

INDIA’S CRIMINALIZATION OF SIKH POLITICAL OPINION

A REPORT ON

- Persecution of Sikh Referendum 2020 Campaigners by India -

Prepared By

“Khalistan Referendum 2020” –

**A Democratic Initiative For
Realization of Sikhs Right of Self Determination
By
“Sikhs For Justice” (SFJ) – an Advocacy Group**

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Table of Contents

Background on Sikh Persecution in India	3
The Persecution of Sikhs For Justice	8
The Persecution of “Referendum 2020 Campaigners”	14
Repression of Sikh Political Opinion Through Draconian Laws.....	18
Human Rights Defenders At Risk – Case of Gurpatwant Singh Pannun, An Intl. Human Rights Lawyer.....	39
Conclusion.....	50

Background on Sikh Persecution in India

The Sikh religion was founded in the 16th century by the first Guru Nanak Dev Ji. Sikhs are an ethnoreligious group and indigenous people of the Punjab region currently governed by India. The Sikhs have faced persecution under Indian rule since the British granted independence to India in August 1947. The religious status of Sikhism and identity of its followers – the Sikhs – has been usurped by the Constitution of India which superimposes and labels Sikhs as "Hindu" in Article Explanation II to Article 25(b) of the Constitution.

As a national ethnoreligious minority of India, many fundamental human rights have not been granted to the Sikhs under Indian rule. The Sikh community and the Indian Government began their clash long ago with the Explanation II to Article 25 of the constitution of India which classifies Sikhs as Hindus. Relying on the Article 25 of the Indian Constitution, several other laws were consequently ratified to subjugate the Sikh community and to forcibly label them as Hindus. Some of the laws that classify Sikhs as "Hindus" are: Hindu Marriage Act of 1955; Hindu Succession Act of 1956; Hindu Minority and; Guardianship Act of 1956; Hindu Adoption and Maintenance Act of 1956.

This imposition of the classification of "Hindu" to Sikhs essentially ignored the cultural heritage of the community, as they had their own independent Sikh state in Punjab of the Sarkar-i-Khalsa which was taken over by the British Raj. Since then Sikhs have been the target of brutal repression, violence, and blatant discrimination. These anti-Sikh sentiments culminated in the modern day with the 1984 Genocide of Sikhs by the Indian Armed Forces, and the criminalization of all organized Sikh political activity.

The Sikhs are ironically officially recognized as a distinct ethnoreligious group by the United Kingdom, the previous colonizer of the subcontinent, but not by India, it's now independent successor state.

Since the 1920's the Rashtriya Swayamsevak Sangh (RSS) spread and consolidated its Hindu Nationalist ideology across India. It is a volunteer militia out of which the Bharata Janata Party (BJP) spawned. The BJP cemented its power over the Republic of India with the election of Prime Minister Narendra Modi, who belongs to the BJP and its affiliates, but also secured it by winning the most elected positions in the Indian government as a whole as well. The intolerant ideology of the BJP has resulted in a litany of ethnically and religiously motivated mass killings in various parts of the country¹.

The latest instance of the Indian governments transgressions against human rights is the current annexation of Indian Kashmir. Almost one million soldiers have been deployed to the contested region in which they enforced martial law, and cut off all forms of communication for the

¹ Griswold, Eliza. "The Violent Toll of Hindu Nationalism in India." *The New Yorker*, The New Yorker, 6 Mar. 2019, <https://www.newyorker.com/news/on-religion/the-violent-toll-of-hindu-nationalism-in-india>.

Kashmiris to facilitate their annexation with an information blackout². The illegal dissolution of the democratically elected Kashmiri government and the state's subsequent military occupation serves as a clear example as to why the Sikh community like many others in India, are desperate to act on their internationally recognized right to self-determination. If India is not held accountable to these violations, the international community will be guaranteed further violence and violations

The reason for this is that these actions are part of a consistent pattern of abuse by the Indian government which ascribes to and propagates a Hindu nationalist agenda which is heavily against minorities³. The Sikh community suffered at the hands of the Indian government in 1984 where they were the victims of a genocidal assault on one of their holiest temples known as the Darbar Sahib, the golden temple of Amritsar⁴. Once they had completed the destruction of the golden temple, the Indian army unleashed a wave of pogroms in which Sikhs were being hunted down by the police of Punjab, as well as extremist citizens. Many of these officers received cash rewards from the then finance minister in exchange for murdering Sikhs in faked "encounters" which essentially allowed the police to conduct assassinations with not only impunity, but cash reward⁵.

The treatment of minorities in India has been the major fault line for the Republic since its independence, and as to date, the fault line has only grown larger owing to the abysmal human rights record of the successive Indian governments which are prone to dismissing domestic and international law at its convenience.

Following these developments, the Sikhs' desire and case for self-determination has only strengthened. Though the violence of the decades passed has transformed⁶ in shape and mode but not largely subsided, the Sikh community vivid with its memory, is now presenting to the government of India and ultimately, the world, a democratic and lawful solution to realize the right of self-determination.

To this end, human rights advocacy group "Sikhs For Justice" (SFJ) has launched the initiative "Referendum 2020" which seeks to hold an unofficial vote among the global Sikh community to demonstrate the collective political will of the Sikh people on the issue of self-determination and secession of Punjab from India to create a sovereign state.

² Wilpert, Greg. "De-Facto Annexation of Kashmir Means India as a Secular State Is Ending." *The Real News Network*, 16 Aug. 2019, <https://therealnews.com/stories/de-facto-annexation-of-kashmir-means-india-as-a-secular-state-is-ending>.

³ Kain, Rupam, and Tom Lasseter. "By Rewriting History, Hindu Nationalists Lay Claim to India." *Reuters*, Thomson Reuters, 6 Mar. 2018, <https://www.reuters.com/investigates/special-report/india-modi-culture/>.

⁴ Tully, Sir Mark. "Operation Blue Star: How an Indian Army Raid on the Golden Temple Ended in Disaster." *The Telegraph*, Telegraph Media Group, 6 June 2014, <https://www.telegraph.co.uk/news/worldnews/asia/india/10881115/Operation-Blue-Star-How-an-Indian-army-raid-on-the-Golden-Temple-ended-in-disaster.html>.

⁵ Madan, Karuna. "Anti-Sikh Riots: What Happened in 1984 and after?" *India – Gulf News*, Gulf News, 21 Nov. 2018, <https://gulfnews.com/world/asia/india/anti-sikh-riots-what-happened-in-1984-and-after-1.60501721>.

⁶ There are reports that over 60,000 farmers of Punjab have been forced to commit suicide due to increasing debt caused by lack of production due to diversion of Punjab's river by the Central Govt of India. See: <https://www.kalw.org/post/pattern-farmer-suicides-punjab-unearthing-green-revolution#stream/0> and <http://www.newindianexpress.com/nation/2019/mar/21/majority-of-farmers-in-punjab-under-debt-919-farmer-suicides-in-last-two-years-1954107.html>

The historical anti-Sikh sentiment in India, combined with the peaceful political mobilization of the Sikh community to secure their fundamental rights, unleashed hysteria in the Indian government. The Indian government does not differentiate the violent Sikh militants of the decade of 90 and the today's purely nonviolent and democratic movement for referendum.

Sikhs For Justice (SFJ) is one of the most prominent and active Sikh movements working to realize the Sikh peoples will to achieve self-determination under international law by creating their own independent state of Khalistan. SFJ was founded in 2007 and started to highlight the injustices with the Sikh community of India. Due to the actions of SFJ in holding the Republic of India to account for its human rights violations, it has gained large support from Sikhs and non-Sikhs alike around the globe which led to Indian government censoring transmission of SFJ's public content to Indian citizens and the criminal prosecution of those individuals who are not part of, but only agree to the political opinion i.e. SFJ's referendum initiative.

On July 10th the Indian government officially banned SFJ in India and classified it as an illegal organization under the Unlawful Activities (Prevention) Act. As a result, peaceful supporters of the "Referendum 2020" who have either been wearing t-shirts with referendum logos printed on them, or carrying simple posters advertising the referendum, have been arbitrarily detained, tortured, and denied any due process for the charges they face.

It is indisputable that peacefully campaigning for independence is not a crime. A "peoples" right to self-determination is a fundamental principle of international law, guaranteed under the UN Charter and Bill of Rights⁷. Self-determination may be sought and exercised internally (within a parent state) or, in certain circumstances, externally, through secession and independence. According to the International Court of Justice, a sub-group (in this case Sikhs) may lawfully conduct a referendum on independence and declare independence without agreement of the parent state, in this case, the Republic of India.⁸

After their initial arrests, "Referendum 2020" campaigners were taken into the custody of the Punjab Police for interrogation and investigation. To facilitate these arrests, the authorities levied a litany of baseless charges with some from the Colonial Era of the British Raj, and other newer ones bolstered with new ordinances contradicting their signatory status on various international laws as well as their own existing laws such as the Unlawful Activities Prevention Act. These charges against "Referendum 2020" campaigners, included:

- Sedition. —Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in [India], shall be punished with [imprisonment for life], to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine. Explanation 1. The expression "disaffection" includes disloyalty and all feelings of enmity. Explanation 2. Comments expressing disapprobation of

⁷ See, Article 1 of the UN Charter; Article 1 of the International Covenant on Civil and Political Rights; and Article 1 of the International Covenant on Economic, Social and Cultural Rights. Peoples who have been denied self-determination within their parent state may, in exceptional circumstances, lawfully pursue external self-determination (via secession).

⁸ See, *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion, 22 July 2010, ICJ Reports 2010, p 403

the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section. Explanation 3.—Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.(Section 124A of the Penal Code)⁹

- Unlawful Activities Prevention Act: Punishment for terrorist act--(1) Whoever commits a terrorist act shall, --
 - (a) if such act has resulted in the death of any person, be punishable with death or imprisonment for life, and shall also be liable to fine;
 - (b) in any other case, be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.
- Terrorist act. -- 3[(1)] Whoever does any act with intent to threaten or likely to threaten the unity, integrity, security 4[, economic security,] or sovereignty of India or with intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country, --
 - (a) by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisonous or noxious gases or other chemicals or by any other substances (whether biological radioactive, nuclear or otherwise) of a hazardous nature or by any other means of whatever nature to cause or likely to cause--
 - (i) death of, or injuries to, any person or persons; or
 - (ii) loss of, or damage to, or destruction of, property; or
 - (iii) disruption of any supplies or services essential to the life of the community in India or in any foreign country; or
 - 4[(iiia) damage to, the monetary stability of India by way of production or smuggling or circulation of high quality counterfeit Indian paper currency, coin or of any other material; or]
 - (iv) damage or destruction of any property in India or in a foreign country used or intended to be used for the defence of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies; or
 - (b) overawes by means of criminal force or the show of criminal force or attempts to do so or causes death of any public functionary or attempts to cause death of any public functionary; or
 - (c) detains, kidnaps or abducts any person and threatens to kill or injure such person or does any other act in order to compel the Government of India, any State Government or the Government of a foreign country or 5[an international or inter-governmental organisation or any other person to do or abstain from doing any act; or]
 commits a terrorist act..¹⁰

⁹ Section 124A in The Indian Penal Code, <https://indiankanoon.org/doc/1641007/>.

¹⁰ Section 15 in Unlawful Activities Prevention Act 1967 of the India Code <https://indiacode.nic.in>

Furthermore, “Referendum 2020” campaigners have been subject to torture in detention. While “Referendum 2020” campaigners were being held by the Indian Police, campaigners were given the dreaded standard treatment of the Indian authorities. This includes practices akin to hundreds of forced squats until complete muscle failure, beatings with blunt objects resulting in death, as well as rape, and extortion.¹¹ Numerous governmental and non-governmental bodies inside and outside India have produced reams and reams of reports on these abuses which persist to this day.

“Referendum 2020” campaigners have been arbitrarily detained on false charges and continue to be subject to torture, cruel, inhuman, and degrading treatment. The dire condition of Indian prisons and their well-documented institutional malpractice place the health and lives of “Referendum 2020” directly at risk. Accordingly, we request that the Working Group consider this Petition pursuant to its Urgent Action Procedure. Additionally, it is requested that the attached Petition be considered a formal request for an opinion of the Working Group pursuant to Resolution 1997/50 of the Commission on Human Rights, as reiterated by Resolutions 2000/36, 2003/31, and Human Rights Council Resolutions 6/4, 15/18, 20/16, and 24/7.

In addition to the suppression of SFJ and the supporters of its initiatives, US based human rights lawyer Gurpatwant Singh Pannun who co-founded SFJ in 2007 is facing special persecution by the Indian government as the face of the “Referendum 2020” campaign. Attorney Pannun has taken legal and advocacy actions against numerous Indian officials who have been complicit in human rights violations in India. The human rights activities of Attorney Pannun through SFJ also include the hosting of several rallies and events every year to protest the actions of Indian government and human rights hold solidarity gatherings. Attorney Pannun regularly creates media content to update the Sikh community on the status of the "Referendum 2020" campaign.

Attorney Pannun also directs SFJ staff in creating informational reports about little known injustices in India to apprise the relevant international bodies. These reports have resulted in actions by various governments of the world including Canada, the United States, the United Nations, and the United Kingdom. In 2013 attorney Pannun and SFJ filed a lawsuit in the U.S Federal court against visiting Congress Party President Sonia Gandhi for shielding the leaders of Congress party who were complicit in the November 1984 anti-Sikh genocidal violence¹².

The following year in 2014 Pannun and SFJ filed lawsuit in the US Federal Court against Manmohan Singh the then Prime Minister of India for paying cash reward to killer cops during his tenure as Finance Minister. In the same year, SFJ through Pannun filed a lawsuit in the U.S Federal Court against newly elected Prime Minister Narendra Modi for his role in 2002 massacre of Muslims in Gujarat when he was Chief Minister of that state¹³.

In 2015 SFJ and attorney Pannun filed a criminal complaint in Canada against Modi, the visiting Indian PM on the charges of complicity in 2002 massacre of Muslims in Gujarat. In 2016 SFJ and attorney Pannun blocked the visit to Canada of Amarinder Singh the current Chief Minister of

¹¹ “India 2017/2018.” *Amnesty International*, <https://www.amnesty.org/en/countries/asia-and-the-pacific/india/report-india/>.

¹² Ghoshal, Devjyot. “Meet the Man Trying to Take Narendra Modi to US Court.” *Quartz*, Quartz, 26 Sept. 2014, <https://qz.com/271834/the-man-trying-to-take-indias-prime-minister-to-us-court/>.

¹³ See reference 9

Punjab by complaining to the Canadian authorities about his planned electioneering and fund raising against Canadian law¹⁴.

This urgent appeal stands to request the United Nations to take action against the gross violations of the International Covenant on Civil and Political Rights and Universal Declaration of Human Rights by the Indian government against SFJ, the supporters of the “Khalistan Referendum 2020” campaign, and the attorney Gurpatwant Pannun, legal advisor and co-founder of SFJ. These atrocities include the arbitrary detention and torture of private citizens who support the “Referendum 2020”, the silencing of all of SFJ’s media platforms, banning of the organization as a terrorist organization, and a subsequent smear campaign of Attorney at Law Pannun with false narratives and slander meant to frame attorney Pannun as a terrorist mastermind to the Indian public, and the world at large¹⁵.

The urgent nature of this appeal cannot be understated because as the date of the referendum approaches, the Indian government has begun to mobilize several states in India to enact security measures under the dreaded Unlawful Activities Prevention Act and the Armed Forces (Special Powers) Act under the Indian Penal Code upon request by the Chief Minister of Punjab. It cannot be doubted that the Indian government will resort to violence to crush the referendum in 2020 as it has already annexed the whole region of Indian Kashmir in violation of all international and domestic laws¹⁶.

As it stands SFJ has been banned as a terrorist organization in India along with the censoring of all its media platforms. The government has arbitrarily detained and tortured citizens who support the actions of SFJ by campaigning for the “Referendum 2020” initiative. It has pursued the legal persecution along with the blatantly slanderous character assassination of Attorney Pannun through “false news” which is easily verifiable. With these facts SFJ urges the United Nations to act with utmost expediency in halting the Indian government from violently crushing the upcoming democratic “Referendum 2020” in 2020 by using their draconian and criminally vague anti-terrorist laws originally created for the purpose of the suppression of minorities in India¹⁷.

The Persecution of Sikhs For Justice:

The most prominent of the Sikh movements for independence is spearheaded by Sikhs For Justice known as “Referendum 2020” (www.referendum2020.org). SFJ (www.sikhsforjustice.org) is an international human rights advocacy group founded in 2007 working on the issues concerning the Sikh community. SFJ believes in and is committed to advancing the Universal Declaration of Human Rights (“UDHR”) and creating an environment in which minorities – regardless of race, religion, language, gender, or ethnicity – can freely exercise their rights guaranteed in the

¹⁴ See reference 10

¹⁵ Korybko, Andrew. “Gurpatwant Singh Pannun: ‘Pakistani-Backed Terrorist’ Or Peaceful Activist For Khalistan?” *Geopolitica.RU*, 31 July 2019, <https://www.geopolitica.ru/en/article/gurpatwant-singh-pannun-pakistani-backed-terrorist-or-peaceful-activist-khalistan>.

¹⁶ Korybko, Andrew. “Eight Indian States Are Getting Ready To Crack Down On the Sikh Community.” *Eurasia Future*, 27 July 2019, <https://eurasiafuture.com/2019/07/27/eight-indian-states-are-getting-ready-to-crack-down-on-the-sikh-community/>.

¹⁷ Shaheen, Fawaz. “Power to Misuse: UAPA Bill 2019 Is Left Vague For A Reason .” *The Quint*, 28 July 2019, <https://www.thequint.com/voices/opinion/uapa-bill-amendment-terrorist-individuals-lack-of-clarity-amit-shah>.

Universal Declaration of Human Rights including their right to self-determination as enshrined in the UN Charter and the International Covenant on Civil and Political Rights. Guaranteed under the UN Charter and the International Covenant on Civil and Political Rights, the right to self-determination would allow Sikhs to determine their own political, economic and cultural destiny in the Punjab region of India. – the historical homeland of Sikhism.

The 1973 Anandpur Sahib Resolution¹⁸ after the 1972 Punjab elections triggered hysteria in the government of India which has been determined to halt any organized Sikh political activity from the date of its issuance. The provisions of the resolution contain a series of constitutional reforms which would allow the people of Punjab the right to decide their own destiny in the face of a corrupt and intolerant government. The resolution serves to provide a democratic and legal avenue for the Indian government to conclude Sikh grievances. In spite of this, the Indian government chose instead to crush any Sikh political aspirations with military force culminating in the 1984 Assault on the Golden Temple of Amritsar, and the successive pogroms initiated by the state which saw tens of thousands of Sikhs murdered and extra-judicially executed by members of the Punjab police, paramilitaries, and civilians.

Since the creation of SFJ, the Indian government has responded yet again with hysterical alarm to the modern peaceful political mobilization of Sikhs. India is well aware that the clearly stated demands of the Sikhs from the Anandpur Sahib Resolution carry a historical obligation for the government of India to resolve. In spite of this the BJP led government opted to violently crush SFJ, and any Indians who support it or its activities. The Indian government chose the path of killing rather than take up the issues of the parties concerned judicially, or even to entertain the demands of the wronged parties in dialogue. During these events the Indian government simultaneously engaged in a misinformation campaign to lull the public into their manufactured intellectual narrative which allows them to oppress the various minorities of India. With the various social media platforms available today with the internet, the misinformation campaign has reached unprecedented proportions¹⁹. Domestic means to address these grievances are thus unavailable due to India's domestic laws preventing prosecution of government officials without government permission. The tactics of the political party in power using these laws, allows it to enjoy de facto impunity from prosecution and so must be deferred to international law.

To achieve a modicum of justice, SFJ has filed numerous court actions over the years against those in the Indian government who were responsible for mass atrocities against Sikhs, and other minorities in the country as well. SFJ also organizes peaceful demonstrations against the violations of international law by India, but also commemoration gatherings on the sacred tragedies of the Sikh people. The years of constant violence and suppression against Sikhs has resulted in a new strategy of peaceful and democratic political organization spearheaded by Sikhs For Justice.

SFJ held a demonstration in Washington D.C. on June 6, 2019, in commemoration of the 1984 Operation Bluestar which drew large scale support from Sikhs and Non-Sikhs alike²⁰. Popular

¹⁸ Singh, Harban. "Anandpur Sahib Resolution PDF."

¹⁹ Bansal, Snigdha Poonam and Samarth. "Misinformation Is Endangering India's Election." The Atlantic, Atlantic Media Company, 1 Apr. 2019, <https://www.theatlantic.com/international/archive/2019/04/india-misinformation-election-fake-news/586123/>.

²⁰ "Sikhs for Justice, Which Demands Self-Determination for Sikhs, to Host Rally in Washington to Commemorate 35th Year of

British entertainers such as Taran Kaur (Hard Kaur) and former American Congressman Patrick Meehan spoke in support of the "Referendum 2020" and subsequently generated immense hysteria within the now Hindu Ultra-Nationalist BJP government of India. Had a demonstration of this caliber taken place in India, the demonstrators could be assured beyond a doubt that they would be dispersed through the use of force, as is customary in the Republic of India.

Due to SFJ giving a voice to silenced Sikhs whose political and sociocultural aspirations are brutally repressed in their own supposed nation, it has been the target of the Indian authorities for censorship, indefinite arbitrary detainment and torture of its supporters, and the charging of SFJ's executive team with "terrorist acts".

SFJ as of July 10, 2019 has been designated as an illegal "anti-national" organization in India under Section 3 of the Unlawful Activities Prevention Act of India²¹. The banning action directly violates Articles 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR) of which India is a signatory state with ratification, which explicitly guarantees all people the right of peaceful assembly, and the right to freedom of association²². SFJ has been banned in India despite being in accordance with all domestic and international law, in every location in which it has conducted its activities. This fact is well recorded by the media of the world.

The banning of SFJ in India has the most grievous consequences for private citizens who are not members of the organization but simply support its initiatives. It effectively extends the label of "terrorist" to individuals who simply agree in their political opinion with SFJ. This then further allows the Indian security apparatus legal basis for arbitrary detention and torture of the said individuals over the aforementioned Sedition laws, and Unlawful Activities Prevention Act of the Indian Penal Code. The case of those charged with the anti-terror laws will be covered in this petition following that of SFJ as a Human Rights Advocacy group illegally persecuted against international law.

The narrative created by the government of India against SFJ framed the human rights advocacy group as a Pakistani backed intelligence operation. Due to the impunity with which the Indian government regularly slanders and suppresses minorities, they did not bother to even craft a logical argument for SFJ. The Indian government maintains that the online servers of SFJ are based in Pakistan and thus SFJ is a Pakistani intelligence operation. Political Analyst Andrew Korybko- a member of the expert council for the Institute of Strategic Studies and Predictions at the People's Friendship University of Russia described the unrealistic nature of these conclusions ²³;

Much has been written in the Indian media over the past two weeks since New Delhi banned the Sikhs For Justice (SFJ) about the group's supposed ties to Pakistan, with the narrative being heavily

'Operation Blue Star.'" INDIA New England News, 5 June 2019, <https://indianewengland.com/2019/06/sikhs-for-justice-which-demands-self-determination-for-sikhs-to-host-rally-in-washington-to-commemorate-35th-year-of-operation-blue-star/>.

²¹ Tnn. "Centre Bans pro-Khalistan SFJ under Anti-Terror Law: India News - Times of India." *The Times of India*, <https://timesofindia.indiatimes.com/india/centre-bans-pro-khalistan-sfj-under-anti-terror-law/articleshow/70166187.cms>.

²² See ICCPR Articles 21 and 22

²³ Korybko, Andrew. "Khalistan Is A Pro-Sikh, Not 'Pro-Pakistan', Movement." *Eurasia Future*, 24 July 2019, <https://eurasiafuture.com/2019/07/24/khalistan-is-a-pro-sikh-not-pro-pakistan-movement/>.

pushed that they're secretly backed by Islamabad in their Referendum 2020 campaign for an independent Khalistan. Pro-government pundits claimed that there's a vast international conspiracy at play by India's traditional rival to support this secessionist movement, hence why they smeared it as a "pro-Pakistan" one, but that couldn't be further from the truth since the organization even criticized Islamabad for curtailing its activities earlier this year. The SFJ's legal advisor Gurpatwant Singh Pannun said back in April that the Pakistani government stopped their scheduled plan to register volunteers for next year's plebiscite, yet India still accused its neighbor of backing the Khalistani cause earlier this month...

The only so-called "evidence" that anyone has been able to dig up about the SFJ's ties to the Pakistani state is the unconfirmed report that its website was supposedly hosted by a Karachi-based server in the past, which even if true wouldn't imply any connection to the government at all but would rather suggest a clever way to ensure that India wouldn't have succeeded in pressuring the unnamed company to close down the site. It's not uncommon for opposition (and especially secessionist) movements to host their online operations outside of the "home" country whose government they're against, and a digital presence in whatever country it might be doesn't automatically mean a physical one, let alone any relationship between the movement's leaders and that said state's. If that speculative "standard" was evenly applied, then one could conspiratorially claim that every US-based site and their users (e.g. FB and everyone on that platform) are partnered with the American government, which is too absurd of an idea to even countenance.

Due to the demand of upholding the provisions of the ICCPR and UDHR in India by SFJ, the Indian government launched a misinformation campaign on SFJ through India's massive national press services. It created a factually baseless narrative pegging SFJ as a part of a Pakistani ISI (Intelligence Service) conspiracy to destroy India. These slanderous reports have been disseminated in India and the world while the Indian government had electronically censored all of SFJ's servers in India, in violation of Articles 17, 19, and 20 of the ICCPR.

The government of India is engaged in a paradoxical propaganda war (specifically prohibited by the ICCPR article 20) against SFJ in which it claims SFJ has no mass or grass roots support, but then fully mobilizes its military against the entire populace of Indian Punjab using a casus belli which claims that the integrity of all of India is threatened by SFJ's activities.

A summary from political analyst Andrew Korybko accurately describes this dichotomy in the characterization of SFJ as of the date of this petitions creation²⁴.

Former Indian diplomat Ashok Sajjanhar said earlier this week that he doesn't think that there's any "mass support" behind the movement, instead repeating the conspiracy theory that the idea to hold a plebiscite on this issue next year is part of an insidious plot by Pakistan's ISI intelligence agency. If that was really the case, then Chief Minister Amarinder Singh wouldn't have written to Union Home Minister Amit Shah seeking the deployment of five companies of central security forces in his state. Evidently, the Khalistani cause actually does enjoy much more popular support than the Indian government cares to publicly admit, hence why the Chief Minister of Indian Punjab wants a more visible security presence in the region.

²⁴ <https://eurasiafuture.com/2019/07/26/is-india-preparing-to-impose-the-armed-forces-special-powers-act-in-punjab/>

Following the constant acts of suppression and diversion by India, SFJ filed a formal court action against elected officials of the State of Punjab in Canada in a \$2.5 million defamation lawsuit for the factually baseless slander of SFJ in the national press of India²⁵. To date, India has simply ignored or stalled any genuine action to address the obvious violations of law against SFJ. In addition to ignoring domestic and international law, it has escalated its persecution of SFJ by banning it on grounds of being an “anti-national” organization, and actively punished individuals agreeing with its initiatives with torture and indefinite arbitrary detention without trial. SFJ’s ban has been framed to be legitimized under Section 3 of the Unlawful Activities Prevention Act which states;

Section 3 of the Unlawful Activities Prevention Act²⁶:

Declaration of an association as unlawful. —

- (1) If the Central Government is of opinion that any association is, or has become, an unlawful association, it may, by notification in the Official Gazette, declare such association to be unlawful.
- (2) Every such notification shall specify the grounds on which it is issued and such other particulars as the Central Government may consider necessary: Provided that nothing in this sub-section shall require the Central Government to disclose any fact which it considers to be against the public interest to disclose.
- (3) No such notification shall have effect until the Tribunal has, by an order made under section 4, confirmed the declaration made therein and the order is published in the Official Gazette: Provided that if the Central Government is of opinion that circumstances exist which render it necessary for that Government to declare an association to be unlawful with immediate effect, it may, for reasons to be stated in writing, direct that the notification shall, subject to any order that may be made under section 4, have effect from the date of its publication in the Official Gazette.
- (4) Every such notification shall, in addition to its publication in the Official Gazette, be published in not less than one daily newspaper having circulation in the State in which the principal office, if any, of the association affected is situated, and shall be served on such association in such manner as the Central Government may think fit and all or any of the following modes may be followed in effecting such service, namely: —
 - (a) by affixing a copy of the notification to some conspicuous part of the office, if any of the association; or
 - (b) by serving a copy of the notification, where possible, on the principal office-bearers, if any of the association; or
 - (c) by proclaiming by beat of drum or by means of loudspeakers, the contents of the notification in the area in which the activities of the association are ordinarily carried on; or
 - (d) in such other manner as may be prescribed.

Sikhs For Justice cannot be banned as an illegal organization under Section 3 of the Unlawful Activities Prevention Act due to the following facts:

- A. SFJ and its Referendum 2020 campaign is a nonviolent and democratic initiative and is a legitimate political opinion.

²⁵ Rabson, Mia. “Canadian Sikh Organization Files \$2.5M Defamation Lawsuit against India.” CTVNews, CTV News, 11 July 2019, <https://www.ctvnews.ca/canada/canadian-sikh-organization-files-2-5m-defamation-lawsuit-against-india-1.4502024>.

²⁶ Section 3 in *The Unlawful Activities (Prevention) Act, 1967*, <https://indiankanoon.org/doc/1633290/>.

- B. Freedom of opinion and expression are guaranteed under international law by Article 19(1)-(2) of the ICCPR²⁷ and Article 19 of the UDHR.²⁸ The UN Human Rights Committee has determined that this right **includes the right to express a dissenting political opinion.**²⁹
- C. The constitution of India claims to allow freedom of association as India is bound by Article 19 of the Central Government Act of its own Constitution to respect the right of its citizens to freedom of expression, peaceful assembly, and association³⁰:
- Protection of certain rights regarding freedom of speech etc
- (1) All citizens shall have the right
 - (a) to freedom of speech and expression;
 - (b) to assemble peaceably and without arms;
 - (c) to form associations or unions;
 - (d) to move freely throughout the territory of India;
 - (e) to reside and settle in any part of the territory of India; and
 - (f) omitted
 - (g) to practice any profession, or to carry on any occupation, trade or business
- D. The Chief Minister of the Government of Punjab “Captain” Amrinder Singh stated that though the government would have preferred to ban SFJ under the classification of a terrorist organization³¹, SFJ’s activities did not meet the criteria for being a terrorist organization despite years of Indian claims of terrorism by SFJ. Thus the government opted instead to ban it anyways under the impermissibly vague UAPA laws which allows the government to not disclose the reasons for the banning. In this case due to the failed prior attempts by India at terrorist classification for SFJ, the charges are an arbitrary violation of International Law³².
- E. Expressing a widely held dissenting opinion publicly is a basic fundamental human right. Further, all actions taken by SFJ have been in accordance with all the provisions of international law, and the domestic law of the nations in which it is located. The democratic modus operandi pursued by SFJ stand in direct opposition to the violent militant movements in Indian Punjab of the past, and represent the political will of the citizens in India and hence, cannot be classified as an “anti-national” or “terrorist” organization, as it quite literally represents the opinions of millions of Indians, and sees to it that they are heard. Of all the armed groups in Punjab fitting these descriptions, the supporters of the “Referendum 2020” have put their own personal safety at direct risk by standing at odds with violent separatist groups which actively serve to undermine the unity and integrity of

²⁷ ICCPR, *supra* note 71, Art 19

²⁸ *Universal Declaration of Human Rights*, G.A. Res. 217A (III), U.N. Doc. A/810, Art. 19 (1948) [hereinafter *Universal Declaration*].

²⁹ *General Comment No. 34 (2011) on Article 19: Freedom of Expression*, UN HUMAN RIGHTS COMMITTEE, CCPR/C/GC/34, Sep. 12, 2011, ¶ 11.

³⁰ *Article 19 in The Constitution Of India 1949*, <https://indiankanoon.org/doc/1218090/>.

³¹ Tribune News Service. “Centre Bans Sikhs for Justice over Separatist Agenda; Capt Welcomes Move.” *Tribuneindia News Service*, 11 July 2019, <https://www.tribuneindia.com/news/punjab/centre-bans-sikhs-for-justice-over-separatist-agenda-capt-welcomes-move/800060.html>.

³² Shaheen, Fawaz. “Power to Misuse: UAPA Bill 2019 Is Left Vague For A Reason .” *The Quint*, 28 July 2019, <https://www.thequint.com/voices/opinion/uapa-bill-amendment-terrorist-individuals-lack-of-clarity-amit-shah>.

the Republic of India. The supporters of “Referendum 2020” stand to offer the people of Punjab and the Republic of India non-violent, democratic and lawful modus operandi to achieve a popular aim, in a state rife with abuse at all official levels. To brand such a stance as “terrorist” is assuredly playing into the hands of Punjabi extremists who claim lawful means are untenable, by the current institutions of the Republic of India and the United Nations.

Because of these occurrences SFJ hereby requests the all nations of the world to take notice of India’s action against SFJ and:

1. Declare the banning of Sikhs For Justice (SFJ) by India to be in violation of India’s obligations under international law enshrined by the United Nations International Covenant on Civil and Political Rights to which it is a signatory state with ratification, particularly Article 19 of the ICCPR which guarantees freedom of expression.
2. Issue a statement regarding the vast propaganda war waged by India for the purposes of rousing nationalist sentiment against minorities, to be in violation of Article 20 of the ICCPR which disallows the use of war propaganda and incitement of sectarian hatred.
3. Urge the government of India lift the ban on SFJ due to its status as a Human Rights Advocacy organization, and remove the censorship of its media outreach in India, as it is in violation of Article 19 of the ICCPR.
4. Urge that the government of India cease pressuring large social media companies such as Facebook, Twitter, Instagram to block the social media accounts of members of SFJ who reside outside of their legal jurisdiction as it is in violation of Article 19(2) of the ICCPR.

Persecution of the Referendum 2020 campaigners:

The Government of the Republic of India is arbitrarily depriving Sikh individuals from Punjab of their liberty in reprisal to their support, advocacy or association with a completely democratic non-violent campaign “Referendum 2020” which seeks the right of self-determination for Sikh people of Indian governed Punjab. “Referendum 2020” campaigners continue to be routinely subject to arbitrary detentions, cruel, inhuman, and degrading treatment by the authorities, and to date, continue to be deprived of their right to free speech. The continuation of such flagrant violations of their rights constitutes direct threats to “Referendum 2020” supporters’ health, physical integrity, their psychological integrity, and ultimately their lives. Accordingly, we request that the Working Group transmit an urgent appeal to the Government of India by the most rapid means possible on behalf of the “Referendum 2020” campaigners to secure their release.

“Referendum 2020” is a prominent populist independence movement of the Sikh community living in Punjab and outside. “Referendum 2020” campaigners are individuals who subscribe to and support the SFJ’s initiative of organizing an unofficial referendum on the issue of Khalistan in the 2020 to realize Sikh peoples long standing demand for the right of self-determination.

It is indisputable that peacefully campaigning for independence or secession is not a crime. A “peoples” right to self-determination is a jus cogens fundamental principle of international law,

guaranteed under the ICCPR Article 1, UN Charter and Bill of Rights³³. Self-determination may be sought and exercised internally (within a parent state) or, in certain circumstances, externally, through secession and independence. According to the International Court of Justice, a sub-group (in this case Sikhs) may lawfully conduct a referendum on independence and declare independence without agreement of the parent state, in this case, the Republic of India.³⁴

In light of the increasing popularity of the “Khalistan Referendum 2020”, the Republic of India has been determined to crush the peaceful movement by filing a litany of false charges, labelling supporters of the “Referendum 2020” as “terrorists”, followed by their arbitrary detention and torture. Below are some of the most recent and egregious actions taken by the government of the Republic of India:

- On February 18, 2019, eight Referendum 2020 campaigners were re-arrested³⁵.
- On November 03 and 04, 2018, General Rawat³⁶, Chief of Indian Army³⁷ publicly alleged that SFJ's Referendum 2020 is revival of insurgency in Punjab.
- On November 02, 2018 four Sikh Referendum2020 campaigners Jaswinder Singh, Manjit Singh, Gurwinder Singh and Harpreet Singh were taken into custody for being in possession of Referendum2020 posters and charged with sedition and are being tortured.
- On November 01, 2018, Shabnamdeep Singh*, a Patiala based Sikh youth who was actively engaged in advertising Referendum 2020 on Facebook was arrested and charged with the possession of grenade, pistol, links with Pakistan's ISI, terrorism, and sedition (promoting referendum 2020). **As per the information received by SFJ from the family members of Shabnamdeep Singh, the detainee is being continuously tortured.*
- On October 19, 2018, Sukhraj Singh, Malkit Singh, Bikram Singh were arrested from the Amritsar, Punjab and have been charged with “propagating the 'Referendum 2020' campaign by affixing banners and posters in public places in Amritsar.”³⁸

³³ See, Article 1 of the UN Charter; Article 1 of the International Covenant on Civil and Political Rights; and Article 1 of the International Covenant on Economic, Social and Cultural Rights. Peoples who have been denied self-determination within their parent state may, in exceptional circumstances, lawfully pursue external self-determination (via secession).

³⁴ See, *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion, 22 July 2010, ICJ Reports 2010, p 403

³⁵ Tribune News Service. "Due to Release, SFJ Activists Rearrested." Tribune india News Service. February 04, 2019. Accessed July 18, 2019. <https://www.tribuneindia.com/news/punjab/due-to-release-sfj-activists-rearrested/723330.html>

³⁶ "Indian Army Chief Reiterates Warning on Revival of Insurgency in Punjab," The Pioneer, November 05, 2018, , accessed July 18, 2019, <https://www.dailypioneer.com/2018/state-editions/indian-army-chief-reiterates-warning-on-revival-of-insurgency-in-punjab.html>.

³⁷ TNN & Agencies, "Stop Bid to Revive Punjab Terror Now or It'll Be Too Late: Army Chief Bipin Rawat," The Economic Times, November 04, 2018, , accessed July 18, 2019, <https://economictimes.indiatimes.com/news/defence/stop-bid-to-revive-punjab-terror-now-or-itll-be-too-late-general-rawat/articleshow/66494478.cms>.

³⁸ Press Trust of India. "Two Members of Khalistani Module Arrested in Amritsar." Business Standard. October 19, 2018. Accessed July 18, 2019. https://www.business-standard.com/article/pti-stories/two-members-of-khalistani-module-arrested-in-amritsar-118101900929_1.html.

- On October 10, 2018, three Kashmiri³⁹ Muslim students of Engineering College in Jalandhar, Punjab were arrested with Referendum 2020 material and falsely charged with possession of AK47s.
- In June 2018⁴⁰, Dharminder Singh, Kirpal Singh, who were campaigning for Referendum 2020 by printing and posting banners, were arrested, implicated in false, baseless and fabricated terror charges and tortured in police custody.
- In April 2018⁴¹, four Sikh youths, Randhir, Sukhwinder Singh, Manveer Singh and Jaspreet Singh, who were planning to post Referendum 2020 banners during IPL Cricket Match in Mohali were arrested and charged with arson and terrorism.
- In July 2017, Gurpreet Singh and Harpunit Singh who printed and affixed Referendum 2020 banners throughout Punjab were arrested and charged with sedition and terrorism⁴².
- In July 2019, Indian government charged the SFJ's legal advisor attorney Gurpatwant Singh Pannun and SFJ's campaigners Jagdeep Singh and Jagjeet Singh with "sedition" for peacefully running the pro-Khalistan independence campaign of "Referendum 2020".
- In August 2016, Jaspreet Singh, Kuldeep Singh, Hardeep Singh and Bikramjeet Singh, the four "Referendum 2020" campaigners were arrested while gathering signatures for an SFJ sponsored 'White House Petition' relating to Sikh independence.⁴³ Seemingly arrested for 'distributing referendum related material and T-Shirts', they were later charged with planning to carry out terror activities, a charge which observers claim to be false.⁴⁴ The India-based *Lawyers for Human Rights International* visited the four detainees in prison and found that they were not only illegally detained, but also had been "brutally tortured."⁴⁵

After their initial arrests, "Referendum 2020" campaigners were taken into the custody of the Punjab Police for interrogation and investigation. To facilitate these arrests, the authorities levied a litany of baseless charges with some from the Colonial Era of the British Raj, and other newer legislation bolstered with new ordinances contradicting their signatory status on various international laws as well as India's own existing laws such as the Unlawful Activities Prevention Act.

³⁹ "Zakir Musa Visited Punjab to Fuel '2020 Referendum', Says Arrested Kashmiri Students." Asianet News Network Pvt Ltd, <https://www.mynation.com/news/zakir-musa-punjab-2020-referendum-arrested-kashmiri-students-terrorist-pgogwb>.

⁴⁰ League Internal Affairs Desk. "Punjab Police Arrest Two Khalistani Radicals, One Arms Supplier." *League of India*, 6 June 2018, <https://leagueofindia.com/internal-challenges/punjab-police-arrest-two-khalistani-radicals-one-arms-supplier/>.

⁴¹ Sehgal, Manjeet. "Punjab Police Arrests 4 ISI-trained Khalistani Terrorists." *India Today*. April 05, 2018. <https://www.indiatoday.in/india/story/punjab-police-arrests-4-isi-trained-khalistani-terrorists-1205283-2018-04-05>.

⁴² Sehgal, Manjeet. "Punjab: 5 Booked, 1 Arrested for Sedition over 2020 pro-Khalistan Referendum Banners." *India Today*, 8 July 2017, <https://www.indiatoday.in/india/story/pro-khalistan-sikhs-for-punjab-amarinder-singh-government-2020-referendum-1023168-2017-07-08>.

⁴³ National Archives and Records Administration, National Archives and Records Administration, <https://petitions.obamawhitehouse.archives.gov/petition/august-15th-not-independence-day-sikhs-support-liberation-indian-occupied-punjab-create-khalistan/>.

⁴⁴ See *Urgent Appeal to UN Special Rapporteur on Torture* filed by SFJ on 30 August 2016. Annex 9

⁴⁵ See *Lawyers for Human Rights International* 29 August 2016. Annex 10

These charges against “Referendum 2020” campaigners, included violating the Sedition Law and violations under the Unlawful Activities (Prevention) Act of India.

Sedition in Indian law is defined in section 124A of the Indian Penal Code which states: “whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in [India], shall be punished with [imprisonment for life], to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

Up until now, “Referendum 2020” campaigners have had their requests for bail and/or conditional release not given proper due process in violation of Article 9 of the ICCPR. The treatment of “Referendum 2020” campaigners by the Indian authority’s underscores how the right to free speech continues to be violated by Indian authorities as a punitive measure to silence popular, independent voices from exercising their fundamental rights; and to deal a decisive blow to the access of other human rights defenders to the legal counsel the campaigners so urgently need.

The detainees maintain that the police of the Republic of India planted arms on them to trump up criminal charges. Simple observation of the charge sheet of some of the detainees reveals that on the occasion where more than ten people were arrested at once, the authorities found only posters and banners on their person. The police then decided to attribute the possession of three small caliber revolvers with only “thirteen live rounds” of undisclosed calibers between the entire group, many of which were recovered from their personal residence.

To assume that more than ten people with aims of violent rebellion would arrive at a cricket stadium armed with nothing but posters and three revolvers with thirteen rounds between them all of undisclosed calibers, is nothing short of ludicrous. What cements this fact is that the small-arms were recovered from the residences of the detainees, and not on their person. Further, the fact that the forced confessions were extracted through torture, demonstrates the weakness of the Indian government’s case against the campaigners and attorney Pannun. It was the “confessions” obtained through the use of torture that were the grounds on which the police issued a warrant and an official INTERPOL red notice request for attorney Pannun in the same charge sheet. While the INTERPOL has already denied one request for Red Corner Notice against attorney Pannun by India, several other requests are still pending which are similarly based on the same factual predicates, false charges and concocted confessions obtained through the torture of Referendum 2020 campaigners and other unassociated accused.

Other detainees were charged with possession of a laptop, printer, and banners. Others were charged with the possession of a small .22 caliber pistol with four rounds. Such accusations were further trumped up by the incompetent authorities by including outlandish “confessions” extracted through torture from the detainees about world-wide conspiracies perpetrated by foreign “masterminds” (Attorney Pannun) promising money and arms to the detainees. These confessions were not only extracted during duress, but stand completely at odds with the details of the charge sheet and are a shoddy attempt by the corrupt Punjab police to find an easy quasi-judicial method

to arbitrarily detain the said individuals, and to implicate innocent persons like the detained campaigners in a fabricated global conspiracy.

Furthermore, “Referendum 2020” campaigners have been subject to torture in detention. While “Referendum 2020” campaigners were being held by the Indian Police, campaigners were given the dreaded standard treatment of the Indian authorities. This includes practices akin to hundreds of forced squats until complete muscle failure, beatings with blunt objects resulting in death, as well as rape, and extortion.⁴⁶ Numerous governmental and non-governmental bodies inside and outside India have produced reams and reams of reports on these abuses which persist to this day.

“Referendum 2020” campaigners have been arbitrarily detained on false charges and continue to be subjected to torture, cruel, inhuman, and degrading treatment. The dire condition of Indian prisons and their well-documented institutional malpractice place the health and lives of “Referendum 2020” campaigners, directly at risk. Accordingly, we request that the Working Group consider this Petition pursuant to its Urgent Action Procedure. Additionally, it is requested that the attached Petition be considered a formal request for an opinion of the Human Rights council pursuant to Resolution 1997/50 of the Commission on Human Rights, as reiterated by Resolutions 2000/36, 2003/31, and Human Rights Council Resolutions 6/4, 15/18, 20/16, and 24/7.

India’s Repression of Sikh Political Opinion Through Draconian Laws.

For decades after the massacre at the Golden Temple of Amritsar in 1984 by Indian forces, Indian authorities have taken a number of political and legal measures to severely constrain the freedoms and liberties of all Indian citizens and civil society, furthered under the pretense of maintaining security and stability. The charges against the supporters of the “Referendum 2020” campaign stand in light of these developments and following the unrest in Indian Punjab, over the issue of the status of Sikhs’ religious classification and their will for self-determination.

The first of these draconian laws were ratified in 1985 as the Terrorist and Disruptive Activities (Prevention) Act (TADA)⁴⁷. These laws continued to serve as the pretext under which the government of India blatantly violated, and continues to violate, the universal human rights of its citizens for ten years until 1995, when it was repealed and replaced with new ordinances. The overwhelming majority of cases brought to trial under the TADA laws resulted in acquittal with a tiny fraction resulting in conviction.⁴⁸ For the 75000 (or more) detentions made since its ratification in 1984, 73000 of those cases had to be *withdrawn due to a lack of evidence*⁴⁹. Unsurprisingly with its 93% failure rate, the existence of the laws, have incurred bitter resentment from Indians of all backgrounds for years. In fact in 2007 the Supreme Court of India itself ruled in agreement to previous U.S Supreme court decisions, in

⁴⁶ “India 2017/2018.” *Amnesty International*, <https://www.amnesty.org/en/countries/asia-and-the-pacific/india/report-india/>.

⁴⁷ “(THE) TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) ACT, 1987.” *(THE) Terrorist and Disruptive Activities (PREVENTION) ACT, 1987*, <https://www.satp.org/satporgtp/countries/india/document/actandordinances/Tada.htm>.

⁴⁸ “TADA: Hard Law for Soft State.” *Economic and Political Weekly* 35, no. 13 (2000): 1066-071. https://www.jstor.org/stable/4409076?seq=1#page_scan_tab_contents.

⁴⁹ *It Is Goodbye to POTA*, <https://www.rediff.com/news/2004/sep/18spec1.htm>.

the case of Arup Bhuyan vs the State of Assam that “Mere membership of a banned organization will not incriminate a person unless he resorts to violence or incites people to violence or does an act intended to create disorder or disturbance of public peace by resort to violence”⁵⁰.

This Supreme Court decision clearly frames the charges filed against “Referendum 2020” campaigners as null and void since none of the activities of the campaigners fulfilled the criteria set forth by the Supreme Court of India itself in regards to membership of an organization even if it is banned. The aforementioned “Referendum 2020” supporters in this petition were charged and arbitrarily arrested by the Indian authorities even though they were **not members** of any specific organization, they **were arbitrarily punished simply for holding a political opinion and expressing it publicly**. Even if the campaigners were members of the now banned SFJ, their activities would still not classify as offences chargeable by the laws which they have been charged with violating.

After worldwide criticism and domestic unrest, the TADA laws were allowed to lapse without renewal in 1995, but were replaced with new ordinances known as the Prevention of Terrorism Act (POTA) in 2002, in the wake of the 9-11 heightened security era⁵¹. Since the ratification of the POTA laws and immense domestic backlash, the POTA laws were repealed in 2004. This however would not be the end of the dreaded “anti-terrorism” laws as the ordinances included in POTA would be added into the pre-existing Unlawful Activities (Prevention) Act (UAP) of 1967, and then fortified again after the 2008 Mumbai Attacks⁵².

Particularly relevant to “Referendum 2020” campaigner’s arrests have been the Unlawful Activities Prevention which have been fortified with the provisions of the aforementioned repealed anti-terrorist laws, Section 153a and 153b of the Indian Penal Code, and the colonial era Sedition Laws Section 124a applied by Indian authorities to severely crackdown on any and all forms of critique and peaceful political demonstrations. in response to the growing movement amongst Sikhs worldwide vying for their own separate state where their ethnoreligious status is protected and respected.

The notoriety of the Indian anti-terrorism laws has led the authorities to fall back on colonial era draconian laws pre-dating the ratification of the new ordinances.

Even under these colonial era laws, the actions of the supporters of the “Referendum 2020” campaign in concern, do not qualify as crimes under explanation 1 and explanation 2 of Section 124A of the Indian Penal Code which provide:

Explanation 1. —The expression “disaffection” includes disloyalty and all feelings of enmity.

⁵⁰ Arup Bhuyan vs State Of Assam on 3 February, 2011, <https://indiankanoon.org/doc/792920/>.

⁵¹ Chopra, Surabhi. (2016). “National Security Laws in India: The Unraveling of Constitutional Constraints”. Oregon Review of International Law. 16. Forthcoming,

https://www.researchgate.net/publication/278157994_National_Security_Laws_in_India_The_Unraveling_of_Constitutional_Constraints

⁵² “The Unlawful Activities (Prevention) Amendment Bill, 2011.” PRS India, 11 Apr. 2018, <http://www.prsindia.org/billtrack/the-unlawful-activities-prevention-amendment-bill-2011-2159/>.

Explanation 2. —Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

Explanation 3. —Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

(See Section 124A of the Indian Penal Code)

The arbitrarily detained campaigners were expressing their support for a democratic referendum which is employing completely lawful means through democratic modus operandi. No hate speech or calls for violence have been made by the Referendum 2020 Campaign or its supporters. In fact, Referendum 2020 declares and promotes that it believes in “ballot not bullet”.

The second charge being thrown at referendum supporters in Punjab, is “terrorism”. The legislation in the Indian Penal Code defining terrorism and terrorist acts, applies even less than the colonial era’s seditious act to the supporters of this referendum. As far as this legislation goes, the original anti-terrorism laws passed by the government of India, given their draconian and torturous execution, have been repealed amidst public outcry and their ordinances added to the Unlawful Activities Prevention Act (UAPA) as amendments. The **amendments in the UAPA** state the following⁵³:

- **section 15(1)** reads: Whoever does any act with intent to threaten or likely to threaten the unity, integrity, security, economic security or sovereignty of India or with intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country,
 - (a) by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisonous or noxious gases or other chemicals or by any other substances (whether biological radioactive, nuclear or otherwise) of a hazardous nature or by any other means of whatever nature to cause or likely to cause –
- death of, or injuries to, any person or persons; or ii. loss of, or damage to, or destruction of, property;
- or iii. disruption of any supplies or services essential to the life of the community in India or in any foreign country; or
- iiia. damage to the monetary stability of India by way of production or smuggling or circulation of high quality counterfeit Indian paper currency, coin, or of any other material;
- or iv. damage or destruction of any property in India or in a foreign country used or intended to be used for the defence of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies; or
 - overawes by means of criminal force or the show of criminal force or attempts to do so or causes death of any public functionary or attempts to cause death of any public functionary; or

⁵³Sen, Srijoni, Rukmini Das, Raadhika Gupta and Vrinda Bhandari (2015). *Anti-Terror Law in India: A Study of Statutes and Judgments, 2001-2014*. Vidhi Centre for legal policy.

- detains, kidnaps or abducts any person and threatens to kill or injure such person or does any other act in order to compel the Government of India, any State Government or the Government of a foreign country or an international or inter-governmental organisation or any other person to do or abstain from doing any act; commits a terrorist act

None of these ordinances apply to the aforementioned supporters of “Referendum 2020” for the following reasons:

- The detainees used neither arms or explosives to further any terrorist agenda against the Republic of India. They were charged with the possession of posters, partly commemorating a sacred tragedy in Sikh history. The means they are in support of, are democratic in nature and legally recognized by the United Nations⁵⁴ and are **legally non-binding** so that it may serve as an actionable result by the United Nations guidelines, and the laws of the Republic of India.
- Many of the detainees maintain that the police planted small caliber pistols with a sparse amount of rounds and charged them with their possession. As per the details of one instance, no logical sense can be made of the claims in the charge sheet. Authorities claim foreign masterminds sent more than ten men to a cricket stadium with remembrance banners, with three .22 caliber revolver with not enough rounds for a full magazine between the three of them, for the purposes of an armed⁵⁵ insurrection.
- The detainees were not part of any criminal organization in India, nor did they attempt at a show of criminal force, or threaten any public functionary with death.
- The detainees did not detain, kidnap, or abduct any person including threats to kill or injure any person to compel the Government of India to take any action or any other foreign entity to facilitate a violent terrorist attack.

Unlike the movement for Khalistan from the decade of 1990s, today's Referendum 2020 campaign and its supporters stand to offer the people of Punjab and the Republic of India non-violent, democratic and lawful modus operandi.

The charges against Referendum 2020 campaigners hold additional gravity considering the lack of due process of which they were afforded and damning pretrial detention laws of India. The conditions of India's legal system are well known to everyone. It is public knowledge that by the time Indian authorities are required to substantiate their allegations with evidence, the accused could be rotting in detention for years due to the legal system and the inefficacy of its pretrial detention laws.

Therefore, besides the fact that the charges not only violate international law (Specifically Article 9 (3)(4)), they also violate the constitution and Supreme Court decisions of India itself, and carry egregious effects on the lives of who are charged with them.

The provisions of the Indian Criminal Procedure Code on pretrial detention are extremely sparse

⁵⁴ See, Article 1 of the UN Charter; Article 1 of the International Covenant on Civil and Political Rights; and Article 1 of the International Covenant on Economic, Social and Cultural Rights. Peoples who have been denied self-determination within their parent state may, in exceptional circumstances, lawfully pursue external self-determination (via secession).

⁵⁵ See attached “Charge Sheet” produced by Punjab Police.

and subject to excessive discretion. It facilitates detention for an egregiously lengthy period of up to **half of the maximum sentence of the charge *without trial***, and leave little to no actionable recourse for detainees wishing to challenge their continued detention because Indian law requires government permission to prosecute government officials accused of wrongdoing— all of which violate India’s international and domestic human rights obligations. The categories allow overly broad discretion and subjective determinations to the prosecution and judges—both of whom are aligned with the government and are unlikely to make determinations in favor of human rights defenders and prisoners of conscience.

Further, pretrial detainees facing possible charges for crimes that carry death or life imprisonment sentences can be kept in detention for **the entire sentence of the charges *without trial***. This is egregiously lengthy and greatly exceeds what international law conceives legal detention to be a period of a few days. Finally, the fact that proper due process consideration has not been granted for requests for bail as implored by the Supreme Court of India, the Ministry of Home Affairs, the Law Ministry, and the Law Commission of India to provide to undertrials specifically, further exacerbates the situation. These facts in the case of “Referendum 2020” campaigners, attorney Pannun and SFJ ensure that they are left without effective recourse, constituting yet another violation of domestic Indian, and international law.

According to the United States Department of State’s “2018 Country Reports on Human Rights Practices: India”, reports of general prison conditions in Indian prisons. The report affirms beyond any doubt that the prison conditions were “frequently life threatening”. Physical conditions of the prisons in India are chronically severely overcrowded, with food, medical care, sanitation, and environmental conditions are frequently inadequate. Potable water is not universally available. Prisons and detention centers remain underfunded, understaffed, and lack sufficient infrastructure. Prisoners were consistently physically mistreated, frequently to the point of death.⁵⁶

Scant oversight for India's prisons is endemic throughout the nation. Various human rights organizations, and governments, including the government of India itself, have reported **an increase** in custodial deaths of prisoners from an average of 4 per day from 2001 to 2010, to an average of 5 deaths per day in custody of Indian authorities from 2017 to 2018⁵⁷. Finally, compensation for detainees who have been abused or mistreated is seldom issued by the state but often falls to Human Rights Advocacy groups such as Sikhs For Justice. Investigations by authorities into the deaths of detainees in custody or reports of inadequate medical care and abuse have to date, never been resolved by the government.

In consideration of the following findings, it is clear that the entire procedure from arrest to processing of the detainees, was not only against the ordinances of international law, but the domestic law of the Republic of India itself.

Under the Indian Criminal Procedure Code,⁵⁸— CrPC 436A: Section 436A of the Criminal Procedure Code

⁵⁶ “India - United States Department of State.” *U.S. Department of State*, U.S. Department of State, <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/india/>.

⁵⁷ *Id.*

⁵⁸ *CrPC 436A: Section 436A of the Criminal Procedure Code*, <https://www.kaanoon.com/indian-law/crpc-436a/>.

Maximum period for which an under trial prisoner can be detained

Where a person has, during the period of investigation, inquiry or trial under this Code of an offence under any law (not being an offence for which the punishment of death has been specified as one of the punishments under that law) undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence under that law, he shall be released by the Court on his personal bond with or without sureties:

- **Provided** that the Court may, after hearing the Public Prosecutor and for reasons to be recorded by it in writing, order the continued detention of such person for a period longer than one-half of the said period or release him on bail instead of the personal bond with or without sureties;
- **Provided further** that no such person shall in any case be detained during the period of investigation inquiry or trial for more than the maximum period of imprisonment provided for the said offence under that law.
- **Explanation** – In computing the period of detention under this section for granting bail the period of detention passed due to delay in proceeding caused by the accused shall be excluded.

Amongst the plethora of organizations worldwide reporting on this very phenomenon, a report produced by Amnesty International titled ‘Justice Under Trial: A Study Of Pre-Trial Detention In India’ finds: “India has one of the highest undertrial populations in the world. As of December 2015, 67% of prisoners in India’s prisons were ‘undertrials’ – people who were awaiting trial or whose trials were still ongoing, and who have not been convicted⁵⁹. In other words, there are twice as many undertrials in India’s prisons as there are convicts.”⁶⁰

Although the Indian Criminal Procedure Code sets forth a maximum of two years in pretrial detention for persons who have not been sentenced but face potential death or life imprisonment sentences, the Indian government consistently violates its own laws and continues to keep many pretrial detainees in detention even after the expiration of the two-year maximum. At least 1,464 detainees remain in pretrial detention beyond the maximum.

The government of India blatantly violated, and continues to violate, the universal human rights of its citizens for ten years until 1995, when it was repealed and replaced with new ordinances. The violations would not stop at that. The overwhelming majority of cases brought to trial under the TADA laws resulted in acquittal with a tiny fraction resulting in conviction.⁶¹ For the 75000 (or more) detentions made since its ratification in 1984, 73000 of those cases had to be *withdrawn due to a lack of evidence*⁶². Unsurprisingly with its 93% failure rate, the existence of the laws, have incurred bitter resentment from Indians of all backgrounds for years. In fact in 2007 the Supreme Court of India itself ruled in agreement to previous U.S Supreme court decisions, in the case of *Arup Bhuyan vs the State of Assam* that “Mere membership of a banned organisation will not

⁵⁹ Ministry of Home Affairs, National Crime Records Bureau 2015, 2016, Available at <http://ncrb.gov.in/StatPublications/PSI/Prison2015/PrisonStat2015.htm> (hereinafter: PSI 2015)

⁶⁰ “Justice Under Trial: A Study of Pre-Trial Detention in India.” *Amnesty International India*, <https://amnesty.org.in/justice-trial-study-pre-trial-detention-india/>.

⁶¹ “TADA: Hard Law for Soft State.” *Economic and Political Weekly* 35, no. 13 (2000): 1066-071. https://www.jstor.org/stable/4409076?seq=1#page_scan_tab_contents.

⁶² *It Is Goodbye to POTA*, <https://www.rediff.com/news/2004/sep/18spec1.htm>.

incriminate a person unless he resorts to violence or incites people to violence or does an act intended to create disorder or disturbance of public peace by resort to violence”⁶³.

The aforementioned individuals in this petition arbitrarily arrested by the Indian authorities were **not members** of any specific organization, but **were arbitrarily punished simply for holding a political opinion and expressing it**.

Prior to their arrest, “Referendum 2020” campaigners expressed their opposition to the Indian governments treatment of the people and state of Punjab via social media posts and via their participation in peaceful public assemblies, demonstrations and the dissemination of relevant media.

After doing so, the Punjab police took every opportunity to not only arrest peaceful supporters and demonstrators of the “2020 Referendum” but proceeded to apply trumped up and outright false charges on top of severely dated anti-terrorism and sedition laws. The level of corruption exhibited by the Police of Punjab in India has few parallels⁶⁴. In fact, in the aforementioned Amnesty International report on the conditions of Indian prisons, the government of the State of Punjab, refused Right to Information petitions made by the famous NGO due to the flagrant abuse of detention laws in the area.

The charges applied to the detainees included the regular use of the colonial era Sedition Act and UAPA Laws quoted above. “Referendum 2020” campaigners faced torture methods in detention which have existed in India as a whole from the time of the British Raj, but are particularly abhorrent in Punjab, and areas like Jammu and Kashmir where the civilian population has faced exceptional oppression for decades. A Harvard report titled “Police Torture in Punjab” detailed the specific actions, frequency, and reasons for the endemic abuse perpetrated by the Police.

“Torture methods used in Punjab, similar to those in many other regions of the world, inflict excruciating physical and emotional pain but, by intention, infrequently leave lasting physical scars. This makes it difficult for victims to substantiate their claims of torture and possible for states to deny that it is being carried out. Thus, many who apply for asylum in the United States are denied because they lack specific physical evidence of having been tortured.

Documentation by physicians of physical findings that are consistent with asylum applicants' allegations of torture is therefore important. To date, however, detailed information on torture practices in Punjab that may corroborate individual claims of torture has been unavailable.”⁶⁵

“Reasons for Arrest and Torture Reasons cited for arrest and torture were mostly because police wanted information about militants, or to punish persons who had allegedly supported militants. Specifically, 72 (40%) reported that police tortured them to find out identities or locations of militants; 39 (22%) were tortured for allegedly providing food and shelter to militants; 23 (13%) were either suspected or acknowledged militants. Nineteen (10%) were arrested and tortured

⁶³ *Arup Bhuyan vs State Of Assam* on 3 February, 2011, <https://indiankanoon.org/doc/792920/>.

⁶⁴ “COLUMN ONE : Punjab's Lawless Police : Officers Were given Enormous Leeway to Quell the Sikh Separatist Uprising in Northwest India. But Even after the Government Gained the Upper Hand, Citizens Still Face Official Acts of Terror.” *Los Angeles Times*, Los Angeles Times, 9 July 1994, <https://www.latimes.com/archives/la-xpm-1994-07-09-mn-13444-story.html>.

⁶⁵ Laws, Ami, and Vincent Iacopino. “Police Torture in Punjab, India: An Extended Survey.” *Health and Human Rights*, vol. 6, no. 1, 2002, pp. 195–210. *JSTOR*, https://www.jstor.org/stable/4065321?seq=1#page_scan_tab_contents.

because of alleged possession of illegal weapons. Others were arrested and tortured for presumed political activities with either the Akali Dal party (11 or 6%) or the All-India Sikh Student Federation (3 or 2%). Five persons (3%) said they were tortured to discourage them from pursuing a wrongful death claim for a relative who died in police custody. One person was tortured after witnessing police committing murder, a so-called encounter killing, and one person believed he was tortured for his work as a human rights lawyer. Notably, only four persons reported receiving detention and torture for reasons unrelated to militant or political activities, namely, for police extortion or as a result of interpersonal conflict.”

i. Category I: No Basis for Detention

The detention of “Referendum 2020” campaigners is arbitrary under Category I.

1. The Continued Detention of “Referendum 2020” campaigners Violates Domestic Regulations on Pretrial Detention

“Referendum 2020” campaigners who are detained were forced to disrobe, and then proceed to be beaten with a wooden stick or leather straps. This would be the very beginning of their torture which would escalate into various stress positions to dislocate limbs, being hanged with a rope by the wrists while bound to dislocate the shoulder joints, electric shocks with live wires to the genitals, and rape only to name the most common. Detainees in Punjab experiencing this torture, will frequently have relatives brought by the police, to witness their torture.

Under the Indian Criminal Procedure Code itself: Once a person suspected of a criminal offence is arrested, they are supposed to be brought before a Magistrate within 24 hours by the police.⁶⁶ This safeguard is intended to protect the accused from the well documented custodial torture and mistreatment of the authorities. Courts have held that a failure to produce an accused person before a magistrate during this stipulated time period makes the detention wrongful.

The detainees listed in this petition have not only been held for more than a year without trial on the charges they face, but were blatantly denied the ordinances stated by the Indian Criminal Procedure Code. They were regularly tortured on *false* charges, and like the majority of India’s imprisoned, kept in limbo while detained and awaiting trial.

The Supreme Court of India has ruled that an inordinate delay in bringing an accused person to trial violates the right to personal liberty guaranteed by Article 21 of the Constitution of India⁶⁷. Article 14(3)(c) of the International Covenant on Civil and Political Rights (ICCPR), to which India is a state signatory with ratification, says that an accused person has the right to be tried without undue delay and that criminal proceedings should be started and completed within a reasonable time. Undertrials need to be brought before court regularly for their trials to progress and a decision to be made in their cases.⁶⁸ These conditions have not been met by a country mile.

General Comment No. 8 (1982)⁶⁹ of the United Nations Human Rights Committee explains the

⁶⁶ Section 57 in *The Code Of Criminal Procedure*, 1973, <https://indiankanoon.org/doc/571025/>.

⁶⁷ Article 21 in *The Constitution Of India* 1949, <https://indiankanoon.org/doc/1199182/>.

⁶⁸ “Justice Under Trial: A Study of Pre-Trial Detention in India.” Amnesty International India, <https://amnesty.org.in/justice-trial-study-pre-trial-detention-india/>.

⁶⁹ General Comment No. 8: Article 9 (Right to Liberty and Security of Persons), UN HUMAN RIGHTS COMMITTEE, Jun. 30, 1982, ¶2

notion of “promptly” by referring to a period of a few days, implying that a detainee must be informed of the charges against him within a period as short as possible.⁷⁰ Further, the General Comment states that pretrial detention must not be arbitrary, it must be based on grounds and procedures established by law, it must be backed by information of the reasons for such detention, court control of the detention must be available, and compensation in the case of a breach must be provided. The 2011 Report of the UN Working Group on Arbitrary Detention concludes that “any detention must be exceptional and of short duration.”⁷¹

The few domestic laws of India dealing with the correct procedure for the processing of detainees without trials have not been applied to the individuals in this petition. The changes issued by the recommendations of The Ministry of Home Affairs in 2012 to ensure undertrials are not arbitrarily detained, are up to the individual states of India⁷². Regardless of the reforms made in respect to the number of undertrials and the conditions they faced in detention, scant changes have been made by the prisons of India who reportedly claimed to be either unaware, or unwilling to enact such changes to their daily operation. Of all of Amnesty International Right to Information requests, only 20% of the countries prisons responded. Of those, 20%, most were fulfilling only half of the Ministry of Home Affairs recommendations.

As it stands, detention is arbitrary under Category I when it is “clearly impossible to invoke any legal basis justifying the deprivation of liberty. These men have not been afforded the legal protections of their own nations laws, and as such are being held in arbitrary detention with no legal basis justifying their detention, outside of outlandish terrorism charges applied to them for the expression of a legitimate political opinion.

2. The Practice of Pretrial Detention in India Violates Domestic and International Human Rights Obligations

The provisions of India’s Criminal Procedure Code on pretrial detention being used to uphold the continued detention of “Referendum 2020” campaigners violate human rights protections enshrined in both their domestic and international law and cannot serve as a basis by which Indian authorities can continue to keep the defendants in detention.

The Supreme Court of India has ruled that an inordinate delay in bringing an accused person to trial violates the right to personal liberty guaranteed by Article 21 of the Constitution of India⁷³. Article 14(3)(c) of the International Covenant on Civil and Political Rights (ICCPR), to which India is a state signatory with ratification, says that an accused person has the right to be tried without undue delay and that criminal proceedings should be started and completed within a reasonable time. Undertrials need to be brought before court regularly for their trials to progress and a decision to be made in their cases.⁷⁴ These conditions have not been met by a country mile

⁷⁰ The Human Rights Committee has previously found that a period of 7 or 9 days is not acceptable under Article 9(2) of the ICCPR. See *Grant v. Jamaica*, Communication No. 597/1994, para. 8.1; see also *Morrison v. Jamaica*, Communication No. 663/1995, para. 8.2; see also *Kurbanov v. Tajikistan*, Communication No. 1096/2002, para. 7.2; see also *A. Berry v. Jamaica*, Communication No. 330/1988, para. 5.6.

⁷¹ Report of the Working Group on Arbitrary Detention, UNITED NATIONS HUMAN RIGHTS COUNCIL, A/HRC/16/47, Jan. 19, 2011.

⁷² *Use of Section 436-A of the Cr. P.C to reduce overcrowding of prisons – To constitute Review Committees thereof* <https://hphighcourt.nic.in/pdf/Section-436-A-06122013.pdf>

⁷³ Article 21 in *The Constitution Of India 1949*, <https://indiankanoon.org/doc/1199182/>.

⁷⁴ “Justice Under Trial: A Study of Pre-Trial Detention in India.” Amnesty International India, <https://amnesty.org.in/justice-trial->

and are a violation of India's international human rights obligations.

3. The Charges against "Referendum 2020" campaigners are Without Merit and Cannot Be Used as a Basis by Which to Justify their Continued Detention

The charges of sedition and terrorism brought against "Referendum 2020" campaigners are without merit and should not be a basis by which to keep them in pretrial detention.

In exercising their fundamental rights to freedom of expression and peaceful assembly, "Referendum 2020" campaigners printed remembrance posters of the June 6th Massacre of the Pilgrims of Amritsar with expressions of support for the self-determination initiative of "Khalistan Referendum 2020". "Referendum 2020" campaigners have called for and joined peaceful assemblies and demonstrations worldwide to express this public concern of the Sikh people.

The state has unequivocally failed to produce a single piece of evidence thus far indicating that "Referendum 2020" campaigner's actions could implicate any of the charges brought against them, including but not limited to the "overthrow of the government" and "the spreading of false news." In fact, these charges include impermissibly oppressive provisions (UAPA laws sections 11,12,13,17,18,19) and have been repeatedly used by the Indian government against peaceful dissidents to unduly restrict the fundamental rights to freedom of expression and peaceful assembly. The UAPA provisions contain special anti-terrorist laws added through amendments from previously repealed draconian legislation in order to create a public impression of legal progress. These charges have been merely a pretense for decades to allow Indian authorities to crackdown on the constitutionally-protected and internationally recognized rights and activities of "Referendum 2020" campaigners, and Indian citizens whose opinions rankle the Republic of India's accepted political narratives.

The application of section 11 of UAPA⁷⁵ which is titled: "Penalty for dealing with funds of an unlawful association"; is completely without merit. This is because the campaigners were not handling any funds, let alone funds of an unlawful association since SFJ was banned in July 10th 2019, several years after the campaigners' detention. This means that even in the hypothetical scenario in which the campaigners were handling funds, they would **still not qualify being charged with provision 11 of UAPA.**

The application of section 12 of UAPA⁷⁶ which is titled: "Penalty for contravention of an order made in respect of a notified place"; is completely without merit. This is due to the fact that the government of India never issued a "prohibitory order" on any location where the campaigners were congregating. Under section 8 of UAPA the government is legally required to make these prohibitory orders cognized in the "official gazette" of India in regards to the locations in question. Hence, the campaigners would not qualify to be in violation of section 12 of UAPA in the slightest degree.

[study-pre-trial-detention-india/](https://indiankanoon.org/doc/1935953/).

⁷⁵ Section 11 in *The Unlawful Activities (Prevention) Act, 1967*, <https://indiankanoon.org/doc/1935953/>.

⁷⁶ Section 12 in *The Unlawful Activities (Prevention) Act, 1967*, <https://indiankanoon.org/doc/67828/>.

The application of section 13 of UAPA⁷⁷ which is titled: “Punishment of unlawful activities”; is completely without merit. The campaigners met none of the standards of this section which stands to punish those who “takes part in or commits, or

(b) advocates, abets, advises or incites the commission of, any unlawful activity”. Holding posters advertising a legitimate political opinion, and a democratic initiative protected by international law does not qualify as facilitating any unlawful activity, as it is free expression.

The application of section 17 of UAPA⁷⁸ which is titled: “Punishment for raising funds for terrorist act”; is completely without merit. The campaigners were not raising, asking, or giving any funds to anyone, even for the “Khalistan referendum 2020” at the date of their arrest, let alone for a terrorist act. An unofficial, democratic referendum free of charge seeking to ascertain the political zeitgeist of a nation does not qualify as a “terrorist act” or the arbitrary application of a charge such as section 17.

The application of section 18 of UAPA⁷⁹ which is titled: “Punishment for conspiracy, etc”; is completely without merit. Section 18 states “Whoever conspires or attempts to commit, or advocates, abets, advises or incites or knowingly facilitates the commission of, a terrorist act or any act preparatory to the commission of a terrorist act, shall be punishable with imprisonment...”. Much like section 17, the application of section 18 is arbitrary due to the fact that the actions of the campaigners did not qualify as a conspiracy to commit a terrorist act by any standard of domestic or international law. Section 18 specifically deals with those organizing “terrorist camps” or “recruiting individuals for terrorism”, neither of which the campaigners ever engaged in, or interacted with. Advertising a democratic and legal referendum does not qualify as a conspiracy to commit a terrorist act, the organization of a terrorist camp, or the recruitment of individuals for the purposes of committing terrorism as per the requirements of section 18 or international law.

The application of section 19 of UAPA⁸⁰ which is titled: “Punishment for harbouring, etc”; is completely without merit. Section 19 deals with punishing “Whoever voluntarily harbours or conceals, or attempts to harbour or conceal any person knowing that such person is a terrorist shall be punishable with imprisonment...”. The campaigners were found in public spaces carrying posters advertising a referendum. No sense can be made from the arbitrary application of section 19 since the campaigners would have no realistic way to harbor or conceal terrorists, while walking in broad daylight to a public place with banners and posters, and as such does not qualify by any standard of logic to be able to be applied to the campaigners.

The fabrication of events, the prolonged and arbitrary detention, the extraction of confessions through the use of torture, the denial of legal remedy and lack of any due process for the campaigners renders the charges levied against them as completely without merit.

i. Category II: Substantive Fundamental Rights

⁷⁷ Section 13 in *The Unlawful Activities (Prevention) Act, 1967*, <https://indiankanoon.org/doc/1214158/>.

⁷⁸ Section 17 in *The Unlawful Activities (Prevention) Act, 1967*

⁷⁹ Section 18 in *The Unlawful Activities (Prevention) Act, 1967*, <https://indiankanoon.org/doc/354849/>.

⁸⁰ Section 19 in *The Unlawful Activities (Prevention) Act, 1967*, <https://indiankanoon.org/doc/1994126/>.

The detention of “Referendum 2020” campaigners is arbitrary under Category II.

A detention is arbitrary under Category II when the detention results from the exercise of fundamental rights protected by international law. More specifically, the arbitrary detention results “[w]hen the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20, and 21 of the Universal Declaration of Human Rights, and insofar as states parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26, and 27 of the International Covenant on Civil and Political Rights.”⁸¹ In light of this, the detention of “Referendum 2020” campaigners is arbitrary because the detention resulted from the exercise of their fundamental rights to freedom of opinion and expression and of peaceful assembly⁸².

a. The Indian Government Detained “Referendum 2020” campaigners Because They Exercised Their Right to Freedom of Opinion and Expression

Freedom of opinion and expression are guaranteed under international law by Article 19(1)-(2) of the ICCPR⁸³ and Article 19 of the UDHR.⁸⁴ The UN Human Rights Committee has determined that this right **includes the right to express a dissenting political opinion**.⁸⁵ In addition to these obligations under international law, India is bound by Article 19 of its own Constitution to respect the right of its citizens to freedom of opinion.⁸⁶ The United Nations Declaration on Human Rights Defender defines human rights defenders as “individuals, groups and associations ... contributing to ... the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals” and establishes protections for such individuals.⁸⁷

The classification of “Human Rights Defender” as defined by the United Nations extends to “Referendum 2020” campaigners who were arrested, tortured, charged, and continue to be held in pretrial detention today because they publicly expressed their political opinion which stood in support of holding the “Referendum 2020” via participation in peaceful assemblies, and via the dissemination of posters and remarks on social media calling to address the continued violations of human rights and fundamental freedoms of peoples. “Referendum 2020” campaigners are being further targeted in light of their status as Sikhs who have long been the source of independent voices and peaceful dissidents in Punjab despite decades of brutal repression by the Republic of India.

“Referendum 2020” campaigners’ exercise of their rights to freedom of opinion and expression do not fall under any of the permissible limitations set forth by Article 19(3) of the ICCPR. Article 19(3) allows for certain restrictions provided by law and necessary “for respect of the

⁸¹ *Revised Methods of Work*, *supra* note 64

⁸² *ICCPR*, *supra* note 71, Art 22.

⁸³ *ICCPR*, *supra* note 71, Art 19

⁸⁴ *Universal Declaration of Human Rights*, G.A. Res. 217A (III), U.N. Doc. A/810, Art. 19 (1948) [hereinafter *Universal Declaration*].

⁸⁵ *General Comment No. 34 (2011) on Article 19: Freedom of Expression*, UN HUMAN RIGHTS COMMITTEE, CCPR/C/GC/34, Sep. 12, 2011, ¶ 11.

⁸⁶ *Article 19 in The Constitution Of India 1949*, <https://indiankanoon.org/doc/1218090/>.

⁸⁷ Who is a defender?, UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER,

rights or reputations of others” or “for the protection of national security or of public order...or of public health or morals.”⁸⁸ The Human Rights Committee has also found that because there is no legitimate restriction under Article 19(3) which would justify the arbitrary arrest, torture, and threats to life of a **human rights defender**, “the question of deciding which measures might meet the ‘necessity’ test in such situations does not arise.”⁸⁹ And is thus a clear violation by India of the ICCPR in every aspect of the Article 19.

b. The Indian Government Detained “Referendum 2020”
campaigners Because They Exercised Their Right to Freedom of
Peaceful Assembly

Freedom of peaceful assembly is guaranteed by Article 20(1) of the UDHR⁹⁰ and Article 21 of the ICCPR⁹¹. Under Article 19 of India’s Constitution, the government is mandated to “to assemble peaceably and without arms”, and “to form associations or unions”.⁹² The United Nations Declaration on Human Rights Defenders further affirms these rights for “individuals contributing to ... the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals⁹³.”

The “Referendum 2020” campaigners’ exercise of their right to freedom of peaceful assembly as human rights defenders does not fall under the permissible limitations set forth by the ICCPR. Under the ICCPR, the right to freedom of peaceful assembly can only be restricted as prescribed by the law and as necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others.⁹⁴

The campaigners neither made nor presented a threat to national security, public order, health or morals. The campaigners were carrying posters advertising a legitimate political opinion without making any threats of any kind, affecting public health in any way, or even challenging public morals. As the campaigners were acting for the protects of the rights and freedoms of others, they were in full compliance of the permissible limitations set forth by the ICCPR.

In the 126th session of the UNHRC, the Draft General Comment on Article 21⁹⁵ found that;

“States parties should not rely on some vague notion of “public order” as a ground to justify overbroad restrictions on the right of peaceful assembly.⁹⁶ The aim cannot be to prevent all disruptions of daily routines; peaceful assemblies in some cases have such inherent consequences. “Public order” and “law and order” are not synonyms, and the crime of “public disorder” should not be used to prohibit legitimate assemblies. “Public order” refers to the sum of the rules that ensure the functioning of society, or the set of fundamental principles on which society is founded,

⁸⁸ ICCPR, supra note 71, Art 19.

⁸⁹ Njiru v. Cameroon, UNHRC, Views of 3 April 2007, UN Doc. CCPR/C/89/D/1353/2005, para. 6.4.

⁹⁰ Universal Declaration, supra note 82, Art. 20.

⁹¹ ICCPR, supra note 71, Art 21.

⁹² Article 19 in The Constitution Of India 1949, <https://indiankanoon.org/doc/1218090/>.

⁹³ <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx>. Who is a defender?, supra note 85.

⁹⁴ ICCPR, supra note 71, Art 21.

⁹⁵ General Comment No. 37 on Article 21: Right of Peaceful Assembly, UN Human Rights Committee July 2019

⁹⁶ CCPR/C/KAZ/CO/1, para. 26; CCPR/C/DZA/CO/4, para. 45.

which includes respect for human rights.⁹⁷”

Despite India’s signatory status to the ICCPR it acted in direct violation of the very general comment of the 126th session. The authorities literally justified the arbitrary detention and torture of the campaigners on vague grounds of “public order” and “national security” and egregiously violated all of their fundamental rights.

The posters the campaigners were carrying were directly calling for the protection of the fundamental rights and freedoms of Sikhs and non-Sikhs alike. The police fabricated the charges of the possession of arms by the campaigners in order to circumvent the safeguards enshrined in international law for peaceful assembly. The Human Rights Committee has found that there would be no “necessary” reason to arrest, torture, or threaten the life of a human rights defender.⁹⁸ **In calling for and participating in peaceful assembly**, “Referendum 2020” campaigners were exercising their fundamental rights. Placing impermissibly excessive constraints on the activities of Human Rights Defenders violates both Indian law and the country’s international legal obligations under the ICCPR, as the campaigners were subject to constant torture and denial of legal remedy by the authorities during their detention on the pretext of upholding national security, for exercising their fundamental human right to freedom of assembly as human rights defenders.

c. The Indian Government Detained “Referendum 2020”
campaigners Because They Exercised Their Right to Freedom of
Association

Freedom of association is guaranteed by Article 20(1) of the UDHR⁹⁹ and Article 22(1) of the ICCPR.¹⁰⁰ Under Article 19 of the Constitution, India is mandated to respect the rights of its citizens to form associations and unions.¹⁰¹ The United Nations Declaration on Human Rights Defenders further affirms this right for “individuals contributing to ... the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals¹⁰².”

Non-governmental organizations and human rights defenders on the ground in Punjab have years of reports which corroborate the fact that “Referendum 2020” campaigners were particularly targeted for arrest and charged due to their support for a wide-spread political opinion in support of self-determination held by Sikhs. In addition to this, they were targeted for their support for the elimination of all human rights violations against Sikhs in India as human rights defenders¹⁰³.

Additionally, Attorney Gurpatwant Pannun the so called “mastermind” charged with facilitating terrorism and discord due to popularizing the opinion for Sikh self-determination was specifically targeted and framed as such in order to be able to pin the arrested campaigners as part of a global conspiracy headed by him. The Indian police’s charge sheet produced for the

⁹⁷ Siracusa Principles, para. 22.

⁹⁸ Njaru v. Cameroon, supra note 87.

⁹⁹ Universal Declaration, supra note 82, Art. 20.

¹⁰⁰ ICCPR, supra note 71, Art 22.

¹⁰¹ Article 19 in The Constitution Of India 1949, <https://indiankanoon.org/doc/1218090/>.

¹⁰² Who is a defender?, supra note 85.

¹⁰³ “Dead End in Punjab.” *Human Rights Watch*, 17 Dec. 2004, <https://www.hrw.org/news/2004/12/17/dead-end-punjab>

“Referendum 2020” campaigners explicitly states them to be in connection to Pannun in a global conspiracy, a connection which has no basis in reality with his documented actions as a human rights defender.

Attorney Pannun is well known as a human rights lawyer, and co-founder of Sikhs For Justice (SFJ). The “Referendum 2020” campaigners can only be described as being associated with SFJ, through popular political opinion, as SFJ represents the political interests of the Sikh community which the government of India never has. For these reasons, the association of the “Referendum 2020” campaigners with the human rights advocacy group “Sikhs For Justice” via agreement in their political opinion (specifically the right to self-determination of Sikhs), have incurred the ire of the Indian authorities. Based on these associations the Punjab police spun a volley of charges based on concocted fantasies of an international conspiracy allegedly mobilizing the campaigners under the orders of attorney Gurpatwant Pannun as the head of a terrorist organization, which in turn is a proxy in a Pakistani ISI operation to destabilize India, according to India.

“Referendum 2020” Campaigners and attorney Pannun’s exercise of their right does not fall under the permissible limitations set forth by the ICCPR. Under the ICCPR, the right to freedom of association can only be restricted as prescribed by the law and as necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others.¹⁰⁴

It is important to note however, that the UN Human Rights Committee has found that there would be no “necessary” reason to arrest, torture, or threaten the life of a human rights defender.¹⁰⁵ In working in line with the humanitarian aims of an organization like SFJ, the classification of a human rights defender extends to the “Referendum 2020” campaigners who were exercising their right to freedom of association. SFJ is one of the most prominent civil society groups in the world working to promote and protect human rights of Sikhs. Rather than representing harm to national security or public safety or order, these entities directly uphold the democratic standards of the modern world and safeguard the rights and freedoms of others who have been denied them. The indefinite, arbitrary detention and torture of the campaigners thus constitutes a blatant violation of the “Referendum 2020” campaigners right to Freedom of Association guaranteed by the various treaties of International Law despite the campaigners being within the laws permissible limitations.

ii. Category III: Due Process Rights

The detention of “Referendum 2020” campaigners is arbitrary under Category III.

A detention is considered arbitrary under Category III “[w]hen the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character.”¹⁰⁶

¹⁰⁴ ICCPR, *supra* note 71, Art 22.

¹⁰⁵ *Njiru v. Cameroon*, UNHRC, Views of 3 April 2007, UN Doc. CCPR/C/89/D/1353/2005, para. 6.4.

¹⁰⁶ *Revised Methods of Work*, *supra* note 64, ¶8(c).

Additionally, the Working Group looks to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles).¹⁰⁷

1. Indian Authorities Violated “Referendum 2020” campaigner’s Rights by Failing to Promptly Bring Them Before a Judge and Failing to Try Them Without Undue Delay

Indian authorities have violated “Referendum 2020” campaigners’ right to be promptly brought before a judge and tried without undue delay by an impermissible amount. Article 9(3) of the ICCPR, which affirms this right, also adds: “It shall not be the general rule that persons awaiting trial shall be detained in custody.”¹⁰⁸ Principle 11(1) of the Body of Principles¹⁰⁹ and Article 14(3)(c) of the ICCPR¹¹⁰ additionally reiterate the right of the accused to be tried without undue delay. In India today, pre-trial detainees make up the largest portion of detainees and remain under this status for years without trial, in violation of the ICCPR.

Indian authorities have increasingly used pretrial detention as a punitive measure by which to constrain the fundamental freedoms of independent voices and human rights defenders. One of these offences is the Indian governments refusal to bring pre-trial detainees to just, speedy trials in violation of their guaranteed due process rights; the cases of “Referendum 2020” campaigners are, thus far, no exception to this rule.

“Referendum 2020” campaigners have been kept in pretrial detention for years despite the inability of Indian authorities to produce a single piece of real evidence or documentation to back up the alleged charges that have been brought against them.

By keeping the campaigners in pretrial detention, subjecting them to torture, and applying unjust, unsubstantiated charges to them while they were exercising their rights, Indian authorities are violating “Referendum 2020” campaigners’ right to be brought promptly before a judge on the alleged merits of the case and their right to be tried without undue delay. There is no evidence or correspondence to suggest that authorities are actively investigating the alleged cases against “Referendum 2020” campaigners. The inability of the prosecution to produce evidence in the cases suggests that the Indian police despite knowing the culture of imposing prolonged pretrial detention in India, decided to engage in the said behavior regardless. The authorities continue to hold “Referendum 2020” campaigners on false charges in pretrial detention to punish them for exercising their fundamental rights and for their defense of human rights. The use of these tactics in India has been well documented for years by the media and civil society of the world to be the result free expression brings to citizens of India.

2. Indian Authorities Violated “Referendum 2020” campaigner’s Rights by Failing to Grant Them an Opportunity to Appeal the Lawfulness of Their Detention

¹⁰⁷ *Body of Principles for the Protection of Persons under Any Form of Detention or Imprisonment*, GA Res. 47/173, 43 U.N. GAOR Supp. (No. 49) 298, A/43/49, Dec. 9, 1998 [hereinafter *Body of Principles*].

¹⁰⁸ ICCPR, *supra* note 71, Art 9.

¹⁰⁹ Body of Principles, *supra* note 102, Principle 11.

¹¹⁰ ICCPR, *supra* note 71, Art 14.

Indian authorities have violated “Referendum 2020” campaigner’s right to be granted an opportunity to appeal the lawfulness of their ongoing detention. Under Article 9(4) of the ICCPR,¹¹¹ India is mandated to bring “Referendum 2020” campaigners before a court in order for the court to determine the lawfulness of detention without delay. The campaigner’s trials have been delayed for several years to date.

By subjecting “Referendum 2020” campaigners to impermissibly long pretrial detention times of several years, denying them any possible counsel from having a full opportunity to present a case for conditional release and/or bail, and failing to provide any evidence regarding the charges against “Referendum 2020” campaigners, Indian authorities are denying “Referendum 2020” campaigners an opportunity to fully become aware of the reasons for their detention and ultimately, to appeal their detention in violation of the ICCPR.

In addition, In the Human Rights Watch Committee Review of India in 2019, the organization found that

“Public officials in India continue to enjoy effective immunity for serious human rights violations. Government officials, including members of police and armed forces, enjoy protection from legal proceedings as the Criminal Code and other legislation require government permission to initiate prosecutions against them. This has prevented proper accountability for human rights violations such as torture, enforced disappearances, and extrajudicial killings by the police, paramilitaries, and the army.”¹¹²

This law leaves the detainees no option for domestic legal remedy to their impermissibly long arbitrary detention without any trial. As the government in power in India today is a Hindu nationalist far-right party (BJP), no government permission to initiate prosecution against the violators has any hope of being granted to the detainees as the party in power encourages the suppression of minority voices. This is particularly prevalent in the Punjab region which has been the source of independent voices speaking critically against the failures of the Indian government for decades.

Due to these facts, “Referendum 2020” campaigners find themselves subjected to a system which not only ignores proper legislative procedure, but outright violates basic human rights enshrined in the constitution of the land, as well as international courts. This raises serious doubt on whether “Referendum 2020” campaigners will ever have a genuine and full opportunity to get to trial, let alone appeal their detention.

3. Indian Authorities Violated “Referendum 2020” campaigner’s Right to Have Adequate Time and Facilities for the Preparation of their Defense

Indian authorities have violated “Referendum 2020” campaigner’s right to prepare an adequate defense in every category required by the ICCPR.

Article 14(3)(b) of the ICCPR guarantees the right to have adequate time and facilities for the

¹¹¹ ICCPR, *supra* note 71, Art 9

¹¹² “Submission to the UN Human Rights Committee Review of India.” *Human Rights Watch*, 15 May 2019, <https://www.hrw.org/news/2019/05/15/submission-un-human-rights-committee-review-india>.

preparation of a detainee's defense.¹¹³ The United Nations Human Rights Committee has noted that facilities must include access to documents and other evidence that the accused requires to prepare their case¹¹⁴. No such facilities or access to documents and other evidence were ever provided to the detainees.

Visits with "Referendum 2020" campaigners have been heavily-monitored and limited, raising serious doubt on whether they have had an adequate opportunity and time to discuss the legal strategy of their cases, or any privileged or confidential information with their counsel and family members. Further, the prosecution has greatly delayed in providing "Referendum 2020" campaigner's counsel with the official charge sheets and any documentation from the case to substantiate the charges being brought against "Referendum 2020" campaigners. Authorities are thus severely constraining "Referendum 2020" campaigner's due process rights, particularly their right to have both adequate time and facilities to prepare their defense, considering their prolonged detention without trial in violation of Article 14(3)(b).

4. Indian Authorities Violated "Referendum 2020" campaigner's Right to be Presumed Innocent Until Proven Guilty

Indian authorities have violated "Referendum 2020" campaigner's right to be presumed innocent until proven guilty. Under Article 14(2) of the ICCPR,¹¹⁵ Article 11(1) of the UDHR,¹¹⁶ and Principle 36 of the Body of Principles¹¹⁷, every citizen has the right to be presumed innocent. The Human Rights Committee has stated that:

"...the burden of proof of the charge is on the prosecution and the accused has the benefit of the doubt. No guilt can be presumed until the charge has been proved beyond reasonable doubt. Further, the presumption of innocence implies a right to be treated in accordance with this principle. It is, therefore, a duty for all public authorities to refrain from prejudging the outcome of a trial."¹¹⁸

The detainees have not even made it to trial before they had undergone severe torture and kept in detention without trial **for years** alongside other convicted criminals as well as other undertrials who shared their same fate. The prosecution has unequivocally failed to even begin to satisfy their burden of proof beyond a reasonable doubt as to the guilt of the detainees.

Article 10(2)(a) of the ICCPR states that "accused persons shall, save for exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons¹¹⁶." Principle 8 of the Body of Principles reiterates that unconvicted persons should be kept separately from convicted persons and should be treated accordingly¹¹⁹. The detainees were neither held separately from convicted prisoners nor subject to separate treatment from them.

¹¹³ ICCPR, supra note 71, Art 14

¹¹⁴ General Comment No. 13: Equality Before the Courts and the Right to a Fair and Public Hearing by an Independent Court Established by Law (Art. 14), UN HUMAN RIGHTS COMMITTEE, HRI/GEN/1/Rev.1, Apr. 13, 1984, ¶11.

¹¹⁵ ICCPR, supra note 71, Art 14.

¹¹⁶ Universal Declaration, supra note 82, Art. 11.

¹¹⁷ Body of Principles, supra note 102, Principle 36.

¹¹⁸ General Comment No. 13, supra note 110.

¹¹⁹ Body of Principles, supra note 102, Principle 8.

Since 2013, Indian authorities have increasingly used pretrial detention as a punitive measure to silence peaceful dissidents and retaliate against individuals for their human rights work. The number of pretrial detainees in India has not changed significantly, with the number still standing at around 70% of total detainees, and the periods of pretrial detention routinely fail to live up to international standards and in the majority of cases exceed even domestic maximums. **Pretrial detainees are kept in the same cells as convicted prisoners**, a clear violation of the campaigners' right to be presumed innocent until proven guilty under the various provisions of several international treaties.

By placing "Referendum 2020" campaigners in pretrial detention with convicted criminals, and not giving proper due process consideration to the conditional release and/or granting of bail, Indian authorities are acting under the assumption that "Referendum 2020" campaigners are guilty of all charges and are treating them as such in flagrant violation of all their guaranteed rights.

Indian authorities continue to take unlawful punitive action against "Referendum 2020" campaigners. They have been repeatedly subjected to physical abuse, torture, and cruel, inhuman, and degrading treatment. By placing "Referendum 2020" campaigners into the same detention centers where convicted criminals serve their sentences, Indian authorities are clearly violating the campaigners' right to be presumed innocent until proven guilty as guaranteed by international law.

5. Indian Authorities Violated "Referendum 2020" campaigner's Right to be Equal Before the Courts

Indian authorities have violated "Referendum 2020" campaigner's right to be equal before the courts and tribunals under Article 14(1) of the ICCPR.¹²⁰ According to the United Nations Human Rights Committee, this "ensures that the parties to the proceedings in question are treated without any discrimination" and the principle of the "equality of arms"¹²¹ which calls for "a fair balance between the opportunities afforded the parties involved in litigation" is followed.

The campaigners never even made it to trial let alone being afforded the principle of the "equality of arms" which would only be able to be applied had they made it to trial. The detainees are particularly being punished for publicly engaging in political expression while being of the Sikh ethno-religious background¹²² in violation of Article 14(1) of the ICCPR, as they have been for decades in India. As organized Sikh political activity in India is met with suppression through brute force of arms and the harshest provisions of Indian law, the detainees have been dealt with in a manner which renders them anything but equal before the courts.

¹²⁰ ICCPR, supra note 71, Art 14.

¹²¹ General Comment No. 32 (2007) on Article 14: Right to Equality Before Courts and Tribunals and to a Fair Trial, UN HUMAN RIGHTS COMMITTEE, CCPR/C/GC/32, Aug. 23, 2011, ¶ 8.

¹²² "India: Don't Torture Sikh Activist Extradited by U.S." *Human Rights Watch*, 20 June 2006, <https://www.hrw.org/news/2006/06/20/india-dont-torture-sikh-activist-extradited-us>.

By depriving “Referendum 2020” campaigners of full due process rights, Indian authorities have taken punitive measures against “Referendum 2020” campaigners and established their pretrial detention as an opportunity to take unlawful punitive action against “Referendum 2020” campaigners for their exercise of their rights to freedom of opinion and expression, peaceful assembly, and association. Indian authorities treat human rights defenders and prisoners of conscience as common criminals. Authorities have especially treated the Sikh “Referendum 2020” campaigners, in abnormally egregious manners and deprive such detainees of their full due process rights creating an inequity in the legal system which has persisted for decades.

6. Indian Authorities Violated “Referendum 2020” campaigner’s Right to be Free from Cruel, Inhuman, or Degrading Treatment

Indian authorities have violated “Referendum 2020” campaigner’s right to be free from cruel, inhuman or degrading treatment or punishment. Article 7 of the ICCPR,¹²³ Article 5 of the UDHR,¹²⁴ and Principle 6 of the Body of Principles¹²⁵ collectively establish this prohibition. The Body of Principles states that this prohibition “should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental, including the holding of a detained or imprisoned person in conditions which deprive him, temporarily or permanently, of the use of any of his natural senses, such as sight or hearing, or of his awareness of place and the passing of time.” Further, Articles 1-2 and 4-7 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹²⁶, also collectively prohibit the infliction of physical or mental pain or suffering by a public official with the intention to intimidate or coerce.

India is a signatory to these provisions, but one of the few countries in the world who never ratified it domestically. This fact is a perfect demonstration as to the governing culture of the Republic of India which has many laws which it attempts to appear to uphold, but never wants to enforce, unless it is for the sake of its own ruling powers’ political expediency.

More broadly, Article 10(1) of the ICCPR¹²⁷ and Principle 1 of the Body of Principles of the OHCHR¹²⁸ state that persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

Whether during their initial arrest or throughout their time in prison while awaiting trial, “Referendum 2020” campaigners have been subjected to physical and mental abuse that has severely violated their dignity and normal function of their bodies. In an attempt to weaken their resolve prior to interrogation, to punish them for exercising their fundamental rights, and to dissuade them from continuing their human rights activities upon their release, Indian authorities have subjected “Referendum 2020” campaigners to torture and cruel, inhuman and degrading treatment for several years.

iii. Category V: Discrimination Based on a Protected Class

¹²³ ICCPR, *supra* note 71, Art 27.

¹²⁴ *Universal Declaration*, *supra* note 82, Art. 5

¹²⁵ *Body of Principles*, *supra* note 102, Principle 6.

¹²⁶ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, June 26, 1987, 1465 U.N.T.S 85, Arts. 1-2, 4-7.

¹²⁷ ICCPR, *supra* note 71, Art 10.

¹²⁸ Body of Principles, *supra* note 102, Principle 1.

The detention of “Referendum 2020” campaigners due to their political opinions, political participation, and activities as human rights defenders is arbitrary under Category V.

A detention is arbitrary under Category V when, in violation of international law, the detention is discriminatory “based on . . . political or other opinion . . . and aims towards or can result in ignoring the equality of human rights.”¹²⁹ Article 7 of the UDHR¹³⁰ and Article 26 of the ICCPR¹³¹ further prohibit discrimination before the law on a number of grounds, including “political or other opinion”.

“Referendum 2020” campaigner’s arrest and detention is the physical manifestation of the culture of discrimination currently being perpetrated against the Sikh campaigners by Indian authorities in light of their protected status as human rights defenders.

“Referendum 2020” campaigners were arrested due to their legitimate political opinions, political participation, and status as human rights defenders. “Referendum 2020” campaigners are being charged based on their participation in mild public demonstrations expressing the desire for self-determination for Sikhs, an end to anti-Sikh discrimination, and the Indian government’s removal of their imposed status as “Hindus”. According to civil society organizations mentioned previously and independent media in India, “Referendum 2020” campaigners are being particularly targeted in reprisal to their work as human rights defenders for Sikhs, their participation in human rights campaigns and initiatives, and particularly their willingness to publicly and peacefully express the historical political aspirations of the Sikh community for self-determination.

Since being detained, “Referendum 2020” campaigners have been singled out by authorities and treated in a manner different than that which any Indian citizen facing possible charges would be subjected to. As reported above, one of the family members of the detainees (Shabnamdeep Singh) reported to SFJ that the detainee was constantly being tortured. Another detainee lost adequate function of their penis, as recorded in Hoshiarpur hospital medical reports in their extraordinarily late physical assessments of the detainees. This treatment exists due to a national culture cultivated by the history of the persecution of Sikhs in Punjab, and the subsequent political atmosphere manifesting in the Sikh community in regards to the persecution. “Referendum 2020” campaigners have been subjected to torture, absurd pre-trial detention, egregious prison conditions, and severe violations of due process.

The arrest and continued detention of “Referendum 2020” campaigners is an egregious violation of their fundamental human rights. The Government of the Republic of India has violated the following human rights under various provisions of the Indian Constitution, Indian laws, and international law by unlawfully extending the pretrial detention of “Referendum 2020” campaigners and subjecting them to mistreatment:

- The right to be free from arbitrary detention;
- The right to freedom of association;

¹²⁹ *Revised Methods of Work*, *supra* note 64, ¶8(3).

¹³⁰ *Universal Declaration*, *supra* note 82, Art. 7.

¹³¹ *ICCPR*, *supra* note 71, Art 26.

- The right to freedom of expression
- The right to due process, including the right to be promptly brought before a judge, the right to appeal the lawfulness of detention, the right to prepare an adequate defense, the right to be presumed innocent before guilty, and the right to be equal before the courts; and
- The right to dignity and the right to be free from torture and cruel, inhuman or degrading treatment or punishment.

We hereby request that the all the Nations of the world to take notice of India's flagrant human rights violations against Referendum 2020 Campaigners and:

1. Issue a statement on "Referendum 2020" campaigner's arrest and ongoing pretrial detention to be in violation of India's obligations under Article 1, 18, 19, 22 of the ICCPR;
2. Call for "Referendum 2020" campaigner's immediate release as per the provisions 3 and 4 of Article 9 of the ICCPR;
3. Urge that the Government of India investigate and hold accountable all persons responsible for the unlawful arrest, continued detention, and mistreatment of "Referendum 2020" campaigners; and
4. Urge the Government of India to award "Referendum 2020" campaigners compensation for the egregious violations, physical, and psychological torture they have endured as a result of their unlawful arrest, arbitrary detention, and mistreatment while in state custody as enshrined by provision 5 of Article 9 of the ICCPR.

Human Rights Defenders At Risk –

Case of Gurpatwant Singh Pannun, An Intl. Human Rights Lawyer:

New York based attorney Gurpatwant Singh Pannun, is a human rights lawyer and legal adviser to human rights advocacy group "Sikhs For Justice" (SFJ) since its inception in 2007. Since co-founding the human rights advocacy group, attorney Pannun has been the target of egregious violations of human rights directly in reprisal to his work as a human rights defender and legal adviser to SFJ.

The 31st resolution adopted by the United Nations General Assembly Human Rights Council was established in regards to "Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights". This resolution includes India as a signatory state voting *in favor* of the resolution¹³². In typical fashion the government of India did not uphold a single provision of the resolution in regards to attorney Pannun's status as a human rights defender, but violated all its protections instead.

The resolution clearly states that it "...Calls upon all States to take all measures necessary to ensure the rights and safety of human rights defenders, including those working towards the realization

¹³² See UN Human Rights Council resolution 31/32 *Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights* A/HRC/RES/31/32 24 March 2016

of economic, social and cultural rights and who, in so doing, exercise other human rights, such as the rights to freedom of opinion, expression, peaceful assembly and association, to participate in public affairs, and to seek an effective remedy;”

The purpose of all the work in the defense of human rights by attorney Pannun through SFJ is to fully realize the economic, social and cultural rights of the Sikh nation that they were never afforded since the independence of India from the British Raj, through the right to self-determination for Sikhs.

This cannot be done without attorney Pannun, SFJ, and its supporters being able to exercise their rights to freedom of opinion, expression, peaceful assembly, association and ability to seek an effective legal remedy as guaranteed for all people under international law. On one hand the Republic of India positively affirms the incorporation of the various provisions of international law it signs in favor of domestically, but on the other, it challenges all its citizens to attempt to utilize those rights in the face of extrajudicial execution, arbitrary and indefinite detention, as well as a near guarantee of torture in detention.

Attorney Pannun as a man of the Sikh ethnoreligious background working as a human rights defender, met this challenge in light of the unabated violations of India and thus filed numerous legal actions against high ranking officials of the government of India, held demonstrations, and solidarity gatherings with Sikhs and non-Sikhs alike who are engaged in a decades long struggle for the realization of their fundamental right to self-determination and internationally guaranteed rights suppressed by India.

While undertaking legal actions to advance the fundamental human rights of Sikhs, SFJ and attorney Pannun have subsequently been the subject of a sustained smear campaign by the Indian regime, consisting of blatant fabrications in violation of Article 17 of the ICCPR¹³³. Since Prime Minister Narendra Modi’s Hindu ultra-nationalist Bharatiya Janata Party (BJP) came into power in 2014, the smear campaign has heightened and has reached the level of outright persecution, characterized by the muzzling of dissenting or minority voices by filing baseless and frivolous criminal charges against all who express them¹³⁴.

On July 8, SFJ filed a defamation lawsuit in Canadian court against government of India for falsely claiming that (a) attorney Pannun is a convicted terrorist; (b) SFJ and attorney Pannun are working with Pakistan’s spy agency ISI (c) SFJ is a terrorist organization.

At the time of the accusations until now, attorney Pannun has never committed or been found guilty of any criminal charges applied to him. Attorney Pannun was requested to be placed under an INTERPOL red notice status by India. This was promptly denied to India due to the weak legal basis for the request, and attorney Pannun’s counter submission to INTERPOL. Neither SFJ nor Pannun have been found to engage in activities which could be classified as “terrorist” even under India’s own laws. Though several attempts were made by the Indian government to classify attorney Pannun, SFJ, and its supporters as terrorists in their national media, the attempts failed

¹³³ ICCPR Art 17

¹³⁴ Singh, Gurpreet. “Indian Media Censors Itself under Narendra Modi.” *Georgia Straight Vancouver's News & Entertainment Weekly*, 19 Mar. 2018, <https://www.straight.com/news/1042551/gurpreet-singh-indian-media-censors-itself-under-narendra-modi>.

due to the lack of supporting evidence. The only officially filed charge for “terrorism” against attorney Pannun has been made by the police of Punjab who extracted the statement through torturing an arbitrarily detained “Referendum 2020” supporter mentioned above.

These tactics are nothing new to the Republic of India who has been using them for decades against the Sikh community, and the other ethnic minorities of India. By framing the narrative to make a peaceful, democratic movement seem to be a terrorist organization, the Republic of India sets the ground to pursue charges of vague anti-terrorist laws subject to impermissibly excessive discretion which assign the broadest powers in violation of the ICCPR, to the government, on those they would like to crush. The populace of India at large having been intellectually conditioned by constant propaganda, is left misinformed and in fact, supporting the armed actions against peaceful supporters of a referendum. These tactics have been reported on to be thus since 1998, but for decades passed as well¹³⁵. The number of sectarian incidents in India since then, have only increased under the BJP government.

Due to these developments, attorney Pannun through SFJ is committed to organizing the first ever unofficial referendum among the global Sikh community in the year 2020 on the question of secession of Punjab from India and establishing a sovereign state of “Khalistan” in the region of Punjab currently governed by India.

Attorney Pannun’s activities as a human rights defender thus began to give a voice to the silenced Sikhs of Punjab. Attorney Pannun used the platform created by SFJ to communicate the collective political will of Sikhs to the world at large due to the mass censorship and suppression of any organized Sikh political activity in India. More than the world at large, SFJ has been a key platform for Sikhs to rally around globally, for the realization of their fundamental human rights. Attorney Pannun used his legal knowledge and life experiences as a Sikh to expose the injustices committed against the Sikhs in India, and to advocate the fundamental right of self-determination for the Sikh nation.

Attorney Pannun through SFJ hosts several rallies and events every year to protest the Indian government, and to hold community solidarity gatherings with Sikhs and non-Sikhs fighting Indian oppression. Attorney Pannun also creates media content to update the Sikh community on the status of the "Referendum 2020" campaign and the initiatives of SFJ. Attorney Pannun also directs SFJ staff in creating informational reports about little known injustices in India to the relevant authorities of the world. These reports have resulted in legal actions by various governments of the world including Canada, the United States, the United Nations, and the United Kingdom.

- In 2013 attorney Pannun through SFJ filed a lawsuit in the U.S Federal court against visiting Congress Party President Sonia Gandhi for shielding the leaders of Congress party who were complicit in the November 1984 anti-Sikh genocidal violence¹³⁶.
- The following year in 2014 Pannun through SFJ filed lawsuit in the US Federal Court against Manmohan Singh the then Prime Minister of India for paying cash reward to killer

¹³⁵ Marshall, Paul. “Hinduism and Terror.” By Paul Marshall, <https://www.hudson.org/research/4575-hinduism-and-terror>.

¹³⁶ “US Court Dismisses 1984 Case against Sonia Gandhi.” *The News Minute*, 13 Oct. 2015, <https://www.thenewsminute.com/article/us-court-dismisses-1984-case-against-sonia-gandhi-22666>.

cops during his tenure as Finance Minister¹³⁷. In 2015, SFJ through Pannun filed a lawsuit in the U.S Federal Court against newly elected Prime Minister Narendra Modi for his role in 2002 massacre of Muslims in Gujarat when he was Chief Minister of that state¹³⁸.

- In 2016 SFJ and attorney Pannun blocked the visit to Canada of Amarinder Singh the current Chief Minister of Punjab by complaining to the Canadian authorities about his planned electioneering and fund raising against Canadian law which prohibits foreign nationals from campaigning in Canada¹³⁹.
- SFJ held a demonstration on June 6, 2019, in commemoration of the 1984 Genocide of Sikhs which drew large scale support from Sikhs and Non-Sikhs alike. Popular British entertainers such as Taran Kaur (Hard Kaur) and former American Congressman Patrick Meehan spoke in support of the "Referendum 2020" and subsequently generated immense hysteria within the now Hindu Ultra-Nationalist government of India and led to the banning of SFJ in India on July 10, 2019.

The ultra-nationalist BJP has framed these actions as a grave threat to their national security. However, more than the developments posed a threat to the national security of India, they presented a challenge to the power and ideological basis of the BJP and its supporters. Hence, the repression of attorney Pannun, SFJ, Sikhs, and its supporters is entirely politically motivated by an extreme right-wing Hindu movement. This movement has been widely reported on for its myriads of human rights violations by organizations such as Human Rights Watch¹⁴⁰. The latest violation being the annexation of the autonomous area of Indian Kashmir, the imposition of martial law within its borders, and the dissolving of its democratically elected government by the use of military force accompanied with a full blackout of all communication systems to the outside world inside Kashmir.

The Indian government under Modi of the BJP, has no moral, let alone legal ground to ban SFJ considering that it has allowed Hindu hate groups like the RSS to work freely and spew venom against non-Hindus for the purposes of inciting sectarian violence blatantly in violation of Article 20 of the ICCPR. Attacks on religious minorities have continued to increase unabated by Hindu nationalist groups ever since Modi became the prime minister in 2014¹⁴¹. A fact which is well recorded, and also addressed in court by attorney Pannun who issued a summons for Modi in the

¹³⁷ Pti. "US Court Issues Summons against Manmohan Singh." @Businessline, The Hindu BusinessLine, 12 Mar. 2018, <https://www.thehindubusinessline.com/news/world/us-court-issues-summons-against-manmohan-singh/article20665162.ece1>.

¹³⁸ Pti. "Sikh Group Seeks Prosecution of PM Narendra Modi in Canada for 2002 Riots." *The Economic Times*, Economic Times, 9 Apr. 2015, <https://m.economictimes.com/news/politics-and-nation/sikh-group-seeks-prosecution-of-pm-narendra-modi-in-canada-for-2002-riots/articleshow/46861631.cms>.

¹³⁹ Singh, P. "SFJ Files \$ 1 Million Defamation Suit against Captain Amarinder Singh in Canada: Chandigarh News - Times of India." *The Times of India*, <https://timesofindia.indiatimes.com/city/chandigarh/SFJ-files-1-million-defamation-suit-against-Captain-Amarinder-Singh-in-Canada/articleshow/53299959.cms>.

¹⁴⁰ "World Report 2019: Rights Trends in India." *Human Rights Watch*, 18 Jan. 2019, <https://www.hrw.org/world-report/2019/country-chapters/india>.

¹⁴¹ Malhotra, Ashish. "Religious Violence Is Rising in Narendra Modi's India. It Might Not Hurt His Reelection Hopes." *Los Angeles Times*, Los Angeles Times, 15 Apr. 2019, <https://www.latimes.com/world/la-fg-india-election-religion-20190415-story.html>.

same year in U.S Federal Court, for his instigation of anti-Muslim fervor which led to mass killings and rape during the 2002 Gujarat Riots for the purposes of increasing his political power.

The Indian government has consistently failed to punish those who indulge in majoritarian extremism, while minority groups face oppression for voicing their grievances. The Indian state should either revoke the ban on SFJ, and its charges on attorney Pannun, or admit that it is an intolerant Hindu state that does not allow minorities to even entertain expressing their political opinion in public, let alone their right to self-determination. By banning a group that functions within the legal and democratic framework of international law and choosing to turn a blind eye to the violent activities of the Hindu right, Indian democracy has lost its credibility.

Although attorney Pannun through SFJ has been working to expose the human rights violations and denial of justice to minorities, particularly Sikh people in India, it is attorney Pannun's work in upholding the right to self-determination of the Sikh community, guaranteed by the UN Charter, Universal Declaration of Human Rights and International Covenants which has placed him as a high priority target to be silenced and punished by India for his work as a Human Rights Defender.

Attorney Pannun was subsequently charged with a series of false charges including the **Section 124A. Sedition Law** which states:¹⁴²

Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in India, shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

- *Explanation 1.* —The expression “disaffection” includes disloyalty and all feelings of enmity.
- *Explanation 2.* —**Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.**
- *Explanation 3.* —Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

The Sedition Law does not apply to attorney Pannun by the standard of International Law or of domestic Indian law itself;

- A. Attorney Pannun has never been arrested for, nor proven to be found engaging in a single crime or terrorist action in any location in the world whether in connection to SFJ or privately.
- B. All of the legal actions undertaken by attorney Pannun have been through lawful means, without exciting or attempting to excite hatred or contempt. All of the actions undertaken by attorney Pannun have been reported on by the various press of the world, and can be easily seen to be within legal parameters of the domestic and international law.

¹⁴² Section 124A in The Indian Penal Code, indiankanoon.org/doc/1641007/.

- C. All of the comments made by attorney Pannun on his social media accounts or websites are publicly available and can easily be seen to confirm that the nature of the messages has never attempted to excite hatred inside or outside India.
- D. Every charge falsely applied to attorney Pannun would be remarkably appropriate charges for the now PM of India, Narendra Modi as Modi himself has violated Explanation 1, 2, and 3 of the Sedition law due to his outspoken role in successfully inciting sectarian violence against the Muslims of Gujarat, leading to scores of killings in public by his ideological supporters. Modi's action thus also stands in direct violation of Article 20 of the ICCPR. To place these charges on attorney Pannun with him never having violated any of their provisions while the PM of India himself is guilty of them, is a truly a gross violation of International Law¹⁴³ and its *raison d'être*.
- E. This pattern of abuse of human rights defenders and civil societies by the Hindu Nationalist government of India has been known to the international community through the various country reports by organizations such as Human Rights Watch and Amnesty International for decades. Thus, the violations of International Law against attorney Pannun should be viewed in light of these developments.

In the Human Rights Watch's country reports 2019 for India, it clearly describes the treatment of civil societies and human rights defenders in India;¹⁴⁴

"Authorities increasingly used the Unlawful Activities Prevention Act to target civil rights activists and human rights defenders. Police in Maharashtra state arrested and detained 10 civil rights activists, lawyers, and writers, accusing them of being members of a banned Maoist organization and responsible for funding and instigating caste-based violence that took place on January 1, 2018. At time of writing, eight of them were in jail, and one was under house arrest. A fact-finding committee, headed by Pune city's deputy mayor, found that the January 1 violence was premeditated by Hindu extremist groups, but police were targeting the activists because of pressure from the government to protect the perpetrators."

The same report elaborates the treatment of those who express their fundamental human right to freedom of expression;

Authorities continued to use laws on sedition, defamation, and counterterrorism to crack down on dissent.

In April, police in Tamil Nadu state arrested a folk singer for singing a song at a protest meeting that criticized Prime Minister Narendra Modi. In August, state authorities detained an activist for sedition, allegedly for describing police abuses against protesters opposing a copper factory at the UN Human Rights Council. When a magistrate refused to place him in police custody, police arrested him in an older case and added sedition to the charges against him. Police have also added charges under the Unlawful Activities Prevention Act (UAPA), the key counterterrorism law.

These very actions were undertaken against attorney Pannun as a part of the Indian BJ nationalist party's efforts to silence all its legitimate domestic opposition and are a blatant violation of the ICCPR, and India's signatory status on its provisions which it is required to uphold such as Articles 19, (Right to Freedom of expression), 20 (prohibition of incitement to discrimination, hostility or violence) and 22 (Right to Freedom of association).

¹⁴³ Singh, Gurpreet. "Indian State Shows Double Standards By Charging Sikhs For Justice Activists For Sedition." *Countercurrents*, Countercurrents.org, 7 July 2017, <https://countercurrents.org/2017/07/indian-state-shows-double-standards-by-charging-sikhs-for-justice-activists-for-sedition>.

¹⁴⁴ "World Report 2019: Rights Trends in India." *Human Rights Watch*, 18 Jan. 2019, <https://www.hrw.org/world-report/2019/country-chapters/india>.

The Bharata Janata Party (BJP) which rules India today is a staunchly Hindu ultra-nationalist outfit which holds the most elected positions in the Indian government across all chambers. The party enforces its ideology and draws its supporters through its parent organization which is the civilian nationalist militia known as the Rashtriya Swayamsevak Sangh. The grim reality of the situation at hand is that the BJP is condemning Sikhs like attorney Pannun and their community organizations working in defense of human rights on grounds of terrorism. This preposterous charge manages to exist simultaneously with the constant incitement to sectarian violence by the BJP's political umbrella, followed by the violent actions of its nationalist supporters as well as the flagrant abuse of official powers by the members of BJP and RSS against the minorities of India. The most recent demonstration of this abuse of powers on a massive scale can be seen as such in the recent military annexation and occupation of Kashmir against all domestic and international laws¹⁴⁵.

The BJP led Indian government with its levers in the massive national press organs of India, continuously publishes slanderous articles against attorney Pannun, SFJ, and all Sikhs who support the initiatives of both. The articles frame attorney Pannun as a "foreign mastermind terrorist handler", an ISI (Pakistani Intelligence) stooge, among a host of other slanderous accusations. They then go on to classify private individuals of the Sikh community who are unaffiliated with attorney Pannun, but whose political opinions align with attorney Pannun, as terrorists.

These articles are following a false narrative created by the Indian government as apparent in their charge sheet provided to SFJ through a Freedom of Information request by the State of Punjab. The charge sheet labels attorney Pannun as a terrorist mastermind after the Punjab Police arbitrarily detained and tortured a "Referendum 2020" supporter mentioned above, in order to secure a false confession for the given statement. This directly violates the ICCPR Article 7 which prohibits torture, Article 9 which prohibits arbitrary arrest and detention, Article 9.3 and 9.4 as the detainees aside from attorney Pannun were and are still kept in pre-trial detention for around two years, but also Article 10 which requires anyone deprived of liberty to be treated with dignity and humanity. None of which were afforded to the detained "Referendum 2020" supporters, attorney Pannun, or SFJ.

Since the persecution is backed by the Indian state, legal system, and the ideology of the majority, there is no relief available in India, which is in violation of Article 2(a) of the ICCPR. The Indian government has concocted a false narrative to achieve the character assassination of attorney Pannun and SFJ in order to disrupt and dismantle his activities as a Human Rights Defender.

The government of Punjab in India, upon request to the central government banned Sikhs For Justice in July 2019, following the denial of the Indian governments requests for INTERPOL's red notice on attorney Pannun. Most of the legal justifications for the ban are the impermissibly vague provisions of the dreaded Sedition Law and Section 3 of the Unlawful Activities Prevention Act of the Indian Penal Code¹⁴⁶.

¹⁴⁵ TRTWorld. *The World Reacts to India's "Illegal Annexation" of Kashmir*, TRT World, 5 Aug. 2019, <https://www.trtworld.com/asia/the-world-reacts-to-india-s-illegal-annexation-of-kashmir-28774>.

¹⁴⁶ Tribune News Service. "Centre Bans US-Based SFJ." *Tribuneindia News Service*, 11 July 2019, <https://www.tribuneindia.com/news/punjab/centre-bans-us-based-sfj/800115.html>.

The websites of Sikhs For Justice and the associated campaign "Referendum 2020" have been censored in India in addition to all the personal social media accounts of attorney Pannun and the members of SFJ's marketing team, being closed per request by the Government of India. Domestic remedy is unviable for attorney Pannun as Indian law requires government permission to prosecute officials accused of wrongdoing. In addition, as the government is facilitating these arrests, the notoriously corrupt judicial system of India, overseen by the Hindu ultra-nationalist BJP, would surely dismiss correct due process and try attorney Pannun as a terrorist. The special anti-terror laws used against him would guarantee him indefinite detention and torture, as it did the "Referendum 2020" campaigners.

Countless examples of "fast track" courts designed to imprison Sikhs at government discretion have been reported on by human rights agencies worldwide¹⁴⁷. As almost seventy percent of Indian detainees remain in detention without trial, a high priority target like attorney Pannun would certainly be detained, tortured, and tried under atrocious anti-terror laws originally created to suppress Sikhs.

In regards to these issues, On July 10, Government of India declared SFJ an illegal organization under Unlawful Activities Prevention Act and started a crackdown on SFJ and its legal adviser attorney Pannun;

- July 2019 – Declaring SFJ and illegal organization for running the Khalistan Referendum 2020 campaign.
- 2017 to date. Filing of scores of false and frivolous criminal charges against Pannun in India for running Referendum 2020 campaign.
- 2018 to date. Attempting to obtain Red Notice from Interpol on the basis of frivolous cases. Upon counter submission by attorney Pannun, Interpol declined to issue the Red Notice against attorney Pannun in the first such request made by India in 2018. The rest of the cases are based on similar factual predicates.
- 2018 to date. Forcing detained Referendum campaigners through torture and intimidation to extract false confession implicating attorney Pannun.
- 2018 to date. Forcing through torture other individuals in custody for various crimes to give statements that they committed the alleged crimes acts on the directions of attorney Pannun for the purpose of manufacturing a case.
- 2016 to date. Banning access to SFJ websites and Facebook pages in India, forcing the Facebook, Twitter and WhatsApp to block accounts of Pannun and other referendum campaigners despite them being within the terms and services of the platforms.

The urgency of action against these issuances cannot be understated as hundreds of Indian citizens who merely support the political stance via their opinion of SFJ and attorney Pannun have been arbitrarily detained, and tortured, in Indian Punjab without any due process. The indifference of the international community fostered by India's censorship and creation of false narratives has facilitated the commission of these human rights violations by India against attorney Pannun and those who share his political views.

In light of the nature of the charges and the ignoring of proper due process in applying them,

¹⁴⁷ Stigall, Dan E. "Home." *Harvard National Security Journal*, 14 Sept. 2017, <https://harvardnsj.org/2017/09/indias-distressed-justice-sector-a-matter-of-u-s-national-security-concern/>.

the state has unequivocally failed to produce a single piece of evidence thus far indicating that attorney Pannun's actions could implicate him in any of the charges brought against him, including but not limited to the "overthrow of the government", "encouraging terrorism", "recruiting terrorists", "the spreading of false news" and "incitement of hatred". These charges include impermissibly oppressive provisions which have been repeatedly used by the Indian government against peaceful dissidents to unduly restrict the fundamental rights to freedom of expression and peaceful assembly.

For decades these charges have been merely a pretense to allow authorities to crackdown on the constitutionally-protected and internationally recognized rights and activities of human rights defenders such as attorney Pannun, and Indian citizens whose opinions rankle the BJP led Republic of India's accepted political narratives. These narratives have been created and enforced through the violence conducted by the RSS, its subsequently spawned BJP political party and its ideological affiliates, in violation of Article 20 of the ICCPR.

These human rights violations regarding attorney Pannun and all in connection to his work have been pursued simultaneously with the Indian government disseminating their manufactured narrative against attorney Pannun, which is politically motivated to crush the legitimate grievances of India's minorities through misinformation campaigns. These campaigns are created to give an heir of moral and intellectual justifiability for the governments blatant abuses relating to the suppression of minority opinions¹⁴⁸. These actions are in direct violation of Article 20 of the ICCPR.

It is indisputable that peacefully campaigning for independence is not a crime. A "peoples" right to self-determination is a fundamental principle of international law, guaranteed under the ICCPR, UN Charter and Bill of Rights¹⁴⁹. Self-determination may be sought and exercised internally (within a parent state) or, in certain circumstances, externally, through secession and independence. According to the International Court of Justice, a sub-group (in this case Sikhs) may lawfully conduct a referendum on independence and declare independence without agreement of the parent state, in this case, the Republic of India.¹⁵⁰

Peaceful assemblies of Sikhs demonstrating their political aspirations are explicitly banned and repressed by force in India, unless they are in support of Hindu nationalism. In addition to physical assembly, all internet communications made on social media by any individual criticizing the Indian government are met with outright suppression on all fronts in violation of Articles 19 and 22 of the ICCPR.

Directly in connection to his activities as a Human Rights Defender, attorney Pannun's social media accounts have been constantly attacked by the Indian government across all platforms such as Facebook, Twitter, and Instagram. Despite not violating the terms of services of the various

¹⁴⁸ Madan, Aman. "India's Not-So-Free Media." *The Diplomat*, The Diplomat, 23 Jan. 2019, <https://thediplomat.com/2019/01/indias-not-so-free-media/>.

¹⁴⁹ See, Article 1 of the UN Charter; Article 1 of the International Covenant on Civil and Political Rights; and Article 1 of the International Covenant on Economic, Social and Cultural Rights. Peoples who have been denied self-determination within their parent state may, in exceptional circumstances, lawfully pursue external self-determination (via secession).

¹⁵⁰ See, *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion, 22 July 2010, ICJ Reports 2010, p 403

platforms, as well as creating the posts outside the borders of India and their jurisdiction, the government of India has pressured these platforms to repeatedly close Mr. Pannun's social media accounts.

In addition to attorney Pannun's personal social media accounts, the websites www.sikhsforjustice.org and www.2020referendum.org have been banned in India along with the social media accounts of SFJ's marketing team. All domain servers connected to attorney Pannun and SFJ have been constantly facing cyber-attacks attempting to gain access to the organizations servers or disrupting its message delivery system and databases for the purpose of subverting the human rights activities of Mr. Pannun and his organization.

The government of India authorized the banning of the accounts of the SFJ's media staff on social media platforms such as Facebook, Instagram, and Twitter, following vague reports of "complaints" by anonymous individuals. These "complaints" cannot be given any credence since they are used as a pretext for politically motivated censorship of minorities views. Freedom of opinion and expression relating to the referendum is explicitly banned and suppressed with excessive force. SFJ's media platforms are censored in India and the servers of SFJ remain under continuous hacking attacks and other cyber disruption of its campaign.

An example which demonstrates the whimsical prevalence of Indian censorship through anonymous "complaints", is of British entertainer Taran Kaur who created social media posts criticizing elected officials of the Hindu ultra-nationalist BJP¹⁵¹. Taran Kaur demonstrates the commonality of the persecution of minority held political opinions because she is a well-known media figure in India and the UK. The response that Kaur was met with because of her statements provides an inkling into the level of repression faced by Indian women and minorities. Kaur, even as a British citizen with widespread media popularity, has been unable to escape the arbitrary issuance of force by the BJP led government. Her social media posts speaking in favor of "Referendum 2020" have unleashed thousands upon thousands of death threats, and gang-rape threats, made to Kaur on various mediums of communication including her personal cell-phone, by supporters of the BJP and RSS who indulge in the hyper-masculine rape culture promoted by its nationalist ideology¹⁵².

This case serves to be juxtaposed with the cases of the tens of thousands of unreported cases of either gang rape and murder, or threats of both to Indian men and women who stand against the BJP regimes narrative and actions. A day after Kaur expressed her opinion on social media, an Indian lawyer from Varanasi filed a complaint against Kaur stating that his feelings were "deeply hurt" by her statements. The result was a hysterical Indian anti-minority political party slamming Kaur with charges of Sedition, and incitement to hate, among others. The penalty for Sedition includes life imprisonment, which Kaur would be eligible for due to her expressing her personal opinion on her personal social media account, outside the borders of India.

¹⁵¹ "Rapper Hard Kaur Charged With Sedition for Posts Against Adityanath, Bhagwat." *The Wire*, <https://thewire.in/rights/rapper-hard-kaur-charged-with-sedition-for-posts-against-adityanath-bhagwat>. "Rapper Hard Kaur Charged With Sedition for Posts Against Adityanath, Bhagwat." *The Wire*, <https://thewire.in/rights/rapper-hard-kaur-charged-with-sedition-for-posts-against-adityanath-bhagwat>.

¹⁵² "A New Wave of Attacks on Freedom of Opinion And Criminalizing Dissent in India." *Club Suisse De La Presse - Geneva Press Club*, 7 Aug. 2019, <http://pressclub.ch/a-new-wave-of-attacks-on-freedom-of-opinion-and-criminalizing-dissent-in-india/?lang=en>.

It is this misuse of a "complaint" made by an individual who as a registered nationalist had their feelings offended in a post which they did not need to read or comment about further, which is being used as a pretext to attack the legitimate political opinions of Indian minorities such as Sikhs. This renders the "complaints" referred to by the Indian state as grounds for legal action as baseless and completely inappropriate for legal action, given its politically motivated background, and unreasonably egregious legal penalties.

These very "complaints" were what resulted in the social media accounts of SFJ's executive (including attorney Pannun) and marketing team being banned, even though the banned individuals were in full compliance of the terms and services of the various social media platforms. In a clear overstep of its jurisdiction, the Indian government used the pressure of "complaints" for alleged "offensive content" to ban the accounts of human rights defenders who are not citizens of India, residing in India, working in India, or using Indian platforms.

Unlike the Republic of India, it is under the framework established by international law that attorney Pannun operates his human rights advocacy work. The deference to the International Law by attorney Pannun is due to the lack of any possible legal remedy in India. The long list of crimes against humanity perpetrated by the Indian government on its Sikh population over decades which have never been offered just and proper redress or compensation domestically to date.

This fact coupled with the anti-minority Hindu nationalist party in power, leaves attorney Pannun and the Sikh community no choice but to pursue justice outside of the Indian system. The Indian state apparatus offers no effective legal remedy for the said violations as according to Indian law, government permission must be granted in order to prosecute a government official for crimes. As it is the government of India itself facilitating these crimes, no permission to prosecute any government official for suppression of minorities can be acquired.

The UNHRC Resolution adopted in Session 31/32 "Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights"¹⁵³ explicitly states that in;

Provision 4: Urges all States to acknowledge in public statements at the national and local levels, and through laws, policies or programmes, the important and legitimate role of human rights defenders, including women human rights defenders, in the promotion of human rights, democracy and the rule of law in all areas of society, in urban and rural areas, as essential components of ensuring their recognition and protection, including those promoting and defending economic, social and cultural rights; 1 General Assembly resolution 53/144, annex 2 A/HRC/4/37, A/HRC/19/55, A/68/262, A/70/217. A/HRC/RES/31/32 4

Provision 5: Strongly condemns the reprisals and violence against and the targeting, criminalization, intimidation, arbitrary detention, torture, disappearance and killing of any individual, including human rights defenders, for their advocacy of human rights, for reporting and seeking information on human rights violations and abuses or for cooperating with national,

¹⁵³ See UN Human Rights Council resolution 31/32 *Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights* A/HRC/RES/31/32 24 March 2016

regional and international mechanisms, including in relation to economic, social and cultural rights;

Provision 6: Calls upon all States to combat impunity by investigating and pursuing accountability for all attacks and threats by State and non-State actors against any individual, group or organ of society that is defending human rights, including against family members, associates and legal representatives, and by condemning publically all cases of violence, discrimination, intimidation and reprisals against them;

Since India voted *in favor* of the UNHRC Resolution 31/32, Sikhs For Justice hereby formally requests all the nations of the world to take immediate notice and action to hold India responsible before United Nations (General Assembly or UNHRC) for violating the human rights obligations it has taken upon itself to fulfill.

1. SFJ demands that the government of India be made to publicly state at the national and state level in Punjab, to announce its renewed commitment by policy to the provisions of the UNHRC UDHR and ICCPR in recognizing the protected and legitimate role of human rights defenders such as attorney Pannun in the promotion of human rights, democracy and the rule of law.
2. SFJ demands that the government of India be made to prosecute state actors targeting, intimidating, arbitrarily detaining, torturing, and extra judicially assassinating any individual in Punjab and India as a whole for supporting the “Referendum 2020” campaign to realize the right to self-determination for Sikhs due to its violation of Articles 1, 6, 9, 19, 22, and 26 of the ICCPR.
3. SFJ demands the government of India to be made to open an investigation to ascertain accountability of the individuals in the Indian government who abused their official capacities to slander and falsely charge attorney Pannun with “anti-national” activities, for his work as a human rights defender as the legal advisor to SFJ and award compensation for damages incurred as a result, due to its violation of Article 17 of the ICCPR.
4. SFJ demands the government of India be made to revoke the bans on the social media accounts of attorney Pannun as well as the websites for SFJ and the “Referendum 2020” due to being in violation of Article 19(2) of the ICCPR.
5. SFJ demands that the government of India be made to revoke all charges placed on attorney Pannun under the Unlawful Activities Prevention Act and Sedition Law of India due to the confessions used for the charges being drawn from the use of torture which is in violation of Article 7 and 17 of the ICCPR.

CONCLUSION

These cases clearly demonstrate the pattern of abuses and violations of international law committed by the government of India for decades. The seriousness of the facts of this petition lies in the recent developments seen in Kashmir. Kashmir despite having a legally protected status in India and internationally, was annexed by military force using the strategic the blueprint laid out to the Indian government by its military occupation of Punjab. In the Indian assault and occupation of Punjab in the 1980’s and 90’s a series of pogroms against Sikhs were encouraged and initiated, leading to the killing of tens of thousands of Sikhs.

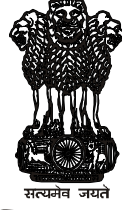
Today the actions of the Republic of India under the BJP party have further escalated the previous levels of violence India undertakes internally, as is clearly seen by the annexation of Kashmir and the expansion of India's previous policies on the use of force. It is with this understanding of the Indian governments penchant for throwing away domestic and international law in favor of violent action that SFJ urges the United Nations to take action to curtail Indian state violence and impose the standards of international law that the Indian government has dismissed. Without the international courts taking action against India for these violations, the international community can be guaranteed of the continuance of such violations by India for years to come.

Since private individuals and human rights defenders such as attorney Pannun and the members of SFJ have found themselves alone in holding to account the perpetrators of violent mass discrimination in India, the international community must now take decisive action which it has avoided for decades, much as it did in the genocide of Sikhs in 1984 and Rwanda after it. The consistent and blatant violation of the core provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Bill of Rights by the Republic of India against Sikhs despite years of reports demonstrating this were completely ignored. This inaction has made and would continue to make the international community complicit in allowing these crimes to occur, with full knowledge of their existence and full ability to stop them. It is on these grounds that Sikhs For Justice urges the Nations of the World to take notice of and raise voice against India for her flagrant violations of the freedoms guaranteed to all people, and her vengeance against the the democratic "Referendum 2020" campaign.

X ----- X

ANNEXURE “1”

The official declaration by the Republic of India in the Gazette of India, announcing the banning of the Human Rights Advocacy Group Sikhs For Justice on July 22nd 2019, and extending the powers of the Central Government under the UAPA laws to the state governments of Punjab, Haryana, Jammu and Kashmir, Rajasthan, Uttar Pradesh, Uttarakhand, Government of National Capital Territory of Delhi and Chandigarh Administration in relation to the above said unlawful association.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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गृह मंत्रालय

अधिसूचना

नई दिल्ली, 22 जुलाई, 2019

का. आ. 2617(अ).—जबकि, केन्द्र सरकार ने विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 3 की उप-धारा (1) और (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए सिख्स फॉर जस्टिस (एसएफजे) को दिनांक 10 जुलाई, 2019 के भारत के राजपत्र, असाधारण, भाग II, खण्ड 3, उप-खण्ड (ii) में प्रकाशित दिनांक 10 जुलाई, 2019 की अधिसूचना सं. का.आ. 2469(अ) के तहत एक विधिविरुद्ध संगम घोषित किया है;

अतः, अब, विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 42 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा यह निदेश देती है कि उक्त अधिनियम की धारा 7 और धारा 8 के अंतर्गत उसके द्वारा प्रयोग की जा सकने वाली समस्त शक्तियों का पंजाब, हरियाणा, जम्मू एवं कश्मीर, राजस्थान, उत्तर प्रदेश, उत्तराखण्ड, दिल्ली के राष्ट्रीय राजधानी क्षेत्र की राज्य सरकारों तथा चण्डीगढ़ प्रशासन द्वारा भी उपर्युक्त विधिविरुद्ध संगम के संबंध में प्रयोग किया जाएगा।

[फा. सं. 17014/32/2019-आईएस-VII]

एस.सी.एल. दास, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 22nd July, 2019

S.O. 2617(E).—Whereas, in exercise of the powers conferred by sub-sections (1) and (3) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government has declared the Sikhs For Justice (SFJ) to be an unlawful association *vide* notification number S.O. 2469(E) dated 10th July, 2019, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 10th July, 2019;

Now, therefore, in exercise of the powers conferred by section 42 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby directs that all powers exercisable by it under section 7 and section 8 of the said Act shall be exercised also by the State Governments of Punjab, Haryana, Jammu and Kashmir, Rajasthan, Uttar Pradesh, Uttarakhand, Government of National Capital Territory of Delhi and Chandigarh Administration in relation to the above said unlawful association.

[F.No.17014/32/2019-IS-VII]

S.C.L. DAS, Jt. Secy.

ANNEXURE “2”

The Ministry of Home Affairs notification of the banning of Sikhs For Justice under the provisions of the Unlawful Activities (Prevention) Act of India, on July 10th 2019 declaring SFJ as an unlawful association.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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नई दिल्ली, बुधवार, जुलाई 10, 2019/आषाढ़ 19, 1941

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NEW DELHI, WEDNESDAY, JULY 10, 2019/ASHADHA 19, 1941

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 10 जुलाई, 2019

का.आ. 2469(अ).—जबकि सिक्स फॉर जस्टिस (इसके पश्चात एसएफजे के रूप में उल्लिखित) ऐसी गतिविधियों में शामिल है, जो भारत की आंतरिक सुरक्षा और लोक व्यवस्था के लिए हानिकारक हैं और जिसमें देश की शांति, एकता और अखण्डता को भंग करने की क्षमता है।

और जबकि, केन्द्र सरकार का यह मत है कि एसएफजे ऐसी गतिविधियों में शामिल है, जो देश की अखण्डता और सुरक्षा के लिए हानिकारक हैं।

और जबकि, केन्द्र सरकार का यह मत है कि एसएफजे निम्नलिखित ऐसी श्रृंखलाबद्ध विधिविरुद्ध गतिविधियों में शामिल हैं, जो विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 की धारा (2) की उप-धारा (1) के खण्ड (ण) तथा (त) के अंतर्गत आते हैं, कि:-

- (i) एसएफजे भारत की संप्रभुता और क्षेत्रीय अखंडता को भंग करने के उद्देश्य से पंजाब और अन्य जगहों पर राष्ट्र-विरोधी और विध्वंसक गतिविधियों में शामिल है;
- (ii) एसएफजे उग्रवादी संगठनों और कार्यकर्ताओं के निकट संपर्क में है और भारत संघ क्षेत्र से संप्रभु खालिस्तान को अलग करने के लिए पंजाब और अन्य जगहों पर उग्रवाद से जुड़ी हिंसा और आतंकवाद का समर्थन कर रहा है;
- (iii) एसएफजे भारत संघ से भारतीय क्षेत्र के एक हिस्से को अलग करने की गतिविधियों को प्रोत्साहित कर रहा है और उसमें सहायता प्रदान कर रहा है और भारत की संप्रभुता और क्षेत्रीय अखण्डता को भंग करने के इरादे से भारत तथा अन्य जगहों पर इस उद्देश्य के लिए लड़ने वाले अलगाववादी समूहों की सहायता कर रहा है;

और जबकि, केन्द्र सरकार का यह भी मत है कि यदि एसएफजे की गैरकानूनी गतिविधियों को तुरंत रोका और नियंत्रित नहीं किया गया तो, यह संभावना है कि-

- (क) विधि द्वारा स्थापित सरकार को अस्थिर करके, भारत संघ के क्षेत्र से खालिस्तान राष्ट्र को अलग करने के प्रयासों सहित अपनी विध्वंसक गतिविधियों को बढ़ावा देगा;
- (ख) संघ के साथ राज्य के विलय के संबंध में विवाद उत्पन्न करते हुए भारत संघ से खालिस्तान को अलग करने की वकालत करना जारी रखेगा;
- (ग) देश की क्षेत्रीय अखंडता और सुरक्षा के विरुद्ध राष्ट्र-विरोधी और अलगाववादी भावनाओं का प्रचार करेगा;
- (घ) देश में अलगाववादी आंदोलनों को बढ़ाएगा, उग्रवाद का समर्थन करेगा और हिंसा को उकसाता रहेगा।

और जबकि, केन्द्र सरकार का यह भी मत है कि एसएफजे की गतिविधियों को ध्यान में रखते हुए यह आवश्यक है कि एसएफजे को तत्काल प्रभाव से एक विधिविरुद्ध संगम घोषित किया जाए।

अतः, अब विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 3 की उप-धारा (1) और (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार सिख्स फॉर जस्टिस (एस.एफ.जे.) को विधिविरुद्ध संगम घोषित करती है और यह निदेश देती है कि यह अधिसूचना, उक्त अधिनियम की धारा 4 के अंतर्गत किए गए किसी भी आदेश के अध्यक्षीन, सरकारी राजपत्र में इसके प्रकाशन की तारीख से पांच वर्षों की अवधि के लिए प्रभावी होगी।

[फा. सं. 17014/18/2019-आईएस-VII]

एस. सी. एल. दास, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 10th July, 2019

S.O. 2469(E).—Whereas the Sikhs For Justice (hereinafter referred to as the SFJ), has been indulging in activities, which are prejudicial to internal security of India and public order, and have the potential of disrupting peace, the unity and integrity of the country;

And Whereas, the Central Government is of the opinion that the SFJ is indulging in the activities which are prejudicial to the integrity and security of the country;

And Whereas, the Central Government is of the opinion that following unlawful activities indulged by the SFJ falls within the meaning of clauses (o) and (p) of sub-section (1) of section 2 of the Unlawful Activities (Prevention) Act, 1967, namely:-

- (i) SFJ is involved in anti-national and subversive activities in Punjab and elsewhere, intended to disrupt the sovereignty and territorial integrity of India;
- (ii) SFJ is in close touch with the militant outfits and activists, and is supporting violent form of extremism and militancy in Punjab and elsewhere to carve out a sovereign Khalistan out of territory of Union of India;
- (iii) SFJ is encouraging and aiding the activities for secession of a part of the Indian territory from the Union of India and supporting separatist groups fighting for this purpose in India and elsewhere by indulging in activities and articulations intended to disrupt the sovereignty and territorial integrity of India;

And Whereas, the Central Government is further of the opinion that if the unlawful activities of the SFJ are not curbed and controlled immediately, it is likely to-

- (a) escalate its subversive activities including attempts to carve out Khalistan Nation out of the territory of Union of India by destabilising the Government established by law;
- (b) continue advocating the secession of the Khalistan from the Union of India while disputing the accession of State with the Union;
- (c) propagate anti-national and separatist sentiments prejudicial to the territorial integrity and security of the country;
- (d) escalate secessionist movements, supports militancy and incite violence in the country;

And Whereas, the Central Government is also of the opinion that having regard to the activities of the SFJ, it is necessary to declare the SFJ to be an unlawful association with the immediate effect;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (3) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the Sikhs For Justice (SFJ) as an unlawful association and directs that this notification shall, subject to any order that may be made under section 4 of the said Act, have effect for a period of five years from the date of its publication in the Official Gazette.

[F. No. 17014/18/2019-IS.VII]

S. C. L. DAS, Jt. Secy.

ANNEXURE “3”

The charge sheet provided by the Punjab Police after a Freedom of Information Request by SFJ. The charge sheet details the various charges against Gurpatwant S. Pannun and “Khalistan Referendum 2020 campaigners” by Indian Law Enforcement.

Detail of Case registered against Gurpatwant Singh Pannu

SR. NO. (1)	CASES (2)	Brief of Case (3)	Arrested Persons (4)	Recovery (5)	Yet to be arrested (6)	CASE STATUS (7)
1.	FIR No. 149, dated 06.07.2017 u/s 124-A, 153-A, 153-B/120-B IPC, PS Sohana Distt. SAS Nagar.	This case was registered on the basis of information provided by police informer that some posters of Sikh Referendum 2020 are found at various places in Mohali with "Freedom is solution, Punjab Independence referendum" written and Photographs of Jarnail Singh Bhindranwala and damaged Akai Takhat Sahib during 1984 were printed on them. These posters were printed by Gurpreet Singh s/o Kuldeep Singh House No. 869, Sector-80, Mohali (who runs a printing press in phase-5 Industrial Area Mohali. Some Abroad based terrorists are the mastermind behind this conspiracy. They Direct Gurpreet Singh to print such posters so they can disturb the peace of Punjab and make Punjab a separate Nation.	1. Gurpreet Singh s/o Kuldeep Singh r/o House No. 869 Sector-80, Mohali. 2. Harpuneet Singh r/o Nanak Nagar Jammu (J&K)	1. Poster of Referendum 2020 2. 01 LCD 3. Laptop 4. CPU 5. Printer.	1. Gurpatwant Singh @ Pannu s/o Late Mohinder Singh Pannu r/o Nathu Chak Patti Taran Taran, OR House No. 2033, Sector 15-C Chandigarh. Now 350-05AB 59" Fir. Impire State Building New York USA, (RCN REJECTED) 2. Jagdeep Singh @ Baba r/o Fatehgarh Sahib 3. Jagjit Singh r/o New York (Open Warrant issued)	The Charge sheet has been submitted in the court on 05-12-18 against 1. Harpuneet Singh 2. Gurpreet Singh u/s 124-A, 153-A, 153-B, 120-B IPC Case is Under trial
2.	FIR No. 46, dated 31-05-2018, U/s , 115, 121, 121-A, 122, 124-A, 120B, 307,438,427,148,149 IPC, 11, 12, 13, 17, 18 Unlawful Activities Prevention Act and 25 Arms act, 66-A/66-F IT Act PS Rangar Nangal, Distt Batala.	This case was registered on the Statement of Sartaj S/o Kunj Lal caste Rajput resident of Bandaru, P.S Jawali, District, Kangra Himachal Pradesh, who was a salesman at Liquor Shop Balraj Singh C/o Rajendra wine, shop English / licit Liquor, circle Panigrahi wine shop English/licit Liquor Theriawal (adda Dhando). He used to sleep there every night. On 30.05.2016 at about 3.30 AM when he was sleeping some unknown persons burnt the liquor shop. He came out frequently but all the accused had ran away from there. During investigation Dhaminder Singh s/o Sarabjeet Singh r/o Harpura PS Ghuman, admitted that Gurpatwant Singh Pannu r/o USA was mastermind behind this conspiracy he provoked them to support Referendum 20-20 so they can disturb peace of Punjab and target VIPs in the State. He also told them to take violent action against anti-Khalistani and Hindus. He promised him that he will send Arms and Ammunition to them.	1. Ravinder Singh S/o Sadhu Singh r/o Daultapur PS Qadian 2. Ravpreet Singh S/o Santokh Singh r/o navi Abadi Umarpura 3. Dhaminder Singh S/o Sarabjeet Singh r/o Harpura PS Ghuman 4. Kirpal Singh S/o Karnail Singh r/o Fatehpur PS Valthoia Tam Taran 5. Nirmal Singh S/o Lashman Singh Caste Majhi R/o Chakrala PS Kartarpur Distt. Jalandhar 6. Amritpal Singh S/o Harjinder Singh r/o Nanaksar gali Thekedara PS City Distt. Tam Taran. 7. Hamam Singh S/o Lashman Singh r/o Chakrala Jalandhar	1. One .32 bore revolver 2. One .22 bore pistol 3. one country made pistol .315 4. 13 live cartridges 5. 110 Punjab Referendum 2020 & Khalistan Zindabad posters 6. 03 Stencils and spray bottles	1. Gurpatwant Singh @ Pannu s/o Late Mohinder Singh Pannu r/o Nathu Chak Patti Taran Taran, OR House No. 2033, Sector 15-C Chandigarh. Now 350-05AB 59" Fir. Impire State Building New York USA. 2. Mann Singh @ Kulwant Singh @ Kanta s/o Faqir Singh r/o Sinchewal P.O Rupewal Tehsil Shahkot Distt. Jalandhar now U.K 3. Deep Kaur @ Kulbir Kaur r/o Late Gurbax Singh @ Bhola Singh w/o Sandeep Kumar r/o Laroi Distt. Jalandhar Now Malaysia. 4. Paramjit Singh @ Pamma s/o Amrik Singh r/o Village Bhako Mazara PS Chamkaur sahib Distt. Ropar now UK. 5. Ranjit Singh @ Rana Singh @ Harmeet Singh @ Harpreet Singh s/o Kuldeep Singh s/o Kehar Singh r/o Mangror Distt. Ropar Now ABE, RICHMOND HILL NY 11418-USA, (0017185082403) 6. Ashok Kumar s/o Parkash Sharma r/o Jawala Nagar House No. 9596 Maqsudan Distt. Jalandhar Now Dubai.	The Charge sheet presented in the Court on 26-11-2018 against 1. Dhaminder Singh @ Fauji 2. Kirpal Singh 3. Ravinder Singh @ Raja 4. Amritpal Singh 5. Ravpreet Singh 6. Nirmal Singh 7. Hamam Singh U/s 121, 121-A, 122, 124-A, 115, 120B, 307,438,427,148,149 IPC, 11, 12, 13, 17, 18 Unlawful Activities Prevention Act and 25 Arms act The supplement charge sheet will submitted in court on 11-07-2019 Case is Under Trial
3.	152 dated 19.10.2018 u/s 124-A, 153-A, 153-B, 120-B IPC, Added Sections 17,18,19 Unlawful Activities Prevention Act 1967, 25/54/59 Arms Act, 117,122 IPC PS Sultanwind, Amritsar City.	This case was registered on the basis of secret information that Sukhraj Singh @ Raju s/o Balwant Singh and his associates are receiving Funds from Abroad for the publicity of Khalistan Referendum 20-20. They make cloth banners of Khalistan and put them at various places in Amritsar City. During investigation Gurpatwant Singh Pannu and his associates (in Col No. 6) were also nominated in this case.	1. Sukhraj Singh @ Raju s/o Balwant Singh caste Jat, r/o H.No. 205, Patti Behani Wal, Village Sultanwind, Amritsar City. (Arrested on 19.10.2018) 2. Malkiat Singh @ Keetu s/o Baljit Singh r/o Patti Behani Wal, Village Sultanwind, Amritsar City. (Arrested on 19.10.2018) 3. Bikramjit Singh @ Vicky s/o Sardool Singh caste Jat r/o Balogi Fatak, Ashok Nagar, Shiva Ji Colony, Rurki, Ultra Khand, Now Vill, Jallo Khera, PS Beas, Amritsar Rural. (Arr. on 23.10.2018) 4. Manjit Singh @ Manga s/o Dharam Singh caste Majhi r/o Patti Fallyian di, Khadoor Sahib, Tam Taran. President International Panthak Dal/Baba Deep Singh Niskam Sewa Dal. (Arr. on 31.10.2018.) 5. Jatinder Singh @ Goldy s/o Balwinder Singh caste Majhi r/o Patti Fallyian di, near Heera Motoran Wala, Khadoor Sahib, District Tam Taran. (Arrested on 31.10.2018.) 6. Harpreet Singh @ Happy s/o Sakattar Singh caste Majhi r/o Near Police Chowki Village Naushera Pannu District Tam Taran. (Arrested 31.10.2018). 7. Gurwinder Singh @ Gurpreet Singh @ Gopi s/o Jagir Singh caste Jat r/o Patti Dasuwal, Village Naushera Pannu District Tam Taran. (Arrested 31.10.2018) 8. Harmeet Singh @ Raju s/o Vijay Singh Caste Rajgarah r/o H.No. X/1545, Gali No.8, Rajgarh Colony Gandhi Nagar, Delhi 31 PS Krishna Nagar, Delhi (Arrested 12.11.2018) (In Jail) 9. Rufai @ Rahul Gill s/o Sardan Lal Caste Christian r/o New Krishan Colony Qadian wali Chungi, Batala. (Arrested 23.11.2018) (In Jail) 10. Sukhminder Singh @ Gopi s/o Late Sh. Gursewak Singh Caste Majhi Sikh r/o Vill, Tehna, Faridkot now Tenant of Paramjit Kaur, r/o Gali No. 10/20 Ballaram Nagar, Bhatti Road, Bathinda. (Arrested 23.11.2018) (In Jail) 11. Kuldeep Singh, President International Panthak Dal s/o Dharam Singh Caste Majhi Sikh r/o Vill. Patti Fallyian Di Khadoor Sahib, District Tam Taran. (Arrested 26.11.2018) (In Jail)	1. Khalistan Zindabad! Khalsitan Referendum 2020 banners 2. .32 bore pistol along with 04 live cartridges	1. Gurpatwant Singh @ Gurpartap Singh Pannu r/o H.No. 2033, Sector 15-C, PS Sector-11, Chandigarh Now H.No.350-05 AVE 59th Floor Empire State Building New York USA. Legal Advisor Sikh for Justice, New York, USA, Based Organization. 2. Pargat Singh s/o Mehar Singh r/o Village Tarmala, PS Lambi, District Muktsar Sahib. 3. Balwant Singh s/o Miikha Singh r/o Village Varring Mohan pura, PS Chohla Sahib, Tarn Taran. 4. Sandeep Singh @ Chhana r/o Taral, Sri Nagar, J&K. 5. Harjit Singh @ Ashu r/o Village Basant Pura, District Pulwama, Tehsil Taral, Sri Nagar, J&K. 6. Davinder Singh r/o Mohalla Jawahar Nagar, Town Square, Gurdwara Singh Sabha, Majju, Sri Nagar, J&K. 7. Sukhbir Singh r/o Majju Nagar, Alche Bagh, Sri Nagar, J&K. 8. Bhupinder Singh @ Buntty @ Buppi r/o Alche Bagh, Sri Nagar, J&K. 9. Sunny Bai r/o Dera Ajnala, District, Amritsar. 10. Tarsem Singh r/o Dera Ajnala, District, Amritsar. 11. Lovepreet Singh @ Rata Mukatsar r/o Dera Ajnala, District, Amritsar. 12. Gurbhej Singh r/o Dera Ajnala, District Amritsar. 13. March Jumma r/o South Africa. 14. Archrey Munian r/o South Africa. 15. Parbhati Dabunjar r/o South Africa. 16. Kulwinder Kaur r/o 105, Shally Avenue, London U.K. c/o Kamal Kant Walji Kuwait and Fateh Singh South Africa. 17. Lidon Dass, Tikulagra r/o Sharjah U.A.E 18. Kamal Kant Walji r/o Block No. 5, House No.10110, Flat 6, Jleebal Shuyoukh Kuwait. 19. Sonwabo Wice Man Germanke r/o South Africa.	The Charge sheet was presented in the court on 16/04/2019) against 1. Sukhraj Singh @ Raju 2. Malkit Singh @ Meetu 3. Bikramjit Singh @ Vicky 4. Harprit Singh @ Happy 5. Gurwinder Singh @ Gurprit Gopi 6. Manjit Singh @ Manga 7. Jatinder Singh @ Goldy 8. Harmeet Singh @ Raju 9. Roofal @ Rahul Gill 10. Sukhmandar Singh @ Gopy 11. Kuldeep Singh u/s 117, 122, 124-A, 153-A, 153-B, 120-B IPC, 17,18,19 UAP Act, 25 Arms Act The supplement charge sheet will submitted in court on 10-07-2019

ANNEXURE “4”

The official notification of the rejection of India’s request to place Gurpatwant S. Pannun on “Red Corner Notice” by INTERPOL on March 15, 2019.



Commission de Contrôle des Fichiers de l'O.I.P.C. - INTERPOL
Commission for the Control of INTERPOL's Files
Comisión de Control de los Ficheros de la OIPC-INTERPOL
لجنة الرقابة على محفوظات المنظمة الدولية للشرطة الجنائية (الإنترپول)

INTERPOL's Independent Authority for the Control and Protection of Personal Data

18 March 2019

Our ref: CCF/108/R1156.18/C596.19

Subject: Request concerning Mr Gurpatwant Pannun

Dear Sir,

We acknowledge receipt of your correspondence dated 16 February 2019 and the correspondence from your client dated 24 January 2019, and received respectively on 25 February 2019 and 4 March 2019, by which you draw the Commission's attention concerning proceedings initiated in India at national level against your client and on the possibility that INTERPOL's channels might be used on that basis.

Please note that the Commission considered with the utmost care, in accordance with its functions and with applicable rules, the issues raised in your request and arguments in support thereof.

We would like to inform you that the Commission carried out the appropriate checks and that your client is not subject to an INTERPOL notice or diffusion.

You will find enclosed an official letter from the INTERPOL General Secretariat, certifying the above.

Finally, we wish to draw your attention to the fact that the Commission's powers are limited to the processing of data in the INTERPOL Information System. It is not empowered to act with regard to national files or procedures. Only the competent authorities may do so. Therefore, we invite you to contact the relevant national authorities regarding issues beyond the mandate of the Commission.

Yours faithfully,

Secretariat to the Commission
for the Control of INTERPOL's Files

Mr Richard J Rogers
Global Diligence LLP
Kemp House
152 City Road
London EC1V2NX
UNITED KINGDOM



TO WHOM IT MAY CONCERN

Ref: 72615-15

The General Secretariat of the International Criminal Police Organization-INTERPOL hereby certifies that, as of today, Mr Gurpatwant PANNUN, born on 14 February 1967, is not subject to an INTERPOL Notice or diffusion.

Done in Lyon, on 15 March 2019.



Ref: 72615-15

Office of Legal Affairs
General Secretariat
INTERPOL

ANNEXURE “5”

Overview of the mission statement of Sikhs For Justice the Human Rights Advocacy Group, its various actions taken to realize the right of self-determination for Sikhs, and the reaction of the Indian government to these activities.



USA

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www.referendum2020.org
www.facebook.com/sikhsforjusticepage

Issued on November 20, 2019 from New York, USA.

SIKH REFERENDUM 2020

A Democratic Campaign of SFJ for Realization of Sikhs Right of Self Determination

Introduction, Activities and Background

“Sikhs For Justice” (SFJ) www.sikhsforjustice.org is a New York based international human rights advocacy group which is spearheading Referendum 2020 campaign to realize the right of self-determination for Sikh people on the basis of the principle enshrined in UN Charter and International Covenant on Civil and Political Rights (ICCPR). (See Report¹ at **Annex-A**)

Referendum 2020 www.referendum2020.org is a political campaign launched by “SFJ” aiming to hold the first ever non-binding Referendum among the 25 million global Sikh community on the question of establishing Indian governed Punjab as an independent country – “Khalistan”.

Background of Sikhs v. India

Sikhs are a religious minority in India who have been persecuted ever since India obtained independence from Britain in 1947. Most noted persecution of Sikhs under India’s rule since 1947 consists of:

- a. Suppression of separate religious identity by labelling Sikhs as “Hindus” in Explanation II to Article 25 of the Constitution of India;
- b. Military attack, invasion, desecration and massacre at the holiest Sikh shrine The Golden Temple in June 1984 killing more than 10,000 pilgrims including women and children.
- c. November 1984 anti-Sikh genocidal violence across India killing more than 30,000 Sikhs;
- d. Decade long extra judicial killing of Sikhs in 1980s and 1990s by the security forces in the name of counter insurgency to crush the movement for Khalistan;
- e. Plundering of River waters of Punjab and giving it to other States of India, without compensation to Punjab, and thus forcing economic suicide upon 80,000 Sikh farmers.

¹ "Self-Determination for the Sikh Peoples: An Overview of the International Law" report by Global Diligence LLP, an international law and human rights compliance firm.



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- f. Spreading drug epidemic in Punjab through the active connivance of government and administration.

Background and Campaigns of the International Advocacy Group “SFJ”

SFJ which is currently spearheading the campaign for right to self-determination for the Sikh people of the Indian occupied Punjab through non-binding Referendum 2020, was inceptioned in 2007 with a view to work on the human rights issues concerning the Sikh community.

Prior to launching the Referendum 2020 campaign, for years SFJ worked on the issue of seeking justice for November 1984 anti-Sikh genocidal violence in which more than 30,000 Sikhs were killed throughout India in a span of few days.

SFJ's efforts were focused on holding the perpetrators of 1984 genocide responsible under international law and by urging the world governments to recognize the November 1984 anti-Sikh violence as Genocide as defined in UN Convention on Genocide.

To challenge and expose India's culture of impunity, SFJ have also undertaken efforts and steps to move the legal machinery of the western countries against Indian police officers, politicians and other officials who have been involved in torture or other human rights violations whenever those violators would travel to western countries.

The most important cases/legal actions/lawsuits filed by SFJ to hold the human rights violators responsible include:

SFJ's Lawsuits/Legal Actions/Cases

1. April 2015 - SFJ's criminal complaint (Private Prosecution) in Toronto, Canada against Indian Prime Minister Narendra Modi for his role in 2002 massacre of Muslims in the state of Gujarat, India while Modi was head of government in Gujarat.

<https://www.thehindu.com/news/gujarat-riots-canadian-court-issues-summons-for-modi/article7109746.ece>

<https://www.thestar.com/news/canada/2015/04/09/sikh-human-rights-group-pushes-for-charges-against-indian-pm.html>

2. April 2016 – SFJ's criminal complaint (Private Prosecution) in Toronto against Captain Amarinder Singh the current Chief Minister of the State of Punjab, India on the charges of Torture.

<https://www.tribuneindia.com/news/punjab/courts/canada-court-to-hear-torture-charges-case-against-capt-today/226503.html>



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<https://www.hindustantimes.com/india/captain-amarinder-singh-cancels-visit-to-canada/story-mzZRuNyuEhyl0Pa7VVZY6K.html>

3. April 2016 - Complaint to Government of Canada against Captain Amarinder Singh the current Chief Minister of the State of Punjab, India about his upcoming visit in which he was going to violate Canada's election laws by conducting fundraising in Canada for elections in India.
4. April 2016 - Civil complaint of defamation against Captain Amarinder Singh, Chief Minister of the state Punjab for calling SFJ and its legal advisor Gurpatwant Singh Pannun as "ISI agent", the spy agency of Pakistan.

<https://www.tribuneindia.com/news/community/sfj-files-defamation-suit-against-amarinder-in-canadian-court/393262.html>

5. September 2014 - Civil complaint against Indian Prime Minister Narendra Modi in the US Federal Court for the Southern District of New York under Torture Victim Protection Act for his role in 2002 massacre of Muslims in the state of Gujarat.

<https://www.nytimes.com/2014/09/27/world/asia/us-court-issues-summons-to-modi-in-lawsuit-over-2002-riots.html>

<https://www.firstpost.com/world/us-court-summons-pm-modi-for-alleged-role-in-2002-gujarat-riots-1730963.html>

6. Civil complaint in US Federal District Court to declare India's Hindu supremacist group Rashtriya Swayamsevak Sangh (RSS) as terrorist organization for carrying out terrorist acts against non-Hindu religious minorities in India, including forcible conversion of Muslims, Sikhs and Christian to Hindus and attack of places of worship. RSS is the parent and mentor organization of PM Modi's political party Bhartiya Janata Party (BJP).
7. Civil complaint in the Federal District Court Washington DC against then Prime Minister of India Manmohan Singh under Torture Victim Protection Act (TVPA) for participating in extra judicial killing of Sikhs in Punjab during 1990s by giving cash rewards to cops who killed Sikh political activists.

<https://www.indiatoday.in/world/americas/story/us-court-sikh-group-summon-manmohan-singh-june-18-190354-2014-04-25>

<https://www.thehindubusinessline.com/news/world/us-court-issues-summons-against-manmohan-singh/article20665162.ece1>

8. April 2010 - Civil Complaint in the US Federal Court for Southern District of New York pursuant to Alien Tort Claims Act (ATS) and TVPA against Indian politician and then Member Parliament and Congress party leader Kamal Nath for his role in 1984 anti-Sikh violence. Later, Indian National Congress party was also added as defendant.



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<https://www.deccanherald.com/content/132412/sikh-group-challenge-diplomatic-immunity.html>

9. August 2012 - Civil complaint under ATS and TVPA in US Federal District Court of Wisconsin against Parkash Singh Badal, the then Chief Minister of Punjab on the charges of commanding and controlling a police force that committed wide spread torture on Sikh political activists in Punjab.

<https://timesofindia.indiatimes.com/india/Wisconsin-court-issues-summons-to-Badal-over-rights-violations/articleshow/15428612.cms>

<http://www.rediff.com/news/report/human-rights-violation-punjab-cm-served-us-court-summons/20120810.htm>

SFJ's Advocacy/Awareness Campaigns – Highlights:

SFJ's advocacy initiatives to spread awareness about human rights and to get November 1984 anti-Sikh violence recognized as "Genocide" includes:

1. November 2013 - Filing Petition with more than a million signatures before UNHRC to intervene and investigate November 1984 anti-Sikh violence.
2. November 2010 - Advocating for a motion for the Parliament of Canada to recognize November 1984 Sikh Genocide

<https://timesofindia.indiatimes.com/india/Recognize-1984-riots-as-genocide-Canadian-MP/articleshow/7245096.cms>

3. Filing a petition to the US President (White House Online Petition) securing more than 25,000 signatures required to qualify for the official response from the US Government.

<https://www.hindustantimes.com/india/white-house-petition-on-1984-riots-gains-support/story-OOPz1rE6ljBa7jaksvOuyH.html>

4. Petition tabled in the Australian Parliament to recognize November 1984 anti-Sikh violence as Genocide.

<https://www.bbc.com/news/world-asia-india-20178792>

5. Launching the community initiative of having the November 1984 Sikh Genocide recognized from local governments/city governments.
So far more than 15 cities and states of California and Pennsylvania in the United States and Province of Ontario, Canada has passed resolutions recognizing November 1984 Sikh Genocide.



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6. Following are the links for the news report about Sikh Genocide Resolutions:

Parliaments and Assemblies:

1. Parliament of Canada:
<https://timesofindia.indiatimes.com/india/Recognize-1984-riots-as-genocide-Canadian-MP/articleshow/7245096.cms>
2. Assembly of Ontario, Canada
https://www.huffingtonpost.ca/amneet-singh-bali/1984-sikh-genocide_b_16099600.html
3. Parliament of Australia
<https://www.bbc.com/news/world-asia-india-20178792>
4. Connecticut State Assembly
<https://timesofindia.indiatimes.com/city/ludhiana/connecticut-assembly-passes-sikh-genocide-resolution/articleshow/65016239.cms>
5. California State Assembly
https://www.indiawest.com/news/global_indian/california-state-assembly-resolution-calls-riots-sikh-pogrom/article_e8cc7628-e913-11e4-9747-db62847ebda1.html

U.S. Cities:

6. Fresno
<https://www.worldreligionnews.com/religion-news/fresno-city-council-passes-resolution-to-recognize-sikh-massacre-as-genocide>
7. Bakersfield
<https://sikhnews.net/301/bakersfield-california-passes-resolution-declaring-the-1984-systematic-killing-of-sikhs-in-india-as-genocide>
8. Kerman
<https://www.fresnobee.com/news/local/article43072923.html>
9. Stockton
<https://sikhnews.net/310/city-of-stockton-california-passes-resolution-recognizing-1984-anti-sikh-violence-as-genocide>
10. Harvey
<http://panthic.org/articles/5558>



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11, 12. Fowler and Madera

<https://sikhsiyasat.net/2016/10/21/city-fowler-madera-recognise-sikh-genocide-1984/>

13, 14, 15. Selma, Union City, and Lathrop

<https://sikhsiyasat.net/2016/12/01/california-cities-union-city-lathrop-selma-pass-recognize-the-fact-of-sikh-genocide-1984/>

16 & 17. Turlock and Sanger

<http://www.ofmi.org/california-city-turlock-proclaims-sikh-genocide-day-commemorate-1984-killings/>

SFJ's Campaign Referendum2020-Khalistan in the News:

SFJ's Referendum 2020 is a well-publicized campaign and whole world, except government of India, its officials and government influenced/controlled media, recognizes and acknowledges the legitimacy, peaceful standing and democratic credentials of the Referendum 2020 movement.

<https://www.nationalia.info/new/11162/sikh-diaspora-group-plans-unofficial-vote-in-2020-as-first-step-towards-punjab-independenc>

<https://www.thequint.com/explainers/referendum-2020-khalistan-separatist-campaign-punjab>

<https://globalnews.ca/news/4439381/khalistan-referendum-2020-sikhs-for-justice-canada/>

<https://www.thenational.scot/news/16338891.global-sikh-community-called-to-unite-for-independence-referendum/>

<https://www.nationalheraldindia.com/india/the-sikhs-and-referendum-2020>

<https://www.france24.com/en/20180812-hundreds-sikh-separatists-rally-london-referendum>

<https://www.firstpost.com/india/sfj-group-will-hold-pro-khalistan-protests-in-uk-on-12-august-british-govt-refuses-indias-request-to-halt-rally-4943181.html>

<https://www.theweek.in/news/india/2018/08/13/Referendum-2020-Will-pro-Khalistan-movement-garner-support-in-Punjab.html>

<https://theprint.in/security/as-justin-trudeau-visits-india-sikh-groups-in-canada-are-demanding-a-separate-nation/33857/>



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<https://www.firstpost.com/india/sikh-rights-group-wants-sonia-gandhi-to-depose-before-us-federal-court-1359265.html>

<https://www.thehindu.com/news/international/uks-green-party-comes-out-in-support-of-august-12-pro-khalistan-rally-in-london/article24616379.ece>

India's Response to Democratic Campaign Referendum 2020

In July 2017, Indian government charged² the SFJ's legal advisor attorney Gurpatwant Singh Pannun and SFJ's campaigners Jagdeep Singh and Jagjeet Singh with "sedition"³ for peacefully running the pro Khalistan secessionist campaign Referendum 2020. (See News Reports <https://www.tribuneindia.com/news/punjab/sedition-case-against-5-for-referendum-hoardings-in-punjab/432655.html> & <https://www.indiatoday.in/india/story/pro-khalistan-sikhs-for-punjab-amarinder-singh-government-2020-referendum-1023168-2017-07-08>

In December 2018, Indian government has reportedly⁴ issued a RCN request to INTERPOL against SFJ's legal advisor attorney Gurpatwant Singh Pannun and SFJ's campaigners Jagdeep Singh and Jagjeet Singh. According to reports the RCN has been requested on the basis of a case registered in 2017 against Pannun and four others, including US-based Sikh activists Jagdeep Singh and Jagjeet Singh, at the Sohana police station in Mohali "for carrying out seditious activities to disturb public tranquility in Punjab"⁵ i.e. Referendum 2020 campaign by putting up posters and banners.

Even since Sikhs have been demanding the right of self-determination i.e. Khalistan, India has criminalized the political opinion of Sikh nationalists and separatists and labels the peaceful propagation of their political opinion as crime, militancy, insurgency and terrorism.

An irrefutable proof of India's persecution of Sikhs exists in the fact that since 1984, more than a million Sikhs have fled from their homeland – Indian held Punjab - and have been granted refugee/political asylum by the governments of USA, Canada, UK, Australia and other European countries under the UN Refugee Convention.

Persecution of Sikhs associated with Referendum 2020 campaign is also evident from the fact that recently government of Canada has reported a surge in the Sikhs fleeing India and seeking asylum in Canada. The report cited rising tensions between the Indian government and the country's Sikh population over renewed support for separatism in Punjab for the increase in claims. According to the Canadian government report:

² <https://www.indiatoday.in/india/story/pro-khalistan-sikhs-for-punjab-amarinder-singh-government-2020-referendum-1023168-2017-07-08>

³ <https://indianexpress.com/article/india/three-us-based-persons-among-five-booked-for-sedition-over-referendum-posters-in-punjab-4739399/>

⁴ <https://www.pressreader.com/india/hindustan-times-bathinda/20181219/281505047322548>

⁵ ibid



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“Contemporary support has re-emerged around proposals for an unofficial referendum of the global Sikh diaspora in 2020 on the question of independence.... As government pushback against the Sikh community continues, fear of arbitrary arrest and abuse by authorities will likely prompt more Indian Sikhs to leave the country.”

See November 13, 2018 news report
Published in *National Post* by John Ivison

“How a trickle of Sikhs fleeing India for Canada became a torrent.
A refugee claims report for the first six months of this year obtained by the National Post”.
Available at: <https://nationalpost.com/news/politics/jeff-danzigers-editorial-cartoon-11>

It is important to note here that, firmly rooted in the international law of the right of self-determination of all peoples, SFJ’s Referendum 2020 Campaign is a purely political and legal movement employing a democratic *modus operandi* and does not involve, incite or call for violence.

It is indisputable that holding secessionist views and peacefully campaigning for independence is not a crime. A ‘peoples’ right to self-determination is a fundamental principle of international law, guaranteed under the UN Charter and Covenants⁶. Self-determination may be sought and exercised internally (within a parent state) or, in certain circumstances, externally, through secession and independence. According to the International Court of Justice, a sub-group (in this case Sikhs) may lawfully conduct a referendum on independence and declare independence without the agreement of the parent state (in this case India).⁷

Despite the peaceful and democratic nature of Referendum 2020, Indian authorities appear determined to crush the movement by unleashing a reign of terror through filing false charges labelling⁸ the campaign as “terrorism” and its supporters as “terrorists” and abusing INTERPOL’s RCN provisions to seek extradition of foreign based Sikh political activists.

⁶ See, Article 1 of the UN Charter; Article 1 of the International Covenant on Civil and Political Rights; and Article 1 of the International Covenant on Economic, Social and Cultural Rights. Peoples who have been denied self-determination within their parent state may, in exceptional circumstances, lawfully pursue external self-determination (via secession).

⁷ See, *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion, 22 July 2010, ICJ Reports 2010, p 403

⁸ <https://www.thestatesman.com/cities/punjab-police-bust-isi-backed-terror-module-sfj-link-1502703614.html>



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India's intentions towards Referendum 2020 campaign also become clear from the fact that besides abusing RCN provisions of the INTERPOL, India is also using other means and tactics to undermine and smear the campaign in foreign countries. When SFJ organised a Referendum 2020 event in London on 12 August 2018, India issued a *demarche*⁹, urging the UK to ban the event. India falsely claimed and shamelessly lied in its stance against the SFJ's London event claiming that the purpose of the event was to spread hatred and communal disharmony.¹⁰ The UK did not act on the *demarche* and the SFJ's event "London Declaration on Punjab Independence Referendum" took place in Trafalgar Square, attended by thousands, in peace and without incident.

Issued by
Sikhs For Justice
On November 20, 2019 at New York, USA.

⁹ <https://www.hindustantimes.com/india-news/india-issues-demarche-to-britain-over-proposed-pro-khalistan-event/story-QcfHYEfQGTH1CSsM3za9JL.html>

¹⁰ See, letter from Richard J Rogers to Jeremy Hunt MP, UK Secretary of State for Foreign and Commonwealth Affairs, dated 14 July 2018. **See Annex C**

ANNEXURE “6”

Resolutions passed by Parliaments, Assemblies, and City Councils of various cities in the United States, Australia and the United Kingdom officially recognizing the 1984 Sikh genocide in India.

Assembly Concurrent Resolution No. 34

RESOLUTION CHAPTER 36

Assembly Concurrent Resolution No. 34—Relative to the November 1984 anti-Sikh pogroms.

[Filed with Secretary of State May 5, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

ACR 34, Cooper. November 1984 anti-Sikh pogroms: remembrance.
This measure would remember those who lost their lives during the November 1984 anti-Sikh pogroms and massacre.

WHEREAS, November 2014 marked the 30 year anniversary of the horrific anti-Sikh pogroms, which claimed the lives of thousands of Sikhs throughout India in the first week of November 1984; and

WHEREAS, Many Sikh lives were saved from the massacre by compassionate Indians of all religious backgrounds, who put their own lives at risk by providing shelter to their Sikh friends and neighbors; and

WHEREAS, Sikhs were beaten with iron rods; forcibly shorn of their hair, which Sikhs are religiously required to maintain uncut; doused with kerosene; and set on fire; and

WHEREAS, Sikh women, many of whom lost their husbands, sons, and fathers during the pogroms, were gang raped and sexually assaulted by the attackers; and

WHEREAS, Sikh homes, businesses, and houses of worship (gurdwaras) were looted, damaged, and destroyed during the pogroms; and

WHEREAS, The pogroms resulted in the intentional destruction of many Sikh families, communities, homes, and businesses; and

WHEREAS, Eyewitnesses, journalists, and human rights activists have compiled evidence showing that government and law enforcement officials organized, participated in, and failed to intervene to prevent the killings through direct and indirect means; and

WHEREAS, Individuals and organizations throughout the world, recognizing the need for justice, continue to demand prosecution of those responsible for the November 1984 anti-Sikh pogroms; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature remember those who lost their lives during the November 1984 anti-Sikh pogroms and massacre; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION NO. 147-15

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
BAKERSFIELD COMMEMORATING THE NOVEMBER 1984
VIOLENCE IN INDIA AS SIKH GENOCIDE**

WHEREAS, the first Sikhs came to California from India's Punjab region in 1899 and the first Sikh Gurdwara (house of worship) in the United States was built and completed in Stockton as early as 1912 and is the oldest Sikh Worship & Culture Center in the United States; and

WHEREAS, Sikhism is the world's fifth largest religion with more than 26 million followers, founded by Guru Nanak (1469-1549) and based on the teachings of the 10 Sikh Gurus, the Guru Granth Sahib (Sikh Holy Scripture), and that all people have the right to follow their own path to God; and

WHEREAS, more than 35,000 Sikhs live and work in the City of Bakersfield and the surrounding areas, making vital contributions to the well-being of our community; and

WHEREAS, organized and systematic violence was carried out against the Sikh population throughout India in the aftermath of the assassination of Indira Gandhi, India's prime minister, on October 31, 1984; and

WHEREAS, the violence against the Sikhs continued unabated for several days in more than 100 cities across India resulting in over 30,000 Sikhs killed, thousands of women raped, hundreds of Gurdwaras (Sikh Temples) burnt, and more than 300,000 Sikhs displaced; and

WHEREAS, in 2011, a mass grave of Sikhs was unearthed in the village of Hondh-Chillar, state of Haryana, which was followed by the discovery of other mass graves, ruined villages, burnt Gurdwaras and other traces of Sikh population annihilation during November 1984; and

WHEREAS, such heinous actions against the Sikh's were a clear violation of human rights and constituted genocide as defined under the laws of the United States and the 1948 United Nations Genocide Convention; and

WHEREAS, it is important to the Bakersfield community that we acknowledge such history in order to declare such acts atrocious, voice our hope that those responsible are punished, and express appropriate sympathy so that history does not repeat itself.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bakersfield as follows:

1. The above recitals are true and correct and incorporated herein.
2. The Mayor and City Council of the City of Bakersfield:
 - A. Recognize that the November 1984 violence against Sikh lives, properties, and places of worship throughout India was carried out with intent to destroy the Sikh community and constituted genocide.
 - B. Condemn any continuing human rights violations committed against the religious minorities in India.
 - C. Express our support for the local Sikh community as they remember the lives lost and those who came to the defense of Sikhs during the November 1984 violence.

-----oOo-----

I **HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the Council of the City of Bakersfield at a regular meeting thereof held on DEC 09 2015, by the following vote:

YES:
NOES:
ABSTAIN:
ABSENT:

COUNCIL MEMBER ✓ MAXWELL, WEIR, SMITH, HANSON, SULLIVAN, PARLIER
COUNCIL MEMBER None
COUNCIL MEMBER None
COUNCIL MEMBER Rivera

Roberta Gafford
ROBERTA GAFFORD, CMC
CITY CLERK and Ex Officio Clerk of
the Council of the City of Bakersfield

APPROVED DEC 09 2015

By [Signature]
HARVEY L. HALL
Mayor

APPROVED AS TO FORM:
VIRGINIA GENNARO
City Attorney

By [Signature]
VIRIDIANA GALLARDO-KING
Associate City Attorney

VGK:lsc

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RESOLUTION NO. 2357

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOWLER, CALIFORNIA, RECOGNIZING THE NOVEMBER 1984 ANTI-SIKH VIOLENCE IN INDIA AS GENOCIDE

WHEREAS, the City of Fowler is in support of this resolution to recognize the intentional, deliberate, and systematic killing of Sikhs in India during November 1984 as Genocide as defined under the laws of the United States and the U.N. Convention.

WHEREAS, Sikhism is the world's 5th largest religion with more than 26 million followers.

WHEREAS, in the aftermath of Indira Gandhi's assassination on October 31, 1984, organized and systemic violence was carried out with the active connivance of the police and administration, against the Sikh population throughout India, with a clear intent to destroy the Sikh community.

WHEREAS, the violence against the Sikhs continued unabated for several days in more than 100 cities across India resulting in over 30,000 Sikhs killed, thousands of women raped, hundreds of Gurdwaras (Sikh Temple) burnt, and more than 300,000 Sikhs displaced.

WHEREAS, in 2011, a mass grave of Sikhs in the village Hondh-Chillar, in the state of Haryana, was unearthed, which was followed by the discovery of similar starting new evidence containing mass grave, ruined villages, burnt Gurdwaras, and other traces of the annihilation of the Sikh population during November 1984 in the state of Haryana, West Bengal, Uttar Pradesh, and Jammu and Kashmir.

WHEREAS, since the perpetrators of the November 1984 Sikh Genocide were given impunity, in 2002 pogrom of Muslims was carried out in the state Gujrat and in 2008 hundreds of Churches were burnt and Christians were killed in the state of Orissa.

WHEREAS, the pattern of November 1984 genocidal violence against Sikhs has been allowed to perpetuate and has now become part of the Indian system.

WHEREAS, 18 U.S.C. §1091 and "Genocide Accountability Act of 2007" make the crime of genocide committed anywhere and anytime, punishable by the United States Courts.

WHEREAS, Sikhs, Hindus, Muslims, Christians, Jews, Buddhists, and people of good will everywhere celebrate this community's diverse fabric and stand together in solidarity, in justice for all, and oppose tyranny against any.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fowler as follows:

1. The foregoing recitals are incorporated by reference.
2. Condemn continuing gross human rights violations committed against the religious minorities in India.

3. The Council of the City Fowler recognizes the November 1984 violence against Sikh lives, properties, and places of worship throughout India, was carried out with intent to destroy the Sikh community and was thus *Genocide* as defined under the laws of the United States and the U.N. Genocide Convention of 1984.
4. The Council of the City Fowler calls upon Barack Obama, the President of the United States and the Congress to recognize anti-Sikh violence of November 1984 as *Genocide*.


Mayor David Cardenas

ATTEST:


Jeannie Davis, City Clerk

I, Jeannie Davis, City Clerk of the City of Fowler, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Fowler City Council held on the 18th day of October 2016, by the following vote:

Ayes: Cardenas, Parra, Hammer & Monis

Noes: None

Absent: None

Abstain: None


Jeannie Davis, City Clerk
City of Fowler



RESOLUTION NO. 2016-167

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, RECOGNIZING THE NOVEMBER
1984 ANTI-SIKH VIOLENCE IN INDIA AS GENOCIDE

WHEREAS, the City of Fresno is in support of this resolution to recognize the intentional, deliberate, and systematic killing of Sikhs in India during November 1984 as *Genocide* as defined under the laws of the United States and the U.N. Convention; and

WHEREAS, Sikhism is the world's 5th largest religion with more than 26 million followers; and

WHEREAS, in the aftermath of Indira Gandhi's assassination on October 31, 1984, organized and systematic violence was carried out with the active connivance of the police and administration, against the Sikh population throughout India, with a clear intent to destroy the Sikh community; and

WHEREAS, the violence against the Sikhs continued unabated for several days in more than 100 cities across India resulting in over 30,000 Sikhs killed, thousands of women raped, hundreds of Gurudwaras (Sikh Temples) burnt, and more than 300,000 Sikhs displaced; and

WHEREAS, in 2011, a mass grave of Sikhs in the village Hondh-Chillar, in the state of Haryana, was unearthed, which was followed by the discovery of similar startling new evidence containing mass graves, ruined villages, burnt Gurudwaras, and other traces of the annihilation of the Sikh population during November 1984 in the states of Haryana, West Bengal, Uttar Pradesh, and Jammu & Kashmir; and

WHEREAS, the pattern of November 1984 genocidal violence against Sikhs has been allowed to perpetuate and has now become part of the Indian system; and

1 of 3

Date Adopted: 09/01/2016
Date Approved: 09/13/2016
Effective Date: 09/13/2016

Resolution No. 2016-167



WHEREAS, under the laws of the United States and the U.N. Genocide Convention, *Genocide* is defined as "attack with an intent to destroy in whole or in part, a religious or ethnic community;" and

WHEREAS, 18 U.S.C. §1091 and "Genocide Accountability Act of 2007" make the crime of genocide committed anywhere and anytime, punishable by the United States Courts; and

WHEREAS, Sikhs, Hindus, Muslims, Christians, Jews, Buddhists, and people of good will everywhere celebrate this community's diverse fabric and stand together in solidarity, in justice for all, and oppose tyranny against any.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The foregoing recitals are incorporated by reference.
2. The Council of the City Fresno recognizes the November 1984 violence against Sikh lives, properties, and places of worship throughout India, was carried out with intent to destroy the Sikh community and was thus *Genocide* as defined under the laws of the United States and the U.N. Genocide Convention of 1984.
3. The Council of the City Fresno calls upon Barack Obama, the President of the United States and the Congress to recognize Anti-Sikh violence of November 1984 as *Genocide*.

* * * * *



STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 1st day of September, 2016.

AYES : Baines, Brand, Brandau, Olivier, Soria
NOES : None
ABSENT : None
ABSTAIN : Quintero, Caprioglio

Mayor Approval: N/A, 2016
Mayor Approval/No Return: September 13th, 2016
Mayor Veto: N/A, 2016
Council Override Vote: N/A, 2016

YVONNE SPENCE, CMC
City Clerk

By: [Signature]
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: [Signature] 9.26.16
Raj Singh Badhesha Date
Deputy City Attorney

September 2, 2016

TO: MAYOR ASHLEY SWEARENGIN

FROM: YVONNE SPENCE, CMC
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

Council Adoption: 9/1/2016

Mayor Approval:

Mayor Veto:

Override Request:



RECEIVED

2016 SEP 14 AM 9 16

At the Council meeting of 9/1/16, Council adopted the attached Resolution No. 2016-167, entitled, **RESOLUTION –Recognizing the November 1984 Anti-Sikh Violence in India as Genocide**. Item No. 6:00 P.M., ID#16-1007, by the following vote:

Ayes	:	Baines, Brand, Brandau, Olivier, Soria
Noes	:	None
Abstain	:	Caprioglio, Quintero
Recused	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before September 13, 2016. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED/NO RETURN:

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Ashley Swearengin, Mayor

Date: _____

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:
Noes	:
Absent	:
Abstain	:



A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, CLAIMING FUNDS FOR STALE-DATED (UNCASHED) CHECKS DATED NOVEMBER 03, 2011 THROUGH DECEMBER 20, 2012 AND TRANSFERRING SAID FUNDS FROM THE SPECIAL UNCLAIMED FUNDS FUND 63539 TO THE GENERAL FUND 10101

WHEREAS, the City of Fresno (the "City") has as one of its financial objectives the effective management of its cash resources including, without limitation, maximizing interest earnings according to the City of Fresno's Investment Policy; and,

WHEREAS, State law provides procedures, under which the City of Fresno can claim money in its treasury or under its control that remains unclaimed for more than three years; and,

WHEREAS, the Assistant Controller prepared, and Council adopted, a Policy and Procedures for Claiming Unclaimed Money in the City of Fresno Treasury for the General Fund (the "Policy"), under which the City may treat stale-dated (uncashed) checks as unclaimed property under Government Code Sections 50050-50053, and 50055, and claim unclaimed funds on deposit in the City treasury; and,

WHEREAS, the City did provide public notice of various stale-dated (uncashed) checks issued during the time period from November 03, 2011 up to and including December 20, 2012, in accordance with the Policy and State Law, and the remaining checks not claimed are listed in the attached Exhibit A, for which there was no claim, as well as checks less than \$15 each.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Fresno, as follows:

1. The Council finds that the funds appropriated for the checks listed in Exhibit A have become the property of the City of Fresno according to State Government Code Sections 50050-50053 and 50055 and the Policy.
2. The Finance Director is authorized and directed to void and cancel the stale-dated (uncashed) checks listed in Exhibit A, and to transfer those funds, listed in Exhibit A, to the General Fund.

Attachments: Exhibit A, Stale-dated (uncashed) checks dating from November 03, 2011 through December 20, 2012, the funds appropriated for which are to be claimed and transferred to the General Fund.



STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 1st day of September, 2016.

AYES : Brandau, Olivier, Quintero, Soria, Caprioglio
NOES : None
ABSENT : Baines, Brand
ABSTAIN : None

YVONNE SPENCE, CMC
City Clerk

BY: *Yvonne Spence*
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: *Raj Singh Badhesha* 9.29.16
Raj Singh Badhesha Date
Deputy City Attorney

REFERENCE	DATE	AMOUNT	NAME
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Payroll

672552	7/6/12	24.17	Rodney Durst
674550	12/7/12	25.00	Martha E. Hernandez
		49.17	

A/P

718592	11/3/11	35,665.00	Richard Gonzalez
723623	1/19/12	43.00	Greenstripe Media
723969	1/24/12	50.00	Kimberly Minard
724680	2/2/12	50.00	Andrew Simpson
727274	3/12/12	50.00	Don L. Ward
730411	4/24/12	4.00	Pacific Building Care Inc
730749	4/30/12	11.00	Ireland MFG Co
730765	4/30/12	11.00	David Nelson
730948	5/3/12	11.00	P G & E
730969	5/3/12	42.00	AT&T
731334	5/8/12	7.00	Todd Flanagan
731358	5/8/12	27.00	Mike Nelson Co
732875	5/29/12	10.00	Walter Curt Ward
733178	6/4/12	7.00	Brian Fahey
733214	6/4/12	7.00	Lonely Luggage
733229	6/4/12	7.00	Tim O'Brien
733366	6/5/12	7.00	Dustin Robert Trevor
735902	7/10/12	1,320.00	Golden 1 Credit Union
736528	7/16/12	77.00	Gabriel Ochoaoric
736865	7/19/12	80.00	Miss K's Dance Bungalow
738679	8/16/12	50.00	Shawn or Jennifer Mynear
739682	8/28/12	7.00	Thomas Voorhees
742238	10/4/12	35.00	Andrew Camerana
743183	10/15/12	50.00	Marsha Adams
744129	10/25/12	50.00	Julio Bernal
744552	10/30/12	3,800.00	Dwayne Dedrick & Atty Edward Chatoian
745741	11/15/12	148.76	Maslach & O'Shea Early
		41,626.76	

RISICO

157150	1/10/12	4.73	Robert Mills
157261	1/12/12	5.55	Richard Escalante
158866	2/14/12	4.07	Ubaldo Garza
160921	3/19/12	4.56	John Rose
161169	3/22/12	2.78	Richard Jufiar
161660	4/4/12	32.42	Gerald Miller
162633	4/25/12	39.96	Jordan Beckford
162987	5/2/12	391.00	Brian Daugherty
163078	5/3/12	214.06	Arthur Lucero
163118	5/4/12	3.45	Robert Chavez Jr.
163293	5/8/12	19.43	Richard Selleck
163490	5/11/12	6.11	Christopher Gomez
164568	5/31/12	280.74	Long Beach Prescription Pharmacy Inc
164906	6/6/12	6.66	Jeffrey Moosoolian
165315	6/14/12	9.43	Veronica Salinas-Barba
167656	8/2/12	460.00	David Mendoza
167944	8/7/12	4.44	Katina A. Whitworth
167959	8/8/12	8.21	Alicia Christopher
168238	8/13/12	8.04	Juan Rodriguez

REFERENCE	DA	AMOUNT	NAME
168366	8/15/12	5.33	Michael Clark
168900	8/27/12	6.44	John Ball
170369	9/26/12	1.11	Laura Rodriguez
170483	9/28/12	6.43	Paquita Y. Kyle-Grimes
171052	10/11/12	460.00	David Mendoza
171053	10/11/12	460.00	David Mendoza
171275	10/17/12	5.88	Tracy West
171462	10/19/12	4.44	Kermit M. Wright
171610	10/25/12	460.00	David Mendoza
171611	10/25/12	460.00	David Mendoza
171612	10/25/12	460.00	David Mendoza
171806	10/30/12	6.46	Marcus Tafoya
172240	11/8/12	349.93	David Mendoza
172241	11/8/12	349.93	David Mendoza
172242	11/8/12	349.93	David Mendoza
172533	11/14/12	5.77	Jerry D. Ames
172592	11/14/12	29.41	Nick Ponomarenko
173737	12/11/12	9.10	Leonard W. Myles
174214	12/20/12	11.18	Karen M. Johnson
		4,946.98	

Grand Total

46,622.91



RESOLUTION NO. 15-61

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN RECOGNIZING THE NOVEMBER
1984 ANTI-SIKH VIOLENCE IN INDIA AS "GENOCIDE"**

WHEREAS, The City of Kerman is in support of this resolution to recognize the intentional, deliberate and systematic killing of Sikhs in India during November 1984 as "Genocide" as defined under the laws of the United States and UN Convention.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kerman:

WHEREAS, Sikhism is the world's 5th largest religion with more than 26 million followers.

WHEREAS, in the aftermath of Indira Gandhi's assassination on October 31, 1984, organized and systematic violence was carried out with the active connivance of the police and administration, against the Sikh population throughout India, with a clear intent to destroy the Sikh community.

WHEREAS, the violence against the Sikhs continued unabated for several days in more than 100 cities across India resulting in over 30,000 Sikhs killed; thousands of women raped; hundreds of Gurudwaras (Sikh Temples) burnt and more than 300,000 Sikhs displaced.

WHEREAS, in 2011, mass Grave of Sikhs in village Hondh-Chillar, state of Haryana was unearthed which was followed by discovery of similar startling new evidence containing mass graves, ruined villages, burnt Gurudwaras and other traces of Sikh population annihilated during November 1984 in the sates of Haryana, West Bengal, Uttar Pradesh and Jammu & Kashmir.

WHEREAS, since the perpetrators of the November 1984 Sikh Genocide were given impunity, in 2002 pogrom of Muslims was carried out in the state Gujarat and in 2008 hundreds of Churches were burnt and Christians were killed in the state of Orissa.

WHEREAS, the pattern of November 1984 genocidal violence against Sikhs has been allowed to perpetuate and has now become the part of the Indian system.

WHEREAS, under the laws of the United States and U.N Genocide Convention, genocide is defined as "attack with an intent to destroy in whole or in part, a religious or ethnic community".

WHEREAS, Section 1091 of 18 U.S. C and "Genocide Accountability Act of 2007" make the crime of Genocide committed anywhere and anytime, punishable by the United States Courts.

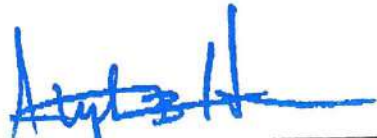
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KERMAN HEREBY resolves as follows:

- Section 1. The foregoing recitals are incorporated by reference.
- Section 2. Recognizes November 1984 violence against Sikh lives, properties and places of worship throughout India, was carried out with intent to destroy the Sikh community and was thus "Genocide" as defined under the laws of the United States and the UN Genocide Convention of 1948.
- Section 3. Calls upon Barack Obama, the President of the United States and the Congress to recognize anti-Sikh violence of November 1984 as "Genocide".

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Kerman held on the 4th day of November 2015 and passed at said meeting with the following vote:

AYES: Nijjer, Yep, Armstrong, Fox, Hill
NOES: None
ABSENT: None
ABSTAIN: None

The foregoing resolution is hereby approved.



Stephen B. Hill
Mayor

ATTEST:



Marci Reyes
City Clerk

RESOLUTION NO. 16-168

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,
CALIFORNIA, COMMEMORATING THE NOVEMBER 1984 VIOLENCE IN INDIA
AS SIKH GENOCIDE**

WHEREAS, members of the Sikh community living and working in the City of Madera and surrounding areas make vital contributions to the well-being of our community; and

WHEREAS, the First Sikhs came to California from India's Punjab region in 1899 and the first Sikh Gurdwara (house of worship) in the United States was built and completed in Stockton as early as 1912 and is the oldest Sikh Worship & Culture Center in the United States; and

WHEREAS, Sikhism is the World's fifth largest religion with more than 26 million followers, founded by Guru Nanak (1469-1549) and based on the teachings of the 10 Sikh Gurus, the Guru Granth Sahib (Sikh Holy Scripture), and that all people have the right to follow their own path to God; and

WHEREAS, organized and systematic violence was carried out against the Sikh Population throughout India in the aftermath of the assassination of Indira Gandhi, India's prime minister, on October 31, 1984; and

WHEREAS, the violence against the Sikhs continued unabated for several days in more than 100 cities across India resulting in over 30,000 Sikhs killed, thousands of women raped, hundreds of Gurdwaras (Sikh Temples) burnt, and more than 300,000 Sikhs displaced; and

WHEREAS, in 2011, a mass grave of Sikhs was unearthed in the village of Hondh-Chillar, state of Haryana, which was followed by the discovery of other mass graves, ruined villages, burnt Gurdwaras and other traces of Sikh population annihilation during November 1984; and

WHEREAS, such heinous actions against the Sikh's were a clear violation of human rights and constituted genocide as defined under the laws of the United States and the 1948 United Nations Genocide Convention; and

WHEREAS, it is important that we acknowledge such history in order to declare such acts atrocious, voice our hope that those responsible are punished, and express appropriate sympathy so that history does not repeat itself.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA HEREBY FINDS,
ORDERS AND RESOLVES AS FOLLOWS:**

1. The above recitals are true and correct.
2. The Madera City Council recognizes that the November 1984 violence against Sikh lives, properties, and places of worship throughout India was carried out with intent to destroy the Sikh community and constituted genocide.
3. The Madera City Council condemns any continuing human rights violations committed against the religious minorities in India.
4. The Madera City Council expresses its support for the local Sikh community as they remember the lives lost and those who came to the defense of Sikhs during the November 1984 violence.
5. This resolution is effective immediately upon adoption.

* * * * *

PASSED AND ADOPTED by the City Council of the City of Madera this 19th day of October, 2016 by the following vote:

AYES: Mayor Poythress, Council Members Rigby, Medellin, Holley, Robinson, Oliver, Foley Gallegos.

NOES: None.

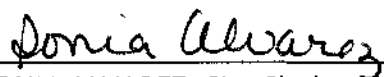
ABSTENTIONS: None.

ABSENT: None.

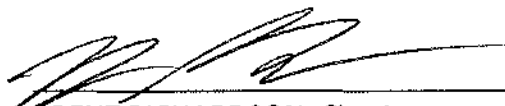
APPROVED:


ROBERT L. POYTHRESS, Mayor

ATTEST:


SONIA ALVAREZ, City Clerk

APPROVED AS TO LEGAL FORM:


BRENT RICHARDSON, City Attorney



RESOLUTION NO. 15-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOAQUIN TO RECOGNIZE THE NOVEMBER 1984 ANTI-SIKH VIOLENCE IN INDIA AS "GENOCIDE"

WHEREAS, The City of San Joaquin is in support of this resolution to recognize the intentional, deliberate and systematic killing of Sikhs in India during November 1984 as "Genocide" as defined under the laws of the United States and UN Convention.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of San Joaquin and find the following:

1. That Sikhism is the world's 5th largest religion with more than 26 million followers.
2. That in the aftermath of Indira Gandhi's assassination on October 31, the then ruling party of India, Indian National Congress a.k.a "Congress-I", organized and carried out, through its workers, supporters and sympathizers with the active connivance of the police and administration, violence against the Sikh population throughout the country, with the intent to destroy the Sikh community. The popular Indian film star Amitabh Bachchan, raised the slogan "blood for blood" calling for violence against Sikhs. His slogan was broadcast repeatedly over the state owned television and radio stations to instigate anti-Sikh violence.
3. That the violence against the Sikhs continued unabated for several days in more than 100 cities across India resulting in over 30,000 Sikhs killed; thousands of women raped; hundreds of Gurudwaras (Sikh Temples) burnt and more than 300,000 Sikhs displaced.
4. That in 2011, mass Grave of Sikhs in village Hondh-Chillar, state of Haryana was unearthed which was followed by discovery of similar startling new evidence containing mass graves, ruined villages, burnt Gurudwaras and other traces of Sikh population annihilated during November 1984 in the sates of Haryana, West Bengal, Uttar Pradesh and Jammu & Kashmir.
5. That since the perpetrators of the November 1984 Sikh Genocide were given impunity, in 2002 pogrom of Muslims was carried out in the state Gujarat during 2002 under the leadership of the then Chief Minister Narendra Modi and in 2008 hundreds of Churches were burnt and Christians were killed in the state of Orissa.
6. That the pattern of November 1984 genocidal violence against Sikhs has been allowed to perpetuate itself and has now become the part of the Indian system.
7. That United States laws and U.N Genocide Convention defines "attack with an intent to destroy in whole or in part, a religious or ethnic community" to be Genocide.
8. That 18 U.S. C Section § 1091 and "Genocide Accountability Act of 2007" make the crime of Genocide committed anywhere and anytime, punishable by the United States Courts.

The Mayor and City Council of the City of San Joaquin's Declaration of Policy is as follows:

1. Recognize that November 1984 violence against Sikh lives, properties and places of worship throughout India was carried out with intent to destroy the Sikh community and was thus "Genocide" as defined under the laws of the United States and the 1948 UN Genocide Convention.

2. Calls upon Barack Obama, the President of the United States and the Congress to recognize anti Sikh violence of November 1984 as "Genocide".
3. Condemn continuing gross human rights violations committed against the religious minorities in India.

The foregoing resolution was adopted at a regular meeting of the City Council of the City of San Joaquin the 11th day of February, 2015 and passed at said meeting by the following vote:

AYES:	5 Dhaliwal, Hernandez, Lua, Ornelas, Vallejo
NOES:	0
ABSENT:	0
ABSTAIN:	0

The foregoing resolution is hereby approved.


Amarpreet Dhaliwal, Mayor

I, Diana Brooks, City Clerk of the City of San Joaquin, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said City Council, held at the San Joaquin Council Chambers on February 11, 2015 by the following vote:


Diana Brooks, City Clerk

RESOLUTION NO. 2016-73R

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA RECOGNIZING THE
NOVEMBER 1984 ANTI SIKH VIOLENCE IN INDIA AS "GENOCIDE"**

WHEREAS, The City of Selma is in support of this resolution to recognize the intentional, deliberate and systematic killing of Sikhs in India during November 1984 as "Genocide" as defined under the laws of the United States and UN Convention; and

WHEREAS, Sikhism is the world's 5th largest religion with more than 26 million followers; and

WHEREAS, in the aftermath of Indira Gandhi's assassination on October 31, 1984, organized and systematic violence was carried out with the active connivance of the police and administration, against the Sikh population throughout India, with a clear intent to destroy the Sikh community; and

WHEREAS, the violence against the Sikhs continued unabated for several days in more than 100 cities across India resulting in over 30,000 Sikhs killed; thousands of women raped; hundreds of Gurudwaras (Sikh Temples) burnt and more than 300,000 Sikhs displaced; and

WHEREAS, the pattern of November 1984 genocidal violence against Sikhs has been allowed to perpetuate and has now become the part of the Indian system; and

WHEREAS, under the laws of the United States and U.N Genocide Convention, genocide is defined as "attack with an intent to destroy in whole or in part, a religious or ethnic community"; and

WHEREAS, Section 1091 of 18 USC and "Genocide Accountability Act of 2007" make the crime of Genocide committed anywhere and anytime, punishable by the United States Courts.

NOW, THEREFORE, BE IT RESOLVED that the City of Selma recognizes that November 1984 violence against Sikh lives, properties and places of worship throughout India, was carried out with intent to destroy the Sikh community and was thus "Genocide" as defined under the laws of the United States and the UN Genocide Convention of 1948.

The foregoing resolution was duly approved by the Selma City Council at a regular meeting held on the 21st day of November 2016 by the following vote, to wit:

AYES: 5 COUNCIL MEMBERS: MONTIJO, DERR, RODRIGUEZ, AVALOS, ROBERTSON
NOES: 0 COUNCIL MEMBERS: NONE
ABSTAIN: 0 COUNCIL MEMBERS: NONE
ABSENT: 0 COUNCIL MEMBERS: NONE



Scott Robertson
Mayor of the City of Selma

Attest:


Reyna Rivera
City Clerk

RESOLUTION NO. 2016-04-26-1207

THE CITY OF STOCKTON,
SAN JOAQUIN COUNTY, STATE OF CALIFORNIA

**A RESOLUTION TO RECOGNIZE THE NOVEMBER 1984
ANTI-SIKH VIOLENCE IN INDIA AS "GENOCIDE"**

WHEREAS, the City of Stockton is in support of this resolution to recognize the intentional, deliberate and systematic killing of Sikhs in India during November 1984 as "Genocide" as defined under the laws of the United States and UN Convention.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF
THE CITY OF STOCKTON:**

1. WHEREAS, Sikhism is the world's 5th largest religion with more than 26 million followers.
2. WHEREAS, in the aftermath of Indira Gandhi's assassination on October 31, 1984, organized and systematic violence was carried out with the active connivance of the police and administration, against the Sikh population throughout India, with the intent to destroy the Sikh community.
3. WHEREAS, the violence against the Sikhs continued unabated for several days in more than 100 cities across India resulting in over 30,000 Sikhs killed; thousands of women raped; hundreds of Gurudwaras (Sikh Temples) burnt and more than 300,000 Sikhs displaced.
4. WHEREAS, in 2011, a mass Grave of Sikhs in village Hondh-Chillar, state of Haryana was unearthed which was followed by discovery of similar startling new evidence containing mass graves, ruined villages, burnt Gurudwaras and other traces of Sikh population annihilated during November 1984 in the states of Haryana, West Bengal, Uttar Pradesh, and Jammu & Kashmir.
5. WHEREAS, since the perpetrators of the November 1984 Sikh Genocide were given impunity, in 2002 pogrom of Muslims was carried out in the state Gujarat and in 2008 hundreds of Churches were burnt and Christians were killed in the state of Orissa.
6. WHEREAS, the pattern of November 1984 genocidal violence against Sikhs has been allowed to perpetuate itself and has now become the part of the Indian system.
7. WHEREAS, under the laws of the United States and U.N Genocide Convention, genocide is defined as "attack with an intent to destroy in whole or in part, a religious or ethnic community".

8. WHEREAS, Section 1091 of 18 U.S.C and "Genocide Accountability Act of 2007" make the crime of Genocide committed anywhere and anytime, punishable by the United States Courts.

THE MAYOR AND CITY COUNCIL OF THE CITY OF STOCKTON'S DECLARATION OF POLICY IS AS FOLLOWS:

1. Recognizes that November 1984 violence against Sikh lives, properties and places of worship throughout India, was carried out with intent to destroy the Sikh community and was thus "Genocide" as defined under the laws of the United States and the U.N. Genocide Convention of 1948.
2. Calls upon Barack Obama, the President of the United States and the Congress to recognize anti-Sikh violence of November 1984 as "Genocide".



ANTHONY SILVA
Mayor of the City of Stockton

ATTEST:



BONNIE PAIGE

City Clerk of the City of Stockton



RESOLUTION NO. 2734

**THE CITY OF HARVEY
COOK COUNTY, IL**

**A RESOLUTION TO RECOGNIZE THE NOVEMBER 1984 ANTI-SIKH VIOLENCE IN INDIA
AS "GENOCIDE"**

WHEREAS, The City of Harvey is in support of this resolution to recognize the intentional, deliberate and systematic killing of Sikhs in India during November 1984 as "Genocide" as defined under the laws of the United States and UN Convention.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Harvey and find the following:

1. That Sikhism is the world's 5th largest religion with more than 26 million followers.
2. That in the aftermath of Indira Gandhi's assassination on October 31, the then ruling party of India, Indian National Congress a.k.a "Congress-I", organized and carried out, through its workers, supporters and sympathizers with the active connivance of the police and administration, violence against the Sikh population throughout the country, with the intent to destroy the Sikh community. The popular Indian film star Amitabh Bachchan, raised the slogan "blood for blood" calling for violence against Sikhs. His slogan was broadcast repeatedly over the state owned television and radio stations to instigate anti-Sikh violence.
3. That the violence against the Sikhs continued unabated for several days in more than 100 cities across India resulting in over 30,000 Sikhs killed; thousands of women raped; hundreds of Gurudwaras (Sikh Temples) burnt and more than 300,000 Sikhs displaced.
4. That in 2011, mass Grave of Sikhs in village Hondh-Chillar, state of Haryana was unearthed which was followed by discovery of similar startling new evidence containing mass graves, ruined villages, burnt Gurudwaras and other traces of Sikh population annihilated during November 1984 in the sates of Haryana, West Bengal, Uttar Pradesh and Jammu & Kashmir.
5. That since the perpetrators of the November 1984 Sikh Genocide were given impunity, in 2002 pogrom of Muslims was carried out in the state Gujarat during 2002 under the leadership of the then Chief Minister Narendra Modi and in 2008 hundreds of Churches were burnt and Christians were killed in the state of Orissa.
6. That the pattern of November 1984 genocidal violence against Sikhs has been allowed to perpetuate itself and has now become the part of the Indian system.
7. That United States laws and U.N Genocide Convention defines "attack with an intent to destroy in whole or in part, a religious or ethnic community" to be Genocide.
8. That 18 U.S. C Section § 1091 and "Genocide Accountability Act of 2007" make the crime of Genocide committed anywhere and anytime, punishable by the United States Courts.

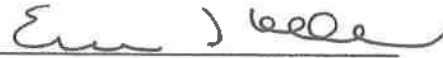
The Mayor and City Council of the City of Harvey's Declaration of Policy is as follows:

1. Recognize that November 1984 violence against Sikh lives, properties and places of worship throughout India, was carried out with intent to destroy the Sikh community and was thus "Genocide" as defined under the laws of the United States and the 1948 UN Genocide Convention.
2. Calls upon Barack Obama, the President of the United States and the Congress to recognize anti Sikh violence of November 1984 as "Genocide".
3. Condemn continuing gross human rights violations committed against the religious minorities in India.

**PASSED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HARVEY, ILLINOIS,
THIS 10th DAY OF November, 2014.**

	AYE	NAY	ABSENT
ALDERWOMAN SHIRLEY DREWENSKI	X		
ALDERMAN JOSEPH WHITTINGTON	X		
ALDERMAN DARYL CRUDUP	X		
ALDERMAN MICHAEL BOWEN			X
ALDERMAN DONALD NESBIT	X		
ALDERMAN KEITH PRICE	X		

APPROVED by me this 10th day of November, A.D., 2014.



Eric J. Kellogg

Mayor

ATTEST:



Nancy L. Clark
City Clerk

(SEAL)

RESOLUTION NO. 16-4151

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP TO
RECOGNIZE THE NOVEMBER 1984 ANTI-SIKH VIOLENCE IN INDIA AS
"GENOCIDE"**

WHEREAS, Sikhism is the world's 5th largest religion with more than 26 million followers; and

WHEREAS, in the aftermath of Indira Gandhi's assassination on October 31, the then ruling party of India, Indian National Congress organized and carried out, through its workers, supporters and sympathizers, violence against the Sikh population throughout the country; and

WHEREAS, that the violence against the Sikhs continued unabated for several days in more than 100 cities across India resulting in thousands of Sikhs killed; thousands of women raped; hundreds of Gurudwaras (Sikh Temples) burnt and more than 300,000 Sikhs displaced; and

WHEREAS, in 2011, a mass Grave of Sikhs in village Hondh-Chillar, state of Haryana was unearthed and several similar graves, ruined villages, burnt Gurudwaras and other traces of Sikh population annihilated during November 1984 in the states of Haryana, West Bengal, Uttar Pradesh and Jammu & Kashmir; and

WHEREAS, United States laws and U.N Genocide Convention defines "attack with an intent to destroy in whole or in part, a religious or ethnic community" to be Genocide; and

WHEREAS, 18 U.S.C Section § 1091 and "Genocide Accountability Act of 2007" make the crime of Genocide committed anywhere and anytime, punishable by the United States Courts.

NOW THEREFORE, BE IT RESOLVED the Mayor and City Council of the City of Lathrop recognize the November 1984 violence against Sikh lives, properties and places of worship throughout India was carried out with intent to destroy the Sikh community and was thus "Genocide" as defined under the laws of the United States and the 1948 UN Genocide Convention; and condemn continuing gross human rights violations committed against religious minorities in India; and

NOW THEREFORE, BE IT FURTHER RESOLVED the Mayor and City Council of the City of Lathrop formally request the United States of America and the Republic of India prosecute those who committed acts of Genocide in November 1984 against Sikh lives, properties and places of worship.

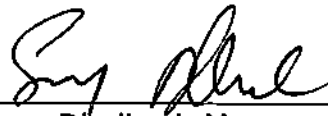
PASSED AND ADOPTED by the City Council of the City of Lathrop this 21st Day of November 2016, by the following vote:

AYES: Akinjo, Elliott, Salcedo, and Dhaliwal

NOES: None

ABSENT: Dresser

ABSTAIN: None



Sonny Dhaliwal, Mayor

ATTEST:



Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney



Substitute Senate Bill No. 489

Public Act No. 18-60

AN ACT DESIGNATING VARIOUS DAYS AND WEEKS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (a) of section 10-29a of the 2018 supplement to the general statutes is amended by adding subdivisions (83) to (86), inclusive, as follows (*Effective from passage*):

(NEW) (83) The Governor shall proclaim September eighth of each year to be Cable Technician Recognition Day to honor cable technicians. Suitable exercises may be held in the State Capitol and elsewhere as the Governor designates for the observance of the day.

(NEW) (84) The Governor shall proclaim November twelfth of each year to be Military Spouses' Day to acknowledge the significant contributions, support, and sacrifices of spouses of members of the Armed Forces. Suitable exercises may be held in the State Capitol and elsewhere as the Governor designates for the observance of the day.

(NEW) (85) The Governor shall proclaim November thirtieth of each year to be Sikh Genocide Remembrance Day to remember the lives lost on November 30, 1984, during the Sikh Genocide. Suitable exercises may be held in the State Capitol and elsewhere as the Governor designates for the observance of the day.

Substitute Senate Bill No. 489

(NEW) (86) The Governor shall proclaim the fourth week in February of each year to be Eating Disorders Awareness Week to heighten public awareness of the associated presentation and available treatments for eating disorders. Suitable exercises may be held in the State Capitol and elsewhere as the Governor designates for the observance of the week.

Approved June 1, 2018

PROCLAMATION



IN HONOR OF SIKH GENOCIDE DAY JUNE 2018

WHEREAS, the City of Turlock recognizes that in June 1984 an attack was ordered against the holiest Sikh Shrine, Sri Harmandir Sahib "Golden Temple" in Amritsar, India resulting in the killing of more than two thousand Sikhs and the burning of several dozen Gurudwaras; and

WHEREAS, the City of Turlock recognizes that in November 1984 after the assassination of India's Prime Minister, an organized and systematic attack was ordered and carried out against the Sikh population throughout India's capital, Delhi, and throughout one hundred cities and eighteen states across the country, resulting in mass killings, with a clear intent to destroy the Sikh population; and

WHEREAS, despite widespread effort to seek justice, hundreds of criminal cases pertaining to Sikh murders in 1984 were closed by the police and have not been reopened; and

WHEREAS, after 26 years, in February 2011, in the village of Hondh-Chillar, State of Haryana, mass graves of Sikhs were unearthed and new evidence was discovered containing graves, ruined villages, burnt Gurudwaras and other traces of unaccounted victims; and

WHEREAS, the official Government of India reported that the 1984 Sikh genocide accounted for an overall 30,000 lives lost, over 300,000 Sikh's displaced and over 1,000 Gurudwaras destroyed; and

WHEREAS, today, Sikhism is the fifth largest religion in the world, with more than 23 million Sikhs worldwide and an estimated 250,000 Americans of Sikh origin, with California comprising nearly 40 percent of the nation's estimated Sikh population alone; and

WHEREAS, Sikh Americans pursue diverse professions and walks of life, making rich contributions to the social, cultural, and economic vibrancy of the United States, including service as members of the United States Armed Forces, contributing to our great nation in agriculture, trucking, medicine, and technology, and have distinguished themselves by fostering greater respect among all people through faith and service; and

WHEREAS, today the City of Turlock seeks to further the diversity of its community and afford all residents the opportunity to better understand, recognize, and appreciate the rich history and experiences of Sikh Americans.

NOW, THEREFORE, I, GARY SOISETH, by virtue of the authority vested in me as Mayor of the City of Turlock, and on behalf of the entire City Council and all our citizens, do hereby proclaim June 2018 as Sikh Genocide Day and offer our remembrance and condolence to those lives lost and those lives who suffered from this horrific devastation.



IN WITNESS WHEREOF, I, GARY SOISETH, Mayor of Turlock, have hereunto set my hand and caused the Seal of the City of Turlock to be affixed this 22nd day of May 2018.

GARY SOISETH, MAYOR
City of Turlock, County of Stanislaus,
State of California



Legislative Assembly
of Ontario
Second Session, 41st Parliament

Assemblée législative
de l'Ontario
Deuxième session, 41^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Thursday 6 April 2017

Jeudi 6 avril 2017

Speaker
Honourable Dave Levac

Président
L'honorable Dave Levac

Clerk
Todd Decker

Greffier
Todd Decker

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CONTENTS / TABLE DES MATIÈRES

Thursday 6 April 2017 / Jeudi 6 avril 2017

ORDERS OF THE DAY / ORDRE DU JOUR

Anti-Racism Act, 2017, Bill 114, Mr. Coteau / Loi de 2017 contre le racisme, projet de loi 114, M. Coteau

Hon. Michael Coteau	3445
Ms. Harinder Malhi	3449
Ms. Lisa MacLeod	3452
Mr. Gilles Bisson	3452
Mr. Han Dong	3452
Ms. Sylvia Jones	3453
Hon. Michael Coteau	3453
Ms. Lisa MacLeod	3453
Second reading debate deemed adjourned	3455

INTRODUCTION OF VISITORS / PRÉSENTATION DES VISITEURS

Mrs. Gila Martow	3455
Ms. Cheri DiNovo	3455
Mr. Harinder S. Takhar	3455
Mr. Lorne Coe	3455
Mr. Grant Crack	3455
The Speaker (Hon. Dave Levac)	3455
Ms. Lisa MacLeod	3455
Hon. Chris Ballard	3455
Hon. Helena Jaczek	3455
Mrs. Cristina Martins	3455
Hon. Bill Mauro	3455
Mr. Gilles Bisson	3455
Hon. David Zimmer	3455
Mr. Jim Wilson	3455
Mr. Taras Natyshak	3455

Wearing of pins

Hon. Jeff Leal	3455
----------------------	------

ORAL QUESTIONS / QUESTIONS ORALES

Youth employment

Mr. Patrick Brown	3456
Hon. Charles Sousa	3456

Sexual violence and harassment

Ms. Laurie Scott	3457
Hon. Marie-France Lalonde	3457

Tenant protection

Ms. Andrea Horwath	3458
Hon. Deborah Matthews	3458
Hon. Chris Ballard	3458

Tenant protection

Ms. Andrea Horwath	3458
Hon. Chris Ballard	3458

Hydro rates

Mr. Todd Smith	3459
Hon. Glenn Thibeault	3459

Executive compensation

Mr. Peter Tabuns	3460
Hon. Glenn Thibeault	3460

Agri-food industry

Mr. Mike Colle	3460
Hon. Jeff Leal	3460

Hydro charges

Mr. Monte McNaughton	3461
Hon. Glenn Thibeault	3461

Lyme disease

Ms. Sarah Campbell	3461
Hon. Eric Hoskins	3462

Grandview Children's Centre

Mr. Granville Anderson	3462
Hon. Michael Coteau	3462

Highway improvement

Mr. Jim Wilson	3463
Hon. Steven Del Duca	3463

Air ambulance service

Mr. Gilles Bisson	3464
Hon. Eric Hoskins	3464

First responders

Ms. Sophie Kiwala	3464
Hon. Kevin Daniel Flynn	3464

Affordable housing

Mr. Ernie Hardeman	3465
Hon. Chris Ballard	3465

Member for Oak Ridges–Markham

Hon. Tracy MacCharles	3466
-----------------------------	------

INTRODUCTION OF VISITORS / PRÉSENTATION DES VISITEURS

Ms. Harinder Malhi	3466
Hon. Laura Albanese	3466

MEMBERS' STATEMENTS / DÉCLARATIONS DES DÉPUTÉS

Hearth Place Cancer Support Centre

Mr. Lorne Coe	3466
---------------------	------

Service clubs	
Mr. Gilles Bisson	3466
Mary Fraser	
Mr. John Fraser	3467
Battle of Vimy Ridge	
Mr. Norm Miller	3467
Dementia	
Mr. Wayne Gates	3467
Abrigo Centre	
Mrs. Cristina Martins	3467
Tartan Day	
Mr. Bill Walker	3468
Canadian Corps	
Mr. Bob Delaney	3468
Fenwick school	
Mr. Sam Oosterhoff	3468

INTRODUCTION OF BILLS / DÉPÔT DES PROJETS DE LOI

Courts of Justice Amendment Act (Judicial Sexual Assault Education), 2017, Bill 121, Ms. Martins / Loi de 2017 modifiant la Loi sur les tribunaux judiciaires (formation de la magistrature en matière d'agressions sexuelles), projet de loi 121, Mme Martins	
First reading agreed to	3469
Mrs. Cristina Martins	3469
Braiseryy Chicken Ltd. Act, 2017, Bill Pr61, Mr. Milczyn	
First reading agreed to	3469

MOTIONS

Committee sittings	
Hon. Laura Albanese	3469
Motion agreed to	3469

PETITIONS / PÉTITIONS

School closures	
Mr. Bill Walker	3469
Long-term care	
Mme France Gélinas	3469
Water fluoridation	
Mr. Bob Delaney	3470
Hydro rates	
Mr. Ted Arnott	3470
Employment standards	
Mr. Michael Mantha	3470
Dental care	
Mr. Granville Anderson	3471

Air quality	
Mr. Sam Oosterhoff	3471
Hospital funding	
Ms. Cindy Forster	3471
Elevator maintenance	
Mr. Peter Z. Milczyn	3472
Primary health care	
Mr. Ted Arnott	3472

PRIVATE MEMBERS' PUBLIC BUSINESS / AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉS

Rea and Walter Act (Truss and Lightweight Construction Identification), 2017, Bill 105, Mr. Pettapiece / Loi Rea et Walter de 2017 sur l'identification des composants structuraux à ossature légère, projet de loi 105, M. Pettapiece	
Mr. Randy Pettapiece	3472
Mr. Michael Mantha	3474
Mr. Han Dong	3475
Mr. Bill Walker	3476
Mme France Gélinas	3476
Hon. Kathryn McGarry	3477
Mr. Jim McDonell	3478
Mr. Michael Harris	3479
Mr. Randy Pettapiece	3479
Sikh massacre	
Ms. Harinder Malhi	3480
Mr. Todd Smith	3481
Ms. Jennifer K. French	3483
Mr. Vic Dhillon	3484
Mr. Jagmeet Singh	3485
Mr. Harinder S. Takhar	3485
Ms. Harinder Malhi	3486
Wind turbines	
Mr. Sam Oosterhoff	3486
Mr. Michael Mantha	3488
Hon. Brad Duguid	3489
Mr. Wayne Gates	3490
Hon. Glen R. Murray	3490
Mr. Jim McDonell	3491
Mr. Bill Walker	3492
Mr. Gilles Bisson	3493
Mr. Todd Smith	3493
Mr. Sam Oosterhoff	3494
Rea and Walter Act (Truss and Lightweight Construction Identification), 2017, Bill 105, Mr. Pettapiece / Loi Rea et Walter de 2017 sur l'identification des composants structuraux à ossature légère, projet de loi 105, M. Pettapiece	
Second reading agreed to	3495

Sikh massacre

The Deputy Speaker (Ms. Soo Wong)..... 3495

Wind turbines

The Deputy Speaker (Ms. Soo Wong)..... 3495

Sikh massacre

Motion agreed to..... 3495

Wind turbines

Motion negatived..... 3495

Visitors

Mrs. Cristina Martins..... 3495

ORDERS OF THE DAY / ORDRE DU JOUR

**Putting Consumers First Act (Consumer Protection
Statute Law Amendment), 2017, Bill 59,
Mrs. Lalonde / Loi de 2017 donnant la priorité aux
consommateurs (modifiant des lois en ce qui
concerne la protection du consommateur), projet
de loi 59, Mme Lalonde**

Mr. Lorne Coe 3496

Mr. Han Dong..... 3498

Mr. Norm Miller 3498

Mr. Gilles Bisson..... 3498

Mr. Lorne Coe 3499

Third reading vote deferred 3499

LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 6 April 2017

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 6 avril 2017

The House met at 0900.

The Speaker (Hon. Dave Levac): Good morning. Please join me in prayer.

Prayers.

ORDERS OF THE DAY

ANTI-RACISM ACT, 2017

LOI DE 2017 CONTRE LE RACISME

Mr. Coteau moved second reading of the following bill:

Bill 114, An Act to provide for Anti-Racism Measures / Projet de loi 114, Loi prévoyant des mesures contre le racisme.

Hon. Michael Coteau: Mr. Speaker, it is an honour to stand here today. I will be sharing my time with the member from Brampton–Springdale.

I am so pleased to move second reading of Bill 114, An Act to provide for Anti-Racism Measures, which I'll be referring to by its short name, the Anti-Racism Act, 2017.

I want to start by acknowledging that we're gathered here today on the traditional territory of the Mississaugas of the New Credit and give thanks and recognition to the historical significance of the indigenous, Métis and Inuit people of this city, but also this region and this country.

I would also like to take a moment Mr. Speaker—Madam Speaker; there was a switch—just to recognize and acknowledge the guests here today. We have guests who have contributed so much to get to this point here today in regard to this bill.

Madam Speaker, I stand here today to talk to you about how we can make this province the best place to live and prosper and to be happy, not just for a privileged few, but for all Ontarians. We live in a multicultural province with a diverse and dynamic population. I believe it's one of the things that makes this province so beautiful. We acknowledge and celebrate peoples' individual differences, whether it's gender identity, sexual identity, disability or race. We have a productive and vibrant society where people are making strides in industry, arts, science and technology.

As we celebrate our 150th anniversary, we can see that today's Ontario is a land of diversity, innovation and opportunity. But as we reflect on that history and we look ahead to the next 150 years, we have to acknowledge entrenched barriers and inequities that prevent people from reaching their full potential. Despite all of the progress that we have made here in the province of Ontario, there

are many indigenous, black and racialized people who continue to face barriers every day because of systemic racism and the consequences of colonialism, slavery and residential schools.

I have seen this first-hand, how systemic racism affects racialized people across the province of Ontario. It means that racialized university graduates have harder times getting jobs than non-racialized counterparts, despite having the exact same credentials; that racialized children are more likely to end up in the child welfare system in comparison to the rest of the population; and that they are less likely to have the support needed to go from high school into post-secondary education.

Madam Speaker, members and colleagues, these examples point to a need for us to understand and deal with systemic racism, which is often caused by hidden institutional biases and policies, practices and processes that privilege or disadvantage people based on race.

Systemic racism can be unintentional, and it can be a result of doing things the way things have always been done, without considering how they impact particular groups differently. It's unacceptable.

In the past few months, I have risen in this House to talk about Black History Month and the contributions of black Canadians; the UN International Decade for People of African Descent; and the UN International Day for the Elimination of Racial Discrimination.

I think all of us have to be aware that the demographics in this province tell a story. By 2031, racialized people here in the province of Ontario will make up 40% of the population. Two fifths of the population is a large amount.

I said back then, when I spoke in the Legislature on these issues, that it's time for action, to build an Ontario that's safe and that's inclusive for everyone who lives here. It's our obligation to create a society where racial equity is the norm, so that everyone can participate and benefit from everything Ontario has to offer.

I want to remind everyone in this Legislature that our province is not immune to racism, and I believe that a shift has taken place. We're hearing more about racist incidents. People are more comfortably expressing their intolerance. I believe that if we don't address this, it's going to cost us, and I believe that in many ways, it already has cost us.

A recent report by CBC found that last year, there was a 600% jump in the use of racist language online. The top two areas for reported hate crime in the country are right here in Ontario, in Hamilton and in Thunder Bay. In fact—and this is an interesting piece that I think all mem-

bers should listen to—Ontario is home to seven of the top 10 cities for police-reported hate crime in the entire country. This gives us, per capita, the highest rate of police-reported hate crime of any province.

Of these hate crimes, black Canadians are the most targeted in Canada, and indigenous, Jewish and Muslim communities are among those who are frequently targeted. The Toronto Police Service's most recent hate crime report showed that 30% of hate crimes in 2016 were against our city's Jewish community.

Then there are the headlines we've seen recently, from bomb threats forcing evacuations at Jewish community centres, to violence against indigenous women and girls, to alt-right groups like the Soldiers of Odin in Hamilton holding rallies and marches against immigration.

Last month, a 16-year-old girl in the Niagara region had her home broken into and demolished, with the N-word written all over her bedroom wall, because she was dating one of the local high school students who was black. I called her father a couple of weeks ago and offered my support, and thanked him for taking such a strong stand—a public stand—against racism.

Madam Speaker, when I hear those stories, I think to myself that this is not the 1700s, the 1800s, the 1900s, the 1960s or the 1970s. This is 2017, and this is Canada.

One of the biggest challenges we have with racism in Canada is our collective inability to talk about it. It becomes so taboo that most won't address it. I would say that even in this Legislature, we don't talk often about racism and the impact of racism. Even saying the word "racism" makes people think of pre-1960s America, thinking about things like white hoods in the United States and the crimes that have been committed there, but we don't think about post-9/11 Islamophobia, present-day anti-Semitism, anti-indigenous racism or anti-black racism. When we look at racism as just violent hate crimes, it becomes a distant problem. But racism isn't just about hate crimes. It's subtle and it's very sophisticated. It's institutionalized and systemic and becomes normalized when we don't talk about it.

0910

Systemic racism, in fact, is much more common today than other overt forms of racism mentioned above. Systemic racism is how systems and institutions create and perpetuate racial inequities, often as a result of hidden biases in processes that privilege some groups and disadvantage others. Even if individuals and institutions aren't racist, systemic racism is perpetuated by assumptions and unconscious biases we have that contribute to racism. This can be a form of systemic racism that inadvertently creates unequal socio-economic outcomes for racialized people that are unfair and preventable.

Part of what makes these conversations so difficult is that when we acknowledge that there's a problem, we have to start looking at ourselves and admit that we have a role to play in ending it. The future of our economy and society depends on our ability to get over any discomforts we have with these conversations and to jump into finding solutions. That's why anti-racism work is so

important. It's different from other approaches because it acknowledges that systemic racism exists and actively confronts the unequal power dynamic between groups and the structures that sustain it.

Madam Speaker, I believe the future of our economy and our society depends on our ability to get over any discomfort we have with these conversations and jump right into finding solutions, and that's why our government created the Anti-Racism Directorate, the ARD, last year and the Premier gave me the mandate to tackle systemic racism, the kind of racism that is entrenched in our institutions and creates barriers for indigenous and racialized people.

On March 7 of this year, the government introduced A Better Way Forward, which is Ontario's three-year anti-racism strategic plan, which includes a key commitment to introduce anti-racism legislation. It outlines the concrete steps we're taking to target systemic racism by building an anti-racism approach into the way government develops policies, makes decisions and measures outcomes.

We spent last year developing the strategic plan, but this work has taken decades and decades to get here. I want to take a moment, Madam Speaker, just to thank and acknowledge the people who have been working on anti-racism work not for five or 10 years but for decades here in the province of Ontario, many of whom are joining us here today. I want to say thank you for the work that you've done. Often the work that they have done fell on deaf ears. To be here today in the Legislature, with the government, with the Legislature discussing this and moving forward with legislation, I think it's a very proud point for me personally and, I know, for many people joining us here today.

We pored over research and reports such as the Review on the Roots of Youth Violence report, the Stephen Lewis Report on Race Relations in Ontario, and the Truth and Reconciliation Commission's final report. Our process involved connecting with thousands of Ontarians who shared their views with us. We consulted with the public and impacted communities, and many anti-racism and racialized community groups called for the government to take action to address systemic racism.

Between June and December of last year, I travelled across the province and went to 10 public meetings, where thousands of Ontarians came forward to share their heartfelt stories with us about the devastating impacts of systemic racism and how racism has impacted them personally. While each individual's experience was different, their stories all confirmed that systemic racism is still having a devastating impact on people's lives across this province and country, and if we don't address it, I believe it's going to cost us even more. The call for anti-racism legislation to ensure the longevity and sustainability of the anti-racism work was a dominant theme throughout these meetings.

Colour of Poverty—Colour of Change, a coalition of groups serving the racialized community, shared the draft anti-racism bill with the Ontario government back in

October 2016. This was endorsed by numerous community partners, including the Anti-Black Racism Network, the National Council of Canadian Muslims and the Taibu community health network, to mention a few.

We knew that we had to take action to make Ontario a more inclusive and more just province. A Better Way Forward: Ontario's 3-Year Anti-Racism Strategic Plan includes an effort to reduce disparities in outcomes for indigenous and racialized people. We want to build a fair and inclusive Ontario where everyone can contribute equally to reach their full potential in this plan, and to change the narrative, to change the outcomes, to change people's perceptions of what racism means.

First, we're going to strengthen policy here in the province. We're going to do better research and evaluation by collecting better race-based disaggregated data—data that can be broken down so we can monitor the impact of policies and programs on different segments of the population. We're also establishing data standards for consistency. This will help us identify where change is needed to address disparities in outcomes. We'll also develop a method for applying an anti-racism perspective to decision-making at the early stages.

Secondly, a key component of the plan is the proposed legislation that we're discussing here today. If passed, this proposed legislation would ensure future sustainability and accountability of our work. We will also commit to being as transparent as possible and to share the progress of the initiatives and targets in this plan through an annual progress report.

Third, we will develop and lead targeted public education and awareness initiatives, which will focus on anti-black racism, anti-indigenous racism, anti-Semitism, Islamophobia and other forms of racism against racialized groups.

Finally, we'll continue to work closely with indigenous and racialized communities, ministry partners and government institutions, because eliminating systemic racism cannot be done alone.

Our strategic plan has population-specific initiatives to address racism experienced by indigenous people, anti-black racism and systemic racism within Ontario's public service, as well as Islamophobia. We're going to use a whole-of-government approach, leveraging the work of other ministries. Once again, I just want to take a moment to thank the ministries that were involved in this process, because there were many ministries that stepped up and offered their help to look for ways to tackle systemic racism. We're hoping to make an impact on the disparities that we see in child welfare, in education and in the justice system.

As part of our commitment to address anti-black racism, we also introduced the Ontario Black Youth Action Plan, the single largest investment into ensuring the success and bright future of young black children here in this province, which I think is a milestone that we can all be proud of. The Ontario Black Youth Action Plan will help eliminate the disparities between black youth and non-black youth at home, in classrooms, in the

journey towards post-secondary education, in youth justice and in the workforce in Ontario.

The government is also taking responsibility and action to end anti-indigenous systemic racism and eliminate the barriers facing our indigenous communities. We're working with our indigenous partners to close gaps, remove barriers, support indigenous culture and work towards truth and reconciliation.

Since last year, we've come a long way, but there's no question in my mind that there is much work to be done. In the long term, we want to change people's hearts and minds and the inequitable outcomes for racialized people in this province. In the short term, we need to implement steps that will start the ball rolling.

Our government and our Premier are completely committed to this work. That's why we've developed the proposed anti-racism legislation. We recognize the critical work that the Human Rights Tribunal of Ontario and the Human Rights Commission undertake under existing law. We wanted to recognize, however, that proactive anti-racism work needs a new foundation in law. The proposed legislation requires government to establish tools that will help address systemic racism.

0920

Bill 114, the proposed Anti-Racism Act, is a key component of our anti-racism strategy. If passed, the proposed legislation will give teeth to this three-year strategy and future strategies. It holds us, as government, accountable and ensures that anti-racism work will remain a priority for the government. It would solidify our commitment to identify and combat systemic racism and would make a very important contribution to our work to build an inclusive and equitable Ontario for all.

The proposed legislation would position Ontario as a leader in this country in the fight against systemic racism.

The purpose of the proposed legislation is to establish and maintain transparent and sustainable mechanisms to identify and eliminate systemic racism and advance racial equity in Ontario. If passed, it would enable and set a sustainable approach to anti-racism across government and a wide range of public sector organizations.

The proposed anti-racism legislation, if passed, would ensure the future long-term sustainability and accountability of the government's anti-racism work through the development of measurable targets, public reporting and mandating community engagement through renewable multi-year strategic plans. It would require the government to report publicly on the progress of its anti-racism work and remain accountable to the public.

The proposed legislation would also give the government the authority to mandate race-based data collection and the use of an anti-racism impact assessment framework across government and designated public sector organizations. This regulation-making authority allows government flexibility in implementation. We would consider evidence and consult with affected organizations before mandating race data collection and the use of an anti-racism impact assessment framework.

The proposed legislation would reinforce and increase awareness of the government's commitment to fight systemic racism and ensure that everyone in Ontario has the opportunity to reach their full potential and to participate equally in society.

The proposed Anti-Racism Act includes four main components: first, the establishment of the Anti-Racism Directorate; second, the requirement for government to maintain an anti-racism strategy; third, a requirement to develop race data standards; and finally, a requirement to develop an anti-racism impact assessment framework.

The Anti-Racism Directorate would be established to assist the minister in carrying out these duties. Establishing the Anti-Racism Directorate in the proposed legislation is important because it would provide a home for the anti-racism work to continue.

Madam Speaker, I want to take a moment to thank the dedicated staff from the Anti-Racism Directorate who are joining us here today in the gallery, the men and women who have been working for the last year to build this. Let's give them a big round of applause.

Applause.

The Deputy Speaker (Ms. Soo Wong): I want to remind our visitors in the gallery and in the east gallery: We welcome our guests, but you're not allowed to participate in the debate, including clapping.

I return to the minister.

Hon. Michael Coteau: Madam Speaker, it's such a passionate issue, and people are so involved in this because it's such an important issue, but thank you for reminding us.

They've worked so hard over the last year—and I've seen it first-hand—to build the proposed legislation, the three-year strategic plan, to ensure that we as a government and members in this Legislature can move forward to create the Ontario that we envision. Thank you so much.

The government will be required to develop and publish an anti-racism strategy and set out initiatives to eliminate systemic racism and advance racial equity. The strategy would include targets and indicators to measure progress on the strategy, and it would be required to be published. To keep this work relevant, the strategy would be required to be reviewed at least every five years, at which time a new strategy would be issued, the existing strategy amended or continued.

It is important that stakeholders and community partners have input into our strategy as a government. The proposed legislation requires the minister responsible for anti-racism to consult on the development of the strategy and for the comprehensive review that must occur at least every five years. These consultations would occur with groups most impacted by systemic racism and others interested in the topic. Having an anti-racism strategy and reviewing it based on consultation will keep it current and responsive to people's needs.

The proposed legislation would enable the collection of personal information for the purpose of identifying and monitoring systemic racism and advancing racial equity. Given the sensitivity of race-related information, the proposed legislation also includes strong privacy protec-

tions to prevent the misuse of personal information at the same level as or a higher standard than current privacy laws such as the Freedom of Information and Protection of Privacy Act and the Municipal Freedom of Information and Protection of Privacy Act. In addition, the proposed legislation provides an oversight role for the Information and Privacy Commissioner. These privacy rules would only apply if an organization is collecting personal information for the purposes of this proposed act.

The minister would be required to develop and publish data standards, subject to the Lieutenant Governor in Council's approval, to ensure that public sector organizations are collecting data with an aligned approach and to further specify how they must protect personal information. Additionally, the Information and Privacy Commissioner and the Chief Commissioner of the Ontario Human Rights Commission would have to be consulted on the development of any potential amendments of the minister's data standards.

The LGIC would have regulation-making authority to mandate the collection of race-related data by government and public sector organizations for specific programs and services. These organizations would be required to collect data as outlined in the data standards. This regulation-making authority allows government flexibility on implementation.

We know that this will be a change to the operations of public sector organizations and we want to make sure that we have an opportunity to consult with affected organizations prior to requiring them to collect race data. Collecting this aggregated race data is especially important in areas where we anticipate gaps in outcomes for indigenous and racialized people as compared to the general public.

While we have indications that black and indigenous children have more interactions with child welfare, for example, we need data so that we can identify and address the issues through evidence-based decision-making. This is an important piece within the legislation. This information will help us better understand the impact of programs and policies on different segments of the population. It will help us to identify patterns of bias.

The minister would be required to develop and publish an action-oriented ARIA framework, subject to cabinet's approval, to be used in assessing, mitigating and preventing the potential adverse impact of policies and programs on racial equity. The ARIA would need to include information on processes for research and analysis, stakeholder consultations, and public reporting. Cabinet would have the regulation-making authority to mandate the use of the ARIA across government and entities for specified programs, services and functions.

We have looked at the successful impact of assessments in other jurisdictions. This framework would help us build an anti-racism approach into decision-making and plans, making it easier to prevent and remedy systemic racism.

In closing, this proposed legislation commits us to developing tools that will help us identify systemic barriers

and promote equitable outcomes through our policies and our programs. I believe that this proposed legislation, if passed, will go a long way towards eliminating systemic racism in the province. Systemic racism should not hold anyone back in this province from reaching their full potential and participating in society.

0930

We have an opportunity today to adopt proactive measures to eliminate systemic barriers that cause or help people to perpetuate systemic racism and the inequitable outcomes it creates. The proposed legislation will help us accomplish what we set out to do in our anti-racism strategic plan. If passed, the proposed legislation would ensure future sustainability and accountability for our work, which will make a tremendous difference to the lives of so many people here in the province.

I believe that all people deserve the best this province has to offer. We want to build a fair and more inclusive Ontario, where everyone can contribute equally and achieve their full potential.

I want to leave you with this last thought: We're all in this together. We have a chance now to make a real difference. By working together, we can build a province where race doesn't matter and doesn't limit anyone's social, economic and political opportunities. As we celebrate the 150th anniversary of this country in Ontario and the qualities and values that define us, let us—as a Legislature, as MPPs, as a government—make this year meaningful by taking a stand on racial equity and social inclusion, because that's who we are. I want to ensure that all the brightest minds in this province have the support they need to be competitive in today's market and to reach their potential.

It's time that we, as a Legislature, work together to boldly stand up for all people in this province, to build the economy and the society that we need for tomorrow. This piece of proposed legislation gives us the courage to bridge the gaps between the vision we have for our country as a beacon for multiculturalism and inclusion and the reality of intolerance faced by racialized people.

I want to ask all members to come together and pass this proposed piece of legislation. And I want to thank everyone for listening today.

The Deputy Speaker (Ms. Soo Wong): Further debate?

Ms. Harinder Malhi: I'm honoured to be here today for the second reading of Bill 114, the proposed Anti-Racism Act, 2017. I want to start off by acknowledging that we are actually gathered here today on the traditional territory of the Mississaugas of the New Credit.

I want to commend Minister Coteau and the Anti-Racism Directorate for all the work they have done in the last year, leading to the introduction of Ontario's three-year anti-racism strategic plan, which includes a commitment to anti-racism legislation. This is a milestone that we can all be proud of. It marks a year of research, consultation and development, but it is just the beginning of a transformational effort towards eliminating systemic racism in Ontario.

I want to thank my colleague Minister Coteau for giving me the opportunity to participate in this exciting and meaningful work, which is also very near and dear to my heart. I represent the electoral district of Brampton–Springdale. The population of Brampton is 40% South Asian, and, being a racialized person myself, I understand the impacts of systemic racism first-hand. I see the need for change and that people are tired and frustrated of waiting for that change to happen. That change is starting with us, in our own backyard, as the minister said, with this proposed legislation. If passed, this legislation will help Ontario move forward sooner rather than later in changing the status quo and building a society characterized by racial equity and social inclusion. That's what we are all working towards. If passed, I am convinced that the proposed legislation will make a significant difference in the way we fight systemic racism in Ontario. It will give us the power and authority to support our ideas and our words with action.

Minister Coteau has given you the broad outline of the proposed legislation, and I will go into more detail. I would like to start off by reading parts of the preamble to the proposed legislation, as it provides context and sets out the objectives and intent of the legislation. The preamble reads:

"Everyone deserves to be treated with fairness, respect and dignity, and the government of Ontario is committed to eliminating systemic racism and advancing racial equity.

"Systemic racism is a persistent reality in Ontario, preventing many from fully participating in society and denying them equal rights, freedoms, respect and dignity."

As the minister defined it, "Systemic racism is often caused by policies, practices and procedures that appear neutral but have the effect of disadvantaging racialized groups. It can be perpetuated by a failure to identify and monitor racial disparities and inequities and to take remedial action....

"Eliminating systemic racism and advancing racial equity supports the social, economic and cultural development of society as a whole, and everyone benefits when individuals and communities are no longer marginalized."

Freedom, equality and fairness are the marks of a democratic society. We all want those things. We believe that, starting with government and being held accountable through legislation, we can achieve this.

There are four components to the proposed legislation, as Minister Coteau explained. These are maintaining an anti-racism strategy; collecting personal information, including race-based information; establishing an anti-racism impact assessment framework; and establishing the Anti-Racism Directorate in legislation.

Maintaining an anti-racism strategy: The proposed Anti-Racism Act requires the government of Ontario to develop and publish an anti-racism strategy that aims to eliminate systemic racism and advance racial equity, and outlines the requirements for what must be contained in

that strategy. The requirements in the proposed legislation, if passed, would include initiatives to eliminate systemic racism, including systemic barriers that contribute to inequitable racial outcomes; initiatives to advance racial equity; and targets and indicators to measure the effectiveness of the strategy. The initiatives contained in the strategy would have to target the people who are most adversely impacted by systemic racism, including the indigenous community, the black community and other racialized communities. This is a feature of the proposed Anti-Racism Act.

It provides for a long-term view that the racialization of communities can shift over time, but it recognizes that certain communities face particular barriers and inequitable outcomes due to their particular histories. The three-year anti-racism strategy fulfills part of that requirement. The targets and indicators required by the proposed legislation to make this strategy accountable would have to be established and published on an Ontario government website within 12 months of the proposed act coming into force, if passed.

Progress reports: To ensure accountability, there is a requirement in the proposed Anti-Racism Act for the minister to prepare and publish regular progress reports on the anti-racism strategy. The progress reports would have to include information related to the strategy's initiatives, targets and indicators. For A Better Way Forward, the first progress report would be required to be prepared 12 months after targets and indicators are published. Doing so provides public accountability through public reporting, and is in line with our government's open government principles.

A review of the anti-racism strategy: Another way of ensuring accountability in the proposed legislation is the requirement for a mandatory comprehensive review of the strategy every five years. Part of this review would require informing the public of the review and soliciting input, and undertaking consultations with community organizations, individuals, other levels of government and stakeholders. The requirement for consultations would ensure that individuals and representatives of the groups that are most adversely impacted by systemic racism are consulted.

The proposed legislation explicitly names indigenous and black communities, but it is not limited to these communities. After the comprehensive review is complete, the government could either amend the strategy, replace the strategy, or continue the existing strategy. The date from which the next strategy is established after this review would have to be clearly indicated.

Consultation on the anti-racism strategy: We are committed to consulting with members and representatives of communities that are most adversely impacted by systemic racism on a regular basis. The proposed legislation, if passed, would allow for consultation on the strategy from time to time, in between comprehensive reviews.

0940

The proposed legislation explicitly names indigenous communities but is not limited to these. It also includes

our Sikh community, our Jewish community, our Muslim community and racialized communities across Ontario.

Initiatives in this strategy could be amended as a result of these interim, unscheduled consultations, but not the targets or the indicators. This provides flexibility to add new initiatives or to amend or eliminate existing initiatives. However, the targets and indicators that are established must remain to ensure accountability.

Data standards: To address racial inequities, we need better race-based disaggregated data—data that can be broken down so that we can understand how systemic racism is impacting specific groups. The second part of the proposed legislation requires the establishment of data standards that relate to the collection of personal information for the purpose of eliminating systemic racism and advancing racial equity.

Establishing data standards helps to ensure that data is collected in line with consistent standards and provides a means for ensuring that detailed, privacy-related requirements are respected by public sector organizations. The minister would be required to establish data standards, subject to Lieutenant Governor in Council approval. The standards would set out requirements for the collection, use and management of personal information. LGIC approval would also be required for any amendment to the data standards. Privacy and human rights are fundamental principles in the standards, and it is important for us to ensure these two organizations are involved in the process.

I also want to take a moment to reiterate—and I know that Minister Coteau mentioned it—the rules to protect personal information in the proposed legislation are subjected to the same or higher standards than current laws, such as the Freedom of Information and Protection of Privacy Act and the Municipal Freedom of Information and Protection of Privacy Act. There would be a requirement to consult with the Information and Privacy Commissioner and Chief Commissioner of the Human Rights Commission of Ontario to develop or amend the data standards.

The LGIC would have regulation-making authority to require or authorize public sector organizations, which includes ministries, to collect information for the purpose of eliminating systemic racism and advancing racial equity. These regulations specify particular public sector organizations and also particular programs and services or functions for which personal information would have to be collected. They would also specify which elements of the data standards are mandatory. This provides flexibility in the application of data standards.

One of the privacy protections outlined in the proposed legislation is that individuals being asked to provide personal information would not be withheld services if they refuse to provide that information.

The personal information collected under a regulation: In the proposed Anti-Racism Act, personal information is to be collected directly from the individual to whom the information relates. However, the data standards may set out criteria and requirements for when indirect collection

may occur: for example, if a police officer is collecting information about a member of the public.

When information is collected directly from an individual, there are a number of requirements in the proposed legislation that a public sector organization must provide to that individual, including that the information is being collected for the purpose of eliminating systemic racism and advancing racial equity, that the service or benefit will not be withheld if the individual refuses to provide the information requested, and the information of an employee of the public sector and organization that can answer any questions about the collection of personal information the individual may have.

While the data standards can set out criteria and requirements for when indirect collection of personal information can occur, the proposed legislation sets out notice of requirements. If a public sector organization indirectly collects information about individuals, they must post a notice on a website, indicating that personal information is being collected under the authority of this proposed act, if passed. The website notice must also indicate the types of information being collected and the manner in which the information is being collected, why the information is being collected and how it will be used, and the information of an employee of the public sector organization that can answer any questions about the collection of the personal information that the individual may have.

The personal information collected under the authority of this proposed legislation can only be used for data collection purposes of the proposed act, eliminating systemic racism and advancing racial equity. Additional limits on collection, use, security and retention of personal information are set out in the proposed legislation. As well, the data standards must provide for reporting on the use of the collected information and publication of it in a de-identified form. This disclosure will promote better identification and an understanding of systemic racism, a key goal of the proposed act.

Publishing data is about transparency and accountability to the public. Public sector organizations would not be allowed to collect more information than is reasonably necessary to meet the purpose of the proposed legislation, and would not be allowed to use personal information if other information would meet this purpose. They must de-identify personal information, as required by the data standards, and must keep personal information for the amount of time specified in the data standards, or at least one year after collection if no time is specified in the data standards.

Information and Privacy Commissioner review of practices: The proposed Anti-Racism Act, if passed, would give the Information and Privacy Commissioner an oversight role. The IPC would be authorized to review the practices of the public sector organization that is authorized or mandated to collect information. The purpose of the review would be to determine whether there has been unauthorized practice related to the collection, retention, use and disclosure, access or modification of personal

information, or there has been a contravention of this proposed act. The public sector organization would be required to co-operate with the IPC during their review, including producing information and records to the IPC.

If an individual wilfully fails to comply with the order to discontinue with a practice that has been deemed to contravene the proposed act or its regulations, or destroys the personal information that was collected under the practice, the person is considered guilty of an offence and, if convicted, could be fined up to \$100,000. The prosecution would require the consent of the Attorney General.

The IPC would also have the authority to make comments or recommendations on the privacy implications of anything under this proposed act, if passed. These comments, recommendations or other matters related to this proposed act would be included in the IPC's annual report.

The anti-racism impact assessment: The minister will also be required to develop and publish an anti-racism impact assessment framework, and the LGIC would be able to require its use by public sector organizations in respect of their programs and policies. This is the third component of the proposed legislation.

The intent of the ARIA framework is to assess the potential racial equity impacts and outcomes of policies and programs to prevent, mitigate or remedy inequitable impacts and outcomes. This includes both the development of new policies or programs and the evaluation of existing policies and programs.

In the proposed legislation, the framework would have to include the following elements: research and analysis, stakeholder and community partner consultations, and public notice and reporting. Public reporting would ensure accountability and sustainability.

The LGIC would have regulation-making authority to require public sector organizations to use all or part of the framework. The authority to mandate the use of the ARIA by government and designated organizations is critical. The regulations would specify particular public sector organizations and also particular policies or programs for which the framework must be used. This provides the government with flexibility in the application of the framework and is similar to the regulation-making authority for the data standards.

We know that this would be a change in operations, so the regulation-making approach allows the government flexibility to consult with affected organizations and target the policies and programs that may have the highest impact on racial inequity.

There's also a requirement for publication in the proposed legislation. Documents that would be required to be established under the proposed Anti-Racism Act would also be required to be published in order to be transparent and accountable to the public. These documents include the anti-racism strategy, every progress report on the strategy, the data standards and the anti-racism impact assessment.

The fourth and final component of the Anti-Racism Act maintains the existence of the Anti-Racism Directorate and requires the directorate to assist the minister in carrying out duties set out in the proposed act, if passed.

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The proposed legislation also sets out a requirement for an appropriate number of Ontario public service employees to carry out this anti-racism work. This sustains the government's commitment to anti-racism. Long-term sustainability of the ARD was one of the most pressing concerns raised by anti-racism community partners.

The proposed Anti-Racism Act would come into force on the day that it receives royal assent.

In summary, the provisions under the Anti-Racism Act create a sustained, comprehensive approach towards identifying, understanding and eliminating systemic racism in government and, by future regulation, a broad range of Ontario institutions, and advancing racial equity.

I truly believe that this proposed legislation, if passed by this Legislature, is a big step in the right direction and will truly help us combat systemic racism in this province. An equitable society where everyone contributes is good for all of us.

The Deputy Speaker (Ms. Soo Wong): Questions and comments?

Ms. Lisa MacLeod: It's my pleasure to rise and debate today. I'll have an opportunity to speak at greater length in a little bit, but I wanted to congratulate the minister for the work that he has been doing within the broader community of Ontario, but also the number of round tables that he did across the province with racialized communities and those who feel that they need to have an opportunity to speak out. He gave them that platform, and I congratulate him for that on behalf of the Progressive Conservative caucus.

Obviously this is becoming a bigger issue than probably it has in many years because we do see, from time to time—most of the time, in fact—online hate directed at one race or another. We see what's happening around the world. A genocide is happening in Syria, and we know that these difficult times create a lot of fear among people.

It is up to us as legislators, in my opinion, to stand up and to talk about the positive things that are happening not only in the world but right here at home in the province of Ontario. I've had the opportunity in a very fast-growing riding in the city of Ottawa to welcome many new Canadians to our country, but at the same time watching our community grow and thrive together. I firmly believe that our children love each other and want to play with one another regardless of how they look.

What happens in life is that we allow people to speak with hate. We hear it and we see it on Twitter, on Facebook. We see it in the news. It's up to us in this assembly to remember that we are here to break down those barriers. But we're also here to ensure that the next generation grows up still retaining that wonderful, open-minded heart that they have.

I often like to point out my own daughter's hockey team, as you all know, and the wonderful diversity there

and the way that those kids play together because they only see their similarities.

The Deputy Speaker (Ms. Soo Wong): Questions and comments?

Mr. Gilles Bisson: As a New Democrat, I am honoured to stand and support this particular bill. It's something that this Legislature, actually, in the past has dealt with. We had a former—under the NDP government, had put a similar organization in place. Unfortunately, it was done away with sometime after.

I want to make this comment, because I think it's important that it be made. What we're doing today in regard to what we're creating is important. We need to have strategies and we have to have mechanisms in place where government does everything it can in order to beat back racism in all its forms.

All of us as individuals also have a responsibility. It happens to all of us as we're travelling around our neighbourhoods, families and coffee shops. We at times get people who say some very ungracious things in regard to new Canadians. I think it's incumbent upon all of us to beat that back when we see it.

It certainly happens with me. In fact, I had my staffer Kevin Modeste put together a document recently. Because of what's going on in Syria, there seems to be an uptake in the amount of people who say, "Why are they coming here, and they're getting everything and we get nothing?" You hear all of that rhetoric—I'll just leave it at that, but it's not the word I was going to use. I had a document made up that shows that new Canadians get no more than any other Canadians. In fact, they get less, and it's harder for them to establish themselves in this country than people recognize. If we as individuals don't push back, then it allows that lie to continue.

I've taken the document, and now every time I'm somewhere and somebody says, "Oh, the immigrants get more than us Canadians," I gladly send them an email with the document and say, "If you want to discuss, I'm more than prepared to discuss it with you," because, in fact, what's going on in Syria today is horrifying. Could you imagine that happening to your family?

If we can't open our borders to allow people to come to Canada who are in such a terrible situation, it's recalling from the past what we did to the Jews when they tried to come to this country back before the Second World War. We saw what happened to them.

The Deputy Speaker (Ms. Soo Wong): Questions and comments?

Mr. Han Dong: Good morning, Madam Speaker. I'm very pleased to add my voice to the debate of this bill.

I've been listening this morning to the minister responsible for anti-racism in Ontario as well as my good colleague from Brampton–Springdale, and also my good friends across the floor from Nepean–Carleton and Timmins–James Bay. I have to tell you, this is a very heartwarming experience for me as a first-generation Canadian, coming here at the age of 13.

Systemic racism impacts us all. I've been invited to events and discussions organized by not just the black

community, but the indigenous community, the Chinese community, the Korean community, the Portuguese community—you name it—and I hear over and over again how we need to pull together and paddle in the same direction against the current of racism, especially in this very challenging time around the world.

This I see as an opportunity for us to become a model for the world. I realize that, if passed, this act will be the first of its kind in Canada. We're really saying loudly in action, to the rest of the country and the rest of the world, that systemic racism must be exposed and that we must, together, try—at least try—to find a solution to it.

I remember I was at a discussion—I think it was covered by a newspaper as well—where a Korean Canadian was mistaken for a Chinese Canadian and was a victim of racial slurs on the street in my riding, the Queen and Spadina area. This is not acceptable.

I am really pleased that we're discussing this bill today.

The Deputy Speaker (Ms. Soo Wong): Questions and comments?

Ms. Sylvia Jones: I'm really glad that I was able to be here to hear the leadoff speeches for Bill 114. It has been a very positive hour, to hear what the minister had in mind when he presented this bill.

I have to say that this bill, while it doesn't look very long, is in fact quite prescriptive and quite detailed. So kudos to the minister for actually bringing forward something that has a little bit of meat—

Mr. Bill Walker: Substance.

Ms. Sylvia Jones: —and substance.

I have two young children, teenagers now, and when I go home tonight and tell them what we were debating, they won't understand. They won't understand because kids don't see it. Kids don't participate in it. I guess I have great faith in our future generations.

I don't understand what happens when we have young people who literally are colour blind, do not understand and do not participate in these very hateful stories and actions that we're seeing around the world and in our own communities.

I acknowledge and appreciate the minister for bringing this forward. Frankly, I hope it is something that we will not have to have as our generations appreciate and understand and work forward. So congratulations, Minister.

The Deputy Speaker (Ms. Soo Wong): I'll return to the minister to wrap up this round of debate.

Hon. Michael Coteau: I want to thank all the members who spoke on this: of course the members from Brampton–Springdale, Nepean–Carleton, Trinity–Spadina, Timmins–James Bay and Dufferin–Caledon. I think I mentioned everyone.

I just want to say thank you so much, because there is a cost to standing still. There's a cost for us not to do anything. We're seeing the change that's taking place in this province, the change that's taken place over the last few decades. We have an Ontario where, by 2031, 40% of the population will be racialized, and if we don't put in place, I believe, the tools and processes that set the tone for that shift that's taking place, I think we could find

ourselves in a very bad place. We could continue to go down a pathway where we're seeing increases of racial intolerance here in the province of Ontario.

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As the minister responsible for children and youth services, I know that there are a lot of young people out there who are not reaching their full potential. There are a lot of men and women who are not reaching their full potential. Quite often, race does play a role in that reaching of someone's potential.

Can you imagine if we built an Ontario where we maximized all of our human capital and we positioned Ontario where we could actually position all people for success? This province would radically transform. Everything that we have in this province that we've all been fortunate to inherit, the bountifulness of our natural resources and our population—I think if we position ourselves right as a government here in Ontario, we'll continue over the next 150 years to build an Ontario that we can all be proud of, that affords the same opportunities to people in the future that many of us in the Legislature have been able to acquire.

Thank you so much for the support. I look forward to the continued debate.

The Deputy Speaker (Ms. Soo Wong): Further debate?

Ms. Lisa MacLeod: I appreciate the opportunity, on behalf of Patrick Brown and the Ontario Progressive Conservative caucus, to debate Bill 114, An Act to provide for Anti-Racism Measures. I will be splitting my time with the member from Scarborough–Rouge River.

All that is required for evil to triumph is for good people to do nothing. In the world today, we have seen many examples where good people have not taken action. As the minister has said, all that is required is for us to stay still, and in many cases, we cannot do that. It is up to us in this assembly to talk about the positiveness of diversity—not to extol fear among those we represent, but to look at the diversity and the positiveness of our growing communities and the communities, for example, that have been here for many decades, generations or centuries; in particular, our indigenous community and our black community.

I grew up in a small town, in New Glasgow, Nova Scotia. You've all heard of it, and I'll tell you why: Viola Desmond walked into a movie theatre, the Roseland Theatre, in New Glasgow, Nova Scotia. It was a long time before I was born. But my father, who coached this amazing hockey team—and you'll notice mostly everything I tell you is about hockey, because it has shaped my life. He had this amazing hockey team; I think they were Midget C. We had a small car. My dad used to drive this hockey team everywhere. As you would expect—and today is Tartan Day—New Glasgow, Nova Scotia, is quite a Scottish town. We also had a very prominent black community and a very prominent Mi'kmaq community. My dad's hockey team actually included the entire community. I got to know the kids from the Mi'kmaq community, and I got to know the kids from the black community. I don't know if it was by design, but it was quite separate when I

was growing up in the 1970s. My dad taught me all about acceptance, inclusion and commonality. When he died, they all were there for him, because he rose to the occasion of being better than the fear, the hate and the bigotry that was common at that time.

Why I want to talk about Viola Desmond is because there is a small plaque and monument to her in that town, and it's something that my father made sure that we saw. He would also teach us about Dr. Carrie Best, who was a big civil rights leader in Nova Scotia. We grew up understanding and respecting.

For many, they would say, "Lisa, you're from New Glasgow. You must be embarrassed." Yes, there might be some embarrassment, and there is a black mark and a stain from what happened at the Roseland Theatre. But at the same time, the people of Nova Scotia would eventually and rightfully understand that Viola Desmond was Rosa Parks before there was a Rosa Parks.

I would be remiss not to congratulate—and I know I'm talking a little bit about Nova Scotia—a very dear friend of mine in Nova Scotia. His name is Henderson Paris. He is a civil rights leader who has run, for close to 30 years, a race against racism. He is a runner. He actually, I believe, is running for the New Democrats in Nova Scotia in their upcoming election.

I've been able to watch these remarkable leaders, and I've watched them, at a very grassroots level, break down barriers. I think that's very important.

As I mentioned in my remarks a little bit earlier, I had the opportunity this year to be the trainer of my daughter's hockey team. Like my father's hockey team, it was diverse. The reason I am so passionate right now in this House is because those little girls—one's mother was a Vietnamese refugee, a boat person, who is now a prominent journalist inside the city of Ottawa. Others have come from different countries. Some have fled persecution in different parts of eastern Europe. Then we have three young girls on our team who are South Asian. They are the most visibly racialized. I want to tell this story because it speaks to why we need to do more to combat racism.

As we walked in a small town during a hockey tournament last month, the three little girls, who are racialized and South Asian, were yelled at. They were yelled at because they looked different, they were told to go home, and they were called the N-word. Everyone's blood boiled. Our kids don't see the differences in the colour of skin. They don't see the differences at all. They don't care about what the people's last names are on the back of the jersey. They know that they are a team, and they knew that they were responsible for one another. That level of responsibility was something that just warmed my heart.

But I will tell you, every single parent's blood boiled when that occurred. One of the mothers of our children said, "My young son, who's six years old, doesn't know what that word means, so please don't respond, and let's move on." It was her child who had been targeted, so we respected it.

When we talk about data, it's incredibly important that we report it, because I will tell you this: I have mosques, synagogues, gurdwaras, temples and Christian churches in my constituency. It will come as no surprise to anybody in this room—the hate, the bigotry, the anti-Semitism and anti-Muslim bigotry that occurred in the city of Ottawa in the month of November, when it didn't matter what type of religion you worshipped; you were under threat by vandalism and graffiti. Our community came together and said, "Enough is enough." All of our major religions got together at the synagogue, together saying that this is not our city.

Having said that, that week—and I'm going to tell you this: That week, there were a couple of places of worship that did not report the vandalism. They didn't want, in the same case as the mom, to scare the children of their congregations, and they didn't want to scare their elderly, that that happened in their place of worship.

I'll tell you, that week, one of the prominent places of worship that was targeted wasn't reported by their religious leader; it was reported by a member of the public. I know that, for example, in my constituency, they didn't report it to the police, but they let me know. Everyone here knows I'm very big on Twitter, so that's how it was alerted for that particular place.

But that's the reality we live in. It's the reality that we have to confront each and every single day in the province of Ontario. As I said, all that is required for evil to prevail is for good people to do nothing.

I know I'm short on time here today, Speaker, and I will pick up the next day we represent this, but I want to talk at greater length about the Day of Humanity, Inclusion and Acceptance that I recently held in my community, a very diverse, growing community. I had Denise Deby there, and she is from the Ottawa Local Immigration Partnership. She provided us with a wonderful road map of where the city of Ottawa is going in terms of our diversity. I'm going to read some statistics, because I think it's important as we have this debate on acceptance and anti-racism.

Together, immigrants and second-generation individuals could represent nearly one in two people, or almost 50% of the population. Some 26% to 30% of the population will have neither English nor French as a mother tongue. And if you think about the founding of this country, the famous words of Sir John A. Macdonald were, "Let us be English or let us be French ... but above all let us be Canadians." Now, in Ottawa, we could add 70 different languages to that, to be Canadian.

1010

The proportion of the population with visible minority status could rise to 31% to 36%, and religious diversity is expected to increase. Speaker, 70% of newcomers to Canada are racialized. In my city, the nation's capital—every Canadian's second hometown, Ottawa—it's 23%, or 202,000 people, who were born outside of Canada. Of our nearly one million people in the nation's capital, nearly 20% belong to a visible minority or racialized group. That will grow to 36% by 2031. We have more

than 100 ethnicities with more than 70 languages spoken. I think that's an incredible testament to how welcoming and warm Canada is, but at the same time, it proves we must continue to battle systemic racism, anti-Semitism, anti-Muslim bigotry, and all types of hate.

I just want to conclude, Speaker; I know you're about to cut me off. I just want to say that as Ontarians and as Canadians, we have a wonderful country, one to be very proud of. But there is always more work to be done. I'll look forward to picking up where I left off.

Second reading debate deemed adjourned.

The Deputy Speaker (Ms. Soo Wong): Seeing as it's almost 10:15, I will recess the House until 10:30.

The House recessed from 1012 to 1030.

INTRODUCTION OF VISITORS

Mrs. Gila Martow: I'm very pleased that we have some wonderful people here today from CIJA. The Diller teens will be meeting with me as well as some other MPPs today. We have: Afek Katz, Almog Elimelech—melech is “king” in Hebrew—Amit Alon, Anna Karapetyan, Bar Baron, Idan Aharon, Ido Perkal, Itai Mizrahi, Ofir Ken-Li, Osher Tachan, Ron Malka, Rony Kaufman, Shalev Levi, Shay Levy, Shay Rommer, Shoval Green, Stav Vaknin, Tahel Dicapua, Yuval Abargil, Yuval Guetta, Yuval Shmuel; Raquel Binder, Richard Summers, Shir Spektorman, who are staff; and Madi Murariu, Marlee Mozeson and Cindy Osherooff, all CIJA staff. Welcome to Queen's Park.

Ms. Cheri DiNovo: I just want to add my voice to the member from Thornhill's. On behalf of Andrea Horwath and the New Democratic Party, I want to welcome the Diller Teen Fellows program from Israel today. They are students in grade 10 and 11 dedicated to excellence, pluralism, responsibility, partnership and peoplehood. They will be coming in very shortly. Welcome to Queen's Park.

Mr. Harinder S. Takhar: The page from my riding, Max Koh, is the page captain today, and his mother, Amy Ho, is in the Legislature. I want to welcome the page's mother to the Legislature.

Mr. Lorne Coe: I would like to welcome teachers and students from Donald A. Wilson Secondary School in Whitby. Welcome to Queen's Park.

Mr. Grant Crack: I have a special announcement today. I'd like to welcome the Speaker of the House here today—it's the Speaker's birthday, everybody. Let's ask everybody to give him a hand. If I could have a page come, and we could give him a card. Happy birthday.

Applause.

The Speaker (Hon. Dave Levac): Stop the clock. My wife asked me what I wanted for my birthday. I said an absolutely heckle-free question period.

The member from Nepean—Carleton.

Ms. Lisa MacLeod: Just another point of order, Speaker: Saturday is also the birthday of my colleague from Wellington—Halton Hills, Ted Arnott.

The Speaker (Hon. Dave Levac): Happy birthday. Further introductions? The Minister of Housing.

Hon. Chris Ballard: Thank you, Speaker. Happy birthday.

I'm really delighted to welcome Rebecca Huang, a constituent from the great riding of Newmarket—Aurora. Welcome.

Hon. Helena Jaczek: Our page captain today is Ayesha Basu from my riding of Oak Ridges—Markham. I would like to welcome her family to Queen's Park today: parents Sonia and Anin Basu, and a former page, her sister Rhea Basu. Welcome to Queen's Park.

Mrs. Cristina Martins: Happy birthday, Speaker.

I want to join my colleagues the members from Thornhill and Parkdale—High Park in also welcoming the Diller Teen Fellows who are joining us here today at Queen's Park from Eilat, Israel, whom I will have the pleasure of meeting with later this afternoon. Welcome.

Hon. Bill Mauro: Speaker, happy birthday to the biggest Montreal Canadiens fan in the Legislature.

It gives me great pleasure to introduce, in the members' east gallery, visiting from Thunder Bay, my son, Dustin Mauro, who happens to be going to a Toronto Maple Leafs game tonight. We'll see how that all works out, but I welcome him.

Mr. Gilles Bisson: I'd like to welcome my good friends from Constance Lake who are here: Chief Allen and a number of members from the community. Welcome.

Hon. David Zimmer: I too would like to introduce visitors from Constance Lake First Nation: Chief Rick Allen, Councillor Norman Solomon, Councillor Robyn Bunting, and youth representative Austin Baxter. Thank you for travelling down.

Mr. Jim Wilson: Just an important announcement, Mr. Speaker: My colleague the member for Nepean—Carleton, Ms. MacLeod, has just been named by Catherine Clark on her list as one of #150GreatPeople in the Ottawa area.

The Speaker (Hon. Dave Levac): Congratulations.

Mr. Taras Natyshak: I just wanted to welcome two members of OPSEU corrections who are here visiting today: Rob Wilson and Ian Moroun.

WEARING OF PINS

The Speaker (Hon. Dave Levac): The Minister of Agriculture, Food and Rural Affairs on a point of order.

Hon. Jeff Leal: On a point of order, Mr. Speaker: Forty years ago, the Honourable Bill Newman, who was the Minister of Agriculture and Food in the administration of Premier William Davis, started the Foodland Ontario logo. I believe you will find that we have unanimous consent that all members be permitted to wear pins in recognition of the 40th anniversary of Foodland Ontario.

The Speaker (Hon. Dave Levac): The Minister of Agriculture, Food and Rural Affairs is seeking unanimous consent to wear the pins for the 40th anniversary. Do we agree? Agreed.

The leader of the third party on a point of order.

Ms. Andrea Horwath: I seek unanimous consent for the immediate second and third readings, and passage of, Bill 106, An Act to amend the Residential Tenancies Act, 2006 to extend rules governing rent increases to certain types of rental units, tabled by my colleague the member for Toronto–Danforth.

The Speaker (Hon. Dave Levac): The leader of the third party is seeking unanimous consent for second and third readings. Do we agree? I heard a no.

ORAL QUESTIONS

YOUTH EMPLOYMENT

Mr. Patrick Brown: My question is for the Minister of Finance. This government loves to paint a rosy picture about the state of Ontario's economy, but yesterday a report on CBC confirmed that Ontario has the second-worst economy for young people in the country.

Why are the Liberals failing Ontario's youth and the next generation? Why are they not giving young people hope and opportunity in the province of Ontario?

Hon. Charles Sousa: I appreciate the question. I recognize that all of us are concerned about ensuring that Ontario grows inclusively for all. We are outpacing the G7. We're leading the way in Canada. We outpaced the average of the United States. Growth in jobs in our economy has been over 100,000 annually—over 720,000 since the depths of the recession. These are important factors.

More importantly, we need to continue to invest in our young people. That's why we've invested heavily in skills and training. That's why we've taken more steps towards university and college and post-secondary; that's why we've put more into trades—all of which is helping our young people succeed. We recognize that youth unemployment has been a dramatic issue across the world, including the United States and other parts of Canada. We need to lower that unemployment rate for our young people. We need to foster experiential learning. I commend our Deputy Premier, who has taken extraordinary steps to do just that.

1040

The Speaker (Hon. Dave Levac): Supplementary?

Mr. Patrick Brown: Mr. Speaker, I was hoping I'd get a response from the Minister of Finance about this report, which says that it's not just the world; Ontario is the second-worst in Canada in terms of young people and the economy. That's not a record you should be proud of. Whatever the government has been doing for 14 years, it's not working for young people.

The report, part of Generation Squeeze's Code Red campaign, noted that in recent years, full-time earnings have fallen for young people in Ontario by \$4,600. That's putting young people below the national average when it comes to income for full-time work. This is causing

young people to put off important milestones, according to the report.

Mr. Speaker, this is not encouraging for Ontario's youth. The second-worst economy for young Canadians is in the province of Ontario. What is this Minister of Finance going to do about that? Will he make sure young people are not let down in this province?

Hon. Charles Sousa: We all recognize that we need to invest in skills in our highly trained workforce to ensure that our young people are prepared for the jobs of tomorrow. The member opposite has oftentimes gone back to the glory days of assembly-line work, with smokestacks and the manufacturing of the past. We need to embrace the future. They may want to go back to coal; they want to go back to the days when people weren't as skilled and as trained for the necessary jobs of tomorrow.

We're doing that, Mr. Speaker. We're doing that through the work that is being done by all of the universities across Ontario, and the leadership taken by Kitchener-Waterloo, Toronto and Ottawa on new innovations and new techniques in agri-food processing and in clean tech—clean tech, which is a future for many young people that the member opposite actually does not agree with. We need to ensure that our young people are prepared for those future opportunities—

The Speaker (Hon. Dave Levac): Thank you. Final supplementary?

Mr. Patrick Brown: Again to the Minister of Finance: I'm shaking my head at that response. It was absurd. We get a response on coal when we have a CBC report here, Generation Squeeze, talking about the fact that young people are struggling in Ontario more than almost anywhere else in Canada, where you've seen that full-time earnings have fallen by \$4,600 and where there are jobs available in Ontario that this government is not equipping young people for. The chamber of commerce report showed that we lose billions each year for jobs available in Ontario that young people aren't equipped for.

Rather than talk about coal or nothing related to the question, what I would appreciate is an answer from the Minister of Finance on this report that was published in the CBC that shows young people in Ontario are falling behind. What is the Minister of Finance going to do to make sure young people in Ontario aren't put last in Canada by this government?

Interjections.

The Speaker (Hon. Dave Levac): Be seated, please. Thank you.

Mr. John Yakubuski: Stop abandoning the young people.

The Speaker (Hon. Dave Levac): There goes my birthday present.

Minister of Finance.

Hon. Charles Sousa: The fact is that youth employment actually rose by 7,500 in February 2017, and the youth unemployment rate actually went down by 1.7%. But more can be done. It's why we are trying to reduce the skills gap with a highly skilled workforce.

I've got to tell you, Mr. Speaker: The Employment Ontario network has now helped approximately one million Ontarians, many young people, since 2015-16, including 122,800 employees across Ontario. We're investing \$173 million in 2016-17 to offer a range of programs that support apprentices, employers and trained delivery agents. In April 2015, the government also invested \$55 million over three years to help the next generation of skilled tradespeople. As a result of the government's investments and support of the apprenticeship programs, new apprenticeship registrations have grown by 17,100 and more than 25,000 in 2015-16.

More needs to be done, Mr. Speaker. We are doing our utmost, and we put so in the budget—

The Speaker (Hon. Dave Levac): Thank you. Sorry. New question.

SEXUAL VIOLENCE AND HARASSMENT

Ms. Laurie Scott: My question is to the Minister of the Status of Women. Can I count on the minister's support for my bill requiring that judges be educated about how to properly handle sexual assault cases?

Hon. Indira Naidoo-Harris: The Minister of Community Safety and Correctional Services.

Hon. Marie-France Lalonde: It gives me great pleasure. I thank the member for her question. Sexual assault is a very, very serious issue that demands attention from all levels of government. I have to say, as the Attorney General has said before, that this is a non-partisan issue, Mr. Speaker. The Attorney General has made it clear that we are actively looking into what more can be done about sexual assault education for judges. The Chief Justice has reassured the Attorney General that the ongoing education of our judiciary is critically important to public confidence in the system. The court has provided education on issues related to sexual assault and violence against women for over 30 years. I also know that Ontario judges have access to the federal training programs offered by the National Judicial Institute and can directly benefit from these new supports.

The Speaker (Hon. Dave Levac): Supplementary?

Ms. Laurie Scott: I'd like to go back to the Minister of the Status of Women, because I know she, in particular, must be aware of the importance of this kind of training.

There are still incredible stigmas attached to sexual assault. Sexual assault is chronically underreported in Canada, with about 90% of women never bringing their cases forward. Our judges should have the tools they need to treat these cases with the utmost sensitivity. I've spoken with many women's and victims' services organizations, and all of them support mandatory sexual assault law training.

This is a non-partisan issue. We must protect women from being revictimized, especially after having the

bravery to come forward about their experiences in the first place.

Since this Attorney General has not been clear where he stands on this issue, I'm wondering if I can count on the support of the Minister of the Status of Women to convince him of the importance and help move these changes forward?

Hon. Marie-France Lalonde: Again, I thank the member for her question. I have to say, I think the Attorney General has made it very clear that we're actively looking into what more can be done about sexual assault education for judges. We are actively looking into what more can be done. As the member has mentioned and as we're saying, this is a non-partisan issue. I thank the member for her question, and we'll—thank you very much.

Interjections.

The Speaker (Hon. Dave Levac): I want to hear.

Final supplementary?

Ms. Laurie Scott: Well, Mr. Speaker, I believe the Minister of the Status of Women was trying to answer my previous question, so I will go back to her again.

I want to share a story that Rona Ambrose shared in the federal Parliament. It's that of a Halifax taxi driver who was acquitted of sexual assault charges. The judge in question ruled that "clearly, a drunk can consent." We know that not to be true, as countless legal experts have torn that ruling to shreds.

We can't have such basic mistakes being made in our courts. Will this government mandate sexual assault training before Ontario has a case as egregious as the one in Nova Scotia?

Hon. Marie-France Lalonde: Again, thank you very much for the supplementary. I have to say that this is a very important issue. I think that we all agree. I know a colleague here in the House, the member from Davenport, has also been and is a strong advocate for this. I want to say thank you, actually, to the member from Davenport for her interest in this very important area. As a member of this House, she has the right and the responsibility to raise important issues affecting her constituents, and we look forward to renewing—

Interjections.

The Speaker (Hon. Dave Levac): Order, please.

Interjection.

The Speaker (Hon. Dave Levac): The member from Lambton-Kent-Middlesex, come to order.

Finish, please.

1050

Hon. Marie-France Lalonde: I have to end by saying that I actually look forward—I think we all do look forward—to reviewing the bill once it is tabled in the Legislature, and the ongoing dialogue and debates—

Ms. Sylvia Jones: It was, yesterday.

The Speaker (Hon. Dave Levac): The member from Dufferin-Caledon, come to order.

You have a wrap-up sentence, please.

Hon. Marie-France Lalonde: Again I'll say that as a member of this House, as a woman, as a mother, I know

how this issue is sensitive and important, and I know that we can do more.

TENANT PROTECTION

Ms. Andrea Horwath: My question is for the Acting Premier. The Premier said this week that reports of some residents in Toronto seeing their rents double are “unacceptable.” This morning I called for unanimous consent to pass a bill that would make this unacceptable practice illegal now.

The Premier’s Liberal government said no to stopping the unfair gouging right away. Why?

Hon. Deborah Matthews: Well, thank you, Speaker, and happy birthday.

The Premier has been clear many, many times and the Minister of Housing has been clear that we are moving forward with a plan to address unfair increases in rental costs. She has made that clear. The NDP know that we have said that. We’re actually happy that we’re on the same page when it comes to helping families who are feeling the pinch of a rental market struggling to keep up with demand.

I can tell you that our plan will go further and do more than the NDP is proposing. The political games that are being played are not particularly helpful. We are looking forward to introducing a bill that will actually address a larger problem.

The Speaker (Hon. Dave Levac): Supplementary?

Ms. Andrea Horwath: Once again, after 14 years of doing nothing, this Premier and her Minister of Housing have admitted that there’s a problem. This morning we did something very simple and we asked for the Premier’s Liberal government to close the 1991 rent control loophole today, to protect tenants from unscrupulous landlords. This should have been a no-brainer, Speaker.

Are the Liberals allowing more renters to be ripped off while we wait for their bill because they fear that supporting the bill currently before the House won’t give them enough political credit?

Hon. Deborah Matthews: To the Minister of Housing.

Hon. Chris Ballard: Thank you to the leader of the third party for the question. Again, as the Premier has said and made clear many times, along with myself, we will be bringing forward a plan that addresses these unfair increases in rental costs—

Interjection: When?

Hon. Chris Ballard: As I’ve said time and time again in this House and outside this House, sooner rather than later.

Mr. Speaker, there is a whole host of things that we will be bringing forward. The plan of the third party is a one-issue-only idea. We have been looking at the RTA, the Residential Tenancies Act, since last June, so that we can bring forward a very robust change.

The Speaker (Hon. Dave Levac): Final supplementary.

Ms. Andrea Horwath: It is one issue: It’s the issue that people are getting double rent increases and they can’t afford them. That’s the issue, and there’s a simple

fix. Clearly, the Liberal government is playing partisan games with this issue. Sadly, it’s what Ontarians have come to expect from the Liberals.

What do the Liberals have to say? What do they have to say to those people who will see their rents double in the coming days, the coming weeks, while the Liberals drag their feet to score some political points before the next election?

Hon. Chris Ballard: It’s wonderful that the NDP have finally come to the table to talk about this. We’ve been working on this for many, many months. The rent control, the RTA: Since last June, we’ve been looking at this. So why don’t we just stop the games on the other side and move forward together? Let’s help Ontarians realize their dream of having an affordable place to call home. Politics has no place when it comes to finding people a good place to live.

TENANT PROTECTION

Ms. Andrea Horwath: My next question is for the Acting Premier. Look, the Premier and her minister have admitted that renters need help. Apparently they’ve been working on it for a year. Well, in the meantime, time has been ticking and people are losing their apartments because of economic evictions. But given the chance to do the right thing this morning, they said no. I guess they said no because there’s just not enough in it for them.

Will the Acting Premier tell us how many Ontarians are going to lose their apartments due to excessive rent increases while they wait for the Liberal government to do the right thing?

Hon. Deborah Matthews: Minister of Housing.

Hon. Chris Ballard: Thank you to the leader of the third party for this continuing dialogue, because it allows me to be able to stand up—

Interjections.

The Speaker (Hon. Dave Levac): Finish, please.

Hon. Chris Ballard: Thank you, Speaker. It allows me to remind the leader of the third party that we are going to do more than simple rent control. That is a key part of what we are bringing in: the expansion of rent control. But we have been studying a whole host of surrounding issues through the Residential Tenancies Act and we’ll be moving forward with some pretty significant changes in the near future.

We’ve said this time and again: I really wish the politics would stop on the other side. I really wish that the party opposite, the third party, would stop playing politics and really focus on making sure people have a good place—

The Speaker (Hon. Dave Levac): Thank you. Supplementary?

Ms. Andrea Horwath: Well, Speaker, since the Premier and her party refuse to allow a bill to pass today that would protect renters and they seem unconcerned with the number of people that will be hurt waiting for the Liberals to finally do the right thing, will the Acting Premier at the very least tell renters that the Liberal bill,

when it eventually gets here, will in fact be retroactive and cover the folks receiving rent increases this week and next week and the week after that while they are busy looking out for their own political interests?

Interjections.

The Speaker (Hon. Dave Levac): Be seated, please. Thank you.

Minister?

Hon. Chris Ballard: Thank you, Speaker. You know—
Interjections.

The Speaker (Hon. Dave Levac): Hang on. There. Minister?

Hon. Chris Ballard: What I want to talk about now is that looking at the whole Residential Tenancies Act since last June entailed us travelling across Canada, talking to landlords, talking to tenants about what needed to be changed. We will have a robust package of change that we'll bring forward, along with expanding rent controls. It's not as simple as just doing one. You have to do a whole bunch of them.

But while I'm at it, I can walk through a whole list of things that this government has done to ease the burden on renters and affordable housing. We've made secondary streets legislation. We've passed inclusionary zoning. We've frozen the municipal tax on rental properties. We've doubled the maximum refund for first-time home buyers. Mr. Speaker, we're collecting data. We're working with the federal government to get it done.

Interjections.

The Speaker (Hon. Dave Levac): Be seated, please. The leader of the third party.

Ms. Andrea Horwath: Speaker, when there is a crisis, the government has to act quickly, and there is a crisis in the rental housing market today in Ontario. But the Premier seems more concerned with doing what's best for the Liberal Party, as opposed to what's right for Ontarians. She refuses to tell people what she is going to do or when she's going to do it. But renters are suffering right now.

Instead of playing politics at the expense of hard-working Ontarians, will the Liberals commit today to retroactive legislation that will protect renters now facing huge increases and the loss of their homes?

Interjections.

The Speaker (Hon. Dave Levac): Be seated, please. Thank you.

Minister?

Hon. Chris Ballard: Thank you, Speaker. And I should say happy birthday as well.

Again, I'll go back to what the Deputy Premier started her comments with. The Premier has made it clear many times that we're moving forward with a plan to address unfair increases in rental costs. The NDP know that. The third party knows that. We appreciate that we're on the same page. We're delighted that they're on the same page with us.

1100

When it comes to helping families who are feeling the pinch of the rental market and who are struggling to keep

up—and a market that's struggling to keep up with demand—as we said at the outset, our plan will go further and do more than what the NDP is proposing. It's not the first time we've seen the NDP play political games on important issues like this.

HYDRO RATES

Mr. Todd Smith: Speaker, good morning, and happy birthday.

My question is for the Deputy Premier this morning. Big trouble for a GTA employer: Kisko Freezies has more than 200 employees here in Toronto and saw their hydro bill go up \$100,000 last year—\$100,000. According to their president, they don't qualify for the government's hydro scheme. He said, "We get nothing back—we pay and pay."

Speaker, how many more jobs is this Liberal government going to chase out of Ontario before they do something for our job creators?

Hon. Deborah Matthews: The Minister of Energy.

Hon. Glenn Thibeault: I'm very pleased to rise and talk about our plan, the one that's actually going to help 500,000 small businesses and farms right across the province. Let's not forget, too, that the Minister of Economic Development and I were in Brampton just this morning talking about how another company is going to be saving 20%, or \$2 million, on their electricity bill. All of this is part of our Ontario fair hydro plan, a plan that is actually going to be put into effect by this summer to make sure that we can help everyone right across the province.

Unlike the party opposite, that has no plan—we heard that they once had a five-point plan and then a three-point plan. And now, Mr. Speaker, they have no plan—no plan for hydro; no plan for Ontario. We are the government that acts and helps businesses.

The Speaker (Hon. Dave Levac): Supplementary?

Mr. Todd Smith: Speaker, this is the government that has bungled this file like no other file that we have ever seen. And they have the audacity to stand here and expect us to clean it up for them. Their plan has so many holes in it, it's like Swiss cheese.

Speaker, Kisko Freezies creates jobs here in Ontario. They actually go out there and create jobs at their suppliers as well. They source their corrugated containers, their plastic and most of their supplies right here in Ontario. But their CEO told Global News this week that "more and more businesses are going to pack up and move to the United States...."

We know there is a coalition of concerned manufacturers in Ontario hanging on by a thread, so why doesn't your latest scheme help fix that for those employers here in Ontario?

Hon. Glenn Thibeault: I'm very pleased to rise and talk about that specific company. They qualify now, Mr. Speaker, thanks to our program, because they actually have 600 kilowatts of power. We confirmed with Alectra,

their electric company, that they qualify for the ICI program.

So we have a plan that's helping businesses. They have no plan. They're too busy writing hockey policy and not worrying about the people of Ontario. We are worrying about the people of Ontario. We are making sure that we are addressing this issue and helping these businesses.

We're building infrastructure—the 427. The MPP from Vaughan, the Minister of Transportation, is working hard so that this business will see access to this. We're making sure that they got access to the ICI program.

They can keep talking about hockey policy. We'll keep working for the people of Ontario.

EXECUTIVE COMPENSATION

Mr. Peter Tabuns: Speaker, for the second time in about a week, the Minister of Energy has defended outrageous salaries for hydro executives.

Hon. Deborah Matthews: Who is this question to?

Mr. Peter Tabuns: Sorry—to the Minister of Energy.

The CEO of the privatized Hydro One now makes six times the salary of his predecessor. The CEO of OPG made over \$2 million last year, even though the CEO of Hydro-Québec somehow makes do with less than a third of that.

But the Minister of Energy thinks it's okay for CEOs to extract these outrageous salaries from their customers. Is this why the minister thinks it's okay for private investors to drive up hydro bills so they can extract outrageous profits from the ratepayers of Ontario?

Hon. Glenn Thibeault: I'm pleased to rise and comment once again on recognizing that—yes, Mr. Speaker, we've all acknowledged that these are high salaries. But when it comes to OPG, the one individual that the honourable member mentioned is the individual who is actually running our nuclear facilities. We want to ensure that we have the best in the world to make sure that our nuclear facilities stay safe. We also want to ensure that our nuclear facilities in refurbishment right now at Darlington are on time and on budget. The work that our executive team at OPG is doing is keeping them ahead of schedule and under budget. That's fantastic news because all of those savings go back to ratepayers.

When we're talking about salaries, we're not even talking about a cent that would be on anybody's bills. We're looking at making sure that we're taking 25% off all bills, and we're going to do that, come summer.

The Speaker (Hon. Dave Levac): Supplementary.

Mr. Peter Tabuns: Back to the Minister of Energy: The values of those who think these outrageous CEO salaries are acceptable are the same values of those who think it's acceptable to drive hydro bills up to the point where people have difficulty paying them. Ontario used to have a hydro system that reflected our public values, but the PCs and the Liberals have replaced this with a system based on different values: a system based on private profit, not public good.

Will the minister restore the public values of Ontario's hydro system and stop the sell-off of Hydro One?

Hon. Glenn Thibeault: The system that he's talking about, Mr. Speaker, when they were in power and when the Conservatives were in power—their system—they let it actually disintegrate. They let it fall apart. We had to invest \$50 billion—let me say that again, \$50 billion—to ensure that we have a reliable system. Now they want to go back to the way it was. It's like they want to be like the PCs and bring back coal.

We actually eliminated coal. That is like taking seven million cars off the road, investing—

Interjection.

The Speaker (Hon. Dave Levac): The member from Hamilton East–Stoney Creek, come to order.

Carry on.

Hon. Glenn Thibeault: This government is not looking back. This government is looking forward. We're creating jobs. We're building Ontario up. We're lowering electricity bills for everyone. We won't look to the past, like our opposition parties.

AGRI-FOOD INDUSTRY

Mr. Mike Colle: I have a question for the Minister of Agriculture and Rural Affairs.

Minister, one of the things that Ontarians really appreciate is the safe, clean, fresh and wholesome food that they can get at their local grocery stores across Ontario. They love the fact that they can go into a grocery store and be assured that you have local farmers producing food that is produced locally and provides jobs and that they can eat that local food.

I know that, recently, some people have said, “What more can we do to ensure that we not only invest in our local farmers”—like Gwillimdale Farms up there in Bradford—“and our local green grocers to make sure that Ontarians appreciate the locally grown cabbages, beets, potatoes and carrots and not always depend on foreign”—

The Speaker (Hon. Dave Levac): Thank you. The Minister of Agriculture, Food and Rural Affairs.

Hon. Jeff Leal: I want to thank the member from Eglinton–Lawrence for that question this morning. I've had the opportunity to tour the member's riding. What is always very impressive is the number of backyard gardens in many of the homes in the riding of Eglinton–Lawrence.

Buying and supporting local food creates jobs and supports economic growth in communities right across the province.

1110

All 107 members in this House should be extremely proud that we have 52,000 family farms in the province of Ontario. We produce more than 200 different foods and commodities that cater to the diversity of our population.

Mr. Speaker, since its inception with then-agriculture minister Bill Newman, the Foodland Ontario brand is

turning 40 this year and serves as our government's primary tool to inform Ontarians of the many local food options they have access to when buying their groceries and, increasingly, when eating out.

Foodland Ontario is one of the most recognized brands in the world today—

The Speaker (Hon. Dave Levac): Supplementary?

Hon. Jeff Leal:—so, Mr. Speaker—

The Speaker (Hon. Dave Levac): No, no, no. Supplementary.

Mr. Mike Colle: Yes, and I know that Foodland Ontario is celebrating its 40th year.

If you're talking about backyard gardens, you'll see that in my riding, what's being grown now in the backyards is garlic, because garlic is now selling for \$400 a bushel. Therefore, they see the opportunity to have that locally grown garlic replace that foreign garlic that is no good. So we've got to encourage local food.

I want to say that when I was in my local grocery store, Lady York, there was somebody complaining about cauliflower for 10 bucks. I said, "Forget the California cauliflower. You can buy a bag of Ontario potatoes for \$2.99." Those are Ontario potatoes.

Interjections.

The Speaker (Hon. Dave Levac): Start the clock. Minister?

Hon. Jeff Leal: I appreciate the supplementary from the member from Eglinton–Lawrence. Perhaps we should have an emergency debate this afternoon on whether a tomato is a fruit or a vegetable.

I know that all of us here today are particularly proud of what's grown in Ontario, and Ontarians should take this opportunity to celebrate the 40th anniversary of the Ontario Foodland rollout.

For my friend the member from St. Catharines, who's a high-tech guy, I also encourage everyone to join the conversation online using the #Foodland40 or #loveONTfoods hashtags and check in on the 40 ways to celebrate local food that will be featured throughout the year.

HYDRO CHARGES

Mr. Monte McNaughton: My question this morning is to the energy minister. A very sad story from my riding: A constituent in the town of Glencoe lost their house to a fire on January 8 of this year. But what followed in February was salt in the wound: a hydro bill for delivery of absolutely no energy after the removal of the hydro meter in the amount of \$35.

But Speaker, what really set off alarm bells was the following month, when this constituent received yet another bill, this time for \$193.55, which stated that Hydro One read the meter on February 28, 2017. To be clear, Hydro One claimed to have read a meter that was not there and presented a bill on the basis of this fictitious reading.

Speaker, does the Liberal government think it's right to charge someone for hydro whose house was burned down and no longer exists?

Hon. Glenn Thibeault: That is a problem that should—
Interjections.

The Speaker (Hon. Dave Levac): Order, please.

Mr. John Yakabuski: You've got to read a lot of meters to be paid \$4.5 million, I'll tell you.

The Speaker (Hon. Dave Levac): Member from Renfrew–Nipissing–Pembroke, come to order. Minister of Energy.

Hon. Glenn Thibeault: As I was saying, that's awful for that family. I know it must be difficult for them to be going through that. One of the things that I would suggest, Mr. Speaker, is that they follow up with Hydro One, because Hydro One has been correcting those issues. That's the one thing that they've been doing—

Ms. Andrea Horwath: Oh, yes, they can't go to the Ombudsman anymore, can they?

The Speaker (Hon. Dave Levac): Finish, please.

Hon. Glenn Thibeault: That's the one thing they have been doing, Mr. Speaker: enhancing their customer service. When you hear things like this, of course no one agrees with it. That's why Hydro One has been acting quickly to ensure that they can fix and correct issues like this.

The Speaker (Hon. Dave Levac): Supplementary.

Mr. Monte McNaughton: Back to the energy minister: The bill that followed the fake meter reading isn't just an issue for this constituent; it actually has costs for all taxpayers in Ontario as well. Through the Ontario Electricity Support Program, taxpayers were on the hook for almost \$100 on top of the almost \$200 the ratepayer was charged.

How can this Liberal government expect people to trust that energy prices are fair for families and businesses when people are being told that their distributor is reading a meter that no longer exists, executive salaries are through the roof, and the cost of cap-and-trade is hidden?

Hon. Glenn Thibeault: Once again, we feel for that family and, of course, hope everything is working well for that family.

Again, as I'll say, Hydro One's new management team recognized in the past that their customer service needed improvement. The Ombudsman actually brought forward many recommendations that the Hydro One management team and Hydro One staff have been acting upon.

I again would encourage my friend opposite to have that family call Hydro One immediately. That is something that will be rectified as quickly as possible because it is one of the important things that Hydro One is doing. The team there is very proud to say that they're working to change that dynamic, and I would hope that he tells them to follow up on that.

LYME DISEASE

Ms. Sarah Campbell: My question is to the Acting Premier. After a 10-year tick host study conducted across Ontario revealed that Corkscrew Island, located 20 kilometres southwest of Kenora, has the highest infection

prevalence of Lyme disease ever reported in Canada, a research study last year determined that Lyme disease was found in eight species of ticks, with 41% testing positive for Lyme, a disease with no cure. This research is a bombshell for people living in the northwest. Despite its author sending a copy to the Ministry of Health and Long-Term Care last November, the government has not so much as even notified the public about it.

The people in Kenora and across the northwest are worried about contracting Lyme disease, and far too many are already suffering with this debilitating disease. Why is this government not acting on a health crisis that is greatly affecting northerners?

Hon. Deborah Matthews: Minister of Health and Long-Term Care.

Hon. Eric Hoskins: Lyme disease is a disease that is affecting many, many parts of this province and many Ontarians. It's an important issue and it's the reason why, in July of last year, Ontario launched the combatting Lyme disease through collaborative action plan, which is a 10-step education and awareness plan, partly to deal with this specific issue that has been referenced with regard to the north: to help Ontarians understand the risk that exists in many parts of this province, including in the north, but also the steps that they can take as individuals, as parents and as owners of animals as well, because this is a disease that affects humans and animals, and domesticated pets. But certainly when it comes to human infection, there are important measures that can and need to be taken to prevent as well as treat individuals who are infected.

The Speaker (Hon. Dave Levac): Supplementary.

Ms. Sarah Campbell: What we already know about chronic Lyme disease is that it is a horrific disease with the potential to affect every system in the body and that it can result in paralysis. We also know that the most effective prevention of Lyme disease, once a tick has been attached for more than 24 hours, is to quickly treat it within 72 hours after it's removed. The problem is that the government doesn't have a strategy in place to treat Lyme disease and not all physicians are versed in the best treatment options.

Nearly three years ago, in 2014, this House passed a motion from the member from Algoma-Manitoulin calling on the government to create a comprehensive and integrated Lyme disease strategy for Ontario, but it still hasn't happened.

Minister, the risk of Lyme disease is at potentially crisis levels in Kenora. When is this government going to develop not just an awareness plan but a concrete and robust strategy on Lyme disease to protect the people in the northwest and families all across this province?

Interjections.

The Speaker (Hon. Dave Levac): Be seated, please. Thank you.

Minister?

1120

Hon. Eric Hoskins: Thank you, Mr. Speaker. It is true that the member from Algoma-Manitoulin has been

very vocal about this issue. We've had many conversations—I think, in a collaborative way. I'll be meeting with him and some stakeholders who are concerned about this issue in the coming weeks.

In addition to that action plan that I referenced—and there is federal action taking place as well, because this is an issue that doesn't just affect Ontario—last year we also created a Lyme disease stakeholder group to lead a review on existing Lyme disease issues. We are working with Public Health Ontario to update on all elements of Lyme disease—prevention as well as treatment, education and awareness, including of health care professionals.

I agree with the member opposite that this is a multi-faceted issue. The Minister of Climate Change reminded me that when it comes to the north, as well, climate change plays an aspect. We need to look at it in a multi-factorial way.

GRANDVIEW CHILDREN'S CENTRE

Mr. Granville Anderson: My question is for the Minister of Children and Youth Services.

We know that this government has shown time and time again their commitment to supporting children across this great province. As the MPP for Durham, I am grateful that the government continues to support special needs so that children's centres like Grandview can help children and youth to succeed.

Two of Grandview's satellite locations are located in my riding of Durham: one in Port Perry, and the other in Bowmanville. The staff and families I have met are formidable, and I am extremely supportive of the important role they play in our community. But, despite all their great work, the families supported by Grandview are constrained by the amount of space available for treatment. There is an overwhelming need for an expansion of Grandview that brings all locations together under one roof.

Speaker, through you to the minister: Can you please share what you'll be doing to make sure that Grandview has the space to expand their services and continue to do the great work that they're doing in support of our children?

Hon. Michael Coteau: I want to take a moment to thank the member for his question. As a former chair of a school board and with the work he has done around FASD and education, he's a strong advocate for the children in his community of Durham.

Mr. Speaker, since 2008-09, my ministry has invested over \$312 million of capital funding into children's treatment centres.

I want to take a moment to recognize the great work that Grandview is doing. I also know that many of my colleagues, including MPP Dickson and MPP MacCharles, recognize the important work that they do.

At my most recent visit to Grandview, I met with family, staff and children. They shared stories with me of the incredible growth that's taking place in their region

and the supports needed for the children at Grandview. They also stressed that there just wasn't enough space to deliver the types of services that children need. They wanted to do more, but they couldn't.

Grandview's capital request continues to be one of my top priorities, and a decision will be coming soon.

The Speaker (Hon. Dave Levac): Supplementary?

Mr. Granville Anderson: Thank you to the minister for sharing your experiences with the staff, children and families of Grandview. I would have to agree with you, it is truly a remarkable centre. They are doing great work to support young people in Ontario. As I mentioned earlier, Grandview has two satellite locations in my riding, and I see first-hand the great work being done by the staff to support young people in Durham.

Speaker, through you to the minister: Can you tell us about your most recent visit to Grandview Children's Centre and share some of the incredible things they are doing to help young people to succeed?

Hon. Michael Coteau: Thank you again—and happy birthday, Mr. Speaker.

As soon as the Legislature recessed for winter break, I made it a priority to visit Grandview Children's Centre. It is truly a remarkable centre. The staff at Grandview do great work every day, and I'd like to thank them for their dedication to helping children. They help young people increase their ability to participate at home, at school, in the community, and they prepare them to achieve their goals for adulthood.

I value the services provided by Grandview and their continued commitment to providing support for children, youth and families.

Mr. Speaker, as a government, we want to make sure that we provide the types of supports that allow young people to reach their full potential, and that families are supported.

HIGHWAY IMPROVEMENT

Mr. Jim Wilson: Since the Premier is in Collingwood today, I'm going to ask the Minister of Transportation about Highway 26.

The Speaker (Hon. Dave Levac): The member knows full well he's not supposed to make that kind of reference, and I would ask him not to do it again. Carry on.

Mr. Jim Wilson: Okay, Speaker. By not completing the five-laning of Highway 26 at the east end of Collingwood, the province is holding up job creation and economic development. If this section of highway was completed, the town could extend Sandford Fleming Drive to Highway 26, a move that would spur significant commercial development in the area.

This issue with the highway has been unresolved now for over a decade, and that's totally unacceptable. I've written the minister on several occasions about this matter, but apparently common courtesy has gone out the window, because I can't get a response.

This government has failed to do its job, so I ask: When will the minister commit to finishing this section

of Highway 26, and will he state when the work will take place?

Hon. Steven Del Duca: I thank the member opposite for his question. I think he and I have chatted about this, perhaps informally. I'm aware of the challenges around Highway 26 in the Collingwood area. In fact, I've had the opportunity to meet with the mayor and with municipal staff in the past regarding this particular stretch of highway.

I know that MTO has also been working closely with the municipality, and I understand the challenge, but it's a challenge that goes beyond Collingwood. As that member may be aware, prior to 2003, for many, many years, there was chronic underinvestment in infrastructure in every corner of this province. That means that, since 2003—in particular, in the last four years—we are playing both catch-up and keep-up.

I'm happy to respond with additional information in the follow-up question, but I do appreciate the member's advocacy.

The Speaker (Hon. Dave Levac): Supplementary?

Mr. Jim Wilson: I thank the minister, but the history of this was that, during our last two years in office, we started the realignment of Highway 26. Within a month of coming into office in 2003, you took the bulldozers off the highway. They remained off the highway for over a decade.

Finally, when Donna Cansfield came along, mainly because she had a place up in Collingwood, she put the bulldozers back on. You got most of the realignment done, but you failed to do the section at the east end of Collingwood that goes into Collingwood. It doesn't look very nice for tourists coming into the gateway to the Georgian Triangle.

There are a number of jobs held up—some 70 jobs, with various businesses—that want to move forward. Their properties are frozen right now by your ministry. They can't move forward. It's a bit of an eyesore. The council and mayor, as you know—Mr. Speaker, to the minister—are at wits' end. There's a culvert or a bridge that is falling down. Your ministry said, "Get some boards in there to prop it up." It's going to cave in. Someone's going to get hurt. It's unfinished—

The Speaker (Hon. Dave Levac): Thank you.

Interjections.

The Speaker (Hon. Dave Levac): Be seated, please. Minister?

Hon. Steven Del Duca: I thank the member for the follow-up question. As I mentioned in my first answer, I'm aware of the challenge. The ministry will continue to work with that community. I have an expectation that, not only in Collingwood but in every corner of Ontario, we will continue to make sure that shovels are in the ground, that they stay in the ground and that we can keep building.

But it is interesting to note, from the heckles coming on the other side of the House, that there are members on that side who have literally been talking to me for close to three years to demand that we spend more—ironically,

only in their ridings. Every single year for those three years, those members, including the one asking that question, have voted consistently against the budgets from this side of the House that are building this province up.

In just a few weeks, we're sure the Minister of Finance will stand up and deliver another budget that will dedicate billions towards highway construction and expansions. I sincerely hope that member and his team finally support our budgets to build his communities up, as well as ours.

Interjection.

The Speaker (Hon. Dave Levac): The member from Niagara West—Glanbrook will come to order.

Interjections.

The Speaker (Hon. Dave Levac): Order, please.

New question. The member from—

Interjections.

The Speaker (Hon. Dave Levac): Stop the clock. I'm not going to entertain back-and-forths.

The member from Timmins—James Bay, new question.

AIR AMBULANCE SERVICE

Mr. Gilles Bisson: My question is to the Minister of Health. Minister, I was very surprised, on Friday, when I was up on the James Bay, to find out that we're going to be shutting down the Ornge air ambulance helicopter base in Moosonee this summer. As you know, there's new equipment that has been put in that base, as has been across this province. But for some reason, for the base in Moosonee, the only one that they're doing this way, they're going to be shutting down the base for two months this summer to take the helicopter away for maintenance. We're not doing that anywhere else in the province, where we shut down bases when we do the maintenance on helicopters.

Why are we shutting down Moosonee, and will you help us turn that around?

Hon. Eric Hoskins: I greatly appreciate the member opposite raising this issue with me. I believe we had a similar situation a year ago, where there was the potential for a pause in the operations of an aspect of Ornge's work in Moosonee, but we were able—quite frankly, with co-operation and collaboration with the member opposite—to come up with a solution that resulted in seamless and continuous Ornge operation and another model to address that.

1130

So I'm not familiar with all of the details of what's being proposed for this summer. I appreciate the fact that the member has raised it with us here in the Legislature. I will pursue more information and see if there is an opportunity to look at the required maintenance in a different way.

The Speaker (Hon. Dave Levac): Supplementary?

Mr. Gilles Bisson: Supplementary to the minister: Last year, Minister, the issue was that it was new equipment and we had to train the pilots. Obviously, you've got to train them before they can fly them, so we made

accommodations in order to allow that to happen. Fair enough.

In this case, we're maintaining the helicopter. Every so many hours, we have to do routine maintenance to make sure that those machines are safe to fly, for both the pilots and the crew, along with patients. My point is, if we're not shutting down bases across Ontario—I'm not advocating that we should—why, then, are we allowing Ornge to shut down the Moosonee rotary wing base in order to maintain helicopters when we don't do that anywhere else in the province? Can you please look at it and turn this around?

Hon. Eric Hoskins: Again, I appreciate the question. I know it is a different situation than it was last year—one was training; this is maintenance—but I referenced last year because I think that we were heading in a similar direction in terms of the potential or perceived disruption that would occur during that training period. I referenced it because I think that perhaps there might be an opportunity here.

I know that hospital officials have been consulted. I know that local officials have been consulted by Ornge with regard to this. I think we all agree that maintenance is certainly required. But I will look into this in more detail, speak to the member opposite and seek to provide the best possible solution that we can.

FIRST RESPONDERS

Ms. Sophie Kiwala: My question is for the Minister of Labour. One year ago today, first responders across Ontario celebrated as our government passed Bill 163, the Supporting Ontario's First Responders Act. Since then, I have heard from firefighters, paramedics and police officers from Kingston and the Islands who have benefited from this piece of legislation.

In my riding, I know this increased level of support and heightened advocacy for mental health has had a significant impact in the lives of our community's first responders and those who are closest to them. First responders help keep my community safe and are always there for us when we need them the most, and this legislation was a big step forward for Ontario to make sure that they get the help and resources they need right away.

Mr. Speaker, through you to the minister: What progress have we made this year since Bill 163 became law? And please give a round of applause for our first responders who are here with us today.

Hon. Kevin Daniel Flynn: I want to thank the member for that very important question and her own personal involvement in this issue. We know that mental health in the workplace is an issue that demands the attention of everyone: employers, employees, unions and the government.

When we passed Bill 163 in the House a year ago, we knew it was going to do something to help people in this province, because it provides a sense of security for those first responders and for their families. It ensures faster access to WSIB treatment and resources.

Speaker, I'm proud to stand in the House today and tell you that as a result of the actions of this House, more than 600 first responders have already been helped by the legislation in one year alone. That's 600 men and women who have received quicker access to benefits and the services that they need to get better.

I visited with paramedics, Halton police and Oakville fire this morning. We should all be proud of what we did a year ago.

The Speaker (Hon. Dave Levac): Supplementary?

Ms. Sophie Kiwala: I'd like to thank the minister for his answer. I'm thrilled to hear that this legislation has also helped so many people across Ontario. I think we can all be extremely proud that these efforts are felt in every single community across this province.

It's encouraging to know that individuals felt confident that they could come forward and that there would be help on the other end for them. I've spoken to Chief Charbonneau from the paramedics of Frontenac county about this, and he has been pleased with the measures that have been taken. It says a lot about the importance of eliminating the stigma around mental health and how our efforts in this area are working.

In the last year, first responders in my community have talked to me about the second part of Bill 163, which requires them to create PTSD prevention plans. I know they've been hard at work on these plans in my riding as well as across the province.

Can the minister please tell the House more about these efforts as the first responders in each of our communities are putting these plans together?

Hon. Kevin Daniel Flynn: Thanks again for that question from the member for Kingston and the Islands.

Unfortunately, the cure for PTSD continues to elude us, so we need to put a tremendous amount of effort into preventing PTSD in the first place.

When we passed the bill, we included in the legislation a requirement that all employers of first responders file their prevention plans with my ministry as of April 23 of this year. I'm looking forward to seeing those plans, seeing how we can highlight some of the best practices within those plans and sharing that information right throughout the province.

I want everyone to benefit from these plans, Speaker. I want everyone to submit the best plan they possibly could. That's why I'll be putting them online, posting them publicly. This is the next step in keeping our first responders in Ontario healthy and safe, giving them the dignity and the respect they deserve.

Thanks again to the House, particularly the member from Parkdale-High Park, for what she did to make us all work together on this.

AFFORDABLE HOUSING

Mr. Ernie Hardeman: My question is to the Minister of Housing. Under this government, the waiting list for affordable housing has grown by 45,000 families. Every day we hear from people who are having trouble afford-

ing a place to live, yet this government is allowing money that was supposed to go to social housing to be wasted and misused, despite the fact that I've pointed it out repeatedly.

Social housing money at the Housing Services Corp. has gone to luxury vacations, bottles of wine, fancy dinners and many, many trips to Europe. In 2014, a provincial appointee who was supposed to provide oversight resigned after it was revealed he was billing the HSC thousands of dollars every month through his consulting firm, as well as getting paid to be chair of the board.

If this government is on top of the housing file, can they explain how they have failed to fill this provincial appointment after two years?

Hon. Chris Ballard: Certainly, Ontario is answering the call to provide more affordable housing across the province. I want to touch on a couple of things. Since taking office, we've committed more than \$2.4 billion to affordable housing. I think the total now for housing in general is about \$5 billion that this government has put into housing across Ontario, and I know about \$1.4 billion of that has gone into housing in Toronto alone. This is quite a U-turn from the previous PC government that abandoned any responsibility to support municipalities with delivering housing, and downloaded it.

I can tell you, Speaker, those investments that this government has made have helped create over 20,000 affordable housing units and more than 275,000 repairs to social and affordable housing units. We're acting on this.

The Speaker (Hon. Dave Levac): Supplementary?

Mr. Ernie Hardeman: Mr. Speaker, back to the minister: I believe he missed the first question.

Every dollar that Housing Services Corp. gets is a public dollar that was intended to provide social housing. We've heard from housing providers across Ontario that they could have saved substantial amounts of money if they weren't forced to buy through the Housing Services Corp.

The city of Toronto found that they could have saved \$6.3 million in a single year if this government would allow them to purchase natural gas at the best price. That means that in the three years since I raised this issue, Toronto alone could have had approximately \$19 million more for social housing, enough to reopen 380 of the units that they boarded up because they're not fit to live in.

When Toronto Community Housing is closing an average of one unit a day, why does this government refuse to let them save millions by simply buying the same products for a cheaper price?

Interjections.

The Speaker (Hon. Dave Levac): Be seated, please. Thank you.

Minister?

Hon. Chris Ballard: Thank you to the member for that question. Again, I'll go back to what I said at the opening of my initial response: that Ontario is answering the call to provide more affordable housing across the province.

Speaker, we know that when people have a house, a home, they're healthier, able to pursue employment and better equipped to participate and contribute to their communities. So I'll go back and say that since 2003, this government has put \$5 billion into affordable housing. Some \$22 million has been provided to Oxford county, for example.

I can go on, Speaker, with a long list of things that we've done. For example, one of the most exciting things that we are able to announce is \$1.1 billion invested through cap-and-trade—

Interjections.

The Speaker (Hon. Dave Levac): Be seated, please.

Mr. John Yakabuski: I couldn't hear the answer.

The Speaker (Hon. Dave Levac): It's strange how I get to hear you.

MEMBER FOR OAK RIDGES— MARKHAM

The Speaker (Hon. Dave Levac): Point of order: the Minister of Government and Consumer Services.

Hon. Tracy MacCharles: Thank you very much, Speaker. On a point of privilege, I would ask everyone to join me in recognizing my friend and colleague the Minister of Community and Social Services, Dr. Helena Jaczek, for being the recipient of the 2017 Canadian Helen Keller Centre Award for her work in assisting Ontario's deaf and blind community.

The Speaker (Hon. Dave Levac): There being no deferred votes, this House stands recessed until 1 p.m. this afternoon.

The House recessed from 1142 to 1300.

INTRODUCTION OF VISITORS

Ms. Harinder Malhi: I'd like to introduce my guests making their way to the gallery. I'm happy to welcome Baljit Ghuman, Mrs. Jaswinder Ghuman, Mr. Harjit Singh, Mr. Warinder Singh, as well as Mr. Maninder Singh here today. They'll be joining me for my motion later on today. Thank you for coming.

Hon. Laura Albanese: I would like to welcome to Queen's Park Chaminade College high school from the great riding of York South-Weston. I know they will be in the gallery shortly.

MEMBERS' STATEMENTS

HEARTH PLACE CANCER SUPPORT CENTRE

Mr. Lorne Coe: I rise today to highlight the work of the Hearth Place cancer centre situated in Oshawa. Hearth Place was the inspiration of Carolyn Alexander, who was diagnosed with terminal cancer and wanted to

create a centre that would address the emotional and mental health needs of families.

Established in 1997 as a drop-in centre in the comfort of a home-like atmosphere, Hearth Place Cancer Support Centre, situated in Oshawa, is committed to providing community support for people diagnosed with cancer and their families through individual and group support, a resource centre, wellness programs, and an ongoing lecture and discussion series.

Hearth Place is a support centre where cancer patients and their families can come and share their experiences, find resources and discover new ways to care for themselves and each other. Hearth Place also offers pediatric cancer family support, with programs for children and teens with cancer, their siblings, a monthly family support group, fun days and couples support.

This Saturday, I and many other Durham residents will gather in Ajax at a major fundraiser to support the work of this centre because, for 20 years, Hearth Place has provided a vital and caring service in an area where it's much needed.

I'd like to take this opportunity, Speaker, to thank all the staff and volunteers for the work that they've done in supporting families in need in the region of Durham.

SERVICE CLUBS

Mr. Gilles Bisson: I thought he was going to make a statement about Ontario Shores and talk about my daughter, but that's a whole other story.

Mr. Speaker, I rise on an issue that all of us in this assembly have had issues with, and that is the difficulty that service groups are having to raise dollars. If you own a hall—you're the Italian club, the French club, the Legion, whatever it might be—it's getting more difficult as time goes on to be able to keep the doors open.

We have changed the rules in this province so that fundraising done by those clubs has to go to charity; it can't go to the maintenance of the hall. The difficulty is like the chicken-and-the-egg syndrome. You have groups, for example, like the Legion, who have a building that they have to maintain, but they need money to keep the doors open. If they keep the doors open, the club survives and supports the community.

But when you're not able to raise money in order to pay for your building, buy tables, fix windows, change the furnace, fix the roof, you're really—

Mr. Bill Walker: Accessibility.

Mr. Gilles Bisson: And accessibility. It's a real problem. As a result, we're seeing community groups and organizations shut down across this province. We have seen, in the city of Timmins, the Moose Hall go down, we've seen the Oddfellows Hall go down, we've seen the Timmins Legion go down—all of which is indicative of the problem that we have.

I call on this assembly to do something, that we revisit the rules in order to give community service clubs the ability to fundraise in a way that allows them to maintain their buildings and that they're not always put into the

position of having to shut down because they don't have the money to invest in their buildings.

MARY FRASER

Mr. John Fraser: Today is a very, very special day. Today is my mom's birthday.

Mr. Gilles Bisson: She couldn't choose her son.

Mr. John Fraser: Yes, well, my long-suffering mother.

Applause.

Mr. John Fraser: There we go; we all know that.

My mom, Mary Fraser—Mary Joan Costie from Hamilton, so a proud Hamiltonian. It's her birthday today. I just want to thank her.

As a VON, she taught the prenatal course while she was pregnant with me, and she had the most difficult birth. She's such a great mom to all of us. I thank her for 13 years of peanut butter and jelly sandwiches in my lunch—actually, 14 years, if you count kindergarten—Elevator Lady Cookies, oatmeal cookies; for being a nurse to the whole family and just being a loving mom.

We all have moms. We're all lucky we have them, but, Mom, I got the best mom. I just wanted you to know that and I wanted it in Hansard.

On behalf of Missy and Stephanie and Cara and I, we love you, happy birthday, and I hope I get home early enough to see you tonight.

The Speaker (Hon. Dave Levac): A very, very special day today.

BATTLE OF VIMY RIDGE

Mr. Norm Miller: I rise in the House today to recognize an incredible opportunity that students in my riding get to experience this weekend. Forty students from Parry Sound High School and 17 from Bracebridge's St. Dominic Catholic Secondary School have travelled to Europe. On Sunday, they will recognize and commemorate the 100th anniversary of the battle of Vimy Ridge. To me, this is an invaluable experience for these young people. While in school, children learn of the ultimate sacrifice that many young people, who were not much older than these students, had made in order to fight for and defend our country.

Sadly, as Canadians lose our surviving veterans, we are at risk of losing any proximity to Canada's efforts in the Great War as we now commemorate the 100th anniversary of the battle of Vimy Ridge. However, when Canadian students have the chance to stand at the foot of the Vimy Ridge memorial and see the names of the 3,598 fallen Canadian soldiers, I know they will be truly immersed in our collective history, and the magnitude of wartime tragedy will be impressed upon them. The bravery, determination and pride that achieved an unprecedented victory at Vimy Ridge 100 years ago will be more real for them.

While only 4,000 Canadian students could attend these events, I know that the students will carry on the duty of remembrance to their peers and share their unforgettable

experience. I would like to thank all the volunteers who organized various fundraisers, as well as the chaperones and the teachers who made this trip possible for the students of Parry Sound High School and Muskoka's St. Dominic's Catholic high school in Bracebridge.

DEMENTIA

Mr. Wayne Gates: I would like to talk about an issue that is deeply affecting my riding, and that's the need for a dementia strategy that the province has promised. In Niagara, 9,460 people have been identified as living with dementia; in Ontario, over 200,000 people.

I wrote to the Minister of Finance about this issue of funding, but this issue is very important and I wanted to raise it in this House. Without proper funding for dementia services and front-line care, a strategy means nothing. It's heartbreaking when you go to a care facility and you see people who need these services, and they are alone and they can't get them.

I know the Retired Teachers of Ontario, branch 14, in Niagara also wrote to the minister about this. I'm happy to support their efforts. The government of Ontario can play a positive role in the lives of those suffering from dementia, but we can also play a role in helping the families. So often when a loved one suffers from dementia, it's the family who becomes their caregiver, and this can be very stressful.

Whether it is families caring for loved ones or persons suffering from dementia, this government needs to do more. I'm hoping my colleagues across the floor and beside me forget about party lines and join me in the fight against dementia in Niagara and in Ontario.

Mr. Speaker, we need to make sure that the dementia strategy in Ontario has the power and the funding necessary to be successful. I hope the House will act quickly on this issue and make this a priority.

ABRIGO CENTRE

Mrs. Cristina Martins: The province of Ontario and my riding of Davenport are proud to have a dynamic and wide-reaching organization like Abrigo that does such important work, providing countless services to the people in our community who often need them most. Each year, Abrigo services over 6,400 individual clients. Of those, 792 are women who identify as experiencing some form of domestic abuse.

Abrigo started over a quarter century ago to help women facing this issue, and it continues to be a key piece of the important work they do. Abrigo also works with women and men to build their parenting skills; provides seniors with a light beam of peer support, allowing them to escape the darkness of isolation; and, finally, educates and raises awareness on gender issues with a diverse youth demographic.

1310

So you see, it's organizations like this that form the backbone of the diverse and prosperous communities across the province.

That's why I'm so proud of the \$136,000 grant the Ontario government recently awarded to Abrigo for the purchase and installation of a much-needed elevator to greatly increase accessibility to programs and services offered to seniors by Abrigo.

I welcome the seniors from Abrigo who will be joining me here this afternoon at Queen's Park. Bem-vindos.

TARTAN DAY

Mr. Bill Walker: Speaker, there are only a few members who will recall that on December 19, 1991, this Legislature approved a resolution from the former member from Bruce–Grey–Owen Sound, Bill Murdoch, to proclaim the sixth day of April as Tartan Day in Ontario.

They may also remember that the first Tartan Day anniversary was quite a celebration at Queen's Park, marked by the Lieutenant Governor being piped into this chamber by several pipe bands from around Ontario.

The fiery Scots never do anything halfway, and my colleague and former MPP from Bruce–Grey–Owen Sound proved that, for he never forgot to wear his kilt in honour of April 6. In fact, today I know he didn't forget his kilt, which is really the Scottish battle garb, because I talked to him this morning and he assured me he was proudly clad and raring to go to cheer for the local Owen Sound Attack hockey team—albeit, he says, he really wanted to put on the Edmonton Oilers sweater but didn't have it; and the member from Ottawa West–Nepean will know all about that.

Speaker, the sixth day of April is of historical significance to our proud Scottish community because it marks the anniversary of the declaration of Scottish independence in 1320. It also marks their contribution to the best our province has to offer. They're right up there with the English, Irish, French and our First Nations, who, in the very early years of our nation's development, helped build Ontario into a place that we're proud to call home today.

My colleague Jim McDonell, the member from Stormont–Dundas–South Glengarry, is one of the proudest Scots I have ever met. He and many of my constituents are honoured to celebrate all things Scottish.

Grey county, along with the surrounding counties of Bruce, Wellington and Dufferin, was settled by these industrious people, including Agnes Macphail, who was born near Chatsworth.

I want to thank all of my colleagues in the House for remembering to wear plaid today in celebration of Tartan Day, and for your efforts in keeping Ontario's Scottish bands, pipers, dancers, clans and all of its heritage alive.

CANADIAN CORPS

Mr. Bob Delaney: Canadian children have learned for generations about the contribution and sacrifice of the Canadian Corps in World War I. A century ago, after the Germans had repulsed two French assaults and one

British assault on Vimy Ridge, a strategic hill overlooking the Douai plain near Arras, the Canadian Corps won the first major Allied victory of the war. That victory established the Canadian Corps' reputation as the elite ground force of World War I.

Vimy Ridge was given in perpetuity to Canada by France. Canadian guides offer a special welcome to visitors from the land that 3,598 men of the Canadian Corps left behind forever.

The respectful silence at Vimy evokes the remembrance of those who, like me, have visited the immaculately tended Commonwealth War Graves site at Vimy Ridge. A visitor is drawn to thoughts not so much of battle, but of home. It is as though the collective presence of the spirits of the Canadians who stayed at Vimy longs to share thoughts of the Canada that their contribution helped build.

Learning this part of history is important to every Canadian, and so is finding the few hours during a lifetime to walk Vimy Ridge, and to know what the Royal Canadian Legion means when they say, "We will remember them."

FENWICK SCHOOL

Mr. Sam Oosterhoff: I rise today to express the indignation of Fenwick residents in my riding who are offended that Farr public school has been renamed Wellington Heights Public School to honour Arthur Wellesley, the first Duke of Wellington. This same duke was a documented racist who stated in the British House of Lords on August 1, 1833, "We do not wish Jews to come and settle here." He was also an integral part of the colonial British government that reneged on treaties with indigenous people.

Concerned residents of Fenwick acknowledge that the Duke of Wellington may have contributed to some worthy and unrelated causes, but it is inappropriate to perpetuate past attitudes that we recognize as oppressive, disrespectful and offensive today.

More than 200 parents and students gathered this past February to voice their desire to not have Fenwick's community associated with such disgraceful sentiments. I appreciate their concern, and I share their view, Mr. Speaker.

When the Minister of Education responded to the 2016 release of *The Journey Together: Ontario's Commitment to Reconciliation with Indigenous Peoples*, she urged the chair of the District School Board of Niagara to address anything that could be offensive.

I've had many parents and students who are concerned with this name choice contact me, and I urge the government to follow up on its own words by asking the District School Board of Niagara to reconsider the use of the name Wellington Heights and either use the second-choice name or restart the naming process in accordance with the board's naming policy.

The Speaker (Hon. Dave Levac): I thank all members for their statements.

INTRODUCTION OF BILLS

COURTS OF JUSTICE AMENDMENT ACT (JUDICIAL SEXUAL ASSAULT EDUCATION), 2017

LOI DE 2017 MODIFIANT LA LOI SUR LES TRIBUNAUX JUDICIAIRES (FORMATION DE LA MAGISTRATURE EN MATIÈRE D'AGRESSIONS SEXUELLES)

Ms. Martins moved first reading of the following bill:

Bill 121, An Act to amend the Courts of Justice Act to require candidates for appointment as provincial judges to have completed education or training in the law of sexual assault / Projet de loi 121, Loi modifiant la Loi sur les tribunaux judiciaires afin d'exiger que les candidats à une nomination comme juge provincial suivent un programme d'éducation ou de formation sur le droit relatif aux agressions sexuelles.

The Speaker (Hon. Dave Levac): Is it the pleasure of the House that the motion carry? Carried.

First reading agreed to.

The Speaker (Hon. Dave Levac): The member for a short statement.

Mrs. Cristina Martins: The bill amends the Courts of Justice Act to require candidates for appointment as provincial judges to have completed education or training in the law of sexual assault that meets the criteria established by the Judicial Appointments Advisory Committee.

BRAISERY CHICKEN LTD. ACT, 2017

Mr. Milczyn moved first reading of the following bill:

Bill Pr61, An Act to revive Braisery Chicken Ltd.

The Speaker (Hon. Dave Levac): Is it the pleasure of the House that the motion carry? Carried.

First reading agreed to.

The Speaker (Hon. Dave Levac): Pursuant to standing order 86, this bill stands referred to the Standing Committee on Regulations and Private Bills.

MOTIONS

COMMITTEE SITTINGS

Hon. Laura Albanese: Mr. Speaker, I believe you will find we have unanimous consent to put forward a motion without notice regarding the Standing Committee on the Legislative Assembly.

The Speaker (Hon. Dave Levac): The minister is seeking unanimous consent to put forward a motion without notice. Do we agree? Agreed. Minister?

Hon. Laura Albanese: I move that the Standing Committee on the Legislative Assembly be authorized to meet from 12:30 p.m. to 3 p.m. on Wednesday, April 12, Wednesday, April 26 and Wednesday, May 3, 2017, for

the purpose of public hearings on Bill 87, An Act to implement health measures and measures relating to seniors by enacting, amending or repealing various statutes.

The Speaker (Hon. Dave Levac): The Minister of Citizenship and Immigration moves that the Standing Committee on the Legislative Assembly be authorized to meet from 12:30 p.m. to 3 p.m.—

Interjection: Dispense.

The Speaker (Hon. Dave Levac): Dispense? Dispensed.

All in favour? Agreed? Carried.

Motion agreed to.

PETITIONS

SCHOOL CLOSURES

Mr. Bill Walker: “To the Legislative Assembly of Ontario:

“Whereas under the current Pupil Accommodation Review Guideline (PARG), one in eight Ontario schools is at risk of closure; and

“Whereas the value of a school to the local economy and community has been removed from the PARG; and

“Whereas the PARG outlines consultation requirements that are insufficient to allow for meaningful community involvement, including the establishment of community hubs; and

“Whereas school closures have a significant negative impact on families and their children, resulting in inequitable access to extracurricular activities and other essential school involvement, and after-school work opportunities; and

“Whereas school closures have devastating impacts on the growth and overall viability of communities across Ontario, in particular self-sustaining agricultural communities;

“We, the undersigned, petition the Legislative Assembly as follows:

“To place a moratorium on all school closures across Ontario and to suspend all pupil accommodation reviews until the PARG has been subject to a substantive review by an all-party committee that will examine the effects of extensive school closures on the health of our communities and children.”

I fully support it, affix my name and send it with page Laura.

1320

LONG-TERM CARE

M^{me} France Gélina: I would like to thank Audrey and Stephen Comeau from Maretta Street in Sault Ste. Marie for sending me this petition, and it reads as follows:

“Whereas frail elderly patients needing long-term-care placement in homes within the North East Local Health Integration Network (NE LHIN) have been pressured to

move out of the hospital to await placement, or stay and pay hospital rates of approximately \$1,000 per day; and

“Whereas frail elderly patients needing long-term-care placement in Sudbury and Sault Ste. Marie have been pressured to move to homes not of their choosing, or to ‘interim’ beds in facilities that don’t meet legislated standards for permanent long-term-care homes; and

“Whereas the practice of making patients remain in ‘interim’ beds is contrary to Ministry of Health and Long-Term Care (MOHLTC) policy which identifies ‘interim’ beds as intended to ‘ensure a continuous flow-through so that interim beds are constantly freed up for new applicants from hospitals’;”

They petition the Legislative Assembly as follows:

“—Ensure health system officials are using ‘interim’ beds as ‘flow-through,’ in accordance with fairness and as outlined in MOHLTC policy;

“—Ensure patients aren’t pressured with hospital rates and fulfill promises made to hundreds of nursing home residents who agreed to move temporarily with the promise that they would be relocated as soon as a bed in a home of their choosing became available.”

I fully support this petition, will affix my name to it, and ask my good page Angel to bring it to the Clerk.

WATER FLUORIDATION

Mr. Bob Delaney: I have a petition addressed to the Ontario Legislative Assembly entitled “Update Ontario Fluoridation Legislation,” signed by a number of individuals, mostly from Mississauga and Brampton, and for which I thank dentist Lisa Bentley, whose practice is in Mississauga. It reads as follows:

“Whereas community water fluoridation is a safe, effective and scientifically proven means of preventing dental decay, and is a public health measure endorsed by more than 90 national and international health organizations; and

“Whereas recent experience in such Canadian cities as Dorval, Calgary and Windsor that have removed fluoride from drinking water has shown a dramatic increase in dental decay; and

“Whereas the continued use of fluoride in community drinking water is at risk in Ontario cities representing more than 10% of Ontario’s population, including the region of Peel; and

“Whereas the Ontario Legislature has twice voted unanimously in favour of the benefits of community water fluoridation, and the Ontario Ministries of Health and Long-Term Care and Municipal Affairs and Housing urge support for amending the Health Protection and Promotion Act and other applicable legislation to ensure community water fluoridation is mandatory and to remove provisions allowing Ontario municipalities to cease drinking water fluoridation, or fail to start drinking water fluoridation, from the Ontario Municipal Act;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Premier of Ontario direct the Ministries of Municipal Affairs and Housing and Health and Long-Term Care to introduce legislation amending the Health Protection and Promotion Act and make changes to other applicable legislation and regulations to make the fluoridation of municipal drinking water mandatory in all municipal water systems across the province of Ontario.”

I’m pleased to sign and support this petition and to send it down with Mississauga–Streetsville’s page, Ethan, to the Clerk.

HYDRO RATES

Mr. Ted Arnott: I have a petition to the Legislative Assembly of Ontario, and it reads as follows:

“Whereas the price of electricity has skyrocketed under the Ontario Liberal government;

“Whereas ever-higher hydro bills are a huge concern for everyone in the province, especially seniors and others on fixed incomes, who can’t afford to pay more;

“Whereas Ontario’s businesses say high electricity costs are making them uncompetitive, and have contributed to the loss of hundreds of thousands of manufacturing jobs;

“Whereas the recent Auditor General’s report found Ontarians overpaid for electricity by \$37 billion over the past eight years and estimates that we will overpay by an additional \$133 billion over the next 18 years if nothing changes;

“Whereas the cancellation of the Oakville and Mississauga gas plants costing \$1.1 billion, feed-in tariff (FIT) contracts with wind and solar companies, the sale of surplus energy to neighbouring jurisdictions at a loss, the debt retirement charge, the global adjustment and smart meters that haven’t met their conservation targets have all put upward pressure on hydro bills;

“Whereas the sale of 60% of Hydro One is opposed by a majority of Ontarians and will likely only lead to even higher hydro bills;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“To listen to Ontarians, reverse course on the Liberal government’s current hydro policies and take immediate steps to stabilize hydro bills.”

I agree with this petition and have affixed my signature to it as well.

EMPLOYMENT STANDARDS

Mr. Michael Mantha: A petition entitled “Fight for \$15 and Fairness.

“Petition to the Legislative Assembly of Ontario:

“Whereas a growing number of Ontarians are concerned about the growth in low-wage, part-time, casual, temporary and insecure employment; and

“Whereas too many workers are not protected by the minimum standards outlined in existing employment and labour laws; and

“Whereas the Ontario government is currently engaging in a public consultation to review and improve employment and labour laws in the province;

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario to implement a decent work agenda by making sure that Ontario’s labour and employment laws:

“—require all workers be entitled to a starting wage that reflects a uniform, provincial minimum, regardless of a worker’s age, job or sector of employment;

“—promote full-time, permanent work with adequate hours for all those who choose it;

“—ensure part-time, temporary, casual and contract workers receive the same pay and benefits as their full-time, permanent counterparts;

“—provide at least seven (7) days of paid sick leave each year;

“—support job security for workers when companies or contracts change ownership;

“—prevent employers from downloading their responsibilities for minimum standards onto temp agencies, subcontractors or workers themselves;

“—extend minimum protections to all workers by eliminating exemptions to the laws;

“—protect workers who stand up for their rights;

“—offer proactive enforcement of laws, supported by adequate public staffing and meaningful penalties for employers who violate the law;

“—make it easier for workers to join unions; and

“—ensure all workers are paid at least \$15 an hour.”

I agree with this petition and present it to page Kishan to bring down to the Clerks’ table.

DENTAL CARE

Mr. Granville Anderson: “Petition to the Legislative Assembly of Ontario:

“Whereas lack of access to dental care affects overall health and well-being, and poor oral health is linked to diabetes, cardiovascular, respiratory disease, and Alzheimer’s disease; and

“Whereas it is estimated that two to three million people in Ontario have not seen a dentist in the past year, mainly due to the cost of private dental services; and

“Whereas approximately every nine minutes a person in Ontario arrives at a hospital emergency room with a dental problem but can only get painkillers and antibiotics, and this costs the health care system at least \$31 million annually with no treatment of the problem;

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario to invest in public oral health programs for low-income adults and seniors by:

“—ensuring that plans to reform the health care system include oral health so that vulnerable people in our communities have equitable access to the dental care they need to be healthy;

“—extending public dental programs for low-income children and youth within the next two years to include low-income adults and seniors; and

“—delivering public dental services in a cost-efficient way through publicly funded dental clinics such as public health units, community health centres and aboriginal health access centres to ensure primary oral health services are accessible to vulnerable people in Ontario.”

I agree with this petition, affix my signature and give it to page Nicholas.

AIR QUALITY

Mr. Sam Oosterhoff: I have a petition to the Legislative Assembly of Ontario.

“Whereas Ontario’s Drive Clean Program was implemented only as a temporary measure to reduce high levels of vehicle emissions and smog; and

“Whereas vehicle emissions have declined significantly from 1998 to” the current date “that they are no longer among the major domestic contributors of smog in Ontario; and

“Whereas the Auditor General specifically warned the government to delay implementation of the new Drive Clean test to ensure technical testing was completed and problems were resolved; and

“Whereas the new Drive Clean test has caused numerous false ‘fails,’ doubling the failure rate, which have resulted in the overcharging of testing fees, thereby causing unwarranted economic hardship and stress;

1330

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the government of Ontario take immediate steps to eliminate the Drive Clean program.”

I support this petition, I affix my name to it and I will give it to page Taylor.

HOSPITAL FUNDING

The Deputy Speaker (Ms. Soo Wong): I recognize the member from Welland.

Ms. Cindy Forster: Thank you, Speaker. You’ll know a lot about this.

“Nurses Know—Petition for Better Care.

“To the Legislative Assembly of Ontario:

“Whereas providing high-quality, universal, public health care is crucial for a fair and thriving Ontario; and

“Whereas years of underfunding have resulted in cuts to registered nurses (RNs) and hurt patient care; and

“Whereas, in 2015 alone, Ontario lost more than 1.5 million hours of RN care due to cuts; and

“Whereas procedures are being off-loaded into private clinics not subject to hospital legislation; and

“Whereas funded services are being cut from hospitals and are not being provided in the community; and

“Whereas cutting skilled care means patients suffer more complications, readmissions and death;

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

“Implement a moratorium on RN cuts;

“Commit to restoring hospital base operating funding to at least cover the costs of inflation and population growth;

“Create a fully-funded multi-year health human resources plan to bring Ontario’s ratio of registered nurses to population up to the national average;

“Ensure hospitals have enough resources to continue providing safe, quality and integrated care for clinical procedures and stop plans for moving such procedures into private, unaccountable clinics.”

I support this petition, and I will sign it and send it with page Nicholas.

ELEVATOR MAINTENANCE

Mr. Peter Z. Milczyn: “To the Legislative Assembly of Ontario:

“Whereas elevators are an important amenity for a resident of a high-rise residential building; and

“Whereas ensuring basic mobility and standards of living for residents remain top priority; and

“Whereas the unreasonable delay of repairs for elevator services across Ontario is a concern for all residents of high-rise buildings who experience constant breakdowns, mechanical failures and ‘out of service’ notices for unspecified amounts of time;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“Urge the Ontario government to require repairs to elevators be completed within a reasonable and prescribed time frame. We urge this government to address these concerns that are shared by residents of Trinity–Spadina,” Etobicoke–Lakeshore “and across Ontario.”

I support this, affix my signature to it and hand it to page Catherine.

PRIMARY HEALTH CARE

Mr. Ted Arnott: I have another petition. It reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas the Ontario government needs to strengthen primary care as the foundation of the health care system to achieve health system transformation goals of Patients First; and

“Whereas research shows that interprofessional primary health care delivers better outcomes for people and better value for money; and

“Whereas an investment in primary care will help address recruitment and retention challenges, build strong interprofessional primary care teams and ensure high-quality people-centred primary health care delivery in Ontario; and

“Whereas over 7,500 staff in over 400 community health centres, family health teams, aboriginal health access centres and nurse practitioner-led clinics are being paid below rates recommended in 2012 and as a result are facing challenges recruiting and retaining health providers, including chiropractors, nurse practitioners,

dietitians, registered nurses, registered practical nurses, health promoters, occupational therapists, psychologists, pharmacists, respiratory therapists, chiropractors, physiotherapists, mental health and social workers, physician assistants, managers and administration;

“We, the undersigned, petition the Legislative Assembly of Ontario to invest in interprofessional primary health care teams with a commitment of \$130 million annualized, with an implementation plan over two years, to ensure interprofessional primary health care teams can effectively retain and recruit staff.”

PRIVATE MEMBERS’ PUBLIC BUSINESS

REA AND WALTER ACT (TRUSS AND LIGHTWEIGHT CONSTRUCTION IDENTIFICATION), 2017

LOI REA ET WALTER DE 2017 SUR L’IDENTIFICATION DES COMPOSANTS STRUCTURAUX À OSSATURE LÉGÈRE

Mr. Pettapiece moved second reading of the following bill:

Bill 105, An Act governing the identification of truss and lightweight construction in buildings / Projet de loi 105, Loi régissant l’identification des composants structuraux à ossature légère incorporés aux bâtiments.

The Deputy Speaker (Ms. Soo Wong): Pursuant to standing order 98, the member has 12 minutes for his presentation.

Mr. Randy Pettapiece: In introducing the Rea and Walter Act, I’m aware that it recalls a heartbreaking chapter in the history of our area. It’s also a painful chapter for firefighters across the province and beyond.

Six years ago, on March 17, 2011, fire engulfed a dollar store in downtown Listowel. That fire claimed the lives of two North Perth volunteer firefighters, Ken Rea and Ray Walter.

Ken Rea was 56. He was a board member for victim services of Perth county, and for 37 years, he was a volunteer firefighter, becoming deputy district chief at the Atwood station.

Ray Walter was 30. He was vice-president of the Kinsmen Club of Listowel and joined the volunteer fire department in 2008.

Ken and Ray were inside the dollar store as the fire spread. They were searching for possible victims; they were searching for the source of the fire. Suddenly, the roof collapsed, leaving Ken and Ray with no escape. Rescue was impossible.

I was in town that day with former member Tim Hudak. We saw the dark, black, heavy smoke. We heard rumours that someone was hurt or killed in the blaze.

My first thought was of my son, also a North Perth volunteer firefighter. You can imagine my concern. But

he was safe, taking phone calls pouring in to the Monkton station.

The memorial service was held a week later. It drew thousands of firefighters, paramedics and police officers from across Canada and the United States. It was a tremendous show of support for our community's devastating loss.

Investigations followed, and they revealed what firefighters did not know, what they could not have known, on that day: Initially undetected, the fire started behind some insulation and was degrading the lightweight wooden roof trusses. Collapse was inevitable.

This afternoon, I will explain how the Rea and Walter Act will give firefighters better information, which they can use to plan their attack in situations like this.

I intend to do three things: I'll describe truss and lightweight construction, or TLC, and why it matters; I'll explain how the bill uses a practical and proven way to identify TLC; and I'll show broad support for this bill.

Truss and lightweight construction, when exposed to fire, can pose serious risks to responding firefighters. The best way to minimize their risk is to maximize their information. Ultimately, that's what TLC identification is about and what this bill would do.

First, we need to understand truss and lightweight construction. TLC is increasingly commonplace as a building method. It refers to wood-frame building materials where the roof- or floor-supporting systems are constructed of lightweight, prefabricated materials. Wooden I-beams pose the same issue and are also addressed in our bill.

So what's the problem? The problem is not TLC. Modern homes use it, and many commercial and industrial buildings use it. These buildings are safe. The problem is what happens when lightweight construction is exposed to fire. While traditional floor joists burn in about 15 minutes, pre-engineered joists can take only about six minutes to burn—six minutes. They don't even have to be on fire to pose a danger. High heat can make the wood unstable by melting the glue that holds the joists together.

Suppose you're a firefighter arriving at the scene of a blaze. You probably arrived in about five minutes, as the average fire department response time is between four and six minutes. As an incident commander, you immediately face a critical decision: Do you advance to the building's roof or floor to fight the fire at its source, or do you fight it from other angles in other ways?

In many buildings, you might have the time and opportunity to advance, but if the building uses TLC, time might have run out. These joists are already beginning to burn. The roof or floor may already be on the brink of collapse, and you have no way to know.

Fire crews cannot be expected to know the construction type of every building every time they pull up to a fire. But there is a way: by identifying truss- and lightweight-constructed buildings, to get them better information. That's where the Rea and Walter Act comes in.

It brings me to my second point. Placarding, as set out in the bill, is a practical and proven way to identify truss-

and lightweight-constructed buildings. It's practical because it starts with something as simple as a sticker. The bill requires a round, reflective emblem with a white background and a red border to be displayed on buildings using TLC. There will be three types:

—“F” decals if only the floor of the building uses TLC;

—“R” decals if only the roof of the building uses TLC; and

—“FR” decals if both the floor and the roof of the building use TLC.

1340

These requirements are set out in the proposed amendments to both the building code, affecting new buildings, and the Fire Protection and Prevention Act, affecting existing buildings. They would apply to commercial and industrial buildings as well as multi-family dwellings of three or more units, other than townhouses.

To building owners and to building inspectors, the impact of such an emblem is negligible, but to firefighters, its impact is invaluable.

What about insurance rates? According to the Insurance Bureau of Canada, they would be unaffected. We checked. We also checked into other jurisdictions that recognize the need to identify truss and lightweight construction. New Jersey, New York, Illinois and Florida have all passed state legislation to require it. It's my understanding that the three emblems, F, R and FR, are standardized and recognized across many jurisdictions. If they can do it, why can't we?

But you don't need to go to Florida to see examples of proven leadership on this issue. You just need to go to Perth-Wellington and to meet some of the people I'm privileged to represent. These emblems are already in use in the city of Stratford. Firefighter Mike Lukachko, who is here today, helped persuade the city council to pass a bylaw.

Other communities I represent, including the township of Perth East, the municipality of West Perth and the township of Perth South, have also passed bylaws. North Huron did too, and I want to thank the member from Huron-Bruce for allowing me to help install a decal at her constituency office.

The movement is growing, Madam Speaker, and it demonstrates my third and final point: Support for this initiative is clear and overwhelming. I have received dozens of supportive letters and emails from municipalities and fire departments. The township of Maple and its fire chief, Rick Richardson, who is here today, wrote, “I believe that making more fire department personnel aware of these risks will save lives for future firefighters.”

In Stratford, Chief John Paradis describes the bill as another tool in the tool box to identify potential hazards prior to sending firefighters inside a burning structure. Paradis adds that the city's efforts “are having a positive reception from business owners, who are more than happy to support the safety of their local firefighters.”

From the town of Erin, Fire Chief Dan Callaghan wrote, "This proposed bill will save lives of firefighters in the future ... Knowledge is protection."

South Stormont fire chief Gilles Crepeau wrote, "I am the chief of 100 volunteers, who fully support this bill."

And there are many more.

I have spoken to firefighters across the province. I have been to Carleton Place, Northumberland county, Windsor, Essex and Kenora. I have also talked to the Ontario fire marshal's office, the Ontario Building Officials Association, the Ontario Professional Fire Fighters Association and the Ontario Association of Fire Chiefs. I have met with the Minister of Community Safety and her staff, and I appreciate their interest and advice.

But I must emphasize, the momentum to identify TLC did not begin yesterday and did not begin with me. It began years ago, thanks to the efforts of North Perth Fire Chief Ed Smith. In 2012, Chief Smith introduced a resolution to the Ontario Association of Fire Chiefs. It petitioned the province that certain lightweight-constructed buildings should have a standard plaque. He was successful and continued to speak up. Many others did too.

Last June, I met with Mike Lukachko and fire chiefs Ed Smith of North Perth, Chris Harrow of the town of Minto, John Paradis of Stratford and Bill Hunter of Perth East and West Perth. They're also here today, and so are Neil Anderson, Stratford's deputy chief; Richard Anderson, chief with the town of St. Marys; and certainly many others. Thank you for coming today.

In September, the Ontario Association of Fire Chiefs passed a resolution of support for our bill. I want to thank the O AFC, which represents the chief fire officers of the 449 municipal fire departments in Ontario, for their support. In particular, I want to thank Chief Harrow, who serves on the board of directors, for his leadership. To all of these people and many others I've missed, I want to thank you for your advice and your support.

To conclude, Madam Speaker, I say this: Throughout our province, we have dedicated professional firefighters and volunteer firefighters to keep us safe. Often they do that at considerable risk to their own safety. Again, to minimize their risk, we have to maximize their information. Our bill does just that. This issue is important enough to warrant a province-wide solution, not just a patchwork of local bylaws.

Finally, I want to recognize the Rea and Walter families. The Rea family is up there, and the Walter family is over here.

The Walter family: Ray's widow, Holly, is here; his father, Ron; his mother, Rosemary; his sister, Rachel; and Holly's partner, Andy, and her mother, Linda.

Louise Rea, Ken's widow, has also made the journey to Queen's Park to be with us today.

Thank you to each of you and to all the firefighters and municipal officials for making the trip to Queen's Park. As community leaders, your presence means so

much and you deserve our full support. I look forward to the debate this afternoon.

Thank you, Madam Speaker.

The Deputy Speaker (Ms. Soo Wong): Further debate.

Mr. Michael Mantha: Again, it's always a privilege and an honour to stand on behalf of the good people of Algoma-Manitoulin, and to speak to my colleague's bill, Bill 105, the Rea and Walter Act.

Let me start by saying that this is a good bill. It's straightforward for what it is trying to accomplish. Keeping our Ontario firefighters safe is something that we can all agree on. In Algoma-Manitoulin, the firefighters across my riding are incredible, dedicated women and men who have always put the needs of their communities first. Our firefighters are out in their communities every week fighting house fires and saving lives.

What the member for Perth-Wellington is proposing is just basic common sense.

Not that long ago in Elliot Lake, we suffered a great tragedy with the Elliot Lake mall collapse. I had a high respect for firefighters before, but, along with our paramedics, the OPP, the mine-rescue people and the firefighters who are there, I take my hat off to you men and women. You do amazing, amazing work.

When our firefighters are going into a burning house, a crumbling building, a disaster, they're always at risk. It's an even greater risk when they don't have the full story of what type of building they are entering into and whether there is a high risk that it may collapse suddenly.

Tests conducted by the National Research Council of Canada have shown that there is a greater risk of structural failure during a fire when a building is built out of truss and lightweight material. A building can collapse during a fire in as little as six minutes. For firefighters, when seconds make the difference between a building collapsing and everyone making it out, having a sign for what type of building material was used could really help inform our firefighters in making the right call.

The bill that the MPP from Perth-Wellington is introducing can potentially save lives of firefighters. For that, I commend him for his work on this. Similar bylaws have been successfully implemented in Ontario at the municipal level in various regions in Perth as well as in the town of Stratford.

Giving firefighters the tools and knowledge to do their job, we can all agree, is key to creating safer communities and lowering the number of tragedies that follow from house fires. But not every community in Ontario has firefighters who are given the tools and funds to protect their residents from fire.

Last week, the Toronto Star came out with an investigative report on fire-related deaths on First Nations across Canada. Between 2010 and 2016, there have been over 44 fire-related deaths on First Nations in Ontario. Currently, if you're living on a First Nation, the chances of dying in a house fire are 10 times higher than in the rest of the country. This is unacceptable. There's no reason that this should be the reality for many of our First Nations communities.

1350

These fires are a crisis for many of our Ontario First Nations, especially in northern Ontario. While it's important that this bill that my colleague has proposed passes, we also need to make sure that our First Nations communities are given the resources they need to keep their communities safe from fire.

A year ago, the Pikangikum First Nation community lost six adults and three children to a house fire. Last week, Grand Chief Alvin Fiddler of the Nishnawbe Aski Nation, which represents 49 First Nations in northern Ontario, sent a letter to Ontario's chief coroner asking for an inquest that would examine the cause of these tragic fires. Our First Nations leaders have heard nothing but silence from this province. They are still waiting for a response from this government on this very issue.

If the federal government is not meeting their obligations to Ontario First Nations, the province has a role to play in holding them accountable. If the government committed to examining the causes of these deaths, we would have data on how to prevent these kinds of tragedies in the future. Fire safety is a real concern for these communities. Let's make sure that the voices of First Nations are heard.

It's good that we are proposing bills like this one today. It will help make our firefighters safer. But last year, when the Pikangikum First Nation could only respond to that tragic house fire with one fire truck, no water and their reserve fire chief as the only firefighter for that community—we've got problems. That's not just a safety risk for firefighters; that's a safety risk for the entire community.

I wanted to bring this to the attention of the House because Bill 105, proposed by the MPP from Perth-Wellington, is putting in new protections for our province's firefighters. It's a good initiative. But there are still a lot of issues across the province in northern Ontario First Nations that have been neglected by federal and provincial governments. I commend the member once again.

I tip my hat each and every day to the firefighters, men and women, across this province who are here today and across the country.

The Deputy Speaker (Ms. Soo Wong): Further debate?

Mr. Han Dong: I'm always pleased to rise in this House and speak on behalf of the constituents of the great riding of Trinity-Spadina. I'm speaking in support of this great bill. I want to thank the member from Perth-Wellington for bringing this legislation forward.

First off, what happened in North Perth six years ago was a terrible tragedy. My condolences go out to the families and friends and the community. This bill brings forward a good opportunity for further discussion on the conditions our firefighters work in. They do a tremendous job every day in the face of life-threatening conditions, and, for that, we're in debt to them forever.

I would also like to take this opportunity to thank them for the other work they do in our communities, which is

going out there, attending events and making sure the community is strengthened and welcoming, especially to those newcomers into our community.

In addition to analyzing what the proposed legislation is bringing forward, we would like to explore alternative approaches that could meet the intent of the bill, which is to give firefighters the information they need to keep them safe when responding to an incident.

Fire safety and protecting our dedicated firefighters is an important issue for everyone. Ontario is one of the leading jurisdictions in the world when it comes to fire safety and delivery of fire services. Ontario's firefighters are respected worldwide for the outstanding work they do in emergency response and fire safety education.

Enhanced fire codes and fire prevention awareness have changed the landscape for our province's firefighters. Between 1995 and 2015, the annual number of fires in Ontario, excluding federal and First Nation properties, dropped by almost 45%. There will always be years when the number of fires jumps. In 2015, for example, we experienced a year-over-year increase in fires. Overall, however, the number of fires, and fire-related deaths, is trending downward.

We want to see that trend continue, and must start to address the gaps in the Fire Protection and Prevention Act, to improve fire safety. The act is almost 20 years old, and has not been modernized to keep pace with advancements in technology and new challenges.

Some challenges, including training, standardized fire code inspections, dispatch and greater public information are contained in a number of coroners' inquests and, most recently, an inquest into house fires in Whitby and East Gwillimbury which took the lives of eight people.

This is why our government launched the Fire Safety Technical Table, in which the Minister of Community Safety and Correctional Services meets with fire chiefs, fire safety representatives and municipal representatives to examine current and emerging fire safety challenges and opportunities. The input and advice from this table will inform the ministry's recommendations to enhance fire safety in Ontario and help to ensure that our firefighters return home safe to their families.

We know from prior experience that the round table approach works. In early 2012, the fire marshal set up a technical advisory committee to recommend new initiatives to better protect residents in licensed retirement homes and care facilities. This committee included expert representation from the firefighter community, community stakeholders and owners and operators of retirement homes and care facilities. Aided by their excellent work, Ontario became the first province to make automatic sprinklers mandatory in these buildings.

We are looking for frank and open discussions, using the same evidence-based thinking that was part of the Technical Advisory Committee.

I'm very pleased to speak to this private member's bill, brought forward by my good friend across the floor. Thank you very much for this opportunity.

The Deputy Speaker (Ms. Soo Wong): Further debate?

Mr. Bill Walker: I'm pleased to rise and speak in support of the Rea and Walter Act, a bill that aims to reduce the risk of firefighter injuries and deaths and to save lives.

I have the greatest respect for our firefighters, both volunteer and professional, and I extend a sincere thank you to those in the audience and those listening at home, and to every firefighter who has ever served in our community, and to their families, for your dedicated service.

Firefighters are our first responders, and they risk their own lives every day to keep our communities safe. Today it's our turn to ensure that we keep them safe, by passing Bill 105. The Rea and Walter Act would achieve this by ensuring that firefighters know when they're battling fires in buildings of lightweight construction framing. This includes lightweight truss roof assemblies and lightweight truss floor joists, all of which pose an added hazard of injuries and deaths, and whose use in home construction has become widespread.

Bill 105 would compel that such material, used in commercial and industrial buildings, as well as dwellings of three or more units other than a townhouse, be identified and visible to the firefighters, alerting them to the presence of volatile material that rapidly loses strength when exposed to fire.

In fact, structures using truss and lightweight framing can fail and collapse in as little as six minutes. Using a display emblem on those products is the kind of safety piece that could have prevented the deaths of Ken Rea and Ray Walter, two volunteer firefighters who lost their lives in 2011 when a roof they were on collapsed in a fire. I extend my sincere condolences to the family members joining us here in Queen's Park today, and thank them for their families' service.

Speaker, we can manage risk only if we can recognize the risk in a given scenario. We know that firefighters don't have the ability to accurately recognize lightweight construction hazards. This is why they've been asking for years that truss- and lightweight-constructed buildings be identified. This marker would help them better assess the risks, so they can decide how best to respond and fight the fire.

Bill 105 is based on the resolution and feedback presented by the fire chief of North Perth, Ed Smith, which the Ontario Association of Fire Chiefs, OAFC, supported.

I commend my colleague Perth-Wellington MPP Randy Pettapiece for listening and responding to their call, and for all of his dedication and passion to make sure that this bill becomes a reality.

I'm privileged to know many firefighters, specifically, of course, in my riding of Bruce-Grey-Owen Sound, who support this labelling system, as it will enhance their safety and operational effectiveness.

Firefighter safety should be the number one priority of any fire service organization. I encourage all of us to ensure speedy passage of Bill 105, and reduce the risk of death and injuries to firefighters in Ontario. I close by saying, once again, thank you for your dedicated service.

1400

The Deputy Speaker (Ms. Soo Wong): Further debate?

M^{me} France Gélinas: I too want to thank everybody who has come in today to take in the proceedings on Bill 105, An Act governing the identification of truss and lightweight construction in buildings.

I think I have shared this with the House before: My husband has been a professional firefighter for the city of Greater Sudbury and has fought many, many fires that have not gone right.

I can tell you that March 17, 2011, will be remembered for a long time in firefighters' families as the day that deputy district chief Rea and firefighter Walter lost their lives in North Perth at the Listowel Dollar Stop store fire. A delegation from Sudbury went down the following week, on March 24, 2011, to help the community do a last send-off to those two firefighters who lost their lives.

There was lots to be learned from this fire. When the fire department went in, they didn't know that there had been some roofing work done on the building at the time, earlier that day. They didn't know that the roofing work had sparked a blaze that burned undetected for upwards of 40 minutes before light smoke started to be seen. They didn't know that the fire, hidden from sight and hidden from their thermal-imaging camera, was behind insulation and behind the store's ceiling tiles, and had basically eaten away at the building's lightweight-engineered wooden roof trusses. They couldn't have known that the roof was only moments away from collapsing when they stepped inside, doing what they are trained to do: rescuing people, looking at how the fire started and putting it out.

There's lots of risk being firefighters, and we thank you, each and every one of you, for what you do, but if there is a way that we can make your work safer, then all of us in this chamber have a responsibility to do this.

I thank the member for bringing a bill forward that has the possibility to save lives. How could we not move ahead? I've listened to all sides and right now it looks like there is good support for this bill. I urge the government to move fast on the implementation of this bill. Asking that labelling be added to structures that use this lightweight material is something doable. It's something that some municipalities have taken upon themselves to do already. It is our responsibility as legislators to do this, the sooner the better, so that the families of deputy chief Rea and firefighter Walter are the last ones to have to go through the consequences of not knowing what kind of building material is there.

Don't get me wrong: There is a place for pre-building inspection and there is a place for pre-planning. I know that every fire department does this. I can tell you that in Sudbury they do this every week, where they go into each and every one of the buildings in town and they do pre-plans and they take notes and they prepare for the worst. But things could always go badly. If you have it there and it is labelled right there as you are about to

enter a building, it will make all the difference. It's something that the industry is willing to do. It is something that has been well-researched by my colleague to make sure that there is no downside to this. There is no pushback to this. This is a win-win, something that we can move on right here, right now, and that will protect the men and women who have chosen to protect us by becoming firefighters. I think we owe it to them to do the right thing.

One other piece of knowledge has come from this deadly fire, and it is that we now have fire—I forgot the name. We call them fire spotters, but I think there's a more technical term for them. If you're going to do roofing, if you're going to use a torch or if you're going to use any other sort of fire material close to a building, then there has to be somebody who comes every hour and does an inspection. There has to be somebody there for three hours after the work is done to see if a spark has started something somewhere that could lead to a fire.

Those were hard lessons for the family of deputy chief Rea and the family of firefighter Walter to learn. But those are hard lessons that have been learned throughout fire departments in Ontario, and that are now being implemented through the fire code.

I am deeply sorry for your loss. Today I can guarantee you that the NDP will vote in favour of such a bill and push the government to make it through third and final reading and royal assent.

The Deputy Speaker (Ms. Soo Wong): Further debate?

Hon. Kathryn McGarry: It's my pleasure to rise in the House this afternoon to add some comments to Bill 105 on behalf of my constituents in the fine riding of Cambridge.

It's interesting that the member has chosen today to bring forward his private member's bill, and I know it was due to the numbering. But it's interesting and a very curious fact that this is the one-year anniversary of the PTSD legislation that was passed here in the House in order to really provide our first responders with the ability to have their trauma, due to circumstances, including this one, potentially, the one that the member is talking about—it's great that they're able to get the help that they need.

As we know, first responders, including firefighters, are twice as likely to suffer from PTSD from the cumulative effects that happen in their jobs. I worked very closely in my time as a critical care nurse with first responders. We were often the ones to accept the patients who came in through the door, usually accompanied by paramedics, but fire and police as well. I often thought about those situations that weren't addressed by us in the emergency department and the types of situations that firefighters, police officers and paramedics saw in the field. I can imagine, on that day in Listowel, how horrifying it was, not just for the residents but also for the first responders there. So I wanted to give my shout-out again to the first responders; as we often say, as we, the public, are running away from dangerous situations, they,

the first responders, are running into those burning buildings and running towards that danger in order to protect the public.

I could not be more supportive of this private member's bill, Bill 105, An Act governing the identification of truss and lightweight construction in buildings. I want to add my congratulations to the member opposite for bringing this important piece forward. I think we all around this House—you've heard already the comments in the House—believe that first responders do an incredible job. I had first-hand knowledge of it. I used to see and debrief, sometimes, with my first responder colleagues after a critical incident that happened in the community, and I just can't give more warm praise to the people, the men and women, who put themselves in danger because of this.

I also fully believe that this is an opportunity to be able to address some of the requirements that we need to add to further protect those men and women who do so much for our community.

If I could, Speaker, I wanted to just go over a little bit of the fire safety provisions in the building code. I think that the intent of this bill is directed towards keeping firefighters safe. As I said, I'm in full support of that. But looking at possible measures through the fire code and the Ontario fire marshal, I think this is a great opportunity, again, to talk about some of the provisions for fire safety that are in the building code.

The safety of all Ontarians is uppermost in our government's mind and, indeed, through all the members in this House. It's why Ontario's building code has the strongest fire safety requirements in Canada, and I think with this bill it will be strengthened even further.

1410

While the building code is not retroactive, it does have comprehensive fire safety standards for newly constructed buildings, and for buildings that are undergoing renovations or a change of use. The building code makes use of a combination of fire safety principles to protect the safety of Ontarians in the event of a fire. The principles are detection and warning; containing and suppression, such as sprinklers; and exiting, for example, a shorter travel to building exits, and making sure that a clearly identified fire exit is there.

The building code includes a range of measures for the prevention and control of fires in new multi-unit residential buildings, including:

- fire alarm and detection systems with notification to the fire department;
- a provision for firefighters' elevators;
- pressurized firefighters' elevators in high residential buildings;
- automatic sprinklers for multi-level basements;
- emergency lighting and power generation;
- provision for central alarm and control facilities to coordinate emergency responses;
- shorter travel distances to exits;
- fire separation between units and between units and corridors; and

—protection of exits from smoke infiltration.

In previous years, our government has brought in a number of building code amendments to address fire safety in buildings, including visual fire alarms in multi-unit buildings. That came in 2015. Mandatory sprinklers, signals to fire departments and increased voice communication in treatment and care facilities began in 2014. Smoke alarms with battery backup required in single-family and large residential buildings began in 2012, and fire sprinklers required in new multi-unit residential buildings above three storeys in height came in 2010. This is an ongoing process, and we're continuously updating the building code to improve those fire safety standards.

Our government has recently completed phase 1 of consultations on an updated building code. This consultation included several proposed changes that would enhance fire safety in houses and in large buildings. Not only will we consider the comments received to date, but I certainly feel that this bill is very, very timely with this consultation.

Speaker, I just really want to again thank the member from Perth–Wellington. I think this bill really has a lot of merit, and it's very timely that we bring this forward.

Lastly, I really want to talk about the families and the community that surrounded Ken Rea and Ray Walter. I go past Listowel fairly often to visit friends on Lake Huron, and I go past the building site. I remember going past just shortly after the fire and seeing some of the temporary memorials that were out there. I remember the day that those two were laid to rest and the incredible outpouring of warm remembrances from family, from government and from colleagues across the country.

We know that we want to ensure that all our firefighters in the province of Ontario remain safe and that no other family or community has to go through what this community did. Again, I just want to offer my support of this bill going forward.

The Deputy Speaker (Ms. Soo Wong): Further debate?

Mr. Jim McDonell: I'm proud to rise today to speak to Bill 105, the Rea and Walter Act (Truss and Lightweight Construction Identification). I welcome the families, too, of the two firefighters. Certainly it's little consolation, but it just shows that it's the least we can do in this Legislature.

Speaker, in Ontario we depend on the brave work of emergency first responders who never know what awaits them just around the corner during the course of a day. This legislation proposed by my colleague from Perth–Wellington highlights just some of the dangers that are lurking around the corner as they respond to their communities' urgent needs.

We look around at the firemen who are out on different days in my community, whether it be in the middle of the winter—I remember when the King George Hotel burned down in Cornwall, in sub-20-below weather. The ice was everywhere. They were out for more than 12 hours working. This is the work that we expect our first

responders to respond to, regardless of what the conditions are.

I support this legislation and request that the government move quickly to put this into law. This certainly is low-hanging fruit, something that we can move on, something that doesn't need to be delayed, because these first responders are so important to our community.

As a resident of South Glengarry, we benefit from a skilled and dedicated volunteer first response team. These men and women get up each morning and retire to their beds at night not knowing if they will be called upon that day or that night to help out a neighbour, or a stranger, on the 401.

Speaker, I'd like to recount a number of instances in my own municipality where volunteers were asked to go over and above the call of duty to help out friends, neighbours and strangers.

All of the major transmission, oil and gas pipelines transverse my riding of Stormont–Dundas–South Glengarry, presenting a definite additional risk to the community. Late one evening in the fall of 1994, the main natural gas transmission pipeline servicing eastern Ontario ruptured in our township, releasing a large volume of volatile natural gas. To give some perspective: There's more energy in the pipeline than is produced in electricity in Canada—a huge amount of energy.

This was the first rupture of its kind in Ontario, before the days of emergency plans. Our firefighters were called out to block roads and to notify the community. The situation was considered so dangerous that the power grid was shut off in eastern Ontario and phone calls were considered too risky to make. They were worried that it might create a spark.

Shortly after the municipal amalgamations of 1998, we were hit by the great ice storm. Again, our first responders were called out. In fact, our inaugural council meeting of the township was almost cancelled due to the severe conditions.

Our firefighters were first on the scene, clearing roads and helping the community, leaving their own homes and families while they performed their duties. Speaker, this event lasted for over a month in our region: no power, trees blocking roads, trees falling on houses, and a huge amount of damage. The first responders were key in setting up emergency shelters and manning them, and helping their neighbours deal with the loss of electricity during the month of January. This meant pumping out basements; this meant helping the people in the community.

Any community that had a volunteer fire department, and in our newly amalgamated township, it wasn't them all—they had shelters. The ones that didn't have a fire department didn't have shelters. It just indicates the importance of these people who go out without worrying about what they're doing. They go out to help people and their neighbours.

Accidents on the 401: They are called out routinely for traffic direction. I know that the Minister of Transportation would say that they're not to be out there, but they're

the last resort. The OPP are out there and they have nobody else to call to help direct and control traffic, so they're called out. When I was mayor, we had a serious accident where we had to write off one of our trucks—a brand new, \$200,000 truck.

There was another accident on the 401 where a firefighter was severely injured and will likely never be able to work—at least to his full extent—again. It goes to some of the seriousness of the accidents that we have and the calls upon them.

In my own village of Williamstown, they twice have been called with defibrillators to save someone's life. It doesn't matter what function they're at, whether they're out in a charity helping out; they're just called out over and over again to help the community.

I think it's very important we look at this bill. It's low-hanging fruit. Let's just make it happen.

The Deputy Speaker (Ms. Soo Wong): Further debate?

Mr. Michael Harris: Of course, I want to rise and support Bill 105, the Rea and Walter Act, introduced by my friend and colleague from Perth–Wellington—an excellent job on bringing forward an initiative, after tragic consequences in his riding, here to the Ontario Legislature to fix this problem.

Firefighters have been telling us right across the province since 2012 that unaddressed concerns over truss and lightweight construction have put them in danger when they do their vital work saving lives and stopping the spread of fires. In fact, it was the same year that the Ontario Association of Fire Chiefs passed a resolution to petition the government on this very issue. As we see today on this side of the House, we heard their concern and have taken legislative action to fix this problem.

1420

We hear a lot from different professional organizations about the need for more instantaneous information, both to help them do their jobs better and to protect them in the workplace. We recognize that doctors and medical professionals need access to patient history and medications, police officers need records of past criminal activity, but we don't often think of our firefighters. The person kicking down the door of a burning home to come in and rescue you deserves as much information as we can provide them so that they can make informed decisions in the moment on the best way to protect you and, of course, themselves, and so they can choose the best method or route to get to you—something as quick and easy as putting a symbol in a visible place on a building that says basically, "Hey, be careful. The materials used to build this are going to degrade quickly during a fire." That is what this bill does. It's a simple fix to an important issue. It gives firefighters the information they need to make the best possible decision in an emergency—decisions that could, on many occasions, spell the difference between life and death.

Certainly, this issue came close to home for people in my riding of Kitchener–Conestoga as we all read about the tragic outcomes in nearby Listowel back in 2011,

when two North Perth volunteer firefighters perished when the roof of the Dollar Stop collapsed during a fire. Speaker, there's no doubt in my mind that we absolutely owe it to the memories of Ken Rea and Ray Walter and their families to take this small simple legislative step today that could prevent further tragedies for those who put themselves in harm's way for our protection. I want to thank the families who are here today and those visiting from those communities.

Of course, several municipalities, including the city of Stratford, recognized this problem and put in bylaws requiring buildings with truss and lightweight construction to display warning emblems.

While I commend our neighbours in Perth–Wellington for taking on this initiative, I feel strongly that we should not be leaving this up to the individual municipalities. Firefighters deserve this protection, not just in Perth county, but across the province.

When the solution is so easy, it is hard for me to see where opposition to this bill could come from. We should see these warning emblems province-wide. It's important. Tests done by the National Research Council of Canada have shown that structural failures in buildings that are built with truss or lightweight construction happen 35% to 60% faster than buildings constructed with solid wood joist assembly. When you hear that structural failure in a building can occur just six minutes after the fire starts, it brings it home that it is vital that firefighters have this information. Of course, there is no reason for us to expose first responders to this kind of risk when they have such an easy solution.

To close, I support the bill. I hope my colleagues from all sides of the House will see the sense in it and will also support it.

I thank my colleague from Perth—

The Deputy Speaker (Ms. Soo Wong): Thank you. I will return to the member from Perth–Wellington to wrap up.

Mr. Randy Pettapiece: What can I say? I am overwhelmed by the support I have received here today, and I want to thank all sides for their support. To the members from Algoma–Manitoulin, Trinity–Spadina, Bruce–Grey–Owen Sound, Nickel Belt, Kitchener–Conestoga, Stormont–Dundas–South Glengarry, and Cambridge: I want to thank you for your comments.

Speaker, I'm sure you know that as we go through life, there are some things where you just say, "Why didn't we do that? It's so simple." When somebody gets killed at an intersection where there are no warning signs, no stop signs, "Why didn't we put a stop sign there? We should have done that"—you look back at things you should have done. I think this is something we can do.

I don't want to look back at another tragedy like this happening and say, "Gosh, we should have got this in legislation so these buildings could be identified." It just happens like that. When a roof comes down on you or a floor gives way, you have no chance; you're gone. As we saw in this incident in Listowel, when the roof came down, there was no chance of rescue; it was over. I think

we all have to think about that when we look at legislation such as this.

Let's get it done. This is not a partisan thing. It's a common sense thing. It's simple. It's not expensive. But the rewards are great if we get it done.

The Deputy Speaker (Ms. Soo Wong): We will vote on this item at the end of private members' public business.

Orders of the day.

SIKH MASSACRE

Ms. Harinder Malhi: I move that, in the opinion of this House, the Legislative Assembly of Ontario should reaffirm our commitment to the values that we cherish—justice, human rights and fairness—and condemn all forms of communal violence, hatred, hostility, prejudice, racism and intolerance in India and anywhere else in the world, including the 1984 genocide perpetrated against the Sikhs throughout India. We call on all sides to embrace truth, justice and reconciliation.

The Deputy Speaker (Ms. Soo Wong): Ms. Malhi has moved private member's notice of motion number 46. Pursuant to standing order 98, the member has 12 minutes for her presentation.

Ms. Harinder Malhi: I want to begin by thanking all of our guests who have joined us today, and I also want to take this opportunity to acknowledge my colleague from Bramlea-Gore-Malton for all of the hard work that he has done towards the 1984 issue.

Today we recognize the human rights, social justice, reconciliation and healing of the events that took place in New Delhi and other cities across India in 1984. They turned their backs not only on the Sikhs, but every Hindu and Muslim family that risked their lives to shelter their Sikh neighbours.

The province of Ontario is a place where people see democracy as a way to recognize the past of our neighbours. The violence that took place in 1984 can only be described as genocide. While we can't change the events of 1984, we have an opportunity here today to clear the misconceptions that divide the community and the residents of Ontario.

Sikhism was founded in 1469 in Punjab, the land of five rivers in northern India, with the birth of Guru Nanak—"guru" meaning teacher and leader. Guru Nanak was the founder of Sikhism and was born to Mehta Kalu and Mata Tripta in the now-called Nankana Sahib, near Lahore. Guru Nanak said that people should be distinguished by what they did, rather than what they wore. Nanak continued to demonstrate a revolutionary spiritual streak. He argued that things like pilgrimages and rituals were of far less spiritual importance than internal changes to the soul.

The Sikh people are proud Canadians and Ontarians with origins as indigenous people of Punjab. For centuries they lived in Punjab, dating back to the time of their gurus. Prior to the British invasion, the Sikh people had their own nation-state, encompassing both east and west

Punjab and Kashmir. The establishment of the Sikh Empire under Maharaja Ranjit Singh is commonly considered the zenith of Sikhism at a political level.

During this time the Sikh Empire came to include Kashmir, Ladakh and Peshawar. Hari Singh Nalwa, the commander-in-chief of the Sikh army along the north-west frontier, took the boundary of the Sikh Empire to the very mouth of the Khyber Pass. The empire's secular administration integrated innovative military, economic and governmental reforms.

Sikhism is a monotheistic religion founded during the 15th century in the Punjab by Guru Nanak and continued to progress with 10 successive Sikh gurus, the last being the teachings of the holy scripture of the Guru Granth Sahib Ji. The philosophy of Sikhism is covered in great detail in the Guru Granth Sahib, the Sikh holy text, and detailed guidance is given to followers on how to conduct their lives so that peace and salvation can be obtained. The holy text outlines the positive actions that one must take to progress in the evolution of the person. One must remember the creator at all times. It reminds the follower that the "Soul is but a part of the whole that is God, who is ever merciful," and that the follower must dedicate their life to all good causes—to help make this life more worthwhile.

Sikhs believe in the following values: equality, personal right, they believe that actions count, in living a family life, sharing and accepting God's will.

Sikhs have contributed immeasurably to the social fabric of Canada and of Ontario.

From the watershed moment when my father was first elected as the first turbaned Sikh member of Parliament, we've now come to a diverse representation of Sikhs here in Ontario, in all parties, and we have four federal Sikh ministers. Sikhs are active in all walks of life here in Canada, whether it be economics, business or politics.

I wanted to share a little bit of a brief history about Sikhism and Sikhs, but now I want to talk a little bit more about 1984.

The intentional and deliberate nature of the attacks on Sikh lives, properties and places of worship during 1984 makes them a crime of genocide, as defined in article 2 of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

The article defines genocide as, "Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

"(a) Killing members of the group;

"(b) Causing serious bodily or mental harm to members of the group;

"(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

"(d) Imposing measures intended to prevent births within the group;

"(e) Forcibly transferring children of the group to another group."

1430

The genocide convention is sometimes misinterpreted as requiring the intent to destroy in whole a nation. Some

genocides may fit that description, but most do not. Most are intended to destroy only a part of the group. The genocide convention specifically includes the intentional killing of a part of a group as a genocide. Those who shrink from applying the term “genocide” usually ignore the “in part.”

The ensuing destruction and loss of life, including the massacres in November 1984, marked one of the darkest chapters of the later 20th century for the Sikh community. Simply put, as recognized by many leading international human rights organizations, the 1984 genocide of Sikhs was a series of acts of genocide directed against Sikhs in India that had an effect on Sikhs around the world.

On November 4, 1984, Delhi police officials claimed to have arrested 1,809 people on charges of looting, rioting and arson. Despite the killings occurring throughout Delhi, no arrests had been made for murder. Within a few days, the police released all but around 60 of the people arrested.

In January 1985, the home minister claimed that 4,579 suspects were arrested in Delhi. India's information minister stated that there had been a total of 30 convictions, and 14 police officers had been punished for dereliction of duty. And 642 of 707 criminal cases ended in acquittals or were cancelled because the state allegedly could not trace the accused.

Sikh mothers, fathers, sons and daughters across Punjab, Delhi and other parts of India were all roped into these events. They were burned, raped and killed in many fashions.

Today we have a victim here, Mrs. Ghuman, who was a victim of communal violence and lost her husband to communal violence.

I want to thank you for coming here today.

She had to struggle to raise her family on her own, to raise her two children without a husband. When I talked to her, she talked about her story, about not having support. “Nobody wanted to help you, in fear that if they helped you, they might be the next victim.”

I have another great story of an Ontarian, a Canadian. Balbir Singh, the son of a coir mat maker, was a resident of Trilokpuri. His father was killed by a mob. He escaped by wearing women's clothes. Even now, Balbir is afraid to reveal that he is a Sikh. He is still scared of growing his hair long and wearing a turban.

He says, “I have nightmares about the way my father, Chautha Singh, and an uncle were lynched. I was just 14 then and living in Trilokpuri, where we made coir mats at home. When news came of Indira Gandhi's murder and riots broke out, I remember my father saying that Delhi was the capital and violence would be contained soon. He said nobody would attack us since we were poor. When the mob came, the police assured us that they would not allow them to enter our area and told us to return home. For we saw an even larger mob approach us with crowbars and cans of kerosene. They started beating all the men and abused them. I, along with my mother and three brothers, hid in my uncle's house.... My mother had dressed us all up as girls, and so we were spared.”

He saw his father die in front of his very eyes. Everybody was killed. They went to a neighbouring village, where a milkman gave them shelter.

This is just one of the stories and legacies of your fellow Canadians who are Sikhs living in Ontario.

This motion is one of both not forgetting but honouring, and also of recognizing and naming 1984 as a genocide. India's interior minister, Rajnath Singh, in December 2014, described the events of 1984 and acknowledged them as a genocide, but several persons who had a role in the carnage are not yet punished.

This House has taken similar positions when it recognized past genocides, such as the Holocaust, the Holodomor and the Armenian genocides. I strongly urge all of my colleagues here today to support this motion about the genocide of Sikhs in 1984.

I stand in solidarity with the community and many Canadians across the country in seeking justice. When innocent lives are lost with no accountability or explanation, we have an obligation, as residents of Ontario, to ask why and to seek honest answers for our citizens.

As we gather to remember November 1984, I remind residents of Ontario and Canadians that remembrance is the tie that binds us to our past and guides each of us for the challenges of the future.

The Deputy Speaker (Ms. Soo Wong): Further debate?

Mr. Todd Smith: Good afternoon, and welcome to all of our Sikh friends who are here for the debate this afternoon. We welcome you again. It seems like a rerun to some of us because we've been here and done this not that long ago.

It is a pleasure to rise and speak to the motion put forward by the member from Brampton–Springdale regarding the horrific events that took place in India in 1984, over those six days in particular.

This motion was brought forward in the last session by my good friend the member from Bramalea–Gore–Malton, from the third party. It is somewhat confusing why we're being forced to vote on this measure yet again, given that it simply could have been passed a year ago. Of course, at that time, there were some members of the government benches who were unable or unwilling to cast a vote on the measure, either aye or nay, at that time.

Now we're here, almost a year later, and we're being forced to debate this motion once again—a year after it was the government members that led to its original defeat.

So, yes, I'm going to spend a couple of minutes talking about the procedure of this place because I think it's important to understand. When we as legislators debate sticking the word “genocide” on something, we'd better mean it, because once you've done that, you've implied a lot.

I know the member opposite just mentioned it, but article 2 of the United Nations convention on genocide defines it as follows:

“Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

“(a) Killing members of the group;

“(b) Causing serious bodily or mental harm to members of the group;

“(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

“(d) Imposing measures intended to prevent births within the group;

“(e) Forcibly transferring children of the group to another group.”

The keyword here is “intent”—and I think you’re about to hear many stories this afternoon of the atrocities that occurred during those six days in 1984. The second you’re willing to declare something as genocide, you’re implicitly stating not only that any of the above actions occurred, but that those who committed them intended to do so in a fashion where their intent, expressed or planned, was to destroy members of a specific group—and you’re going to hear a lot of those stories here this afternoon during the debate. Of course, we have recent examples of this, including events in Rwanda, the former Yugoslavia, Armenia, Germany and some of the other events and genocides that were mentioned by my counterpart opposite.

When we debate whether we’re going to express the opinion of the House on a matter which asserts that a state actor intentionally sought to destroy members of a specific group, we’re not passing a light or frivolous judgment. This is a very serious matter. The matter is far too serious to be handled by members of the House in that way—which returns me to my original point.

On June 2 of last year, we debated this very motion here in the House. It has been altered a bit, but it’s the same issue. I spoke to it, as did the member for Bramalea–Gore–Malton, of course, because it was his motion. The member for Beaches–East York spoke; the member for Oshawa; the member for Mississauga–Erindale spoke passionately about it; Parkdale–High Park; Mississauga–Brampton South. The member for Brampton West spoke very passionately about a very personal story, and I’m sure we’ll hear the same story, or one similar, this afternoon. The member for Thornhill spoke. And the former member from Niagara West–Glanbrook spoke on this issue and this motion brought forward by my friend from Bramalea–Gore–Malton. This side of the House supported the motion that day; the government, at the time, didn’t.

Now we have a government member—who I have so much respect for, as I do for all of the members of the Sikh community in the government, on their benches—presenting the motion to the House once again. This isn’t the first time since I’ve been here that I’ve had the opportunity to watch government members bring forward legislation or motions similar to those brought forward by opposition members, after having first voted down the opposition’s attempt to do the same thing. The continuation of this practice can only lead you to the conclusion that the government isn’t really interested in the substance of these matters, only in whether or not they can

take credit for them if they pass. That’s what I believe we have here, Madam Speaker.

1440

Before I go any further, I’d like to recognize two of the members from the government who debated the motion the last time it was before the House. I already have pointed them out. If members would like to review the transcript from that day—June 2, 2016—they’ll find that the remarks by the members from Mississauga–Erindale and Brampton West are considerable in their force, their conviction and the personal impacts on their lives. Both spoke with great passion about the connections that they have to the events of 1984. In keeping with the gravity of the motion before the House, I want to take the opportunity to commend those members for their comments on the previous debate that we had on this issue—because it shouldn’t be partisan.

That having been said, I want to highlight a couple of the comments made by members opposite a year ago, specifically the members from Beaches–East York and Mississauga–Brampton South, who very clearly communicated the government’s position at the time.

I quote the member from Beaches–East York: “I think that’s a debate that, at best, the federal government has to be having. If the member for Brampton–Gore–Malton is successful in his endeavours to become a representative at the federal level, he can bring that so they can then bring that to the international community.” That’s a direct quote from Hansard. Apparently, at the time, not only was it the government’s line to deny the motion and say how inappropriate it was for the motion to be dealt with provincially in this chamber; it was also to attack the motives for the sponsor of that very motion.

The member for Mississauga–Brampton South made similar comments in her statement to the House. Once again, I quote directly from Hansard, June 2, 2016: “Madam Speaker, despite what I said and how deeply sad I feel, in my opinion, the Legislative Assembly of Ontario is not the proper forum to bring this motion and debate it; the House of Commons may be. The issues of state complicity and genocide are legal concepts that beg for an evidentiary basis. The proper forum to debate these issues is a court of law, not the Legislative Assembly of Ontario.”

It’s amazing how much changes in a year. It’s remarkable how much changes in a year.

As I said, it’s important to speak to these procedural issues that arise from the substance of the motion currently before the House because it speaks to an issue that is far too common in the way that this Liberal government operates in Ontario. On substance, little separates the motion currently before the House from the motion which was brought forward last year by the member from Bramalea–Gore–Malton, which members opposite opposed last year. For this reason, I really do look forward to a substantive reason from members of the government for why the same motion could be voted down a year ago and should be voted for today.

Again, I want to show my ultimate respect in the sincere motion brought forward by my colleague who is sponsoring this motion here today. She's very sincere in doing this, the member from Brampton–Springdale. The Sikh members on the government bench as well: I commend them because they are sincere about this.

We've seen promises made by this government—empty promises that have been made by this government, particularly to the Sikh community. They promised that they would deal with the Sikh Motorcycle Club and bring in legislation that would grant them their wishes in Ontario, but it's another empty promise, Madam Speaker.

I just want to note, as well, that our leader, Patrick Brown, is a friend of the current Indian Prime Minister. He wanted me to note that the government of India has a clearly stated goal of development: Sabka Saath, Sabka Vikas—"With everyone's support, India will develop," regardless of caste, religion, gender, colour and language. Sikhs have reached the highest office in India, from the office of Prime Minister to the Supreme Court. The Prime Minister is working hard to remove poverty, create new jobs, and provide good health and food for all and affordable housing for all. We recognize the progress being made in India. Our leader just wanted to pass those messages along.

My own experience within the Sikh community has been entirely positive. For years now, I've attended Diwali celebrations and Vaisakhi celebrations. I look forward, in a couple of weeks' time, to walking in the Nagar Kirtans again here in downtown Toronto, ending up at Nathan Phillips Square, for what can only be described as an exciting, enjoyable ceremony and time of fellowship together with our friends in the Sikh community. My family has been welcomed into gurdwaras across the greater Toronto area over the past five years. We even had a Diwali celebration in a small community in my riding of Prince Edward–Hastings, in Bancroft, a couple of years ago with local Sikhs.

The reality is that the tragic events of 1984 brought many of my Sikh friends from across Ontario, and their families, here to Ontario. It was 33 years ago.

We've been twice forced into this debate.

Canadian Sikhs have made a substantial contribution to our communities across Ontario. They're essential to our country's future, as well. We see them as cabinet ministers. We see them as authors. We see them as doctors and teachers. But the legacy of what brought so many of their families to Ontario remains.

As to whether the events of 1984 are genocide, I believe India's current home minister, Rajnath Singh—and I know the member from Brampton–Springdale quoted him earlier—said it better than I could hope to: "It was not riot; it was genocide instead. Hundreds of innocent people were killed. The pain of the kin of riot victims cannot be compensated by even paying crores of rupees."

The principles of Sikhism resonate with Ontarians: honesty, hard work and service to others.

The Deputy Speaker (Ms. Soo Wong): Further debate?

Ms. Jennifer K. French: I am glad to stand in the Legislative Assembly of Ontario today in support of this motion and the Sikh community.

I would also like to welcome back to Queen's Park our friends, neighbours and leaders of Ontario's Sikh community.

Speaker, back in June, my colleague the member from Bramalea–Gore–Malton introduced a motion which, I will remind us, stated: "That, in the opinion of this House, the government of Ontario should recognize the November 1984 state-organized violence perpetrated against the Sikhs throughout India as a genocide." I appreciated then, as I do now, that my colleague is a tireless crusader against injustice, for which he continues to distinguish himself. I am very proud to be a member of the same caucus.

Back in June, I was very glad to speak in support of our Legislature recognizing the intent of the anti-Sikh violence that occurred in India in 1984, and denouncing all intolerance and violence across the globe that stems from hatred. I approached that debate, back in June, from a place of introduction. I was not familiar with the events of November 1984. I had to research and I had to learn, to understand the gravity of the history and the importance of the motion. I was proud to speak and support the Sikh community and Mr. Singh's motion. I was confused, to say the least, when this Legislature did not unanimously support it. In June, the government unanimously voted against it for reasons that seemed so empty and, quite frankly, political. It was truly astonishing that the government voted against the original motion introduced by my colleague the member from Bramalea–Gore–Malton. What was even more astonishing was their justification. Members of this Liberal government actually argued that not enough people had died to truly constitute a genocide, and they didn't want to in any way diminish how atrocious other genocides were by including this. It is unbelievable, and I am glad that the government has since realized the depth of that error.

At that time, this government argued that the Legislative Assembly isn't even the right forum to recognize a genocide. They said it wasn't the right place or the right court for having this discussion, but of course we know that is not the case. This assembly has recognized acts of genocide in this very chamber, including the Armenian genocide and Holodomor. This is exactly the right forum. This is where we discuss and debate issues that affect the people of Ontario, and that includes the thousands of Sikhs in Ontario. This is where we speak on behalf of our constituents and all Ontarians, and we should never, ever shy away from using this chamber to stand up against violence, hatred and intolerance.

1450

So I must disagree with the government's original argument, and I am relieved, frankly, to see that they have re-evaluated and repositioned themselves. It was less than a year ago that the Liberals unanimously voted

against the motion. However, here we are today and, as we often do, we have found a way forward, this time with all-party support, and we are again debating this important issue.

It's important that we have an official position as a province to ensure that we remember the thousands of victims who lost their lives during this genocide, and a formal resolution renews the call to bring the perpetrators to justice. We cannot change the horrific events of 1984, but as members of this Legislature we have an opportunity to represent the families of genocide victims and we have an opportunity to stand up for them.

Though the total number of victims is unconfirmed, between 2,800 and 8,000 people lost their lives during this massacre and thousands of others were affected by injuries, displacement and oppression. We are talking about mass murder and massive suffering. It's important that our voices in Ontario are heard.

There are a lot of voices which came together and inspired the creation of the original motion. In May 2000, a commission was appointed by the National Democratic Alliance government in India to investigate the violence and its causes. The one-man commission consisted of former Supreme Court of India Justice G.T. Nanavati. In the report, former Supreme Court of India Justice Nanavati stated that the killing of Sikhs in India in 1984 was planned and organized. Human rights organizations have also reported that the voters lists were used to identify and target Sikh businesses and homes, and that children were found beheaded in the aftermath of those horrendous days.

The words "planned" and "organized" are important. They distinguish this from being a random act of violence and acknowledge that there were systemic and concerted efforts to kill thousands of Sikhs in India.

New Democrats have always supported the right of all people to live in safety and practise their faith in peace, and that is why my colleague brought forward the original motion for debate. Today, we are acknowledging the systemic murder of thousands and calling for justice in their honour. By acknowledging that the violence against Sikhs in India in 1984 was, in fact, genocide, we are acknowledging that justice must be served.

In November, when we reflect on the anniversary of this genocide, it is also important to recognize the brave actions of many from other faith backgrounds and communities who provided protection and refuge to their Sikh brothers and sisters at great personal risk to themselves. It is a reminder that our shared humanity triumphs even in the face of tragedy.

I'd like to congratulate the Sikh community for their resilience and unified advocacy. You strengthen our province and make it better.

Thank you again to the member from Bramalea-Gore-Malton for first bringing this important issue before the Legislature last June. I will be supporting this motion, as I did last year, and I hope that my colleagues from all parties in this Legislature will join me.

The Deputy Speaker (Ms. Soo Wong): Further debate?

Mr. Vic Dhillon: Thank you, Madam Speaker, for giving me the opportunity to stand and speak on this very important issue. I'd like to begin by thanking the members of the Sikh community who are here in large numbers to witness this debate.

It is Sikh Heritage Month, and I would like to thank the Sikh Heritage Month celebration committee for raising Sikh flags all over our province, at city halls and, as well, a couple of days ago here at the Legislature.

Before I begin my remarks on this bill, I'd like to also take this time to condemn the atrocities in Syria. People were brutally killed; people, including babies, were murdered and tortured. I'd like to express my solidarity with those people, and that we hold them in our thoughts and prayers.

Madam Speaker, as we've heard, a bill similar to this one was presented a while ago in this Legislature, and there are a couple of reasons for which I did not support that bill. First of all, there is only a handful of Sikh members in this Legislature, and I strongly felt that this bill would have been strengthened had we been consulted, because it was just a blanket statement. There was no real call for action in terms of punishing the perpetrators who directed these heinous actions. As well, I'd like to point out that there are a couple of names that come up again and again in India who are being called the leaders in terms of these atrocities. One of them is Jagdish Tytler, and another one is Kamal Nath. I've been following the events recently, and the judicial process is taking its course. More recently, Jagdish Tytler has been asked to undergo a lie detector test, and he has refused to do so. That speaks volumes in terms of his involvement in what happened in 1984.

One fact is certain: We cannot go back in time. We cannot go back to 1984 and undo all of the massacres and all of the heinous crimes that were committed. People in New Delhi were tortured in the most horrific and heinous ways. One example that sticks with me vividly is that people had gasoline forced down their throats and then their insides were lit on fire. I did not hear this from an anonymous source. This is my own father telling me from his first-hand experience—just awful, Madam Speaker.

As well, in the bill that was presented, there was no call for financial or other compensation to be given to the victims of 1984. Although we cannot bring back their loved ones, at least we can help in starting the process of closure. I don't think there will ever be closure, but I think that we definitely can help people deal with and cope with the pain that they're suffering.

Again, one of the most senior cabinet ministers in India, Rajnath, in his interview on NDTV, a major television consortium in India, in December 1984—he himself described this as a genocide. That is a very, very powerful statement, coming from a person of his stature.

I just want to thank you, Madam Speaker, for giving me this opportunity. I look forward to hearing this debate further.

The Deputy Speaker (Ms. Soo Wong): Further debate?

Mr. Jagmeet Singh: Less than a year ago, I debated this. I brought forward a motion to recognize the genocide, here in this Legislative Assembly.

It was, for me, a very personal journey. More important than me, this was a journey for a community that has suffered so much. People who make Ontario their home have fled persecution and oppression. People in Ontario are here today because they saw their family members murdered in front of their eyes. People are here because they witnessed the savagery and sensational violence perpetrated against people simply for being who they are. People who were identified as Sikhs by name, by identity, by appearance, by clothing, by long hair, by their articles of faith, were targeted and massacred.

What makes this so chilling, what makes this episode in the history of India so dark, is that it was perpetrated with the planning and organization of elected officials. People sworn to represent the people of a nation, the communities that they were elected in, used their power and position to commit a barbaric act of genocide against their own citizens.

Why we're here today—it needs to be addressed—is the resilience of the Sikh community. Leaders, many of whom are here today, applied pressure on the government and were deeply offended by this government for voting against this motion. It's their tremendous courage, their hard work, their persistence, their resilience—it's because of them that we're here today, and I honour them. They showed great courage and they took a strong stance, and it's because of their hard work that we're here today.

But why is this so important? Why is it so fundamentally important that we acknowledge what occurred to the Sikh community as a genocide?

There are a number of reasons, but first and foremost, there is a misconception that is poisonous. The misconception that has been propagated is that this somehow was a result of Hindu-Sikh conflict. This is misinformation. This is poisonous and it is toxic. The suggestion that what occurred was a riot creates and conjures an idea that two communities fought against one another. That could not be further from the truth. In fact, members of the Hindu community and of the Muslim community put their lives at risk to save their Sikh brothers and sisters, their Sikh neighbours. Until we can acknowledge that what occurred was a genocide, we do a disservice to their sacrifice and to their courage.

1500

Judith Herman, author of *Trauma and Recovery: The Aftermath of Violence—From Domestic Abuse to Political Terror*, writes a very powerful line with respect to what it means to have reconciliation: "Sharing the traumatic experience with others is a precondition for the restitution of a sense of a meaningful world. In this process, the survivor seeks assistance not only from those closest to her but also from the wider community. The response of the community has a powerful influence on the ultimate resolution of the trauma. Restoration of the breach between the traumatized person and the community

depends, first, upon the public acknowledgement of the traumatic event and, second, upon some form of community action." That's what we're doing today.

To honour the lives that were lost, we must publicly acknowledge that this was a heinous act. To have any healing and reconciliation, first there must be an acknowledgement that there was a harm perpetrated. That's what this does. It gives a sense of hope to those who suffered. It gives a sense of meaning in the lives of people who face such terrible trauma, and it rectifies the misunderstanding that this was some sort of communal violence. It was not; it was a state-organized perpetration of violence against a marginalized community.

The thing is, Madam Speaker, this isn't localized. Today in India, currently, academics, journalists and actors are being charged and imprisoned simply for voicing their dissent or their concerns about the state, people like Aamir Khan, a famous Bollywood actor who simply raised a concern about the rising intolerance in India, and was charged with sedition.

Gurmehar Kaur was a university activist who complained about the activities of fundamentalism creating a culture of intolerance, and she was threatened with rape. There's an ongoing use of violence against women. Dalit communities continue to be oppressed. People are facing caste discrimination where they are denied access to public resources because of their caste. All of this continues to go on. Human Rights Watch talks about these ongoing abuses.

This is a country that continues to use visa denial as a form of silencing critics. I currently have my visa denied. I can't go back to my own homeland. There are people here in this assembly who have been silenced because of their criticism of the human rights track record of India. They are in this assembly and they've been denied the right to go back to their own home.

This is important. This is a truly meaningful act towards reconciliation and justice.

The Deputy Speaker (Ms. Soo Wong): Further debate.

Mr. Harinder S. Takhar: I want to welcome the members of the Sikh community as well who are here today to watch this debate.

Madam Speaker, the diversity of our people is one of the strengths of our province. Ontario is proud and privileged to have a vibrant Sikh community that has contributed immensely—as so many members have pointed that out—to the economic and social fabric of our society.

The core principles observed in Sikhism include honest living, hard work and service to others. It's not a stretch of the imagination to say that these are the principles which resonate with most Ontarians.

The Sikh community has been an important part in the growth and success of our country. Sikhs worked hard in logging and forestry. They helped to build the railway, and even fought on behalf of Canada in the First World War.

We are debating a motion presented by the member from Brampton-Springdale that deals with justice,

human rights and fairness. It is far too often that a person turns on the news or opens a newspaper and is confronted by the reality of communal violence around the world. This sort of communal violence, hatred, hostility and intolerance must be denounced in all of its forms and all around the world.

Madam Speaker, the horrific stories which have been shared in this House—and we heard this last June as well—are true. I discussed some of them in the Legislature back in 2016, in June. Innocent people, for no fault of their own, were killed. Mothers witnessed their young sons so full of promise being murdered. Wives saw their husbands dragged out of their homes and murdered right in front of them. Young children watched as their parents were killed right before their eyes. Parents watched hopelessly as their daughters were raped. The homes they had lived in, the shops and the businesses which they built to have a new start, were ransacked and burned down to the ground.

Many movies and documentaries about the events in 1984 exist. They tell story after story of the kindness of human beings. While the carnage reigned, many individuals put their own lives at risk to protect their friends and neighbours who practised a different faith. The people who supported the others were not from the same faith. These people showcased the good nature in humanity by providing food and shelter and saving the lives of some of those people being targeted. I salute their moral efforts. I salute their kindness and the courage it took to stand against the hostility of the mob mentality and to allow compassion to serve their fellow human beings.

However, these horrific events cannot be denied. In 2005, former Prime Minister of India Manmohan Singh offered an apology for the events of 1984. He said the following, and I'm just quoting him: "I have no hesitation in apologizing to the Sikh community. I apologize not only to the Sikh community but to the whole Indian nation, because what took place in 1984 is the negation of the concept of nationhood enshrined in our Constitution. On behalf of our government, on behalf of the entire people of this country, I bow my head in shame that such a thing took place." This is what the Prime Minister of India said.

In 2013, former President Obama responded to an online petition campaign that had generated over 30,000 signatures and noted that grave human rights violations had occurred. He continued on to say, and I quote him: "We continue to condemn—and, more importantly, to work against—violence directed at people based on their religious affiliation."

Madam Speaker, after 32 years, families of the victims have been asking for justice to be brought to those responsible for the events of 1984. Widows have had to raise their children without any relief or support. Young women have been exploited and extorted by some criminal elements in the society. This is indeed very shameful.

For some victims and their families, the wounds caused by the events of 1984 may have healed over time.

For many others whose wounds are still open to this day, my words in this House today are really empty words, and they offer no relief to those families unless justice is served. But as the former Prime Minister of India, Manmohan Singh, once said, and I quote: "We cannot rewrite the past. But as human beings, we have the willpower and we have the ability to write a better future for all of us."

Madam Speaker, as I understand, the new government of the day has constituted a special investigation team to investigate serious criminal cases, and the Supreme Court of India is monitoring those investigations. The Supreme Court is now led by a world-renowned Sikh jurist and has the ability to write a better future and ensure that justice prevails.

1510

Our objective as legislators is to ensure that we leave behind a just society that values human rights. We must strive to bring communities together and help to build stronger, fair and cohesive communities where we can live in peace and harmony. Canada is a peace-loving nation, and we all are very proud to call Canada our home.

I look forward to a very meaningful and constructive debate in this House.

The Deputy Speaker (Ms. Soo Wong): I return to the member from Brampton–Springdale to wrap up.

Ms. Harinder Malhi: First, I want to thank all of my colleagues who rose and spoke to this motion today: the member from Prince Edward–Hastings, the member from Bramalea–Gore–Malton—once again, I want to acknowledge him for all of his hard work—the member from Mississauga–Erindale, the member from Brampton West and the member from Oshawa.

I want to thank everybody who is here today to show your support and solidarity with an issue that we have heard about. We have travelled the province over the last year; we've made many visits to organizations. We have heard about this issue, and that's why we are acting on this issue today. Thank you for your support.

I look forward to the support of this Legislature today.

The Deputy Speaker (Ms. Soo Wong): We will vote on this item at the end of private members' public business.

WIND TURBINES

Mr. Sam Oosterhoff: I move that, in the opinion of this House, the government should place a moratorium on the installation of industrial wind turbines in unwilling host communities in the province of Ontario.

The Deputy Speaker (Ms. Soo Wong): Mr. Oosterhoff has moved private member's notice of motion number 45. Pursuant to standing order 98, the member has 12 minutes for his presentation.

Mr. Sam Oosterhoff: When the residents of my riding drive down Port Davidson Road in West Lincoln, or Highway 20 or Sixteen Road, among many others, they see a once-pristine landscape marred by industrial wind turbines that they never wanted.

Speaker, today I am simply calling on the government to respect local decision-makers and residents by discontinuing the practice of placing industrial wind turbines in unwilling host communities.

There are many on that list of unwilling host communities. At least 90 townships and counties have passed specific resolutions saying they are not willing hosts. Among the non-willing hosts are the townships of Wainfleet and West Lincoln in the Niagara region. They have been consistent in reflecting the input they received from residents opposing the industrial wind turbines that now blanket much of the landscape. Niagara regional council has also backed their resolutions. Among the regional councillors who supported the resolutions is the mayor of Wainfleet, April Jeffs, who will be in the Legislature this afternoon and is the Ontario Progressive Conservative candidate for the riding of Niagara Centre in the 2018 general election.

Speaker, this government constantly talks about having conversations. Unfortunately, it turns out that these are one-way conversations, since this government doesn't really want to listen. The Liberal government has a long history of ignoring municipalities and local residents. It forced turbines on municipalities across rural Ontario, against the wishes and concerns of the communities.

Energy prices are going through the roof. We talk about that nearly every day in this Legislature. Ontario families and business owners are shocked every month when they see their electricity bill—no pun intended, because this is a serious matter. Hydro bills have skyrocketed by over 300% since this government took power.

Industrial wind turbines are one of the reasons people are facing a choice between heating and eating. Expensive and counterproductive power subsidies for turbines we don't want or need have contributed to the soaring hydro prices that are among the greatest burdens the people of Ontario have to face.

Whether they are spending billions of dollars to stretch out future debt payments or handing out rich subsidies to industrial wind turbine operators, this government will always stick Ontarians with the bill.

I'm not just tilting at windmills like Don Quixote, but a comparison is in order. Cervantes, in his famous novel, wrote about a dreamer of no substance who could not perceive reality—sounds a lot like the Liberals and their hydro plan. This government's scheme does nothing to address the root cause of the Ontario energy affordability crisis: the Liberals' Green Energy Act. We call it the bad contracts act because it was designed to benefit Liberal corporate donors, and locks taxpayers into a 20-year contract for overpriced wind and solar power. It's also for energy we don't need.

Since 2009, Ontario has given away \$6 billion—\$6 billion—in surplus energy to US states. States that have lower energy costs than Ontario are getting electricity from us at discount prices. We're giving businesses across the border a competitive edge over our own On-

tario businesses. Truly, Premier Wynne is the best Minister of Economic Development the United States has ever had.

Speaker, I'd like to remind everyone that although the NDP also like to complain about high hydro costs and say that they too are on the side of local communities, they were complicit in setting the stage for industrial turbines being forced down the throats of rural municipalities across Ontario. The NDP joined the Liberals to pass the bad contracts act that enabled the government to sign contracts with big hydro companies that aren't transparent and can't be examined. Municipal governments also say that their planning authority was eliminated by this provincial legislation.

I have no way of confirming the NDP's motivation, but I have a hunch. Unfortunately, I believe they fell for the Liberals' Orwellian doublespeak. By calling the legislation the Green Energy Act, the Liberals hoped everyone would fail to see what it really did. I also suspect they used this misleading title so they could attempt to label anyone voting against it as being against green energy. That is absurd.

Progressive Conservatives believe in the importance of protecting the environment and doing so responsibly, but we can do that without bankrupting Ontario. The Liberals seem to forget that Ontario already has a green energy source that they're wasting: hydroelectric. In 2015, the Liberals spilled or abandoned three billion kilowatt hours of energy from water power facilities that Ontario bought and paid for decades ago. There may be no use in crying over spilled milk, but spilling that much energy gives Ontarians good cause to cry when they open their energy bill.

Ontario has an energy affordability crisis because the government arrogantly refused to acknowledge Ontarians' concerns for years and refuses to cease with its reckless schemes. Today, we can take the first step in rectifying this situation by stopping the practice of forcing industrial wind turbines on unwilling communities. Liberal and NDP members who supported the legislation that led to this disaster can make amends and show respect for our communities by voting for this motion.

This is an opportune time to remind the Liberals of your government's first throne speech under Premier Wynne. Premier Wynne, in her first throne speech, committed to the following—this is from the Premier of Ontario, the current Premier:

"Your government intends to work with municipalities on other issues, too.

"Because communities must be involved and connected to one another.

"They must have a voice in their future and a say in their integrated, regional development.

"So that local populations are involved from the beginning if there is going to be a gas plant or a casino or a wind plant or a quarry in their hometown.

"Because our economy can benefit from these things, but only if we have willing hosts."

Any reasonable person would assume that this means the government would give communities a voice and respond to their concerns. Unfortunately, that's just not the reality. Four years after these words were read out, we're still waiting.

This past December I attended a meeting in Smithville, in my riding, held by the West Lincoln Glanbrook Wind Action Group. There were more than 50 people on a Thursday evening who came out to share their concerns about the blight of unwanted industrial wind turbines in our community.

The government members may not have paid attention to the many petitions PC MPPs have submitted regarding this issue, nor seemingly have they paid attention to their own communities. The 90 unwilling communities are in several of your ridings as well. My honourable colleagues from Huron-Bruce and Simcoe-Grey brought multiple motions to this assembly asking for a moratorium and for respect for local decision-making, but they were voted down and the concerns were ignored.

Since I have your attention today, I would like to give you a sample of what people are saying. Residents in close proximity to turbine locations express concern about the impact on their health, the local environment, declining property values and, of course, the lack of local decision-making on industrial wind turbine projects. They can't fathom, along with many other Ontarians, why this government is paying unaffordable subsidies for these projects for as long as 20 years, after which we'll only be faced with disposal problems to protect the environment as they wear out or are decommissioned.

1520

The grassroots organization Mothers Against Wind Turbines sent me an eloquent letter that aptly describes how concerned and, yes, even scared people are about the impact of these turbines. Speaker, allow me to quote portions of the letter:

"Harm from operating wind turbines continues to strike vulnerable individuals and families within the most personal and intimate of all spaces that being our homes. Health is defined as not just an absence of disease and illness but encompasses a state of well-being. Wind-powered electrical generation facilities persistently are creating reports and case histories of residents reporting sleep disturbances, vertigo, tinnitus and many other negative health symptoms." Some "families are leaving their homes for extended periods of time for relief. Every day new cases are becoming public where homes are abandoned following the commissioning of wind projects.

"The economics of power generation means that an increasing number of people are unable to pay their electricity bills—this is also part of the harm from wind power. Ontario's current energy policies contribute to soaring electricity rates which affect all ratepayers of our province. Energy poverty and household impoverishment are direct adverse health impacts arising from the monetary burden of the implementation of the Green Energy Act (enacted in 2009)."

There's one particular sentence from this letter that I ask all MPPs here today to consider before voting on my motion: "Consent to govern does not give political representatives the authority to harm another without impunity or restriction."

That is exactly what this government's industrial wind turbine scheme has accomplished—whether it's by forcing people into energy poverty or compromising their enjoyment of life. Life has become harder under the Ontario Liberals. So I ask all members today to take a step towards showing respect for our communities and relief on our hydro bills.

The Minister of Energy has acknowledged that this government has made mistakes with the energy file. The Premier has acknowledged that there are serious issues on the energy file that her government is going to be working on. Yet they don't seem willing to address the fundamental reasons behind those mistakes. Today, I'm giving them a chance, and I hope they'll take up the chance that this government can make remedy. If they're actually sorry, they will vote for this motion. If the Liberal government is actually willing to listen to rural residents, to listen to municipalities and to follow up on the words of their throne speech, I hope their caucus will vote in favour of my motion.

Madam Speaker, as always, it is an honour to be able to rise in the Legislature, to represent the fine residents of Niagara West-Glanbrook, and to bring their concerns forward. This is a concern I've heard every step of the way and almost every day since I've been elected. I'm very pleased to put my name to this motion and to bring it before the House for consideration, and I hope that members on all sides of the aisle will consider it in the best interests of not only their constituents, but all of Ontario, to support it.

The Deputy Speaker (Ms. Soo Wong): Further debate?

Mr. Michael Mantha: It's always a privilege to stand on behalf of the good people of Algoma-Manitoulin—and to finally have a discussion about this particular issue, which I always answer in the same way to my constituents back home when we have this discussion: Climate change is real. It is happening. We need to make sure that we deal with it, and we need to make sure that we do our part. That's the discussion, and those are the suggestions that I'm getting from constituents back home. The decisions that we have made, our practices as far as our dependency on fossil fuels, have definitely left a negative impact on this environment, and we need to take steps appropriately in order to deal with this.

We definitely support green energy. What we don't support, what we never supported, was the implementation plan of this Liberal government—how they brought it in, how they imposed it, how they took the democratic right of municipalities and communities and how they put communities against communities, groups against groups, streets against streets, neighbours against neighbours, First Nations against First Nations, elders against elders. That is nothing that we've ever supported, and

this government has full-heartedly exactly done that, which is the main problem of this issue.

The other thing that is at the heart of this problem is the privatization of the entire Green Energy Act, opening this up to foreign and private contracts—lucrative foreign and private contracts. We had an opportunity to actually give a democratic view or opinion to our local leaders, who have been asking for new revenue-generating tools. But no, let's not have the municipalities have a decision on that; the Liberal government has their own revenue-generating tool, is what they've done.

I've witnessed this extensively across my riding, in Goulais River, the Sault North area and on Manitoulin Island. It was gut-wrenching to see some of the decisions that were being made that were taken out of these communities' hands, where they wholeheartedly went in and held their picket lines and information sessions in order to talk about the issues that they have. But unfortunately, that decision was taken away from them.

This decision on the green energy—how this government has imposed it on communities—has really built walls. That's something that this government should learn from. Something that builds a wall between community members—between communities, between neighbours—is not good, sound policy; it just isn't. We should be looking at bringing policy forward that brings people together, that gives them the opportunity to provide their input, that respects the opinions of the medical field that comes in and says, "These could potentially bring harm to these individuals if they're placed too closely." But we didn't do that. The Liberal government just plowed ahead: "We know best, and we're going to do this. I'm sorry. We hear you, but we're going to do it anyway."

So when you look at this and you look at what's at the heart of the problem here, which is the privatization towards the private and foreign corporations that have signed on to lucrative contracts—are those going to be reversed by my friends here to the right? Are they opposed to privatization? Are they going to reverse those contracts? Are they going to rip them up and throw them out? I'm a little bit skeptical about that, because irresponsible, irrational actions might cost Ontarians that much more money in the future.

An NDP government will be a responsible government that will bring in real, green, public energy. That's what people are asking for. That's what well over 80% of this province has been asking for—opposed to the fire sale of Hydro One, and for bringing back under public hands.

People who are watching today, listen to the debate. Listen very closely to the words that are being said by each of the parties in there. There's only one party that is saying that we're going to return this to public hands and provide a true, true public vision in regard to how we're spending our power. That's the message that I always share with the people across Algoma-Manitoulin. It is the message that I've consistently shared with them. It's the one that I give today, and it's not changing any time soon.

The Acting Speaker (Mr. Paul Miller): Minister of Economic Development and Growth.

Hon. Brad Duguid: Thank you, Mr. Speaker. I'm pleased to enter into this debate. I've got to tell you, the member for—I should know the riding—

Interjection.

Hon. Brad Duguid: —Niagara West—Glanbrook. My eyes are fading. When you've been here for a while, your eyes start to fade.

I've got to tell you how impressed I was by the fact that while he was speaking, I gave him a couple of little heckles and he actually heard the heckles while he was speaking. That's a skill that took me years to acquire. He's only been here a matter of months and he already knows how to do that. So I can only imagine how much stronger he's going to get as he gets more experience here.

I couldn't disagree more, though, with the comments that he made. I understand he's entitled to his position, but at the same time, the fact of the matter is, we had to invest heavily to rebuild our energy system. I was just at a business this morning with the Minister of Energy where we were talking a little bit about that. Speaking from a business perspective, we would not be where we are today in our economy if we did not have a reliable energy system. If we did not make the investments that we made in our energy system, which we made because we had to, we would not be where we are today, which is leading Canada in growth, which is leading the G7 in growth, which is the lowest unemployment rate we have seen in 10 years. That's not a bad place for an economy to be, leading the G7 in growth.

1530

Having a strong, reliable energy system is crucial to our ability to do that. We don't tend to talk about that that much. It might not be the most interesting thing to talk about. We talk about our low, effective corporate tax rates which are among the best in North America, our really competitive R&D tax credits, which are very important for attracting investment. We talk about our talent that we've invested a lot in, to ensure we've got some of the best talent anywhere in the world.

Having a reliable energy system is just as important because, trust me, all of those big manufacturers that are producing, in many cases, at record amounts today in Ontario—our booming auto industry in this province—would not likely be here or have stayed here, especially during the tough times, if they didn't have a reliable energy system. So that was choice number one.

Choice number two was, what do we replace it with? Do we replace it with dirty coal? Do we do more of the same? Do we continue to allow 20% of the energy that we produce to be off of dirty coal? Or do we do what other countries have wanted to do, but haven't been able to achieve, and get off of coal? We decided to make a strong stand on this, and we did—the first jurisdiction anywhere that we're aware of in the world to be able to wean our energy system off of coal, the single largest climate change initiative during our time.

Our kids are going to live longer because we made the decision to get off of coal, and that is no exaggeration. I know that the Minister of the Environment is going to speak to this. He's going to talk about smog days and how I don't think we've had one since 2014. We're breathing cleaner air, we're getting healthier results. Our economy now is one of the leaders when it comes to clean tech, because of the investments we've made to get off of coal and replace it with newer forms of power, which include wind power.

So, Mr. Speaker, anybody who would support this initiative also has to say that it's okay to pollute our air; it's okay to allow our kids not to live as long as they would live otherwise; it's okay not to have healthy outcomes in our society; it's okay not to lead the world in clean tech; it's okay to let our economy not be competitive as we move to a low-carbon economy.

I don't think that's okay. I don't think that the position being taken by the member opposite is at all responsible.

I think this is a time for us to stand up for clean energy, to stand up for making those challenging decisions and moving towards renewables, and to move Ontario into the future, not take us back to the past.

The Acting Speaker (Mr. Paul Miller): Further debate? The member from Niagara Falls.

Mr. Wayne Gates: Mr. Speaker, thank you for allowing me to rise and speak to this motion today. There's one particular part of it that I am hoping to speak to, and that's the community consultation aspect. When it comes to fighting climate change, we will never succeed unless the communities not only approve of our actions, but are an active partner. I have one example of what happens when this goes wrong.

In Niagara-on-the-Lake, a company currently owns a biodigester on Four Mile Creek Road. These biodigesters are designed to be on big, rural lots, far away from any neighbours, where they recycle waste. The problem is that the one in Niagara-on-the-Lake was put directly beside a number of houses.

Residents have had me down to their homes to see this biodigester in action. During the summer, the smell is so bad that they can't go outside. Sometimes the noise is so loud from the equipment that residents are woken up very early in the morning. Depending on what's being recycled there, it can draw flies which come in such numbers that these residents can't even open their windows on a summer day or go outside in their backyards.

Imagine, you've lived in a home for decades and one day a biodigester is built beside you. Now you can't sit outside or even keep your windows open. Does that seem right? I know these residents. They're good people. They care about the environment. I have no doubt in my mind that they want to protect our environment just as badly as I do.

Mr. Speaker, had they been consulted about the effects of this biodigester, they never would have agreed to have it there. If somebody would have talked to them, they would have said no. I have no doubt that if there was an operation there that didn't affect their ability to enjoy

their homes and their lives, they wouldn't have an issue with this.

Instead, they had to band together and try to fight this legally. They are paying out of their pocket to try and defend the right to live in their own homes comfortably.

Mr. Speaker, let me conclude by saying this to the member who just had the motion: The Welland riding in our area has been held for 42 years, and we expect it to be held for another 42 years. I just thought I'd throw that out to you, because you mentioned it.

I can agree that communities need to be partners in the battle against climate change. I've written to the minister, who is here today, about the issue of the biodigester. I'm hoping he'll act to help these residents and bring them on board with what they're trying to do.

I do not believe the intentions of the PC Party are pure here. We have heard their beliefs about climate change, and we know that if they ever had a chance at forming government, they'd gut every environmental regulation they could find. They have no interest in fighting climate change, even if it means that their policies would destroy the environment for my kids and my grandkids, about whom, by the way, I have stood up here and spoken many times.

The Acting Speaker (Mr. Paul Miller): Further debate?

Hon. Glen R. Murray: I always find the Conservatives on the environment amusing. If it wasn't such a serious issue, it would be a little laughable.

First of all, there have been a number of reforms right now that have been in place that give communities more control. No one is pretending that everything that we did in this government rolled out perfectly, without flaw.

My father taught me this in business, Mr. Speaker. He said, "I'm successful in business"—and he built a great family business—"not because of my successes, but because of my mistakes." He said to me, "Glen, being successful in life is the power of your imagination and your capacity for innovation." He said, "Innovation is really about one thing. It's looking for a better way to solve a problem than the way that you've always done it."

But he said, "Here's the biggest reason that people don't innovate. The more you depart from the tried and true and the way that you've always done it, the higher the probability of both great success and great failure." My father was a guy who actually lost his entire business at one point in his life, and 10 years later he built up a business worth millions of dollars from nothing—from literally we were looking at selling our house one year because the economy went down and it was a vulnerable period in my father's business. He did that, and I learned that success, Mr. Speaker.

So where are we now on energy and on climate change? We've taken chances and risks that other governments and jurisdictions were afraid to take. We introduced a feed-in tariff that actually launched probably one of the largest scale-ups of wind and solar energy and one of the first new emerging sectors in our economy. Since

1980, we've gone from something like \$86 a kilowatt hour to 36 cents for solar and wind.

What happened was that we stepped up. We, Quebec, California and other jurisdictions—Manitoba and others—started in when it was tough. We broke the ground such that solar is now just about the least expensive energy in the world. When it came to coal plant closures, we stepped up and were the first in North America, and right now really one of the only, that closed coal plants.

Everyone loves to talk about “across the border.” The Tories love everything south of here, especially these days. Ohio is the largest source of pollution: carbon dioxide, greenhouse gases, NO_x, SO_x and mercury. Michigan now has to close nine coal plants. Talk to Governor Snyder. They have to do it, not in the period when it was less expensive, when Ontario did it, but they are now coming to a high-cost structure of closing coal and they're going to have to replace it.

1540

Interjection.

The Acting Speaker (Mr. Paul Miller): Member from Bruce–Grey–Owen Sound.

Mr. Bill Walker: Sorry, Speaker.

Hon. Glen R. Murray: In the Americas, only Quebec and Ontario, because of those programs, are below 1990 levels. We are now about 7% below 1990 levels and Quebec is about 8%. No other jurisdiction in the Americas is tracking on the Kyoto commitments. The Leader of the Opposition, as a member in Ottawa in the federal government, has the great, great honour of saying he was a part of the only government in the world that pulled out of Kyoto and then said nothing about climate change for five years.

Mr. Gilles Bisson: Trump's about to do the same.

Hon. Glen R. Murray: It's the same politics you see from the President right now in pulling out of Paris, or threatening to.

Now we are decarbonized. Now we're benefiting from a scale phase, and now we have a reform system that reflects more local decision-making. But there are people in Pickering who have a nuclear plant with storage of the waste. I've got transmission lines that run by my building and all kinds of energy infrastructure and a gas plant within spitting distance of my house.

When we want to turn on our lights, someone has to live near the gas plant, someone has to live near the transmission lines, and if you actually look at the history of energy infrastructure and transmission infrastructure, this now is probably one of the most democratic localized sets of decision-making because nobody has unfettered ability to cancel something, because if they did, how many communities would vote for transmission lines? How many communities would like to have a transmission line running through their community? There's always a tension and balance between the general public good and “What I do want near my backyard?” I think with some humility and some experience, we've landed on a much more balanced perch.

But the other challenge we have is that we are now heading for a four-degree Celsius change in temperature on our planet. Paris was a commitment to try and stay under two, with the aspiration of staying under 1.5 degrees Celsius. We are actually heading for about four degrees Celsius right now, because if you take all of the commitments of all the signatories to Paris, some of which are failed states and have no capacity to deliver them, we're still at four degrees.

So the good news about Paris is the cup is half full. We've at least got an international commitment right now to recognize the problem and get us halfway to the solution. But if we don't double down, ironically, the one member of this House who for sure will be living through the hellish nightmare that is a 2030 or 2040 or 2050 or 2060 of droughts—

Mr. Gilles Bisson: How do you know we won't live that long?

Hon. Glen R. Murray: Because I read science.

It's a really interesting thing. I remember when the NDP actually cared about the environment. I really do.

The Acting Speaker (Mr. Paul Miller): Stop the clock. The member from Timmins–James Bay and the minister are exchanging little barbs. I'd appreciate it if they would go through the Chair. Thank you.

Continue.

Hon. Glen R. Murray: I want to say one thing in this House, because the member for Toronto–Danforth has been one of the most reliable and solid members, one whom I've actually learned a lot from since I've taken this job. He's a generous soul, and if we all listened to him, we'd all be better informed.

I've been watching the Conservative race, where Mr. O'Leary said he's going to come and campaign in Ontario against Mr. Brown and the Conservatives over a carbon tax. It was particularly interesting when the second-highest-ranking member of their caucus, their deputy leader, the member for Leeds–Grenville, endorsed him. So when the member from Niagara Falls suggests that, as Dr. Phil says, past behaviour is the best indicator of future behaviour, I think the chances of ripping it up are darned good.

The Acting Speaker (Mr. Paul Miller): Thank you. Further debate?

Mr. Jim McDonell: I'm pleased to rise to speak to ballot item 48, the moratorium on the installation of industrial turbines in unwilling communities.

As you know, we are, in my riding, an unwilling community, and we're dealing with this mess that this government has created with the help of the third party, the NDP, who of course have supported this Green Energy Act right through.

The really disappointing part is, you could shut down all the solar and wind power that this government has overpaid for for years and we would still have a surplus. Partly because they've shut down so much of the manufacturing, we're not using as much power as we did in 2003. That's a clear fact. You can't argue with that. That's the way it is today.

But look at this file; they jump all over. Closing the coal plants: If you go back to the last time a PC Party was in power, they put a plan in to get rid of the coal plants by 2014. Of course, the Liberal Party at the time said, "That's not good enough. We'll make it by 2007." Well, they didn't make it. The next election would be 2011; they didn't make it. When did they make it? They didn't even make the original time period that the Mike Harris government had committed to. The reason why they didn't just throw out a date is because it wasn't reasonable to go to that date. Even with as much as they've spent, they couldn't make it either, but they were willing to string the people along, thinking they could do so much better.

I don't want to repeat what one of the leaders of the Conservative Party called that group in Ottawa that day, the ministers of the federal government, who are in there making deals when nobody else in the world is moving ahead on it. We support climate change—but we have to be part of a plan that the world is endorsing and we can move on. We'll be bankrupt before we can utilize the technology that the world is coming ahead on. We've already wasted billions on power plants we decided to move. We have another lawsuit because of turbines they turned down because they were in Liberal-friendly ridings. We have transmission lines that are going across the country, tied into the ground, generating hundreds of millions of dollars in interest. The whole file is strictly a mess. You're destroying our economy, and we'll have nothing left to really fight climate change.

In our last round, in my riding, you gave one of the largest—or the largest—wind turbine contracts, out in North Stormont, to a group of people that decided to turn down what many people would call a bribe to the community: almost half a million dollars a year for the length of that project if the council would pass a resolution. In most cases, if a contractor is willing to pay that kind of money to a council to make a decision, I would think that somebody should be in the courts for a conflict of interest. But not under this Green Energy Act. That's allowed.

I think we have to look at where we're going here. We've got very expensive power—power that still, in 2015, was double what they were paying in Quebec at the same time. But I understand that the people that responded to those tenders did not have to give the governing party \$1.3 million at the time. You look at what's going on with this party and this government. Every time you turn around, there's just another abuse of the taxpayer. We're not getting the benefit.

He was quick to talk about how we bought into this green energy, but we paid the highest prices in the world—double what Germany was paying. And for what reason? The floor had been established at 40 cents; why are we paying 80? We're seeing the damage that has caused our economy, and I think that, as a lot of people have rightly said, we'll be broke well before the rest of the world comes on stream with these plans.

I know I have other people in the party that want to speak. The file is a mess.

The Deputy Speaker (Ms. Soo Wong): Further debate?

Mr. Bill Walker: It's a pleasure to speak to Mr. Oosterhoff's, my colleague's, motion: that, in the opinion of this House, the government should place a moratorium on the installation of industrial wind turbines in unwilling host communities in the province of Ontario.

What started as a Liberal sole-sourced and shady \$7-billion Samsung contract has morphed into a multi-billion dollar colossal energy bungle that has left Ontario families in poverty and ratepayers on the hook for a lot more, and for a very long time. Since 2009, ratepayers have paid \$37 billion for the Liberal's wind and solar experiments and are on the hook for an additional \$133 billion in subsidy payments until 2031. The Minister of the Environment used the terminology that the Liberals were "breaking ground." I would suggest that what the Liberals have done with this experiment is broken the bank and wallets of Ontarians. Shame, Speaker.

But what's worse, there are still members on that side of the House who continue to doubt that these bad contracts created a hydro crisis in Ontario. The energy minister himself doubts it and denies that green subsidies are hurting Ontarians, our economy and jobs—this despite knowing that as many as 60,000 family homes have been disconnected due to inability to pay skyrocketing hydro bills; despite hearing that more people are forced to burn wood to keep their house warm and to cut electricity bills; despite seeing 300,000 manufacturing jobs disappear from our great province; and despite seeing that hydro rates increased 400% since 2003 while outages increased by 275%.

1550

These are the realities that party continues to deny, and it's precisely why their Premier and their energy minister continue to call the crisis a modernization of the electricity system—irrational, Madam Speaker. You see, what's obvious to you and I is never so to them, which is why they can't be trusted to get us out of this hydro crisis that they've created and why they will keep driving us deeper into the hydro crisis. It's simple: They probably won't support today's motion because they don't believe there's a hydro crisis.

In the words of one of my constituents, Lorrie Gillis, "There remains too much misinformation being put out there. Some seem to want to minimize the problem, some seem to want to make a buck off the problem and some don't seem to have a clue about what's happening at ground zero but speak as though they do anyway."

It's precisely this denial and doubt that has prompted the Liberals to pitch their newest hydro scheme, their so-called hydro-25-cut that's costing nearly \$1 million in partisan advertising to spin the media. What they fail to put in those ads is that you're getting 25% back—a reduction—but they've increased the rates by up to 400%. That's not a deal for anybody, and it's your money. Sadly, it's going to cost these pages, for 25 years, \$25 billion that could be going to schools, that could be going to health care, that could be going to social programs.

I know that it's essentially a shell game that stretches out the cost of their hydro mistakes not over one but over three or four generations, pushing even more Ontarians out into danger, out into areas of poverty, while allowing rates to go up again under their scheme. So I challenge them to be sincere and give Ontarians the real hydro break they deserve and need by addressing the root cause of the hydro crisis: the Green Energy Act, or the green energy experiment.

Unlock ratepayers from their 20-year contracts for overpriced wind and solar power. It's for energy we don't need. Since 2009, Ontario has given away \$6 billion in surplus energy to the US.

Put a moratorium on wind turbines and don't sign any new, expensive, bad contracts—or, as we call it, the bad contracts act.

Restore democracy to local municipalities—groups like the Multi-Municipal Wind Turbine Working Group.

Stop the fire sale of Hydro One.

And, like my colleague from Prince Edward county is always bringing up over the last couple of weeks, rein in the exorbitant executive compensation in the energy sector. Admit it's unacceptable. The CEO of Hydro One made \$4.5 million in 2016 when Ontarians are burning wood to keep warm and clearly suffering to pay their bills.

If I'm wrong, and you're not in doubt of the repeated warnings and reports from the Auditor General and nine separate PC motions in this House to close the grid to any more expensive energy experiments, then you will vote to pass this resolution.

Restore democracy to local municipalities. Do the honourable thing and help restore what was a historic strength in Ontario: reliable and affordable energy.

The Deputy Speaker (Ms. Soo Wong): Further debate?

Mr. Jim McDonnell: Point of order.

The Deputy Speaker (Ms. Soo Wong): Point of order.

Mr. Jim McDonnell: I just want to correct my record, Speaker. Earlier, I said that we support climate change. We support the fight against climate change, as everybody knows.

The Deputy Speaker (Ms. Soo Wong): Everyone has a right to correct their record.

Further debate?

Mr. Gilles Bisson: I'm glad to participate in the debate because I think a couple of things have to be made very clear. First of all, as New Democrats, we've always supported green energy. That is a no-brainer from the NDP side of the House. We need to do everything that we can in order to deal with climate change and have effective policies that get us there, so that at the end of the day, we can actually make a meaningful difference when it comes to making sure that we reduce carbon emissions.

The issue here, however, is that the government and the Tories are having a little bit of a false debate here. On the government's side of the House, the government is saying, "There's no other choice. It's a question of: If

you don't do this, you've got to bring in coal." Silly. Every political party in the Ontario Legislature affirmed itself years ago to get rid of coal in this province. When I hear the government get up and start talking about Conservatives or New Democrats being opposed to getting coal, I say that it's a false debate, because each political party in this House—all three—took the same position. Nobody has ever been opposed.

What we're opposed to is the plan that the government is currently following when it comes to green energy. It's mostly all private power. Instead of looking at how we can build green power in a way that makes sense from a public policy perspective within the public system—so that we can build electricity at cost within the green sector, and not only reduce carbon emissions but do it at a better cost—this government chose the most expensive option. As a result of that, our hydro bills have gone through the roof.

Now the government is finally admitting that hydro bills are too hard for people to bear, so now they're going on the credit card, borrowing billions of dollars so they can give people a savings before the next election. When the government gets up in this House and says, "This is all about carbon. This is about eliminating coal," I say hogwash.

And on the Conservative side, if the Tories were really serious about dealing with energy prices, they should adopt the position New Democrats have, to say and to be clear that should you form the government—which I don't think you will—then at least say that yes, you will stop privatization, but that you will reverse it and bring it back into the public sector so that we can go back to what we did best in this province: to generate the required amount of electricity in this province, at cost, and pass those savings on to consumers and businesses. That's what this should be all about.

But instead, what we have is a bit of a political move here. I understand what the member is trying to do, and I want to support this resolution, because like him, I believe that municipal councils should have a say. I think it's absolutely wrong for a municipal council not to have a say when it comes to planning within their community, and planning includes windmills, digesters or whatever other form of energy is being built.

That energy will be built. There are ways of building consensus. There are ways of making sure that we bring in green power, but I think there are two things that have to happen. The first one is that New Democrats are committed to green energy. We're committed to making sure we reduce our carbon footprint, but it must be done within the public system, not a privatized system that has cost us far more money than we need and has driven hydro bills through the roof in this province.

The Deputy Speaker (Ms. Soo Wong): Further debate?

Mr. Todd Smith: It's a pleasure to join the debate on this motion brought forward by my friend from Niagara West—Glanbrook. When I was a new member in the Legislature—it seems like only yesterday, but it was about six years ago now—I brought forward the Local

Municipality Democracy Act. That was in the second week that I was actually a member of provincial Parliament.

It all stems back to the fact that municipalities have had their planning authority stripped away from them, not for a new Tim Hortons on the corner of Main and Jones Streets, but for industrial wind turbines in their communities, or renewable green energy projects in their communities. Municipalities that have declared themselves unwilling hosts have had these enormous industrial wind turbines forced on them.

You drive down through southwestern Ontario, and it's all you can see basically from where my friend lives here all the way down to Windsor. When you're driving through that region in the middle of the night, all you see is the flickering red lights going off.

The Local Municipality Democracy Act, back in the day, would have restored planning authority back to the municipalities when it comes to these projects. What happens is that you have these unwilling host communities who don't want the turbines there. They have to spend thousands and thousands of dollars in court at these environmental review tribunals—which many people believe are a scam, although we did have a successful one in Prince Edward county where a wind turbine project was overturned because of concerns about endangered species and such.

The damage that they're doing to communities is enormous. They're ripping communities apart. Think about it: A company is going to give one farmer who knows how much—thousands of dollars a month—but the farmer who lives next door has got to look at the same wind turbine, and he's not getting anything except for an increasing electricity bill.

Mr. Bill Walker: And potential health issues.

Mr. Todd Smith: And health issues, as well, as my friend says. It's ripping communities apart. I know that because I've seen it first-hand, where long-time friends are no longer friends anymore.

We had an incident in Prince Edward county this past week where, because of the fact that there's no planning, there's no input with local municipalities anymore, a barge came into the Picton Terminals in Picton. It was going to load gravel to take over to Amherst Island to build a dock on the south side of Amherst Island, with no environmental assessments necessary or anything, because you don't need any of that with the Green Energy Act—who cares about the environment? It's the Green Energy Act, after all. It's going to do great things for the environment, right? Absolutely not. What happens is, this barge sinks in Picton Bay, and my community has been under a boil-water advisory now for over a week, all because no permitting is required under the Green Energy Act.

These are the kinds of things that can happen when you take the local decision-making out of the process, and that's why we have to support the motion that's put forward by my friend from Niagara West—Glanbrook today. These things have been a disaster. The government even admits it. Surely they're going to support this motion here this afternoon.

The Deputy Speaker (Ms. Soo Wong): I return to the member from Niagara West—Glanbrook to wrap up.

Mr. Sam Oosterhoff: As always, it's a pleasure to be able to stand in this House and represent the fine constituents of Niagara West—Glanbrook. I wish to thank all the honourable members in this House today who spoke to my motion. I wish to thank the member from Algoma—Manitoulin; the member for Stormont—Dundas—South Glengarry; the Minister of Economic Development and Growth; the member from Niagara Falls; the Minister of the Environment and Climate Change; the member for Bruce—Grey—Owen Sound, who's been a strong voice and advocate for his constituents on this issue; the member for Timmins—James Bay; and the member for Prince Edward—Hastings. Thank you all very much for speaking to this.

Look, this is a matter where, as on so many issues, the Ontario Liberals play the same old games. They love to talk the talk and they hate to walk the walk. The reality is that they talk about collaboration. They talk about working with municipalities. In the first throne speech brought forward under this Premier, Madam Speaker, we saw that they said, "communities must be involved and connected to one another," and that the government "intends to work with municipalities" on all these issues because our economy can benefit from things like wind turbines, but only if we have a willing host.

And yet, if I read between the lines on the rhetoric that I receive from across the aisle, I can see that they are in love with these bad contracts. They think that they need to ensure that we have these contracts, and that means they believe forcing industrial wind turbines on unwilling host communities is perfectly okay to do. They don't care about the mayors of these towns; they don't care about the residents of those towns.

On that note, I wish to introduce the mayor of Wainfleet, Her Worship April Jeffs, who is going to be the Ontario Progressive Conservative candidate in 2018 in the riding of Niagara Centre.

Madam Speaker, my time is coming to a close. I want to thank again all those who spoke to this, but the reality is that if we want to see active change, if we want to see collaboration, I hope that all members in this House will vote in favour of this motion.

The Deputy Speaker (Ms. Soo Wong): The time allocated for private members' public business has expired.

REA AND WALTER ACT (TRUSS AND LIGHTWEIGHT CONSTRUCTION IDENTIFICATION), 2017

LOI REA ET WALTER DE 2017 SUR L'IDENTIFICATION DES COMPOSANTS STRUCTURAUX À OSSATURE LÉGÈRE

The Deputy Speaker (Ms. Soo Wong): We will deal first with ballot item 46, standing in the name of Mr. Pettapiece.

Mr. Pettapiece has moved second reading of Bill 105, An Act governing the identification of truss and lightweight construction in buildings.

Is it the pleasure of the House that the motion carry? I hear “carried.”

Second reading agreed to.

The Deputy Speaker (Ms. Soo Wong): I’m going to turn to the member to let us know what committee he wants to refer the bill to.

Mr. Randy Pettapiece: General government, Madam Speaker.

The Deputy Speaker (Ms. Soo Wong): General government? Agreed? Agreed.

SIKH MASSACRE

The Deputy Speaker (Ms. Soo Wong): Ms. Malhi has moved private member’s notice of motion 46.

Is it the pleasure of the House that the motion carry?

All those in favour of the motion, please say “aye.”

All those opposed to the motion, please say “nay.”

In my opinion, the ayes have it. This will be a vote at the end of private members’ public business.

WIND TURBINES

The Deputy Speaker (Ms. Soo Wong): Mr. Oosterhoff has moved private member’s notice of motion 45.

Is it the pleasure of the House the motion carry? Okay, let’s do that again.

All those in favour of the motion, please say “aye.”

All those opposed to the motion, please say “nay.”

In my opinion, the nays have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1604 to 1609.

The Deputy Speaker (Ms. Soo Wong): Members, please take your seats.

SIKH MASSACRE

The Deputy Speaker (Ms. Soo Wong): Ms. Malhi has moved private member’s notice of motion number 46. All those in favour, please rise and remain standing until recognized by the Clerk.

Ayes

Ballard, Chris
Bisson, Gilles
Chiarelli, Bob
Cho, Raymond Sung Joon
Coe, Lorne
Colle, Mike
Des Rosiers, Nathalie
Dhillon, Vic
Duguid, Brad
Forster, Cindy
Fraser, John
Gates, Wayne

Harris, Michael
Kiwala, Sophie
Malhi, Harinder
Mantha, Michael
Martins, Cristina
Martow, Gila
McDonnell, Jim
McGarry, Kathryn
McMahon, Eleanor
Miller, Norm
Miller, Paul
Murray, Glen R.

Oosterhoff, Sam
Potts, Arthur
Qaadri, Shafiq
Rinaldi, Lou
Singh, Jagmeet
Smith, Todd
Takhar, Harinder S.
Taylor, Monique
Vernile, Daiene
Walker, Bill

The Deputy Speaker (Ms. Soo Wong): All those opposed, please rise and remain standing until recognized by the Clerk.

Nays

Damerla, Dipika
Dickson, Joe

Dong, Han
MacCharles, Tracy

Sandals, Liz

The Clerk of the Assembly (Mr. Todd Decker): The ayes are 34; the nays are 5.

The Deputy Speaker (Ms. Soo Wong): I declare the motion carried.

Motion agreed to.

The Deputy Speaker (Ms. Soo Wong): We’re going to open the doors for 30 seconds.

WIND TURBINES

The Deputy Speaker (Ms. Soo Wong): Members please take your seats.

Mr. Oosterhoff has moved private member’s notice of motion number 45. All those in favour, please rise and remain standing until recognized by the Clerk.

Ayes

Bisson, Gilles
Cho, Raymond Sung Joon
Coe, Lorne
Forster, Cindy
Gates, Wayne

Harris, Michael
Mantha, Michael
Martow, Gila
McDonnell, Jim
Miller, Norm

Miller, Paul
Oosterhoff, Sam
Smith, Todd
Taylor, Monique
Walker, Bill

The Deputy Speaker (Ms. Soo Wong): All those opposed, please rise and remain standing until recognized by the Clerk.

Nays

Baker, Yvan
Ballard, Chris
Chiarelli, Bob
Colle, Mike
Damerla, Dipika
Delaney, Bob
Des Rosiers, Nathalie
Dhillon, Vic
Dickson, Joe
Dong, Han

Duguid, Brad
Fraser, John
Hoskins, Eric
Kiwala, Sophie
MacCharles, Tracy
Malhi, Harinder
Martins, Cristina
McGarry, Kathryn
McMahon, Eleanor
Milczyn, Peter Z.

Murray, Glen R.
Potts, Arthur
Qaadri, Shafiq
Rinaldi, Lou
Sandals, Liz
Sousa, Charles
Takhar, Harinder S.
Vernile, Daiene

The Clerk of the Assembly (Mr. Todd Decker): The ayes are 15; the nays are 28.

The Deputy Speaker (Ms. Soo Wong): I declare the motion lost.

Motion negated.

VISITORS

The Deputy Speaker (Ms. Soo Wong): I recognize the member from Davenport.

Mrs. Cristina Martins: On a point of order, Madam Speaker: With your indulgence, I want to introduce the senior group from the Abrigo Centre in my riding of Davenport.

Remarks in Portuguese.

ORDERS OF THE DAY

PUTTING CONSUMERS FIRST ACT (CONSUMER PROTECTION STATUTE LAW AMENDMENT), 2017

LOI DE 2017 DONNANT LA PRIORITÉ AUX CONSOMMATEURS (MODIFIANT DES LOIS EN CE QUI CONCERNE LA PROTECTION DU CONSOMMATEUR)

Resuming the debate adjourned on April 4, 2017, on the motion for third reading of the following bill:

Bill 59, An Act to enact a new Act with respect to home inspections and to amend various Acts with respect to financial services and consumer protection / *Projet de loi 59, Loi édictant une nouvelle loi concernant les inspections immobilières et modifiant diverses lois concernant les services financiers et la protection du consommateur.*

The Deputy Speaker (Ms. Soo Wong): Further debate?

Mr. Lorne Coe: I appreciate the opportunity to speak to Bill 59, Putting Consumers First Act, 2017. I'll be spending my time discussing the changes in Bill 59 related to door-to-door sales and payday loans.

One of the core responsibilities of government, whether federal, provincial, or municipal, is the safety of its residents. Residents' safety can be represented in many ways: by police officers in our communities, our men and women in our armed forces at home and abroad, or the various ways that governments prepare regulations that keep us safe on a daily basis. For example, the food products that Ontarians eat everyday are required to list any ingredients and the daily value amounts per serving. This is to ensure that the people of Ontario can know what is in the food they eat so that they're able to maintain their personal health and well-being.

But, Speaker, consumer protection can take on many other forms. That is why we're here today to debate Bill 59. This bill would affect the home inspections industry, door-to-door sales, payday lending centres, and collections businesses. In Canada, door-to-door sales alone are a \$2-billion industry that employs thousands of salespeople who care about their customers and their well-being. However, there are some individuals operating in the door-to-door industry who we're aware of who, regrettably, prey on vulnerable groups. These salespeople will often confuse or coerce consumers to convince them to buy a product or subscribe to a service they don't need, and in some cases detrimental to their continued livelihood.

It pains me to say it, but more and more often, seniors are the primary group targeted by these individuals. As an example of these sales tactics, a common complaint that I've heard from seniors in my riding, is that someone will show up uninvited at their door and begin by trying to sell them a new furnace. After the sale is made, the old furnace is taken away and installation of the new one

begins. This is where many new fees and costs will suddenly be added to the transaction that were not initially discussed with the homeowner. Furthermore, claims are made that the old furnace is not up to code and cannot be reinstalled. This leaves the homeowner in a very precarious position—in fact, a hostage in their own home to these types of salespeople, as they're forced to pay much larger amounts than before to heat their homes with no real tangible benefit.

This behaviour is quite frankly reprehensible, but I would note the bad players in this industry will not be deterred by new regulation, and vulnerable consumers, such as seniors, will continue to be targeted unless the ministry takes seriously its duty to educate and proactively reach out to consumers.

Speaker, you will know from your own experience that the Canadian Association of Retired Persons, of which there are over 300,000 members in Canada, has flagged this critical issue as well, and they did that in testimony to the standing committee. The association recently polled its members to determine what the support level would be for a prohibition on door-to-door sales. Nearly 99% of respondents were in favour of such a law in Ontario. Furthermore, 95% of Canadian Association of Retired Persons members believe that door-to-door sales were an issue for seniors and nearly as many did not believe that government, at all levels in Canada, has done enough to address this problem.

1620

As a result of this survey, CARP has advocated for stronger protections of seniors, with an aim to punish sales practices effectively, and to support legitimate businesses and give them an opportunity to flourish.

Specifically, the Canadian Association of Retired Persons has recommended that the government should:

- prohibit the distribution of all marketing materials which are misleading, including distributed literature and phone calls;

- provide appropriate remedies for the restitution of individuals who are solicited in breach of legislation;

- ensure the burden of proof of such a breach is on businesses, not the customer;

- require the decoupling of billing for all non-utility services; and

- increase discipline by imposing fines for all offences.

I highlight these recommendations for the government to consider when implementing measures which truly are intended—and this is a real difference here, Speaker—to protect Ontario seniors.

Seniors across this province have built our communities, and many still contribute through their volunteerism. They should not have to spend their time on becoming experts on what their rights and obligations are as a consumer. Yet we find ourselves here this afternoon. The provisions in Bill 59 rely on consumers knowing their rights and making complaints if they are not satisfied with their contract or are refusing to sign a contract in the first place.

I'm going to take us back a bit in history—but not that distant. Independent reports by Ontario's Auditor General highlighted that consumers aren't aware of the Ministry of Government and Consumer Services or its mandate, and wouldn't consider contacting the ministry for help in resolving their complaints.

The Ontario Progressive Conservative caucus is generally supportive of the measures in Bill 59 which address home inspections, leases, cooling-off periods and the debt collections industry. But we do have some concerns with the provisions in the bill related to two industries: door-to-door sales and payday lending.

With respect to door-to-door sales, Bill 59 creates a regulation-making power for the minister to void any contract entered into at the door or any other prescribed place, for the supply of prescribed goods and services, unless the consumer solicited the salesperson's visit. Several municipalities have passed similar resolutions supporting bans on door-to-door sales as well.

This is often a popular initiative due to many consumers finding it annoying, or a nuisance, dealing with door-to-door salespeople. In conjunction, there are frequent reports of exploitive, fly-by-night operations that are designed to defraud consumers.

However, this bill gives the minister and the ministry enormous power to ban whatever they please from being sold wherever they please. This power, in my view, far oversteps the bounds of what a minister should and should not be able to do in exercising their legislative responsibilities.

Bill 59, as I indicated earlier, also contains several measures to address consumers' and municipalities' concerns about the payday loan industry. Payday lending is a last resort for many consumers who have a bad credit rating, or no credit, and who experience an unexpected expense or an unexpected drop in income. What's clear is that it is not meant to be a regular source of funding. That's very clear.

Payday loans provide an avenue for many consumers who have fallen through the cracks in our financial system and are unable to open a banking account or get credit that they require.

The expectation laid out in this bill is that the payday lending industry will strive to work with the government to create a set of consistent and fair rules that protect consumers and prevent them from becoming cyclical users.

Speaker, I want to draw your attention and that of the members of the Legislature to a recent *Globe and Mail* article which outlined when consumers come to depend on payday loans. It was entitled "When Payday Lending Leads to Poverty, It's Time for Intervention." The article tells the story of two consumers who are in different financial situations but who have both used the same system.

In the first situation, the consumer regularly takes out two or three payday loans each year to strategically cover unforeseen expenses. In some ways, this is precisely how the payday loan industry is meant to be used: as a short-

term convenience to bridge the gap between pay cycles when unexpected expenses occur.

Conversely, the second consumer has relied on payday loans for many years and has been caught in a debt trap. The article states that this consumer was frequently using one lender to pay off loans made from another. In this case, the consumer's financial situation was made much worse due to the payday loan system. This is becoming more and more common.

A recent report from the Financial Consumer Agency of Canada found that fewer than half of the respondents surveyed understood that a payday loan is more expensive than available alternatives. While some users may have been unable to receive traditional credit lines from banks and other sources, many were simply unaware of other cheaper alternatives. The report's findings confirm and reinforce the notion that we need to raise consumer awareness regarding the cost of and alternatives to payday loans.

The payday lending industry is often used as a preferred punching bag for consumer advocates and some municipal officials. Some municipalities have attempted to limit payday lenders' presence through bylaws and punitive licensing fees. What is glaringly absent from Bill 59, when you scrutinize it, is any provision that addresses the root causes of why people must resort to payday loans in the first place. When you step back and you look, should that not be the primary objective of legislation like this bill? This is the core problem with Bill 59, and it's simply not addressed.

While I've outlined some of the challenges with Bill 59 that we see, it's also important to note that we're not the only ones who have concerns with the proposed legislation. Some members of the Legislature would have heard this in the standing committee. For example, Brian Dijkema, who is the program director for work and economics from the think tank Cardus, takes issue with some of the provisions related to payday loans. He says that the power to regulate where payday lenders can set up shop requires additional consideration as it creates the possibility that lenders will be completely zoned out. This would not result in a lesser amount of borrowing, but rather a forced movement of the challenges elsewhere. In turn, those who find themselves in need of a payday loan would be required to travel to secure the finances they need, and this may add increased expenses to monthly budgets that exasperate their stressed financial situation.

Again, I would emphasize that the primary objective of legislation like Bill 59 should be to address the underlying reasons why people find themselves in need of payday loans, rather than to try to make it more difficult for payday loan services to operate.

In closing, the Ontario Progressive Conservative caucus will be supporting Bill 59 but, clearly, not without some reservation. That is because consumer issues affect us all, and that's abundantly clear. Legislation that addresses consumer issues requires a great degree of consideration and thought, to make sure it correctly

addresses them without—and I stress this—unintended consequences.

1630

Members of the Legislature will understand that one of the principles of successful legislation going forward is a broad engagement of all sectors and stakeholders, and understanding their points of view. We heard, and we continued to hear, at standing committee that the breadth and depth of that particular consultation did not reach all of the expectations of those stakeholder communities. I think that's an instructive lesson for all of us to keep in mind going forward.

Speaker, I'll close with a quote. In March 1962, when addressing Congress on protecting consumer interests—at the very heart of what this bill is about, it's about protecting consumers—the late American President John F. Kennedy said, “Consumers, by definition, include us all.” They include us all, Speaker. “They are the largest economic group in the economy, affecting and affected by almost every public and private economic decision.... But they are the only important group in the economy who are not effectively organized, whose views are often not heard.”

Speaker, it's up to all of us—all of us in this Legislature, and those who are watching—to listen to what consumers are telling us today, tomorrow and in the future, so that tomorrow's economy and consumers can continue to thrive.

The Deputy Speaker (Ms. Soo Wong): Questions and comments?

Mr. Han Dong: It's my pleasure to give my response to the comments offered by my good colleague from Whitby–Oshawa. I was listening to his comments. I have to say that I'm very pleased that members of this Legislature have voiced their support on this very, very important bill. As you know, it is a very important bill to me, because it adopts the licensing of home inspectors, which I put forward as my private member's bill in the last session.

But today I want to talk about my personal experience with my constituents on unsolicited door-to-door sales to seniors, which will be banned if this bill passes. I know my good colleague from Etobicoke Centre presented a private member's bill last session that speaks specifically to that issue.

I felt it in my office, because a constituent came into my office. I think his name was James Hill. He's a senior and he's on Old Age Security, but he is a victim of door-to-door unsolicited sales. He was sold a hot water tank for a huge amount of money, and when his neighbour tried to help him, tried to get it removed, they said, “Well, we can't find your old tank.” So he's stuck there between a rock and a hard place. Either he keeps paying the high fee that he was charged by the new company, or he is without a hot water tank. Luckily, we got that resolved. We got the company to compensate the unreasonable high fee, and he is all set now.

I'm saying that there are so many seniors out there who will benefit from this bill if it's passed, so I'm really

pleased to hear all the support in this House this afternoon.

The Deputy Speaker (Ms. Soo Wong): Questions and comments?

Mr. Norm Miller: It's a pleasure to comment on the speech by the member from Whitby–Oshawa on Bill 59, An Act to enact a new Act with respect to home inspections and to amend various Acts with respect to financial services and consumer protection. It's obvious that the member from Whitby–Oshawa has done his homework, and he gave some very constructive comments on the bill. He talked about door-to-door salespeople coming especially to seniors' homes and selling them a furnace that they might not want. I know that in my mother's case, she ended up with a hot water heater that she was renting that she didn't really want to rent, and had great difficulty getting out of the contract.

It's interesting. He talked about the CARP report, the membership survey of CARP members, that showed that 99%, I believe the number was, want to see a prohibition on door-to-door sales. I tend to be in that sort of feeling that there are better ways to buy things than to have somebody show up at your door, unwanted.

I think the good point that the member from Whitby–Oshawa made was that education really is the key. I believe that was what CARP was saying as well, that they support much better education of consumers.

I thought the member did a great job in talking about some of the concerns we have, although, as he did point out, we are planning on supporting this bill.

The Deputy Speaker (Ms. Soo Wong): Questions and comments?

Mr. Gilles Bisson: Clearly, something needs to be done with payday loans. It is a bigger and bigger problem in all of our communities. As we see people having a harder and harder time to make ends meet, more and more they are having to rush to try to get money any way they can, in order to be able to pay their hydro bill, their rent, groceries, whatever it might be. Payday lending institutions avail themselves to those who can least afford to borrow the money.

Clearly, what we need to have is a change to banking policy, caisses populaires or credit union policy, that allows people to make smaller loans that are maybe a little bit more risky, for a reasonable amount of interest. To do that, we would need either us at the provincial level to deal with it by way of credit unions and/or caisses populaires, because that's the people we regulate, or the federal government would have to do something through the Bank Act.

Clearly, something needs to be done. This is a step in the right direction. I don't think it goes as far as I would like. I don't think it deals with the problem in a full way. It will be interesting, when this bill gets to committee, if the government is going to actually allow amendments to come forward in order to strengthen the bill, to give the protection that we need to consumers when it comes to payday loans.

Loans are a reality. I think that we need to have a regime that allows people not to get gouged when it comes to the interest rates, and to be able to get themselves in a position where they can make ends meet and they can afford to pay back their loans in a timely way, with not too much interest.

The Deputy Speaker (Ms. Soo Wong): Questions and comments? I return to the member from Whitby–Oshawa to wrap up.

Mr. Lorne Coe: I'd like to thank the members from Trinity–Spadina and Timmins–James Bay, and my colleague from Parry Sound–Muskoka. I particularly want to thank the minister for being in the Legislature to listen to the debate on third reading. I appreciate that the minister has a busy schedule.

When you step back from this bill—part of the preparation of looking at the directions within the bill—what is very clear is that there is a greater need for public education, and it straddles all sectors.

But when you juxtapose that with an aging demographic—and those statistics are readily available on the Ministry of Finance website—the challenge of public education becomes more acute, because we have an aging demographic and we need to ensure that seniors across this province understand their rights and obligations in terms of consumer protection. By extension, they need to know how to access that information as well, because not everyone within that particular sector is computer-literate, nor do they have access, in the truest sense of the word, to broad-based Internet going forward.

In summary, I think what we've heard here today on third reading is that there is a consensus that the consumers are a very important group and to ensure that their views are accounted for as it relates to consumer

protection, because we also need, within the context of that, to understand that they are a driving force to the economy in how they contribute to that and how it will thrive—

The Deputy Speaker (Ms. Soo Wong): Thank you. Further debate? Further debate? Last call: Further debate?

Madame Lalonde has moved third reading of Bill 59, An Act to enact a new Act with respect to home inspections and to amend various Acts with respect to financial services and consumer protection.

Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour, please say “aye.”

All those opposed, please say “nay.”

I believe the ayes have it.

Call in the members. This will be a—five-minute bell?

Interjection.

The Deputy Speaker (Ms. Soo Wong): A 30-minute bell.

I've received a deferral slip: “Pursuant to standing order 28(h), I request that the vote for third reading on Bill 59 be deferred until Monday, April 10, 2017.” It's signed by Mr. Bradley, the chief government whip.

Third reading vote deferred.

The Deputy Speaker (Ms. Soo Wong): Orders of the day?

Hon. Reza Moridi: Madam Speaker, I move the adjournment of the House.

The Deputy Speaker (Ms. Soo Wong): Mr. Moridi has moved adjournment of the House. Is it the pleasure of the House that the motion carry? I heard “carried.”

This House stands adjourned until Monday, April 10, at 10:30.

The House adjourned at 1642.

LEGISLATIVE ASSEMBLY OF ONTARIO
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Brown, Patrick (PC)	Simcoe North / Simcoe-Nord	Leader, Official Opposition / Chef de l'opposition officielle Leader, Progressive Conservative Party of Ontario / Chef du Parti progressiste-conservateur de l'Ontario
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Chiarelli, Hon. / L'hon. Bob (LIB)	Ottawa West–Nepean / Ottawa-Ouest–Nepean	Minister of Infrastructure / Ministre de l'Infrastructure
Cho, Raymond Sung Joon (PC)	Scarborough–Rouge River	
Clark, Steve (PC)	Leeds–Grenville	Deputy Opposition House Leader / Leader parlementaire adjoint de l'opposition officielle Deputy Leader, Official Opposition / Chef adjoint de l'opposition officielle
Coe, Lorne (PC)	Whitby–Oshawa	
Colle, Mike (LIB)	Eglinton–Lawrence	
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Delaney, Bob (LIB)	Mississauga–Streetsville	
Des Rosiers, Nathalie (LIB)	Ottawa–Vanier	
Dhillon, Vic (LIB)	Brampton West / Brampton-Ouest	
Dickson, Joe (LIB)	Ajax–Pickering	
DiNovo, Cheri (NDP)	Parkdale–High Park	
Dong, Han (LIB)	Trinity–Spadina	
Duguid, Hon. / L'hon. Brad (LIB)	Scarborough Centre / Scarborough-Centre	Minister of Economic Development and Growth / Ministre du Développement économique et de la Croissance
Fedeli, Victor (PC)	Nipissing	
Fife, Catherine (NDP)	Kitchener–Waterloo	
Flynn, Hon. / L'hon. Kevin Daniel (LIB)	Oakville	Minister of Labour / Ministre du Travail
Forster, Cindy (NDP)	Welland	

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Fraser, John (LIB)	Ottawa South / Ottawa-Sud	
French, Jennifer K. (NDP)	Oshawa	
Gates, Wayne (NDP)	Niagara Falls	
Gélinas, France (NDP)	Nickel Belt	
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Gretzky, Lisa (NDP)	Windsor West / Windsor-Ouest	
Hardeman, Ernie (PC)	Oxford	
Harris, Michael (PC)	Kitchener–Conestoga	
Hatfield, Percy (NDP)	Windsor–Tecumseh	
Hillier, Randy (PC)	Lanark–Frontenac–Lennox and Addington	
Hoggarth, Ann (LIB)	Barrie	
Horwath, Andrea (NDP)	Hamilton Centre / Hamilton-Centre	Leader, Recognized Party / Chef de parti reconnu Leader, New Democratic Party of Ontario / Chef du Nouveau parti démocratique de l'Ontario
Hoskins, Hon. / L'hon. Eric (LIB)	St. Paul's	Minister of Health and Long-Term Care / Ministre de la Santé et des Soins de longue durée
Hunter, Hon. / L'hon. Mitzie (LIB)	Scarborough–Guildwood	Minister of Education / Ministre de l'Éducation
Jaczek, Hon. / L'hon. Helena (LIB)	Oak Ridges–Markham	Minister of Community and Social Services / Ministre des Services sociaux et communautaires
Jones, Sylvia (PC)	Dufferin–Caledon	Deputy Leader, Official Opposition / Chef adjointe de l'opposition officielle
Kiwala, Sophie (LIB)	Kingston and the Islands / Kingston et les Îles	
Kwinter, Monte (LIB)	York Centre / York-Centre	
Lalonde, Hon. / L'hon. Marie-France (LIB)	Ottawa–Orléans	Minister of Community Safety and Correctional Services / Ministre de la Sécurité communautaire et des Services correctionnels Minister Responsible for Francophone Affairs / Ministre déléguée aux Affaires francophones
Leal, Hon. / L'hon. Jeff (LIB)	Peterborough	Minister of Agriculture, Food and Rural Affairs / Ministre de l'Agriculture, de l'Alimentation et des Affaires rurales Minister Responsible for Small Business / Ministre responsable des Petites Entreprises
Levac, Hon. / L'hon. Dave (LIB)	Brant	Speaker / Président de l'Assemblée législative
MacCharles, Hon. / L'hon. Tracy (LIB)	Pickering–Scarborough East / Pickering–Scarborough-Est	Minister of Government and Consumer Services / Ministre des Services gouvernementaux et des Services aux consommateurs Minister Responsible for Accessibility / Ministre responsable de l'Accessibilité
MacLaren, Jack (PC)	Carleton–Mississippi Mills	
MacLeod, Lisa (PC)	Nepean–Carleton	
Malhi, Harinder (LIB)	Brampton–Springdale	
Mangat, Amrit (LIB)	Mississauga–Brampton South / Mississauga–Brampton-Sud	
Mantha, Michael (NDP)	Algoma–Manitoulin	
Martins, Cristina (LIB)	Davenport	
Martow, Gila (PC)	Thornhill	
Matthews, Hon. / L'hon. Deborah (LIB)	London North Centre / London- Centre-Nord	Chair of Cabinet / Présidente du Conseil des ministres Deputy Premier / Vice-première ministre Minister of Advanced Education and Skills Development / Ministre de l'Enseignement supérieur et de la Formation professionnelle Minister Responsible for Digital Government / Ministre responsable de l'Action pour un gouvernement numérique Minister of Municipal Affairs / Ministre des Affaires municipales
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McDonnell, Jim (PC)	Stormont–Dundas–South Glengarry	
McGarry, Hon. / L'hon. Kathryn (LIB)	Cambridge	Minister of Natural Resources and Forestry / Ministre des Richesses naturelles et des Forêts
McMahon, Hon. / L'hon. Eleanor (LIB)	Burlington	Minister of Tourism, Culture and Sport / Ministre du Tourisme, de la Culture et du Sport
McMeekin, Ted (LIB)	Ancaster–Dundas–Flamborough– Westdale	
McNaughton, Monte (PC)	Lambton–Kent–Middlesex	
Milczyn, Peter Z. (LIB)	Etobicoke–Lakeshore	

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Moridi, Hon. / L'hon. Reza (LIB)	Richmond Hill	Minister of Research, Innovation and Science / Ministre de la Recherche, de l'Innovation et des Sciences
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Naidoo-Harris, Hon. / L'hon. Indira (LIB)	Halton	Minister of the Status of Women / Ministre de la condition féminine Minister Responsible for Early Years and Child Care / Ministre responsable de la Petite enfance et de la Garde d'enfants
Naqvi, Hon. / L'hon. Yasir (LIB)	Ottawa Centre / Ottawa-Centre	Attorney General / Procureur général Government House Leader / Leader parlementaire du gouvernement
Natyshak, Taras (NDP) Nicholls, Rick (PC)	Essex Chatham–Kent–Essex	Second Deputy Chair of the Committee of the Whole House / Deuxième vice-président du comité plénier de l'Assemblée législative
Oosterhoff, Sam (PC)	Niagara West–Glanbrook / Niagara- Ouest–Glanbrook	
Pettapiece, Randy (PC)	Perth–Wellington	
Potts, Arthur (LIB)	Beaches–East York	
Qaadri, Shafiq (LIB)	Etobicoke North / Etobicoke-Nord	
Rinaldi, Lou (LIB)	Northumberland–Quinte West	
Sandals, Hon. / L'hon. Liz (LIB)	Guelph	President of the Treasury Board / Présidente du Conseil du Trésor
Sattler, Peggy (NDP)	London West / London-Ouest	
Scott, Laurie (PC)	Haliburton–Kawartha Lakes–Brock	
Sergio, Mario (LIB)	York West / York-Ouest	
Singh, Jagmeet (NDP)	Bramalea–Gore–Malton	Deputy Leader, Recognized Party / Chef adjoint de parti reconnu
Smith, Todd (PC)	Prince Edward–Hastings	
Sousa, Hon. / L'hon. Charles (LIB)	Mississauga South / Mississauga-Sud	Minister of Finance / Ministre des Finances
Tabuns, Peter (NDP)	Toronto–Danforth	
Takhar, Harinder S. (LIB)	Mississauga–Erindale	
Taylor, Monique (NDP)	Hamilton Mountain	
Thibeault, Hon. / L'hon. Glenn (LIB)	Sudbury	Minister of Energy / Ministre de l'Énergie
Thompson, Lisa M. (PC)	Huron–Bruce	
Vanthof, John (NDP)	Timiskaming–Cochrane	
Vernile, Daiene (LIB)	Kitchener Centre / Kitchener-Centre	
Walker, Bill (PC)	Bruce–Grey–Owen Sound	
Wilson, Jim (PC)	Simcoe–Grey	Opposition House Leader / Leader parlementaire de l'opposition officielle
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Yurek, Jeff (PC)	Elgin–Middlesex–London	
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Soo Wong
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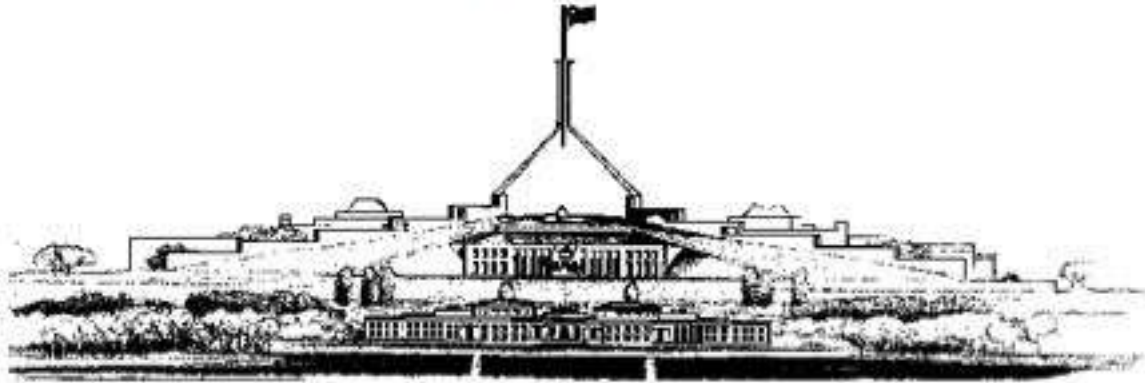
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Peter Tabuns
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COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

ADJOURNMENT

Petition: Sikh Community

SPEECH

Thursday, 1 November 2012

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

Date Thursday, 1 November 2012
Page 13023
Questioner
Speaker Entsch, Warren, MP

Source House
Proof No
Responder
Question No.

Mr ENTSCH (Leichhardt—Chief Opposition Whip) (16:30): I rise this evening to acknowledge the members of the Australian Sikh community, who have made great efforts to be here to witness the presentation of this historic petition. I am pleased to present this petition.

The petition read as follows—

To the Honourable The Speaker and Members of the House of Representatives

This petition of concerned citizens of Australia draws the attention of the House to the following:

WHEREAS, the Sikh community in Australia has been a vibrant part of the Australian cultural mosaic since 1897;

WHEREAS, the Sikh community in Australia is amongst one of the largest religious groups within the Indo-Australian community;

WHEREAS, members of the Australian Sikh Community have become an integral part of Australia's culture as they continue to contribute significantly to the national economy;

AND WHEREAS, there was an organized campaign of Genocide against the members of the Sikh Community in India in November of 1984, resulting in the deaths of thousands of innocent Persons;

we call on the House of Representatives to:

1. Recognize that an organized campaign of violence, rapes and killings took place in India in November of 1984, against the Sikh community, resulting in the deaths of thousands.
2. Formally recognize that these organized killings were "Genocide" as per the UN Convention on the Prevention and Punishment of the Crime of Genocide.
3. Urge the government of India to take all reasonable measures to bring all persons responsible for this organized campaign of violence to justice. This includes criminal prosecutions against the responsible persons following due process of law.

from 4,429 citizens

Petition received.

In fact, we have had members of the Sikh community travel from all over Australia and even from as far away as Canada to be here.

I will not go into much background on the events of November 1984 as the members present have been briefed and the Sikh community is, of course, very well aware. But it is important to note that today, 1 November, is 28 years to the day that these attacks took place. And as long as they continue to be referred to as 'anti-Sikh riots' there can be no closure for the Sikh community.

Discussions around mass violence and genocide will always be controversial but the continued denial of such historical injustices can only encourage modern-day crimes against humanity. It was 1939 when Hitler justified the persecution of Jews by referring to the killing of 1.5 million Armenians by the Turks in 1915. Those few simple words he uttered to the leaders of Poland, 'Who, after all, speaks today of the annihilation of the Armenians?' led to the deaths of six million Jews. Almost 100 years on, the Armenians are still fighting for recognition. But their cause was helped last year when seven members of this parliament called for Australian recognition of crimes against humanity in the Armenian, Greek and Assyrian genocides.

More recently, in March, this House formally recognised the killing of 7,000 Bosnian Muslims in Srebrenica in 1995 as an act of genocide. It was this event that cemented my commitment to this cause today. If the killing of 7,000 people could be recognised so quickly by world leaders, why has the Sikh community had to struggle for so long? I am aware that the Prime Minister of India has asked the victims to 'forgive and forget'. But it seems clear to me that the events of 1984 onwards—and the lack of justice—has left lasting wounds on the Sikh psyche.

The old saying 'a crime unpunished is a crime encouraged' is illustrated by the fact that those responsible for this violence—the police, the 'death squads' and those who authorised their actions—have never faced criminal prosecution. In many cases they have actually been promoted. I am aware that numerous mass graves from 1984 have been discovered recently in Haryana and other states, with these deaths—totalling thousands—outside of official figures. There is also proof that tens of thousands of people have gone missing since 1984—imprisoned and executed without trial outside the judicial system. I am told that people still cannot speak openly due to pressure from the state security forces. And it was just three years ago that Indian MPs were first allowed to discuss the events of 1984 in their own parliament.

To close, I would like to emphasise that this is not an attack on any particular element of Indian society. It is well known that many Sikh lives were saved through the courageous actions of Hindus, and we must pay tribute to them. This petition is asking the Australian government to recognise that these killings fit the United Nations' definition of 'genocide' and to urge the Indian government to take the proper legal action against those responsible.

This is something I am pursuing because I personally feel it is the right thing to do. I made a commitment to my dear friend Mr Daljit Singh, who, through our friendship educated me about Sikh culture, tradition and religion, and made me aware of this horrific event. That is why I commenced this journey two years ago and I hope our aims will be taken in that context. I know as well that we cannot turn back the clock, but this is part of the healing process. There are many in the Sikh community who will never forget the harrowing images in their minds, and who want to see justice in their lifetime. It is now over to the Sikh community to use the awareness raised here today to build momentum, to lobby their local MPs and to encourage public debate and discussion. I wish them well for their journey and I commit absolutely to working with them to achieve a just outcome.