mercredi dernier, la Chambre des communes a adopté le projet de loi C-309, Loi modifiant le Code criminel (dissimulation d'identité) ou Loi empêchant les participants à des émeutes ou des attroupements illégaux de dissimuler leur identité, que les conservateurs ont élaborée en réaction aux émeutes survenues à Vancouver en 2011.

Lorsqu'un événement troublant se produit, les Canadiens — et leurs représentants au Parlement — veulent agir, réagir. Or, le projet de loi C-309 est l'exemple classique d'un projet de loi qui donne l'illusion de faire quelque chose sans changer grand-chose. [...]

#### Our linguistic duality must be a legal reality—April 24th, 2013

Regrettably, Quebec Anglophones have recently come under increased pressure in the form of Bill 14, which would amend the French Language Charter with the goal of enhancing protection for

French. All Quebecers – indeed, all Canadians – have an interest in ensuring the continued vibrancy of the French language and culture in our province, but this can and must be accomplished while respecting the rights of the English-speaking minority.

To that end, Bill 14 is problematic in several respects. [...]



*Irwin in pictures...*

Top row (from left to right): Prof. Cotler speaks from Montreal to CBC's Power and Politics on the creation of an Office of Religious Freedom; Prof. Cotler with students from École élémentaire publique Michaëlle-Jean on the occasion of “Pink Day” – a day against bullying.

Bottom row (from left to right): Prof. Cotler meets with a delegation of visiting Iraqi Parliamentarians discussing constitutionalism; Irwin meets with students from the CHAT school in Toronto; Prof. Cotler speaks at an event unveiling the postage stamp in honour of Raoul Wallenberg.

