

Canadian Delegation to the
Organization for Security & Cooperation
in Europe



Délégation du Canada auprès de l'Organisation pour la sécurité et la coopération
en Europe **ENGLISH only**

Note Number V-230

The Delegation of Canada to the Organization for Security and Co-operation in Europe presents its compliments to all Delegations to the OSCE and to the Conflict Prevention Centre, and in accordance with Decisions 4/03 of the Forum for Security Co-operation, has the honour to transmit herewith the reply to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security.

The Delegation of Canada to the Organization for Security and Co-operation in Europe avails itself of this opportunity to renew to all Delegations to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.

Vienna, 29 May 2014



To: All Missions and Delegations of the OSCE
The OSCE Conflict Prevention Centre
The OSCE Secretariat

QUESTIONNAIRE ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY*

Section I: Inter-State elements

1. Account of measures to prevent and combat terrorism

1.1 To which agreements and arrangements (universal, regional, subregional, and bilateral) related to preventing and combating terrorism is your State a party?

Since 1963, the international community has elaborated 18 international legal instruments targeting terrorism and related acts, such as hostage taking, hijacking, terrorist bombings, and terrorist financing. Canada has ratified 14 of these agreements, having ratified the *International Convention for the Suppression of Acts of Nuclear Terrorism* and the Amendment to the *Convention on the Physical Protection of Nuclear Materials* in November and December 2013 respectively.

Canada was also a strong supporter of the development and adoption of the 2010 *Beijing Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* and the 2010 *Beijing Protocol to the 1971 Hague Convention on the Suppression of Unlawful Seizure of Aircraft*. Transport Canada supports the activities of the International Civil Aviation Organization (ICAO) in a number of areas including: the Universal Security Audit Program; aviation security training focused on Latin America and the Caribbean countries; coordination of regional and sub-regional aviation security activities, training workshops and courses; and the Asia-Pacific Cooperative Aviation Security Programme.

Since countering terrorism requires effective international cooperation and coordination, Canada works in a variety of international fora including the UN, the G8, the Global Counter-Terrorism Forum (GCTF), Asia-Pacific Economic Cooperation (APEC), the Organization of American States (OAS), and the ASEAN Regional Forum (ARF) to develop, as appropriate, legal instruments, best practices and international standards to combat terrorism.

Canada has continued to play a leadership role through the OAS as one of the largest contributors to their general fund, and the largest donor to the Organization of American States Inter-American Committee against Terrorism (CICTE). Canada supports CICTE initiatives via Canada's Counter-Terrorism Capacity Building Program (CTCBP) and its Anti-Crime Capacity Building Program (ACCBP).

In the Asia Pacific region, Canada continues to support APEC in making important progress on counter-terrorism commitments. In 2013, Canada led an APEC Counter-Terrorism Task Force project that developed a major events security framework for APEC economies.

1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

Canada has developed domestic legislation to address terrorism. This legislation includes, *inter alia*:

Criminal Code: The *Criminal Code* contains a number of offences that are applicable to terrorism including hijacking, kidnapping, and offences dealing with weapons and explosives. With the enactment of the *Anti-Terrorism Act* (ATA) in 2001, the *Criminal Code* now contains specific provisions dealing with terrorism, including a detailed definition of “terrorist activity”. Specific terrorism offences include knowing participation, facilitation, instruction, and harbouring in relation to terrorist activity, as well as committing an indictable offence that constitutes a terrorist activity. These offences carry significant maximum penalties and reduced parole eligibility. The *Criminal Code* also has an offence designed to implement the *UN International Convention for the Suppression of Terrorist Bombings*, as well as provisions to deal with the listing of terrorist entities. There are also three offences relating to terrorist financing. These offences relate to providing or collecting property for terrorist activities (*International Convention for the Suppression of the Financing of Terrorism*); collecting, providing, or making available property or financial or other related services for terrorist purposes; and using or possessing property for terrorist purposes. Among other measures, the ATA amended the *Proceeds of Crime (Money Laundering) Act*, in the process renaming it the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (see below). The *Combating Terrorism Act*, which came into force on July 15, 2013, re-enacted, with additional safeguards, the investigative hearing and recognizance with conditions provisions in the *Criminal Code*, two measures that had expired in 2007. It also created four new *Criminal Code* offences of leaving or attempting to leave Canada to commit certain terrorism offences. The *Nuclear Terrorism Act*, which came into force on November 1, 2013, also created four indictable offences in the *Criminal Code* relating to nuclear terrorism. These amendments permitted Canada to ratify the *Amendment to the Convention on the Physical Protection of Nuclear Material* and the *International Convention for the Suppression of Acts of Nuclear Terrorism*. In 2012, the Government of Canada passed the *Justice for Victims of Terrorism Act*, which allows victims of terrorism to sue perpetrators of terrorism and those that support them, including listed foreign states, for loss or damage that occurred as a result of an act of terrorism committed anywhere in the world. In order to facilitate the ratification of the *International Convention for the Suppression of Acts of Nuclear Terrorism* and the 2005 Amendment to the *Convention on the Physical Protection of Nuclear Material*, Canada introduced Bill S-9, otherwise known as the *Nuclear Terrorism Act*, which introduces four new indictable offences (82.3-82.6) into the *Criminal Code* relating to nuclear terrorism.

United Nations Act: The purpose of this Act is to provide a means by which Canada may conform to Article 25 of the Charter of the United Nations (UN) to implement decisions of the Security Council made under Article 41 of the Charter. When the Security Council decides on a measure to be employed to give effect to any of its decisions and calls on UN member states to apply the measure, the Governor in Council may make such orders and regulations under the *United Nations Act* as appear to him/her to be necessary or expedient for enabling the measure to be effectively applied.

United Nations Al-Qaida and Taliban Regulations (UNAQTR): Canada has also implemented UN Security Council Resolution (UNSCR) 1267 (1999) and its successor resolutions, in which member states are required to impose a travel ban, assets freeze, and arms embargo against Al Qaeda and the Taliban, as well as entities and individuals identified as associated with Al Qaeda and the Taliban. The *United Nations Al-Qaida and Taliban Regulations* (previously entitled the *United Nations Afghanistan Regulations*) were made on 10 November 1999 under the *United Nations Act*, and have been frequently amended pursuant to UNSCR 1267's successor resolutions.

Regulations Implementing the United Nations Resolutions on the Suppression of Terrorism: UNSCR 1373 (2001) provides that member states establish domestic processes to list without delay organisations or individuals who commit terrorist acts (including financing and logistical support). Section 4 of the UNAQTR imposes an asset freeze on the Taliban and persons associated with the Taliban, while section 4.1 freezes the assets of Usama bin Laden or his associates. Canada fulfils its international obligations under these resolutions through the *UN Al-Qaida and Taliban Regulations* (UNAQTR) and the *Regulations Implementing the United Nations Resolutions on the Suppression of Terrorism* (RIUNRST), which enables Canada to list individuals or entities as soon as the Governor in Council has reasonable grounds to they have carried out, participated in, or facilitated a terrorist act, so that their assets may be frozen without delay. The *Regulations Implementing the United Nations Resolutions on the Suppression of Terrorism* (previously entitled the *United Nations Suppression of Terrorism Regulations*) were made on 2 October 2001 under the *United Nations Act*, pursuant to UNSCR 1373. These regulations freeze the assets of individuals and entities listed in the schedule to the regulations and prohibit fund-raising on their behalf. The *Criminal Code of Canada* also provides a process to list and apply appropriate criminal measures against terrorist entities.

Proceeds of Crime (Money Laundering) and Terrorist Financing Act:

The Proceeds of Crime (Money Laundering) and *Terrorist Financing Act* requires the reporting of transactions suspected of being related to money laundering and terrorist financing. The mandate of Canada's financial intelligence unit, the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), includes the analysis of these reports, the disclosure of prescribed key identifying information to law enforcement and intelligence agencies, and the ability to share information related to money laundering and terrorist financing with its international counterparts.

Charities Registration (Security Information) Act: This Act contains measures to prevent the use of registered charities to provide funds to support terrorist activities. Specifically, it provides a mechanism to prevent the registration of an organization as a charity and to revoke the registration of a charity if there are reasonable grounds to believe that the organization makes or will make resources available directly or indirectly to an organization engaged in terrorist activities.

Extradition Act: This Act governs the surrender by Canada to another state or entity at the request of another state or entity of a person who is accused or convicted of a crime committed within the jurisdiction of the requesting state or entity.

Mutual Legal Assistance in Criminal Matters Act: Canada views the creation of an international network of Mutual Legal Assistance Treaties (MLATs) as an important step in the fight against terrorism, and organized and trans-national crime. To date, Canada has concluded and brought into force 35 bilateral MLATs. Canada is also party to a number of multilateral instruments on criminal issues containing mutual legal assistance provisions. Canada's *Mutual Legal Assistance in Criminal Matters Act* provides the primary vehicle through which Canada receives and provides assistance in the gathering of evidence for use in criminal investigations and prosecutions, including terrorist financing offences. On 1 February 2002, the Act was amended to allow Canada to enforce foreign criminal freezing and forfeiture orders in appropriate cases, including those against terrorist financing.

Immigration and Refugee Protection Act: This Act deals with immigration and refugee matters and contains provisions for the denial of entry and removal from Canada of suspected terrorists. In June 2012, Canada amended its asylum system to provide authority to the Minister of Public Safety to designate as "irregular arrivals" persons who are suspected of links to organized human smuggling, criminal organizations, or terrorist groups. Canada also introduced biometric screening of certain applicants in fall 2013 to bolster existing measures for confirming the identity of foreign nationals applying to come to Canada. Canada has improved the security of its travel documents through the introduction of a new passport series including an electronic chip with enhanced security features.

1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

The lead federal government agency for emergency preparedness and for coordinating all-of-government responses to an event such as a terrorist attack is Public Safety Canada. In February 2012, Canada introduced *Building Resilience Against Terrorism: Canada's Counter-Terrorism Strategy*. The Strategy outlines a principled approach that aims to counter domestic and international terrorism in order to protect Canada, Canadians, and Canadian interests. It seeks to prioritize and organize Canadian efforts to prevent, detect, deny and respond to terrorism both at home and abroad. The Minister of Public Safety is responsible for maintaining the Strategy, in consultation with the Minister of Foreign Affairs, and will provide an annual public report on the state of the terrorist threat.

A key part of the Government's national security strategy is Canada's defence policy, the *Canada First Defence Strategy* (CFDS). The CFDS identifies terrorism as one of the principal threats to national security for which the country requires a modern, well-trained and well-equipped military.

Domestically, the Canadian Armed Forces contribute to the fight against terrorism in a number of ways. These include:

- monitoring and controlling Canada's territory, airspace, and maritime areas of jurisdiction in cooperation with other departments and agencies;
- sharing intelligence with other departments and agencies;
- maintaining response plans and capabilities to respond to terrorist incidents;
- protecting critical infrastructure when required;

- providing humanitarian and disaster relief in the event of an emergency as requested; and
- providing support to civilian authorities when requested.

Canada cooperates with the United States in the defence of North America through a number of agreements, committees and organizations, including the North American Aerospace Defence Command Agreement (NORAD), the Permanent Joint Board on Defence (PJBD), the Military Cooperation Committee (MCC), and the North American Technology and Industrial Base Organization (NATIBO).

NORAD provides warning of aerospace and maritime threats as well as surveillance and control of North American airspace. Its unique bi-national command structure provides Canada with input into decisions related to the defence of North America. NORAD's operational readiness, as well as its ability to respond to threats from outside and inside North America's airspace, reflects the new threat environment. NORAD's maritime warning function was established when the two countries renewed the Agreement in perpetuity on 12 May 2006.

In addition to its domestic and continental roles, Canada continues to work through international organizations such as the UN and the North Atlantic Treaty Organization (NATO) and multinational coalitions to combat terrorism abroad. The Canadian Armed Forces are equipped to provide air, sea, land, and special operations forces to multinational operations.

Canada's major international military commitment in Afghanistan was completed in March 2014. During its final stages, the Canadian Contribution to the NATO Training Mission–Afghanistan, or Operation ATTENTION, comprised approximately 950 personnel working to develop the capacity of the Afghan National Security Forces and help Afghans rebuild their country as a stable, democratic, and self-sufficient society.

At sea, the Canadian Armed Forces have participated regularly in multi-national counter-terrorism efforts. Canada has in the past deployed ships to be part of the Standing NATO Maritime Group (SNMG) in the Mediterranean Sea, under the NATO Operation Active Endeavour, as well as Combined Task Force 150 (CTF 150), a multinational coalition formed to conduct maritime security and counterterrorism operations in and around the northern Arabian Sea.

Through the Military Training and Cooperation Program (MTCP), the Canadian Armed Forces provide capacity building opportunities to non-NATO developing countries. The program improves the ability of member nations to undertake multi-lateral peace support operations, including counter-terrorism missions.

The Canadian Special Operation Forces Command (CANSOFCOM) is composed of the Joint Task Force 2 (JTF 2), the Canadian Special Operations Regiment (CSOR), 427 Special Operations Aviation Squadron (427 SOAS), and the Canadian Joint Incident Response Unit – Chemical, Biological, Radiological and Nuclear (CJIRU – CBRN). One of CANSOFCOM's core tasks relate to Counter-Terrorism Operations to prevent, deter, pre-empt and respond to terrorism

JTF 2 was created in 1993, when the Canadian Armed Forces assumed responsibility for federal domestic counter-terrorism operations from the RCMP. Since its inception, the unit has continuously evolved to meet modern-day threats.

The CJIRU provides timely Chemical, Biological, Radiological, and Nuclear (CBRN) support to the federal government in order to prevent, control, and mitigate CBRN threats to Canada. Effective responses to CBRN terrorism depend on cooperation and coordination among all levels of government, response organizations and international partners. Accordingly, Canada works closely with the United States to ensure a coordinated response should a CBRN attack have a cross-border impact.

1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:

- **Financing of terrorism;**
- **Border controls;**
- **Travel document security;**
- **Container and supply chain security;**
- **Security of radioactive sources;**
- **Use of the Internet and other information networks for terrorist purposes;**
- **Legal co-operation including extradition;**
- **Safe havens and shelter to terrorists and terrorist organizations.**

Global Partnership Program: Canada's Global Partnership Program (GPP) is the main mechanism by which Canada supports international efforts to combat and reduce the threat of chemical, biological, radiological or nuclear (CBRN) proliferation and terrorism by implementing global threat-reduction programming with partner countries and international organizations, thereby providing a significant positive impact to Canadian and global security. Since 2002, the GPP has spent approximately \$970 million to prevent the proliferation of weapons of mass destruction (WMD) and related materials and knowledge to non-state actors and states of proliferation concern and continues to pursue programming activities across four thematic areas: nuclear and radiological security, biological security, supporting the implementation of United Nations Security Council Resolution 1540, and countering WMD-related knowledge proliferation. The GPP is Canada's contribution to the 28-member Global Partnership Against the Spread of Weapons and Materials of Mass Destruction.

Container and supply chain security: Through the GPP, Canada actively provides global container and supply chain security support. Canada is providing support to the UN Office of Drugs and Crime's Global Container Control Programme in Southeast Asia, which aims to improve container and supply chain security in five dedicated Southeast Asian ports. Building regional capacity to respond to and counter the illicit trafficking of proliferation-related strategic goods (e.g. CBRN/WMD materials) will result in the prevention of transshipment of these materials to other regions.

Security of Radioactive Sources: As a major supplier of highly radioactive sealed sources to the world for use in beneficial applications in industry, medicine, research and education, Canada is keen to support efforts to prevent loss, theft and potential malicious use. Since 2002, the GPP has contributed more than \$14M to enhance the security of vulnerable, high activity radioactive sources which have outlived their useful lives in the Former Soviet Union, Latin America, and the Middle East/North

Africa and will continue to focus on mitigating threats to Canadian-origin sources. Additionally, Canada regularly contributes relevant technical expertise to related international guidance development and assistance coordination efforts, including the IAEA's International Working Group on Radioactive Source Security.

Domestically in 2013, the Canadian Nuclear Safety Commission (CNSC) approved and published regulatory document REGDOC 2.12.3 "Security of Nuclear Substances: Sealed Sources" to implement security requirements for category 1, 2 and 3 radioactive sealed sources and to provide security guidance for category 4 and 5 radioactive sealed sources. This document provides information on the minimum security measures that must be implemented to prevent the loss, theft, unauthorized access or potential malicious use of radioactive sources during their use, storage or transport and is aligned with the IAEA Code of Conduct on the Safety and Security of Radioactive Sources as well as IAEA document Nuclear Security Series (NSS) 14 – Nuclear Security Recommendations on Radioactive Material and Associated Facilities.

Proliferation Security Initiative: Canada is an active participant in the 102-country Proliferation Security Initiative (PSI). Within the context of the PSI, Canada works closely with partners through information sharing, capacity-building, and concrete exercises to increase global capabilities and cooperation related to the interdiction of illicit WMD transits and transshipments by non-state actors of proliferation concern.

Financing of terrorism: The *Criminal Code of Canada* includes measures for the Government of Canada to create a list of entities associated with terrorism. The process for adding an entity to the *Criminal Code* is thorough and based on information prepared by Canadian security and law enforcement agencies. If there are reasonable grounds to believe that a person or group has knowingly carried out, participated in, or facilitated a terrorist activity, or a person or group is knowingly acting on behalf of, at the direction of or in association with a terrorist entity, that person or group could be listed pursuant to the *Criminal Code*.

The listing of terrorist entities facilitates the prosecution of perpetrators and supporters of terrorism and plays a key role in countering terrorist financing. Under the *Criminal Code*, any person or group listed may have their assets seized and forfeited. There may be severe penalties for persons and organizations that deal in the property or finances of a listed entity. In addition, it is a crime to knowingly participate in, or contribute to, any activity of a listed entity for the purpose of enhancing the ability of the entity to facilitate or carry out a terrorist activity. This offence and other related offences are set out, in full, in the *Criminal Code*. The list of entities is published in the *Canada Gazette* and on the Public Safety Canada web site.

As noted in 1.2 above, the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act (PCMLTFA)* provides the main legislative basis for Canada's anti-money laundering and counter-terrorist financing (AML/CFT) Regime. The *PCMLTFA* requires for example, financial institutions and intermediaries (such as banks, life insurance companies, and securities dealers) to meet customer identification, due diligence, and record-keeping obligations, and to report suspicious transactions. It also establishes Canada's financial intelligence unit, the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC). FINTRAC receives and analyzes various reports from financial institutions, intermediaries, and

other entities, including on suspicious transactions, and discloses designated information to Canadian law enforcement and security agencies, when it has reasonable grounds to suspect that the information would be relevant to an investigation or prosecution of money laundering or terrorist financing.

Canada's AML/CFT Regime is designed to deter criminals and terrorist financiers from using Canadian financial institutions and other entities for criminal purposes and to provide tools to law enforcement and security agencies to combat money laundering and terrorist financing. The Regime is a cohesive framework that involves the activities of a dozen federal partners, regulatory, and law enforcement bodies at the provincial, regional, and municipal levels, as well as private sector entities.

2. Stationing of armed forces on foreign territory

2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

Canadian Armed Forces members who are currently stationed in OSCE member countries are there in accordance with negotiated agreements or arrangements. Some are deployed under the auspices of the UN or NATO. Canadian Armed Forces personnel also serve in various other capacities in the OSCE region, as part of NATO's staff and as participants in military exchanges.

Canada currently has bilateral agreements/arrangements with over 40 OSCE member countries, including Belgium, Cyprus, France, Germany, the Netherlands, the United Kingdom, and the United States, to name a few, that provide for the Canadian Armed Forces to operate on their territory in training, support, and liaison roles. These agreements/arrangements set out in general terms what activities the Canadian Armed Forces are permitted to engage in, where they can operate, what support they may receive and any other relevant points related to the role in which they are operating in the OSCE member country. In addition, Canada is party to the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed in London on 19 June 1951.

3. Implementation of other international commitments related to the Code of Conduct

3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.

Canada demonstrates commitment to arms control, disarmament, and confidence and security-building through our active engagement in multilateral organizations and fora that work on global security such as the UN, the Nuclear Non-Proliferation Treaty, NATO, the G7, the Conference on Disarmament, the Nuclear Security Summit, and the OSCE amongst others. Canada is engaged through open and transparent participation in confidence-building measures including the Treaty on Conventional Forces in Europe, the Open Skies Treaty, the Vienna Document 2011, and military exchanges.

Canada is a State Party to all applicable international treaties and conventions that relate to the non-proliferation and disarmament of WMD. Where necessary, Canada's ratification of these instruments is accompanied by the enactment of the legislation and regulations to ensure their implementation, including the 1995 *Chemical Weapons Convention (CWC) Implementation Act*, the 1998 *Comprehensive Test Ban Treaty (CTBT) Implementation Act* and the 2009 *Human Pathogens and Toxins Act*, the 1991 *Health of Animals Act*, and the 1990 *Plant Protection Act*. Canada produces regular reports on its implementation of many international agreements on non-proliferation, arms control and disarmament, including the NPT and UNSCR 1540. Canada is also an active participant in the Proliferation Security Initiative (PSI) and is engaged in ongoing efforts to counter the proliferation of WMD, as well as some conventional weapons, including through participation in the four export control regimes.

Additionally, Canada is a State Party to the Convention on Certain Conventional Weapons and the Ottawa Convention banning anti-personnel mines, and is a signatory to the Convention on Cluster Munitions. Implementing legislation for the Cluster Munitions Convention is currently before Parliament. The Canadian Armed Forces conducts rigorous reviews to ensure its weapons acquisition programmes are in compliance with these treaties and other international law. In the case of the Ottawa Convention, implementation legislation has been enacted to ensure compliance.

3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

Canada promotes the universalization and strengthening of existing non-proliferation, arms control, and disarmament instruments and the negotiation of new agreements with a view to enhancing global security and stability. Such efforts are undertaken through a number of outreach activities including, but not limited to, bilateral and multilateral diplomatic exchanges between senior officials, the provision of capacity-building funding and the participation of Canadian experts in workshops and seminars.

Canada actively participates in OSCE dialogue on arms control, disarmament, and confidence and security building measures at the Forum for Security and Cooperation, the Open Skies Consultative Committee (OSCC), the Joint Consultative Group, and at the OSCE Permanent and Ministerial Councils. Canada supports other states in areas such as arms control, disarmament, and confidence building, and democratically managing their militaries, through bilateral and multilateral activities, including the Military Cooperation and Training and Cooperation Program, as well as country-specific disarmament projects.

Section II: Intra-State elements

1. National planning and decision-making process

1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

The responsibility for determining Canadian military posture is shared by Parliament, the federal Cabinet, and several government bodies. Parliament takes part in this process through its responsibility for the approval of defence budgets and through the activities of Standing (i.e. permanent) and Special (i.e. ad-hoc) Committees, composed of elected Members of Parliament or Senators, which examine various defence issues.

While Parliament does have some part in determining military posture by approving defence spending and often engaging in debate on defence issues, decisions are taken by the Executive. Cabinet plays a large role in this process through regular Cabinet discussions, reports of Special Cabinet Committees, and Cabinet meetings held during times of crisis.

The Minister of National Defence is responsible for the development and articulation of Canada's defence policy, which must be approved by the Government. This policy, in turn, determines the country's military posture. The last formal defence policy document was presented in May 2008. The *Canada First* Defence Strategy includes guidance on the roles and missions of the Canadian Armed Forces and a long-term investment plan and a detailed road map for the modernization of the Canadian Armed Forces over a 20 year period. Within National Defence, several governance committees, such as the Defence Management Committee, meet regularly and contribute to the development of military posture.

Defence expenditures are determined and expended on a yearly basis in the following way:

- (a) the announcement of a Federal Budget, usually in February, which may contain specific initiatives for the Department of National Defence;
- (b) at the beginning of the yearly financial cycle in April, the Main Estimates are approved by Parliament, which may or may not contain specific initiatives announced in the Federal Budget;
- (c) the Main Estimates provide the Minister of National Defence with the Defence budget for the upcoming year, and a more detailed explanation including information on expected outcomes, is provided through the Report on Plans and Priorities (RPP);
- (d) as per the submitted plan, the approved Defence Appropriations are expended by the Department of National Defence;
- (e) additional in-year funding items, such as deployed operations, or additional funding announced in the Federal Budget but not included in the Main Estimates, are requested through Supplementary Estimates;
- (f) the Department of National Defence accounts for the annual expenditures through the Public Accounts of Canada and provides a more detailed explanation of its performance (financial and non-financial) to Parliament through the Departmental Performance Report (DPR); and,
- (g) defence expenditures may be reviewed for efficiency by both executive agencies (Auditor General) and Parliamentary committees (National Defence, Public Accounts).

More information regarding the Estimates process is available in English at: <http://www.tbs-sct.gc.ca/est-pre/estimE.asp> and in French at: <http://www.tbs-sct.gc.ca/est-pre/estimF.asp> .

1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

Canada demonstrates transparency and openness with regard to our military capacities with other States. Canada participates in an open manner to several confidence building measures in the OSCE region including: the Treaty on Conventional Forces in Europe, the Vienna Document 2011, the Global Exchange of Military Information, the Open Skies Treaties, as well as military exchanges. We contribute to international peace and security through our peace-keeping operations, including six Canadian Armed Forces personnel stationed in the OSCE region on peace-keeping missions. The Canadian Armed Forces members who are currently stationed in OSCE member countries do so in accordance with negotiated agreements or arrangements.

2. Existing structures and processes

2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

Effective democratic control of the Canadian Armed Forces is ensured via the civilian oversight of the Canadian Armed Forces by democratically-elected authorities, in line with domestic legislation in the form of the *National Defence Act*. The *National Defence Act* provides the legal basis for civil control of the armed forces and for command authority in the Canadian Armed Forces and grants the Minister of National Defence management and direction of the Canadian Armed Forces as well as the task of presiding over the Department of National Defence. This is accomplished through an integrated civilian-military team, including the Deputy Minister of National Defence, the senior-most public servant responsible for defence policy and resource management, and the Chief of the Defence Staff, charged with command, control and administration of the Canadian Armed Forces. The Governor General of Canada acts as the Queen's representative in Canada and has the title of Commander-in-Chief of the Canadian Armed Forces.

The full text of the *National Defence Act* can be obtained in English at: <http://lois-laws.justice.gc.ca/eng/acts/N-5/index.html> and in French at: <http://lois-laws.justice.gc.ca/fra/lois/N-5/index.html>

One of Canada's main intelligence organizations, the Canadian Security Intelligence Service (CSIS), is responsible for investigating threats to the security of Canada. *The Canadian Security Intelligence Service Act (CSIS Act)* (available in English at: <http://laws-lois.justice.gc.ca/eng/acts/C-23> and in French at: <http://laws-lois.justice.gc.ca/fra/lois/C-23/>) provides the legislative foundation for CSIS' mandate, outlines its roles and responsibilities, confers specific powers and imposes constraints, and sets the framework for democratic control and accountability for Canada's security intelligence service. For example:

- The *CSIS Act* strictly limits the type of activity that may be investigated and the ways that information can be collected and disclosed. Under Section 12 of

the *CSIS Act*, information may be gathered, “to the extent that it is strictly necessary”, related to activities that may, on reasonable grounds, be suspected of constituting threats to the security of Canada, as defined by the *CSIS Act* (i.e. espionage or sabotage; foreign influenced activities that are detrimental to the interests of Canada; serious politically, religiously or ideologically motivated violence; and covert unlawful acts undermining or leading to the violent overthrow of the established system of government in Canada).

- The *CSIS Act* prohibits CSIS from investigating acts of lawful advocacy, protest, or dissent. CSIS may only investigate these types of acts if they are carried out in conjunction with activities that are threats to the security of Canada.
- Sections 13 and 14 of the *CSIS Act* authorize CSIS to provide security assessments to requesting departments on individuals applying for security clearances when required by the federal public service as a condition of employment; and to provide advice and information to Citizenship and Immigration Canada (CIC) and the Canada Border Services Agency (CBSA) on individuals applying for visas, refugee status, and Canadian citizenship.
- Section 15 authorizes CSIS to conduct investigations in support of section 13-related security assessments and section 14-related advice.
- Section 16 authorizes CSIS to collect within Canada intelligence in relation to the defence of Canada or the conduct of the international affairs of Canada at the request of the Minister of National Defence or the Minister of Foreign Affairs and with a warrant issued by the Federal Court.

The national and largest police force in Canada is the Royal Canadian Mounted Police (RCMP). The RCMP provides policing services (under contract) to all provinces and territories (except Ontario and Quebec) and to approximately 200 municipalities and communities. In addition to preventing and investigating crime, maintaining order and contributing to national security, the RCMP also provides federal policing services across Canada; undertakes international police operations on behalf of Canada; provides personnel for UN peacekeeping operations; and ensures the safety of state officials, visiting dignitaries and foreign missions. The RCMP’s operations are conducted in accordance with the *Royal Canadian Mounted Police Act*, originally passed by Parliament in 1873. To reflect changing times, the Act has been amended at various times, as in 1988 when additional parts to the Act were passed by Parliament to improve procedures for grievances, dispute resolution and establish a system to address complaints against the RCMP. These changes created two oversight bodies: the Commission for Public Complaints Against the RCMP (CPC) and the RCMP External Review Committee (ERC), which are explained below.

Full text of the *Royal Canadian Mounted Police Act* can be found in English at: <http://laws-lois.justice.gc.ca/eng/acts/R-10/> and in French at: <http://laws-lois.justice.gc.ca/fra/lois/R-10/>.

Canada has no paramilitary forces and no internal security forces.

2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

The Minister of National Defence is an elected official and is charged with the management and direction of all matters relating to national defence. The Minister reports to the Prime Minister and Cabinet, of which the Minister is a member, on issues of defence and is accountable to the Prime Minister and Parliament. The Chief of the Defence Staff normally reports to the Minister of National Defence, but can advise the Prime Minister and Cabinet directly. In accordance with the *National Defence Act*, unless the Governor in Council otherwise directs, all orders and instructions to the Canadian Armed Forces that are required to give effect to the decisions and to carry out the directions of the Government of Canada or the Minister shall be issued by or through the Chief of the Defence Staff.

The *National Defence Act* provides for the call out of the Canadian Armed Forces for service in aid of the civil power (Part VI of the *National Defence Act*). In these situations, the Chief of the Defence Staff shall, upon written requisition from the Attorney General of a province and subject to directions from the Minister, deploy the Canadian Armed Forces as he or she considers necessary for the purpose of suppressing or preventing any riot or disturbance that is occurring or is considered likely to occur. Furthermore, the Governor in Council, or the Minister of National Defence on the request of the Minister of Public Safety or any other Minister, may issue directions authorizing the Canadian Armed Forces to provide assistance in respect of any law enforcement matter if the Governor in Council or the Minister considers that the assistance is in the national interest and the matter cannot be effectively dealt with except with the assistance of the Canadian Armed Forces. Finally, Parliament must approve the Federal Budget, which contains proposed defence expenditures.

CSIS activities are reviewed in order to ensure appropriate accountability. This is achieved through a system of mechanisms and processes, some of which are defined in the *CSIS Act*, that include the following:

- Minister of Public Safety: The Minister is responsible to Parliament for CSIS as a whole and for its general direction. The Minister may issue written directions to the Director of CSIS with respect to the Service.
- Deputy Minister of Public Safety: The Deputy Minister provides advice to the Minister regarding the general operational policies of CSIS, and any other matter with respect to which consultation is required under the *CSIS Act*.
- Director of CSIS: The Director of CSIS is accountable to the Minister for the management and control of CSIS. The Director submits annual reports on CSIS activities to the Minister.
- Security Intelligence Review Committee (SIRC): The responsibility for review of CSIS activities rests primarily with SIRC, an external review mechanism that is at arm's length from the Government. SIRC was created to ensure that CSIS powers are used legally and appropriately, and ensure Canadians' rights and freedoms are protected. To enable it to fulfill this role, the Committee has access to all information under CSIS' control (except Cabinet confidences). The Committee has three core responsibilities. First, it conducts self-initiated reviews of CSIS activities, and reviews them against Canadian law and Ministerial Direction to ensure that they are conducted appropriately. It then provides the results of the review to the Minister of Public Safety. Second, the Committee investigates complaints in relation to any CSIS activity, including

security clearance denial or revocation. Again, the results are provided to the Minister. Third, SIRC must issue a certificate to the Minister stating the extent to which it is satisfied with the Director of CSIS' annual report to him. The certificate states whether the CSIS was compliant with Canadian law, Ministerial direction, and internal policy, thereby providing additional scrutiny of the Service and its operations. An annual report providing an unclassified summary of all SIRC's findings and activities is tabled in Parliament every year by the Minister of Public Safety

- **Federal Court:** Under the CSIS Act, the power to authorize intrusive investigation techniques rests solely with the Federal Court of Canada. CSIS must apply to the Federal Court, justifying the proposed use of these techniques. This application is reviewed by a senior CSIS committee chaired by the Director and comprised of representatives from the Department of Justice, and Public Safety Canada. If the committee endorses the application for use of intrusive techniques, it is then submitted to the Minister of Public Safety for approval. If the Minister gives approval, the application is then submitted to the Federal Court, which must issue a warrant before CSIS can proceed with the intrusive investigative technique.
- **Public Reporting:** CSIS provides information to Parliament and the public through the CSIS Public Report, which is aimed at increasing awareness of CSIS' functions and the processes it employs, and dispelling some of the myths surrounding security intelligence work.

The authority and accountability for executing the requirements of the *RCMP Act* rest with the Commissioner of the RCMP who, under the direction of the Minister of Public Safety, has the control and management of the Force and all matters related to its operations. The Minister of Public Safety is answerable to Parliament for the activities of the RCMP and presents Parliament with an annual performance report tabled by the President of the Treasury Board, along with other regular reports concerning various issues relating to the operations of the RCMP.

Commission for Public Complaints Against the RCMP (CPC): The Commission for Public Complaints against the RCMP (CPC) is an independent agency created in 1988 by Parliament under Part VI of the *RCMP Act* and has the vital role of providing independent civilian oversight of RCMP members' conduct in performing their duties. It investigates complaints regarding RCMP members' conduct and makes findings and recommendations to the RCMP Commissioner and the Minister of Public Safety that are aimed at correcting policing problems and preventing their reoccurrence. In order to maintain public accountability, an annual report relating to investigations is tabled in Parliament by the Minister of Public Safety

Royal Canadian Mounted Police External Review Committee (ERC): The RCMP External Review Committee (ERC) is an independent and impartial federal tribunal that helps to ensure fair and equitable labour relations within the RCMP by providing findings and recommendations to the Commissioner of the RCMP. The ERC's jurisdiction is restricted to labour matters that relate to regular members and civilian members of the RCMP, who are non-unionized. The ERC has two program activities: to conduct independent, timely, fair, and impartial case reviews of disciplinary appeals, discharge and demotion appeals, and certain categories of grievances; and to provide outreach and information to support accountability and transparency. The

RCMP has made changes in a variety of areas based on recommendations made by the ERC; these include policy changes with regard to medical discharge, suspension without pay, and harassment. The ERC produces an annual report that is tabled in Parliament by the Minister of Public Safety.

2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

Canada's Constitution states that all matters relating to the military are within the purview of the federal government. This allows the Parliament of Canada to pass laws related to the military, and is therefore a constitutionally imposed effective measure of control over defence. The Government of Canada has given the Canadian Armed Forces, through the *Canada First* Defence Strategy, clear direction concerning their three roles: defending Canada, defending North America and contributing to international peace and security – as well as the types and numbers of missions in which it expects Canadian Armed Forces members to participate. This level of ambition will see the Canadian Armed Forces deliver excellence at home, be a strong and reliable partner in the defence of North America, and project leadership abroad by contributing to international operations in support of Canadian interests and values.

There are various control measures to ensure that the armed forces act solely within the framework of the Constitution. The *National Defence Act* provides the legal basis for civil control of the armed forces and for command authority in the Canadian Armed Forces and the Canadian Armed Forces are required to operate in accordance with this legislation, as well as supplemental regulations known as *Queen's Regulations and Orders* which are issued under the authority of the Governor in Council, the Minister of National Defence, the Treasury Board or the Chief of Defence Staff. The *Queen's Regulations and Orders* are also available in English at: <http://www.admfincs.forces.gc.ca/qro-orf/index-eng.asp> and in French at: <http://www.admfincs-smafinsm.forces.gc.ca/qro-orf/index-fra.asp>.

The Canadian Armed Forces are also impacted by Parliamentary decisions, in that defence budgets must be approved by Parliament. The Minister of National Defence presents regular reports, as required, to Parliament concerning various aspects of the operation of the Department of National Defence and the Canadian Armed Forces. Canada has no paramilitary forces and no internal security forces.

3. Procedures related to different forces personnel

3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary, and internal security forces does your State have?

The Canadian Armed Forces are comprised of three components: the Regular Force; the Reserve Force; and the Special Force. The Reserve Force is further comprised of four sub-components, which are the Primary Reserve, the Cadet Organizations Administration and Training Service (COATS), the Canadian Rangers, and the Supplementary Reserve. Entry and service in the Regular and Reserve Forces are on a voluntary basis.

In Canada, the minimum age for enrolment varies. The written consent of a custodial parent or legal guardian is required on application to join and again on enrolment for every applicant who is under 18 years of age. To be eligible for enrolment in the Regular Force, a candidate must be at least 16 years old if selected for education and training at a Royal Military College (RMC) or at a civilian university or at a college; age 17 in any other case. As provided by law in section 34 of Canada's *National Defence Act*, the Canadian Armed Forces do not under any circumstances deploy persons under the age of 18 into areas where hostilities are taking place. Members who agree to serve in the Regular Force (i.e. full-time service) enrol on a variable initial engagement (VIE) of three or more years, excluding subsidized training. The length of the VIE varies among military occupations.

For enrolment in the Reserve Force, an applicant is required to have reached age 18 if the applicant enrolls in the Cadet Organizations Administration and Training Service (COATS) or the Canadian Rangers; age 16 if selected for education and training at a RMC or otherwise maintains full-time student status until age 17; or age 17 in any other case. Members of the Primary Reserve enrol on an indefinite period of service. Members of the Regular Force and Primary Reserve can voluntarily transfer between their respective components. Regular Officer Training Plan (ROTP) and Reserve Entry Training Plan (RETP) candidates may withdraw from their programs and secure their release from the Canadian Armed Forces prior to the start of their second year of academic sponsorship without financial obligations to the CF. However, individuals seeking voluntary release after the start of their second year of sponsorship may be released with a financial obligation to the Canadian Armed Forces.

These members can also transfer to the Supplementary Reserve. The role of the Supplementary Reserve is to augment the Regular Force and other sub-components of the Reserve Force with individual Supplementary Reserve members as required during normal peacetime situations, with their consent, and during an emergency or mobilization if placed on active service, without their consent. To ensure that their skills and knowledge remain current, members in the Supplementary Reserve normally serve no longer than 10 years or until reaching the compulsory retirement age.

Canada has no paramilitary forces and no internal security forces.

3.2 What kind of exemptions or alternatives to military service does your State have?

Canada does not have compulsory military service and, therefore, does not have any legislation regarding exemptions or alternatives to this type of service.

3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

The rights of all Canadian citizens, including members of the Canadian Armed Forces, are constitutionally protected by the *Canadian Charter of Rights and Freedoms*. Further protection is provided by statutes such as the *Canadian Human Rights Act* and the *Canadian Bill of Rights, 1960*. These legal instruments protect the legal and democratic rights of the individual and proscribe discrimination. They enshrine in law

such principles as the right of an individual to legal counsel upon arrest or detention, and the right to vote, and protect the fundamental freedoms of the individual, including freedom of thought, belief, opinion, and expression.

Canadian Armed Forces members are also governed by the *National Defence Act* and the *Queen's Regulations and Orders* (QR&O). These legal instruments contain specific provisions that ensure fair treatment of Canadian Armed Forces personnel according to law. They protect the Canadian Armed Forces member's right to impartial process or trial and to advice and/or legal representation when a Canadian Armed Forces member is charged with a service offence under the Code of Service Discipline. (Part III of the *National Defence Act*). The proceedings of service tribunals are subject to the constitutional provisions of the *Canadian Charter of Rights and Freedoms*, and are fully compliant with international legal standards regarding judicial guarantees and fair trials, such as those set out in Article 14 of the *International Covenant on Civil and Political Rights*. Every person subject to the Code of Service Discipline has the right to appeal a court martial decision to the Court Martial Appeal Court of Canada. The Court Martial Appeal Court of Canada is a superior court of record, identical in function and status to the Provincial and Federal Appeal Courts which have final appellate jurisdiction in criminal matters. Matters decided by the Court Martial Appeal Court of Canada can be appealed to the Supreme Court of Canada. Judges of the Court Martial Appeal Court are selected from the Federal Court of Canada and other civilian courts of criminal jurisdiction throughout the country.

The *National Defence Act* and QR&O also set out the rights of the Canadian Armed Forces member to seek redress by grieving a decision, act or omission in the administration of the affairs of the Canadian Armed Forces, unless such remedy is specifically precluded in the *National Defence Act* or QR&O. The Canadian Armed Forces Grievance Manual was developed to guide Canadian Armed Forces members through the administrative procedure of preparing and submitting grievances.

Canadian Armed Forces members are also governed by administrative orders and directives. The Canadian Armed Forces maintains collections of these administrative orders and directives in the *Defence Administrative Orders and Directives* (DAODs) and *Canadian Armed Forces Administrative Orders* (CFAOs). These collections establish administrative requirements on subjects such as leave, promotion, training and professional development, harassment prevention, safety, and restrictions on duty.

The legislation, regulations and administrative orders are readily available to all Canadian Armed Forces members, whether in Canada or deployed abroad, through the internal Defence Intranet Network or on the Internet. Online manuals of procedures, such as information concerning the grievance process, are accessible in English at: http://www.forces.gc.ca/en/caf-community_page and in French at: <http://www.forces.gc.ca/fr/communaute-fac.page>.

Search engines of the Forces Grievance Board are also easily accessible in English at: <http://www.cfgb-cgfc.gc.ca/English/CS.html> and in French at: <http://www.cfgb-cgfc.gc.ca/francais/cs.html>.

Canadian Armed Forces members can use toll free access numbers for support or information, such as 1-866-GRIEVOR (474-3867) for grievance issues. As well, the Department of National Defence employs a full-time Ombudsman. The Ombudsman investigates complaints and serves as a neutral third party on matters related to the Department of National Defence and the Canadian Armed Forces. Acting independently of the chain of command and managers, the Ombudsman reports directly to the Minister of National Defence. The Office of the Ombudsman is a direct source of information, referral and education for the men and women of the Department of National Defence and the Canadian Armed Forces. Its role is to help individuals access existing channels of assistance or redress when they have a complaint or concern. In addition, the Ombudsman may investigate and report publicly on matters affecting the welfare of members and employees of the Department of National Defence and the Canadian Armed Forces and others falling within his/her jurisdiction. The ultimate goal is to contribute to substantial and long-lasting improvements to the Defence community. Canadian Armed Forces members can contact the Ombudsman directly for information, referral, or direction at: <http://www.ombudsman.forces.gc.ca/>.

4. Implementation of other political norms, principles, decisions and international humanitarian law

4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

By virtue of the *Geneva Conventions Act, 1995 R.S.C. 1985 c. G-3*, the provisions of the Geneva Conventions of 1949 and the Additional Protocols of 1977 are implemented into Canadian law. All personnel in the Canadian Armed Forces are given mandatory instruction on International Humanitarian Law, which is also known as the Law of Armed Conflict. During basic training, Canadian Armed Forces personnel are instructed on the contents of the 1949 Geneva Conventions and the 1977 Additional Protocols. During basic training and annual refresher training, personnel are also instructed on the Canadian Armed Forces Code of Conduct, which sets out the manner in which Canadian Armed Forces personnel must treat prisoners of war, wounded soldiers and civilians during operations. In addition, personnel deploying on UN and NATO international operations receive refresher training on International Humanitarian Law prior to deployment.

Commissioned officers are given a more extensive training on International Humanitarian Law. Through the Canadian Armed Forces Junior Officer Development training, officers are required to follow independent study courses and pass examinations on various military topics. This programme includes an extensive section on the Law of Armed Conflict beginning with the 1899 Hague Conference, and including the 1949 Geneva Conventions and the 1977 Additional Protocols, as well as Regulations regarding the conduct of Canadian Armed Forces personnel while on operation and specific issues relating to war crimes.

The Office of the Judge Advocate General, in cooperation with the Canadian Armed Forces Military Law Centre, offers several courses on International Humanitarian

Law, available to officers and senior Non-Commissioned Members, at various times throughout the year and in a variety of locations across Canada.

The Code of Conduct for Canadian Armed Forces Personnel is available on-line in English at: <http://www.forces.gc.ca/jag/publications/oplaw-loiop/cfcc-ccfc-eng.pdf> and in French at: <http://www.forces.gc.ca/jag/publications/oplaw-loiop/cfcc-ccfc-fra.pdf>.

In addition, a Joint Doctrine Manual entitled Law of Armed Conflict at the Operational and Tactical Levels, issued under the authority of the Chief of the Defence Staff, is available online in English at: <http://www.forces.gc.ca/jag/publications/oplaw-loiop/loac-ddca-2004-eng.pdf> and in French at: <http://www.forces.gc.ca/jag/publications/oplaw-loiop/loac-ddca-2004-fra.pdf>.

The ‘*Department of National Defence and Canadian Forces Code of Values and Ethics*’ is available on-line in English at: <http://www.forces.gc.ca/en/about/code-of-values-and-ethics.page> and in French at: <http://www.forces.gc.ca/fr/a-propos/code-valeurs-ethique.page>

In keeping with its core values of freedom, democracy, human rights, and the rule of law, Canada takes seriously its commitment to the Women, Peace and Security agenda and supports the development of national implementation strategies and action plans to implement Security Council Resolution 1325. Canada regards full implementation of these resolutions as an important means of contributing to the full realization of human rights, peace, and security by increasing, over the long term, the effectiveness of responses by the international community to conflict situations or cases of acute fragility, and thereby building peace that respects the equality of men and women. Canada’s efforts to implement Resolution 1325 are linked to the overall promotion and protection of women’s and girls’ human rights and equality within the framework of the 1995 Beijing Declaration and Platform for Action, and obligations under UN conventions.

In October 2010, Canada launched its Action Plan for the Implementation of the UN Security Council Resolutions on Women, Peace, and Security which guides the way Canada develops and implements policy and programming, how we train Canadian personnel, and how we ensure they have the right knowledge and guidance for implementing Canadian policies effectively in the field. It steers Canada’s interventions abroad so as to encourage the participation of women and girls, promote their human rights and advance their equal access to humanitarian and development assistance.

With the Department of Foreign Affairs, Trade and Development as the lead, Canadian government departments and agencies, principally the Department of National Defence, Public Safety and the RCMP are involved in the implementation of this Action Plan.

Canada’s Action Plan can be found online in English at: http://www.international.gc.ca/START-GTSR/women_canada_action_plan-

[plan_action_femme.aspx](http://www.international.gc.ca/START-GTSR/women_canada_action_plan-plan_action_femme.aspx) and in French at: http://www.international.gc.ca/START-GTSR/women_canada_action_plan-plan_action_femme.aspx?lang=fra.

As a part of the Action Plan, Canada is committed to the systematic inclusion of modules on women, peace, and security, including, among other things, codes of conduct trafficking in persons, and Canadian and international law applicable to the human rights and protection of women and girls in all Canadian training for military, police, and civilian personnel being deployed operationally. The Action Plan also requires the development of training modules for Government of Canada personnel being deployed to peace operations, fragile states or conflict-affected situations, which identify and address in a meaningful way the differential impact of conflict on women and girls. This training will be specific to protection in the region of assignment or mission area, will draw on experiences/lessons learned from previous engagements, and will address protection issues including sexual violence, sexual exploitation, and abuse of women and girls, and trafficking in persons.

Currently, all personnel of the Department of National Defence and the Canadian Armed Forces deployed on missions abroad receive specific pre-deployment training that is tailored to cultural sensitivities for the country in which they are being deployed. Pre-deployment training usually also includes topics related to codes of conduct, human rights, international humanitarian law, human trafficking, and the protection of civilians, women and children in armed conflict. The curriculum for this training is developed at the Canadian Armed Forces Peace Support Training Centre. It is regularly updated, based on the experiences of our previously deployed personnel – from the Department of National Defence and other government departments – as well as non-governmental organizations in the field. For example, within the Human Rights, Personal Conduct, and Law of Armed Conflict lectures delivered during pre-deployment training, the Peace Support Training Centre discusses women and children among the "groups at risk". Additionally, during the Military Observer course, students receive the above noted lectures in addition to a lecture on disarmament, demobilization, and reintegration (DDR), where there is specific mention of special needs of women / children within the DDR process. Additionally, gender is one of the issues discussed as part of cultural awareness training.

Following the completion of this individual training, personnel attend the Canadian Manoeuvre Training Centre which employs “civilians in battlespace” as role players to ensure realism in the collective training scenarios that are used to prepare for general deployment. A minimum of 20 percent of the “civilians in battlespace” during this collective training are women above the age of 18 years old. Some scenarios also simulate issues involving children in conflict zones. This realism allows participants to practice applying the Law of Armed Conflict and the Canadian Armed Forces Code of Conduct, and for instructors to assess the proper application.

4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

As elaborated in the previous section, in addition to the extensive training at the unit level of each member of the Canadian Armed Forces who deploys overseas regarding the Laws of Armed Conflict, the Canadian Armed Forces Military Law Centre, a

component of the Canadian Defence Academy, provides extensive legal training to Regular and Reserve Force members of the Canadian Armed Forces. This training is aimed at enhancing discipline across the forces and ensuring that the Canadian Armed Forces carries out its missions in accordance with all applicable domestic and international laws.

The Law of Armed Conflict course is intended to familiarize Canadian Armed Forces members with international law and treaties such as The Hague Conventions and Geneva Conventions, dealing with such issues as the lawful conduct of hostilities and the proper treatment of the sick and wounded, civilians, detainees, and prisoners of war.

In addition, as previously stated, Canadian Armed Forces members are required to operate according to the *National Defence Act* and in accordance with the *Queen's Regulations and Orders*. In particular, the *Queen's Regulations and Orders* set out the general duties and responsibilities of officers (QR&O 4.02) and Non-Commissioned Members (QR&O 5.01). Officers and Non-Commissioned members remain subject to the civil law, except as prescribed in the *National Defence Act* (QR&O 19.51). These examples are not exhaustive. For the full set of regulations, applicable to Canadian Armed Forces members, see online in English at:

<http://www.admfincs.forces.gc.ca/qro-orf/index-eng.asp> or in French at:
<http://www.admfincs-smafinism.forces.gc.ca/qro-orf/index-fra.asp>.

Canadian Armed Forces members are subject to the Code of Service Discipline (Part III of the *National Defence Act*) as mentioned in Question 3.3, and are liable to be charged, tried and punished under military law for committing “service offences”. Service offences are defined in the *National Defence Act* as an offence under the *National Defence Act*, the *Criminal Code*, or any other act of Parliament committed by a person while subject to the Code of Service Discipline. Canada’s international law obligations have been incorporated into Canadian law by statutes such as the *Geneva Conventions Act*, and by virtue of section 130 of the *National Defence Act*, into Canadian military law. When Canadian Armed Forces members deploy overseas, they are liable for the full range of service offences. Any offences committed by Canadian Armed Forces personnel while on overseas missions would be triable in the military justice system. All actions that would be considered crimes in International Humanitarian Law are also crimes punishable under Canadian military law.

Serious offences are dealt with at court martial, while less serious offences are usually dealt with at summary trial. For the majority of offences in the military justice system, the accused has the choice of proceeding by way of summary trial or court martial.

All Canadian Armed Forces personnel receive training in military justice during their basic training and are made aware of the Code of Service Discipline. More detailed training in military justice is provided to officers who will be conducting summary trials. No Presiding Officer is permitted to conduct a summary trial until he or she has successfully completed the Presiding Officer Certification Training, offered by the Canadian Armed Forces Military Law Centre. This training includes such topics as powers of punishment, the rights of the accused, basic principles of military law, the procedure applicable at summary trials, and the procedure for dealing with offences

that will be tried by court martial. Presiding Officers must pass re-certification training every four years.

All Canadian Armed Forces members are taught that they are individually responsible for their actions under the Code of Service Discipline. In addition, the Law of Armed Conflict training given to all Canadian Armed Forces members, from privates to senior Officers, teaches that service personnel are individually responsible for their actions during operations and may be dealt with under Canadian law.

With regard to women, peace, and security, the training measures outlined in the response to the previous question will address codes of conduct. In addition, Canada's Action Plan also directs Government of Canada departments and agencies that deploy personnel on peace operations, including the Department of National Defence, to provide deploying personnel with clear context-specific instructions on measures to protect and promote women's and girls' human rights, including measures to prevent sexual violence, and to respond appropriately if sexual violence occurs.

Furthermore, the Action Plan requires applicable Government of Canada departments to direct Canadian diplomatic missions and deployed Canadian Armed Forces or Canadian police personnel to include information on observed or credibly reported serious violations of women's and girls' human rights in their periodic reporting to competent mission authorities on peace operations, and to address reports of alleged sexual exploitation or abuse by Government of Canada personnel with the utmost seriousness. One of the indicators attached to this action tracks the timeliness, appropriateness and transparency with which reported cases of sexual exploitation and abuse are addressed.

4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

Canadian Armed Forces operations are conducted at the direction of the Government of Canada which is, in turn, responsible to the elected Parliament and through the Parliament, the people of Canada. The Canadian Armed Forces conduct their operations in Canada in accord with relevant domestic laws, including the *Canadian Charter of Rights and Freedoms*, which recognizes human rights, including those found in international instruments to which Canada is a party. In addition, the Canadian Armed Forces is subject to oversight by civilian authorities.

The Canadian Armed Forces conducts its operations abroad in accordance with all of its applicable international legal obligations.

On the issue of identity, the Canadian Armed Forces, as well as the Department of National Defence, strive to reflect Canada's cultural, ethnic, gender, and bilingual makeup, as well as its regional diversity. Membership in the Canadian Armed Forces is open to all interested and qualified Canadian citizens regardless of gender, race, culture, or religion. All Canadian Armed Forces members are eligible to serve in all military occupations subject to suitability and requirements; there are no formal restrictions on the employment of women and Canada accommodates religious and

cultural practices of individuals joining the Canadian Armed Forces (e.g. Sikh turbans, aboriginal braids) pursuant to relevant human rights legislation.

Under Canada's Action Plan on Women, Peace, and Security, relevant Government of Canada departments and agencies encourage the active and meaningful participation of women in decision making and in deployments for peace operations, including by identifying and addressing barriers to their full participation. Indicators associated with this action track progress in the following areas:

- Canadian strategic-level national and international security policy directives and guiding documents that address the participation of women in decision making or the deployment of women to peace operations.
- Female Canadian Armed Forces personnel, police officers, and civilian Government of Canada personnel deployed to peace operations.
- Voluntary selection processes for Government of Canada personnel to deploy on peace operations that offer specific measures which work to identify and address barriers to women's participation.
- Women in executive-level roles in Government of Canada departments and agencies involved in peace operations, fragile states, and conflict-affected situations.

The Action Plan also commits Canada to identifying Canadian specialists and trainers with expertise in women, peace, and security issues, and assist where practicable their professional development, placement on international deployment rosters or nomination for relevant multilateral assignments. The Action Plan further requires that Canada encourage troop- and police-contributing countries to foster the participation of women in peace operations and in training relevant to peace operations.

4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?

Canadian Armed Forces members benefit from the rights afforded to them under the *Canadian Charter of Rights and Freedoms*, as elaborated above.

Limits on political activities and candidature for office of Canadian Armed Forces members are set out in QR&O 19.44. Canadian Armed Forces members cannot engage in activities that may affect the actual or perceived political neutrality of the Canadian Armed Forces.

4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?

The Government of Canada has dedicated legal services that provide advice in the field of international law and policy, both within the Department of National Defence, the Canadian Armed Forces, the Department of Justice, and the Department of Foreign Affairs, Trade, and Development. Lawyers from these legal services are involved in developing defence policy and doctrine and providing legal advice to ensure compliance with Canada's international legal obligations.

The Office of the Judge Advocate General (JAG) delivers independent, operationally focused, solution oriented legal advice and services across the full spectrum of military law, and superintends the administration of military justice. Specifically, the JAG is the legal adviser to the Governor General, the Minister of National Defence, the Department of National Defence and the Canadian Armed Forces in matters relating to military law. The JAG is statutorily responsible for the superintendence of the administration of the military justice system in the Canadian Armed Forces.

Section III: Public access and contact information

1. Public access

1.1 How is the public informed about the provisions of the Code of Conduct?

Canada agrees on the need for the public to be informed about the provisions of the Code of Conduct. Much of the information submitted in this questionnaire is publicly available on the websites of Government of Canada Departments, including the website of the Department of National Defence.

1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

The Canadian public has the right to access government-held information through the *Access to Information Act* and the *Privacy Act*. While not directly linked to the replies of the OSCE Code of Conduct questionnaire, Canadian legislation such as the *National Defence Act* is publicly available on the Internet. Extensive information on Canada's armed forces, international agreements and conventions, commitments in the field of arms control and disarmament, institutions responsible for the democratic control of security forces and many other related topics are widely available on the Internet.

Canada's laws and regulations regarding the public's right of access to information held by the Department of National Defence is set out in the *Privacy Act* and the *Access to Information Act*. The *Privacy Act* gives Canadian citizens, permanent residents and persons present in Canada the right to access federal government-held information about themselves. The *Access to Information Act* gives Canadian citizens, permanent residents, persons and corporations present in Canada the right to access information contained in government records. Under the Canadian access legislation the right of access to information is balanced against the legitimate need to protect sensitive information and to permit the effective functioning of government while promoting transparency and accountability in government institutions. Individuals can access the Departmental Access to Information and Privacy Directorate's website, where they can download the prescribed application forms to formalize their requests for access.

Full text of the *Privacy Act* can be found in English at: <http://laws-lois.justice.gc.ca/eng/acts/P-21/index.html> in French at: <http://laws-lois.justice.gc.ca/fra/lois/P-21/index.html>

Full text of the *Access to Information Act* can be found in English at: <http://laws-lois.justice.gc.ca/eng/acts/A-1/> and in French at: <http://laws-lois.justice.gc.ca/fra/lois/A-1/>

The *Privacy Act* and the *Access to Information Act* are intended to complement other informal procedures that allow public access to government information, and are not intended to limit in any way the type of government information that is normally available to the general public. The Department of National Defence maintains an extensive website, where citizens can access a wealth of information on the armed forces at: www.forces.gc.ca. This includes, *inter alia*, information on the organization of the Department of National Defence and the Canadian Armed Forces, operations, equipment procurement, and points of contact. As part of a government-wide movement towards greater transparency, the Department of National Defence website has a *Proactive Disclosure* link in English at: <http://www.admfincs.forces.gc.ca/pd-dp/index-eng.asp> and in French at: <http://www.admfincs-smafinsm.forces.gc.ca/pd-dp/index-fra.asp>.

This link provides access to information in the following categories:

- disclosure of Travel and Hospitality Expenses;
- disclosure of contracts over \$10,000;
- disclosure of Position Reclassifications; and
- disclosure of Grant and Contribution Awards over \$25,000.

Additionally, the Department of National Defence makes information on Canada's Armed Forces widely available through its website (in English at <http://www.forces.gc.ca/site/home-accueil-eng.asp> and in French at: <http://www.forces.gc.ca/site/home-accueil-fra.asp>) and through publications on various aspects of the activities of the Department of National Defence. Additionally, the public can access information through Ministerial Correspondence and Parliamentary questions to Members of Parliament.

2. Contact information

2.1 Provide information on the national point of contact for the implementation of the Code of Conduct

Defence and Security Relations Division
Foreign Affairs and International Trade Canada
125 Sussex drive
Ottawa, ON
Canada
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Tel: 1-613-996-1251
Email: idr@international.gc.ca