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Delegation of Canada  
to the OSCE

Délégation du Canada  
auprès de l'OSCE

**Note Number V-1623**

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 Decision 2/09 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 for year 2021.

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, 17 June 2021



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 - 2021

### 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 19 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— some of which are discussed under section 1.2 below.

Since countering terrorism requires effective international cooperation and coordination, Canada works in a variety of international fora including the United Nations, the G7, the Global Counter-Terrorism Forum (GCTF), the Financial Action Task Force, Asia-Pacific Economic Cooperation (APEC), the Organization of American States (OAS), the ASEAN Regional Forum (ARF) and the World Customs Organization (WCO) to develop, as appropriate, legal instruments, best practices and international standards to combat terrorism.

Canada has also implemented UN Security Council Resolution (UNSCR) 1267 (1999) and successor resolutions by enacting regulations under Canada's *United Nations Act* (UNA). These resolutions require member states to impose a travel ban, assets freeze, and arms embargo against ISIL (Da'esh), Al Qaida and the Taliban, as well as associated entities and individuals.

As well, UNSCR 1373 (2001) imposes obligations on all UN Member States to prevent and suppress terrorism, including by establishing a domestic process to freeze without delay funds or other financial assets of individuals or entities who commit, or attempt to commit, terrorist acts. Canada fulfils this obligation through the *Regulations Implementing the United Nations Resolutions on the Suppression of Terrorism* (RIUNRST), and the *Criminal Code*. In September 2014, Canada co-sponsored United Nations Security Council Resolution 2178, which aims to prevent the international flow of terrorist fighters to and from conflict zones. The Resolution condemns violent extremism and underscores the need to prevent travel and support for foreign terrorist fighters.

Canada has continued to play a leadership role through the Organization of American States (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 chaired CICTE in 2014, focussing on the themes of links between crime and terrorism, and OAS reform. 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. Building on a September 2017 workshop, Canada has developed a Major Events Security Framework that provides APEC economies with common practices and standards to successfully plan, execute and close-out major event security.

Canada also works to combat terrorism through the World Customs Organization (WCO). The WCO Security Programme, which has a focus on the advocacy, coordination and implementation of UN counter-terrorism assessment missions, has been designed to strengthen the capacity of customs administrations to deal with security threats nationally and internationally through the use of its international standards and technical assistance programmes.

In March 2016, Canada and the United States signed an arrangement to improve border security through increased sharing of information between our two countries. This increased sharing will include sharing information in the list established under Canada's *Secure Air Travel Act* and the US "no-fly" list. Canada and the US will also exchange entry information of travellers crossing the land border. These initiatives will be accompanied by the creation of a Canada-US Redress Working Group to facilitate cross-border, aviation-related redress, expedite the processing of complaints, streamline security list removal procedures, and increase transparency.

## **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 specific provisions dealing with terrorism, including a detailed definition of "terrorist activity". Specific terrorism offences include knowing participation in any activity of a terrorist group, facilitation, instruction, and harbouring in relation to terrorist activity, as well as committing an indictable offence that constitutes a terrorist activity and committing an indictable offence for the benefit of a terrorist group. These offences carry significant maximum penalties. Bill C-59, the National Security Act, 2017, which is currently being considered in Parliament, is proposing to make several procedural changes to the terrorist entity listing process to achieve greater efficiency

More specifically, Canada has implemented the following counter-terrorism treaties into the *Criminal Code* with a comprehensive and specific set of criminal law offences, grounds for jurisdiction, and penalties:

- the *Convention for the Suppression of Unlawful Seizure of Aircraft*, signed at The Hague on December 16, 1970 (see subsection 7(2), ss. 76 and 77)
- the *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation*, signed at Montreal on September 23, 1971 (see subsection 7(2), ss. 76 and 77)

- the *Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents*, adopted by the General Assembly of the United Nations on December 14, 1973 (see subsection 7(3) and s. 431)
- the *International Convention against the Taking of Hostages*, adopted by the General Assembly of the United Nations on December 17, 1979 (see subsection 7(3.1), s. 279.1)
- the *Convention on the Physical Protection of Nuclear Material*, done at Vienna and New York on March 3, 1980, as amended by the Amendment to the *Convention on the Physical Protection of Nuclear Material*, done at Vienna on July 8, 2005 and the *International Convention for the Suppression of Acts of Nuclear Terrorism*, done at New York on September 14, 2005 (see subsection 7(2.21), ss. 82.3 to 82.6)
- the *International Convention for the Suppression of the Financing of Terrorism*, adopted by the General Assembly of the United Nations on December 9, 1999 (see subsection 7(3.73), s. 83.02)
- the *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation*, signed at Montreal on February 24, 1988 (subsection 7(2), ss. 76 and 77)
- the *Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation*, done at Rome on March 10, 1988 (see subsection 7(2.1), s. 78.1)
- the *Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf*, done at Rome on March 10, 1988 (see subsection 7(2.1) and (2.2), s. 78.1)
- the *International Convention for the Suppression of Terrorist Bombings*, adopted by the General Assembly of the United Nations on December 15, 1997 (see subsection 7(3.72), and s. 431.2)

Furthermore, consistent with UNSCRs, since 2013, the Criminal Code contains specific criminal law offences of leaving or attempting to leave Canada to commit certain terrorism offences.

Since June 2015, the Criminal Code also contains an offence prohibiting the advocacy of the commission of terrorism offences in general. Bill C-59 proposes to strike a better balance between protecting fundamental rights and freedoms and protecting Canadians from terrorism. As a result, it proposes to make this offence clearer by reframing it as one of counselling the commission of a terrorism offence without identifying a specific terrorism offence. The offence could be committed whether or not a terrorism offence is committed by the person who is counselled.

**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 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:** The *United Nations Al-Qaida and Taliban Regulations* (UNAQTR) were first made on 10 November 1999 under the *United Nations Act*, while being subsequently amended. The UNAQTR imposes an asset freeze and prevents the supply, sale, and transfer of arms and technical assistance to the Taliban, Osama bin Laden and his associates, ISIL (Da'esh), Al-Qaida and other individuals, groups, undertakings and entities associated with them. Persons associated with ISIL (Da'esh), Al-Qaida and the Taliban who are listed in accordance with decisions of the Security Council Committee are incorporated in Canada by reference in the UNAQTR. The travel ban required by the UNSC is implemented in Canada through the *Immigration and Refugee Protection Act*. Penalties for offences set out in the UNAQTR when prosecuted by way of summary conviction, provide for a fine of up to \$100,000 or 1-year imprisonment, or both, or when prosecuted by indictment, of up to a maximum of 10-years imprisonment. In 2011, UNSCRs 1988 and 1989 split the Al-Qaida and Taliban Sanctions List into two separate lists, maintained by two separate listings committees. In December 2015, the Security Council adopted UNSCR 2253 (2015) – co-sponsored by Canada – which expanded the Al-Qaida listing regime to expressly include ISIL (Da'esh). In July 2017, UNSCR 2368 (2017) reaffirmed, inter alia, the assets freeze, travel ban and arms embargo affecting all individuals and entities on the ISIL (Da'esh) & Al-Qaida Sanctions List and added additional names to the list. All federally regulated financial institutions are obligated to comply and have a duty to determine whether they are in possession or control of the relevant property, and to report this to their principal regulator

**Regulations Implementing the United Nations Resolutions on the Suppression of Terrorism:** Canada implements UNSCR 1373, and its successor resolutions, through two listing regimes: the *Regulations Implementing the United Nations Resolutions on the Suppression of Terrorism (RIUNRST)*, enacted under the authority of the *United Nations Act*; and section 83.05 of the *Criminal Code*. The *RIUNRST* 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 fundraising on their behalf. Currently, Canada primarily fulfills its obligations related to UNSCR 1373 (and its successor resolutions) by listing entities under the *Criminal Code*. A listed entity's assets are frozen and can be subject to future seizure and restraint, and even forfeiture (as required by the *International Convention on the Suppression of Terrorist Financing*). In addition, Canadians inside or outside Canada are prohibited from knowingly dealing with property owned or controlled by, or on behalf of, a terrorist group, which includes a listed entity, and reporting requirements relating to such property are imposed. Financial institutions are also subject to reporting requirements and must not allow those entities to access the property. Penalties for offences set out in the *RIUNRST* when prosecuted by way of summary conviction, provide for a fine of up to \$100,000 or 1-year imprisonment, or both, or when prosecuted by indictment, of up to a maximum of 10-years imprisonment.

**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 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 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. The requesting state or entity must be one of Canada's "extradition partners", which are:

- States with which Canada has an extradition agreement (bilateral treaties or multilateral conventions);
- States with which Canada has entered into a case-specific agreement; or
- States or international courts whose names appear in the schedule to the [Extradition Act](#).

***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 provides officers of the IRCC and the CBSA the authority to deny access to or remove from Canadian territory any person who has engaged in or intends to engage in terrorism. Any person found to have been a member of a terrorist group is subject to a lifetime ban from entering Canada. Under the Act, the Government may issue security certificates in exceptional circumstances. Security certificates allow for the use and protection of classified information in what would otherwise be public immigration proceedings to remove individuals believed to be inadmissible to Canada on grounds of national security, human rights abuses, or serious or organized criminality. The *Anti-terrorism Act, 2015* included amendments to the *Immigration and Refugee Protection Act* to better protect classified information used in security certificate proceedings.

***Secure Air Travel Act:*** Since 2015, the *Secure Air Travel Act* sets out the legislative framework for Canada's Passenger Protect Program. Specifically, the Act allows the Minister of Public Safety to list

persons whom the Minister has reasonable grounds to suspect will engage, or attempt to engage, in an act that would threaten transportation security, or will travel by air for the purpose of committing a terrorism offence as defined in the *Criminal Code*. Under this legislative framework, the Minister can issue a direction for reasonable and necessary actions (including, but not limited to denial of boarding) to prevent an individual from travelling by air to commit terror offences or from threatening transportation security. The *Secure Air Travel Act* also includes the legislative framework for the redress process for listed persons.

**Customs Act:** Canada's customs legislation contains provisions that assist in countering a range of offences, including but not limited to terrorism. The Customs Act provides the Canada Border Services Agency (CBSA) the authority to combat a variety of terrorist-related activities: to disrupt terrorist financing, the movement of currency over \$10,000.00 must be declared, movement of goods in the trade stream are screened as part of the Agency's counter-proliferation program to prevent Canada from being a source state or trans-shipment point for weapons, and a tariff item was introduced that provided border services officers the authority to conduct examinations to detect and seize hate and terrorist propaganda. "Terrorist propaganda" is a defined term in the *Criminal Code*, and Bill C-59, mentioned earlier, proposes to amend this definition, to be consistent with the proposed amendment to the advocacy or promotion offence. Subsection 107(8) enables the CBSA to disclose customs information to foreign participants as long as it is in accordance with the terms and conditions of an international convention, agreement, or other written collaborative arrangement between the Government of Canada and the government of that foreign state. In addition to providing the CBSA the legislative authority to administer and enforce the collection of duties and taxes, the Act was amended in 2009 to support the CBSA's strategy to strengthen the systems used for obtaining advance data on goods and people arriving in Canada and better manage risk at air and sea ports.

### **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*, which can be accessed at: <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/rsln-c-gnst-trrrsm/index-eng.aspx>. 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. Domestically, counter-terrorism involves many federal departments and agencies. Cooperation and seamless information sharing within and between security intelligence agencies and law enforcement is essential to effectively address the terrorist threat. To that end, a variety of departments and agencies, such as the Canadian Security Intelligence Service, the Royal Canadian Mounted Police, Public Safety Canada, Canada Border Services Agency, the Department of National Defence and the Canadian Armed Forces, and Global Affairs Canada, among others, all directly or indirectly help to prevent, detect, deny and respond to terrorist threats.

The Minister of Public Safety is responsible for maintaining the Strategy, in consultation with the Minister of Foreign Affairs, and provides an annual public report on the state of the terrorist threat. Current and past public threat reports can be found at:

<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/index-eng.aspx?t=ntnl-scrct>.

In June 2017, the Government of Canada launched the Canada Centre for Community Engagement and Prevention of Violence (Canada Centre) which leads Canada's efforts to counter radicalization to violence. The Canada Centre's activities include: developing policy guidance; promoting coordination and collaboration among key stakeholders; funding, planning and coordinating research to better understand the issue; and funding targeted programming through the Community Resilience Fund (CRF). On December 11, 2018, the Canada Centre launched the National Strategy on Countering Radicalization to Violence, which seeks to advance efforts around the following priority areas: building, sharing, and using knowledge; addressing radicalization to violence in the online space; and supporting interventions. The National Strategy can be accessed at: <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-strtg-ctrng-rdclztn-vlnc/index-en.aspx>.

A key part of the Government's national security strategy is Canada's defence policy. The most recent defence policy, *Strong, Secure, Engaged* (<http://dgpapp.forces.gc.ca/en/canada-defence-policy/docs/canada-defence-policy-report.pdf>) was released on June 7, 2017. It characterized violent extremism as a key security challenge internationally and domestically, and included assistance to civil authorities in counter-terrorism efforts as one of the core missions for the Canadian Armed Forces.

The Canadian Armed Forces does not have a lead role in domestic security as it does not have a standing mandate to enforce Canadian laws. However, pursuant to several legal instruments and inter-departmental Memoranda of Understanding, the Canadian Armed Forces can engage in assistance to law enforcement operations, which can include armed assistance. Domestically, the Canadian Armed Forces may, at the request of civilian authorities in certain cases, 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 requested;
- providing humanitarian and disaster relief in the event of an emergency as requested;
- supporting the federal government in order to prevent, control and mitigate CBRN threats to Canada, including through cooperation and coordination with international partners; and,
- providing support to civilian authorities when requested.

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



NORAD's missions are to provide aerospace warning, aerospace control and maritime warning of threats to North America and surveillance and control of North American airspace. Its unique bi-national command structure, its 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 NORAD Agreement in perpetuity on 12 May 2006.

In addition to the domestic and continental roles of the Canadian Armed Forces, Canada also works through international organizations such as the United Nations, the North Atlantic Treaty Organization (NATO) and multinational coalitions to combat terrorism abroad. The Canadian Armed Forces provide air, sea, land, and special operations forces to multinational operations.

At sea, the Canadian Armed Forces have participated regularly in multi-national counter-terrorism efforts. To help deter, defend, disrupt and protect against terrorist activity in the Mediterranean Sea, Canada has participated in NATO's Operation Sea Guardian. By conducting these maritime operations against terrorist activity, NATO's presence in these waters has benefited all shipping travelling through the Mediterranean Sea by improving perceptions of security. Canada also contributes to Combined Task Force 150 (CTF 150), a multinational coalition conducting counter terrorism and maritime security operations in an area of operation that covers about 5.2 million square kilometers (over two million square miles). The Red Sea, Gulf of Aden, Gulf of Oman and part of the Indian Ocean are covered under the area of operation. As one of three operational flotillas under the multinational, US-led, Combined Maritime Forces, Canadian resources involved in CTF 150 monitor legitimate shipping and conduct maritime security operations. These operations include the interdiction of goods that may indirectly fund or otherwise support terrorist and related illegal activities. The purpose of these maritime operations is to help set the conditions for regional maritime security and stability in one of the world's busiest shipping regions and one that is vital to the global economy. Canada took command of CTF 150 in January 2021 for a six month period.

Through Canada's Military Training and Cooperation Program (MTCP), the Department of National Defence and the Canadian Armed Forces provide a broad range of capacity building and training opportunities to partner countries. The program aims to improve interoperability and the ability of recipient nations to undertake and gain appropriate skills to function in multilateral peace support operations.

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), the Canadian Joint Incident Response Unit – Chemical, Biological, Radiological and Nuclear (CJIRU – CBRN), and the Canadian Special Operations Training Centre (CSOTC). One of CANSOFCOM's core tasks relates to Counter-Terrorism Operations to prevent, deter, pre-empt and respond to terrorism. CANSOFCOM also works with the Canadian security and intelligence community. This enables the CAF and whole-of-government partners to protect Canadians and Canadian interests from terrorism and other threats at home and abroad.

**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;**

The Federal Government announced in its recent 2021 Budget, proposals to strengthen Canada's anti-money laundering and anti-terrorist financing (AML/ATF) efforts. Budget 2021 proposed funding to enable FINTRAC to: continue to build its expertise related to virtual currency; supervise the armoured car sector; and develop and administer a cost recovery scheme for its compliance activities.

Budget 2021 proposed to make legislative amendments to the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* to allow FINTRAC to disclose additional information to law enforcement, national security agencies and other departments and agencies, including information associated with virtual currency transactions and trusts. The proposed amendments also expand the list of criteria that make persons or entities ineligible to register with FINTRAC as a money services business.

Budget 2021 also proposed a number of amendments to the *Income Tax Act* to prevent the abuse of charities, such as preventing individuals with a known history of supporting terrorism from becoming a director, trustee, or similar official of a registered charity.

To catch those who attempt to launder money, evade taxes, or commit other complex financial crimes, Budget 2021 proposed funding to Innovation, Science and Economic Development Canada to support the implementation of a publicly accessible corporate beneficial ownership registry by 2025. The registry will help authorities gain access to accurate and up-to-date data on the individuals who own and control corporations.

**— Border controls;**

**— Travel document security;**

The CBSA and the IRCC's Passport Program work closely to prevent the use of fraudulent documents to gain access to travel or immigration programs. The CBSA's National Document Centre (NDC) contributes to the security and safety of Canadians by helping prevent the movement of unlawful people and goods across the border through the detection and analysis of document and identity fraud abroad, at ports of entry and in Canada and through collaboration with national and international partners on the integrity of their travel and identity documents and issuance processes. The NDC acts as a center of expertise for the Canada Border Services Agency (CBSA) and the Department of Immigration, Refugees and Citizenship Canada (IRCC) in the analysis of travel and identity document fraud.

The IRCC's Passport Program is responsible for the issuance of Canadian travel documents and has the authority to prevent abuse of Canadian travel documents.

Among the options available to deter high risk travellers, passport refusal and revocation, as specified in the *Canadian Passport Order* (the *Order*), have always been important tools. Collaborative work is done with law enforcement and intelligence partners to share information in order to refuse and revoke the

passports of high-risk travellers when necessary. Under the *Order*, a passport may be refused or revoked on a number of grounds, including if a person has been charged with or convicted of a criminal offence, or if the Minister of Public Safety is of the opinion that it is necessary for the national security of Canada or another country. In June 2015, the Government of Canada issued amendments to the *Order* which clarified and strengthened the authorities under which the Minister may cancel, refuse, or revoke a passport on national security grounds. In the same month, Parliament passed the *Prevention of Terrorist Travel Act* which enabled Federal Court judges to consider and keep confidential classified information in proceedings related to passport decisions made by the Minister of Public Safety.

In order to mitigate the risk that a passport will be used for travel during the course of an administrative passport investigation, a passport can also be invalidated. Information on invalidated and revoked travel documents is shared with law enforcement and border control partners daily via lost, stolen, and fraudulent document databases.

— **Container and supply chain security;**

Supply chain security is a priority for the Canada Border Services Agency (CBSA). The National Targeting Centre (NTC) is a 24/7 operation responsible for ensuring national security and the health and safety of Canadians by increasing Canada's ability to detect and interdict high-risk goods at the earliest point in the travel and trade continuum. The NTC conducts targeting activities for goods and conveyances in all modes in accordance with the CBSA / National Targeting Program Mission, Vision, priorities, policies and procedures. By conducting tactical threat assessments, the NTC facilitates the expeditious flow of information and intelligence within the CBSA and between partnering agencies to identify high-risk travellers and goods before they arrive at our borders. The NTC analyzes and risk-assesses information from current intelligence, resultant enforcement actions and compliance data to identify emerging trends and establish intelligence indicators in order to continuously adapt targeting efforts to the areas of highest threat.

— **Security of radioactive sources;**

Canada is an active participant in the 105-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. As noted earlier, Canada has implemented the Convention on the Physical Protection of Nuclear Material, as amended by the Amendment to the Convention on the Physical Protection of Nuclear Material, and the International Convention for the Suppression of Acts of Nuclear Terrorism.

— **Use of the Internet and other information networks for terrorist purposes;**

Counselling the commission of any crime whether or not the crime is committed, including counselling the commission of a terrorism offence or a terrorist activity, gives rise to criminal liability under the *Criminal Code*. As well, there is the crime of advocating or promoting the commission of terrorism offences in general. As mentioned previously, Bill C-59 proposes to reframe this offence as one of

counselling the commission of a terrorism offence without identifying a specific terrorism offence. The offence could be committed whether or not a terrorism offence is committed by the person who is counselled. Counselling includes inciting. In addition, there are provisions in the Criminal Code which allow a judge, where there are reasonable grounds to believe that terrorist propaganda is stored and made available to the public through a computer system that is within the jurisdiction of the court, to order the computer system's custodian to give an electronic copy of the material to the court, to ensure the material is no longer stored on and made available through the computer system and to provide the necessary information to identify and locate the person who posted the material. If a court is satisfied on the balance of probabilities that the material is terrorist propaganda available to the public, it may order the computer system custodian to delete the material. As previously mentioned, terrorist propaganda is a defined term in the Criminal Code. Bill C-59 proposes to amend this definition so that it focuses exclusively on material that counsels the commission of a terrorism offence, removing the concept currently in the definition of advocating or promoting the commission of terrorism offences in general.

Canada continues to work with Five Eyes partners, through the Five Country Ministerial, and G7 countries to engage with digital industry, notably the Global Internet Forum to Counterterrorism (GIFCT) led by Facebook, Google, Twitter and Microsoft, to address issues of violent extremist and terrorist use of the internet. Underlying Canada's approach is a commitment to human rights and fundamental freedoms and a belief that these efforts must be collaborative and include the participation of digital industry, governments, civil society, academics and researchers.

— **Legal co-operation including extradition;**

— **Safe havens and shelter to terrorists and terrorist organizations.**

Established in 2002 as Canada's contribution to the G7-led Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, Canada's Weapons Threat Reduction Program (WTRP-former Global Partnership Program) works with partner countries, international organizations, NGOs, and other government departments to reduce the threat to international security posed by nuclear, radiological, biological, or chemical proliferation and terrorism by implementing concrete projects. WMD TRP activities are organized across four priority areas: nuclear and radiological security, biological security, chemical weapons, and United Nations Security Council Resolution 1540 implementation assistance. Since 2002, the WTRP has spent approximately \$1.3 billion. Programming was renewed in June 2018 on an ongoing basis at a funding level of \$73.4M per year and included new authorities to provide capacity building and support to legal frameworks related to conventional weapons (small arms and light weapons and mine action).

In October 2014, the National Security Joint Operations Centre (NS-JOC) was established to facilitate information sharing and collaboration on national security cases between federal departments and agencies. Members—which include Immigration, Refugees and Citizenship Canada (IRCC)'s Passport Program, the Canada Border Services Agency (CBSA), as well as law enforcement and intelligence

partners—share information on high risk travellers who may pose a threat to national security in order to develop a coordinated Government of Canada response.

The *Anti-terrorism Act, 2015* introduced the *Security of Canada Information Sharing Act*, which facilitates the sharing of national security-relevant information with federal institutions that have national security-related responsibilities. Under the Act, Government of Canada institutions are now able, but not required, to share information related to activities that undermine the security of Canada with the heads of seventeen designated departments and agencies. The shared information must be relevant to the recipient institutions' jurisdiction or responsibilities as they relate to national security.

In addition, Canada's criminal law provides for various forms of party liability, including aiding, abetting, and accessory after the fact to terrorism offences.

## **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.**

Canada presently does not have any permanently stationed forces within the OSCE region. Canadian Armed Forces members who are temporarily based in OSCE member countries are there in accordance with negotiated agreements or arrangements. Some are deployed under the auspices of the United Nations 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 and multilateral 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 that work on global security such as the UN, NATO, the Conference on Disarmament and the OSCE. Canada is engaged in confidence-building

measures through open and transparent participation in conventional arms control instruments including the *Treaty on Conventional Armed Forces in Europe*, the *Open Skies Treaty*, and the *Vienna Document 2011*. Canada also fully supports the implementation of the 2013 report of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities and already performs a number of activities related to such measures. Canada is a State Party to all 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 1990 *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 *Treaty on the Non-Proliferation of Nuclear Weapons* (NPT) and the 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. Canada is also a Subscribing State to the *Hague Code of Conduct Against Ballistic Missile Proliferation*, which has the objective to internationally regulate the area of ballistic missiles capable of carrying weapons of mass destruction.

Additionally, Canada is a State Party to the *Convention on Certain Conventional Weapons* and the *Ottawa Convention* banning anti-personnel mines. Canada ratified the *Convention on Cluster Munitions* on March 16, 2015 and became a State Party to it on September 1, 2015. The Canadian Armed Forces conducts rigorous reviews to ensure its weapons acquisition programmes are in compliance with these treaties, Additional Protocol I and other applicable international obligations. In the case of the *Convention on Cluster Munitions* and the *Ottawa Convention*, implementation legislation has been enacted to ensure compliance.

Canada also supports international efforts to reduce the threat of CBRN proliferation and terrorism through its Weapons Threat Reduction Program (WTRP), which implements projects with and through partner countries, international organizations, NGOs and other government departments. The WTRP was established in 2002 to fulfill Canada's commitments to the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, which was launched at the G8 Summit in Kananaskis. Since 2002, the Program has supported \$1.3B in projects worldwide.

In addition to playing a leading role in the now 31 country Global Partnership, the Weapons Threat Reduction Program supports fulfillment of Canadian commitments in the Nuclear Security Summit process, the Global Health Security Agenda, the Global Initiative to Combat Nuclear Terrorism, and the Global Coalition Against Daesh. It also contributes to the UN Sustainable Development Goals, notably Goal #16 (Peace Justice and Strong Institutions) by combatting terrorism and crime.

**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 Commission, the Joint Consultative Group and the OSCE Permanent and Ministerial Councils. Canada is also actively participating in the OSCE *Structured Dialogue on Current and Future Risks and Challenges to Security in the OSCE Area*. 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 Canada's Military 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 rests with the federal Cabinet. Parliament also 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. Canada's current defence policy, *Strong, Secure, Engaged* (<http://dgpapp.forces.gc.ca/en/canada-defence-policy/docs/canada-defence-policy-report.pdf>) was released on June 7, 2017.

Within the Department of 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 late winter/early spring, which may contain specific initiatives for the Department of National Defence;

(b) at the beginning of the yearly financial cycle, 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 Departmental Plan;

(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 spending requirements that were not sufficiently developed in time for inclusion in the Main Estimates, 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 Results Report (DRR); 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 at: <https://www.canada.ca/en/treasury-board-secretariat/services/planned-government-spending/government-expenditure-plan-main-estimates.html>

## **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?**

Supporting international peace and stability are core missions of the Canadian Armed Forces. As stated in *Strong, Secure, Engaged*, in addition to its domestic role to protect Canada and Canadians domestically, the Canadian Armed Forces are also prepared to:

- Lead and/or contribute forces to NATO and coalition efforts to deter and defeat adversaries, including terrorists, to support global stability;
- Lead and/or contribute to international peace operations and stabilization missions with the United Nations, NATO, and other multilateral partners; and
- Engage in capacity building to support the security of other nations and their ability to contribute to security abroad.

For example, Canada contributes to international peace and security through its peace-keeping operations, including Canadian Armed Forces personnel temporarily deployed in the OSCE region on peace-keeping missions. The Canadian Armed Forces members who are temporarily based in OSCE member countries do so in accordance with negotiated agreements or arrangements.



Canada also demonstrates transparency and openness with other States with regard to its military capacities. Indeed, DND/CAF provides regular updates on major projects and programs by publishing its Investment Plan, and provides an annual update of the Defence Planning Document to the OSCE. Canada also 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*, and the *Open Skies treaty*.

## **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?**

*The Constitution Act, 1867*, provides that the Parliament of Canada has exclusive legislative authority over all matters relating to Militia, Military and Naval Service, and Defence. Effective democratic control is ensured via civilian oversight of the Canadian Armed Forces by democratically-elected authorities. The *National Defence Act* grants the Minister of National Defence the management and direction of the Canadian Armed Forces as well as the task of presiding over the Department of National Defence. These organizations have an integrated civilian-military team, led by the Deputy Minister of National Defence, the senior-most public servant responsible for the Department (including defence policy and resource management), and the Chief of the Defence Staff, charged with the command, control and administration of the Canadian Armed Forces.

The Constitution further provides that, “Command-in-chief of the land and naval militia, and of all naval and military forces, of and in Canada”, continues to flow from, and be vested in, the Queen, and that the Governor General of Canada is the Queen's representative in Canada, with the title of Commander-in-Chief of the Canadian Armed Forces. In practice, the Governor General does not exercise command authority over the military. Rather, law and convention provide that an exercise of the Crown Prerogative by the political executive provides a valid legal basis for the deployment of the military, whether on domestic or international operations. This Crown Prerogative authority is typically exercised by the full Cabinet, but can also be exercised in certain circumstances by its constituent parts, being the Prime Minister, Cabinet Committee(s), or individual Cabinet Ministers. The *National Defence Act* provides further legislative mechanisms for the lawful deployment of the Canadian Armed Forces within Canada, including for the provision of public service support to civil authorities, for support to law enforcement matters, and in response to requisition by provincial authorities in aid of the civil power.

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

Canada's main intelligence organization, the Canadian Security Intelligence Service (CSIS), is responsible for investigating threats to the security of Canada domestically and abroad. *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* defines the duties and functions of the Service. Under Section 12 of the *CSIS Act*, information or intelligence may be collected, “to the extent that it is strictly necessary”, respecting activities that may, on reasonable grounds, be suspected of constituting threats to the security of Canada, as defined under section 2 of the *CSIS Act* (i.e. espionage, sabotage, serious politically motivated violence, clandestine or deceptive foreign influence activities, and covert unlawful acts undermining or leading to the violent overthrow of the established system of government in Canada).
- Under amendments enacted by the *Anti-terrorism Act, 2015*, where there are reasonable grounds to believe that a particular activity constitutes a threat to the security of Canada, CSIS may undertake measures to reduce the threats. Threat reduction measures are subject to a number of restrictions, including that they are reasonable and proportional in the circumstances.
- Section 13 of the *CSIS Act* authorizes CSIS to provide security assessments to departments of the Government of Canada, to Provincial governments and departments and provincial police forces where formal arrangements are in place; Section 14 of the *CSIS Act* authorizes CSIS to provide advice and information to any minister of Crown relevant to the exercise of any power or the performance of any duty by that Minister under the *Citizenship Act* or the *Immigration and Refugee Protection Act*.
- Section 15 authorizes CSIS to conduct investigations as are necessary in support of section 13 security assessments and section 14 advice.
- Section 16 authorizes CSIS to assist the Minister of National Defence or Foreign Affairs, within Canada, in the collection of information or intelligence relating to the capabilities, intentions or activities of foreign states or groups of states. This is only undertaken in response to a written request from the Minister of National Defence or Foreign Affairs, and with the concurrence of the Minister of Public Safety.
- Where CSIS believes, on reasonable grounds, that a warrant is required to investigate a threat (such as the interception of private communications), it can apply to the Federal Court for a warrant under section 21 of the *CSIS Act*. The Act defines what must be included in an application for warrant.
- Under section 21, CSIS also requires a warrant when it seeks to undertake threat reduction measures that would otherwise contravene a right or freedom guaranteed by the *Canadian Charter of Rights and Freedoms* or otherwise be contrary to Canadian law. However, threat reduction activities may never obstruct the course of justice, cause bodily harm, or violate the sexual integrity of an individual.
- All CSIS warrants require the approval of the Minister of Public Safety, and in issuing warrants the Federal Court has the discretion to specify terms and conditions to ensure the public interest is protected.

- 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.

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 its contract policing responsibilities, the RCMP also provides federal policing services across Canada. The Federal Policing program is mandated to: enforce federal laws, secure Canada's borders between ports of entry, collect criminal intelligence, and ensure the safety of critical infrastructure, internationally protected persons and other designated persons; investigate serious and organized crime, financial crime and criminal activity related to national security; and, conduct international law enforcement capacity-building, support Canadian international peace operation and advance domestic police operations through enhanced visibility, reach and influence abroad.

The RCMP's operations are conducted in accordance with the *Royal Canadian Mounted Police Act*, originally passed by Parliament in 1873. To reflect evolving changes in society, 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), now known as the Civilian Review and Complaints Commission for the RCMP (CRCC), 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 is one of the most reviewed and accountable security agencies in the world. This is achieved through a system of control and review mechanisms and processes, prescribed by 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 in accordance with the relevant provisions of 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 an annual classified report on its operational activities to the Minister.
- **Security Intelligence Review Committee (SIRC):** SIRC is an external, independent review body established to report to Parliament on CSIS' operations. It carries out reviews of CSIS' operational activities and conducts investigations into public complaints about CSIS. The Committee has access to all information under CSIS' control (except Cabinet confidences). SIRC informs the Minister of Public Safety of its investigation findings on an ongoing basis, and produces an annual report that is tabled by the Minister in Parliament. In addition, SIRC issues a certificate to the Minister stating the extent to which it is satisfied with the CSIS Director's classified annual report to the Minister and whether those activities detailed in the report adhered to the *CSIS Act* and Ministerial direction or involved the unreasonable or unnecessary exercise by the Service of its powers.
- **Federal Court:** Under the *CSIS Act*, CSIS must apply to the Federal Court where it believes, on reasonable grounds, that a warrant is required to investigate a threat (e.g. to undertake certain intrusive activities). 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 warrant, 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 activities.
- **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.

- Parliamentary appearances: CSIS regularly appears at Parliamentary committees, in both the House of Commons and Senate, to provide information and answer questions related to both its activities and administration, including financial accountability through the Estimates process.
- Committee of Parliamentarians: In 2017, the *National Security and Intelligence Committee of Parliamentarians Act* created a statutory committee of parliamentarians with a broad mandate to review the activities of Canada's national security and intelligence community. It performs reviews of national security and intelligence activities including ongoing operations; the legislative, regulatory, policy, expenditure and administrative frameworks under which these activities are conducted; and specific matters referred by a minister. The Committee has robust powers to access any information to conduct its reviews, subject to certain limitations. Committee members come from both Houses of Parliament and hold the required security clearances to receive classified briefings and materials related to the conduct of the Committee's work. The Committee's annual report and any special reports to the Prime Minister are tabled in Parliament (following any redactions needed to protect classified material).
- Other external review: CSIS is subject to review by both the Auditor General and Privacy Commissioner of Canada.
- Internal evaluation and audit: In addition to external controls and review measures, CSIS maintains a rigorous internal evaluation and audit function aimed at constant improvement of its programs and policies.

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 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.

**Civilian Review and Complaints Commission for the RCMP:** The Commission for Public Complaints against the RCMP (CPC) was an independent agency created to provide independent civilian oversight of RCMP members' conduct in performing their duties. In December 2014, the Civilian Review and Complaints Commission for the RCMP (CRCC) was created to replace the CPC and provide it with enhanced powers, expanded mandate and additional responsibilities. The CRCC has the ability to identify issues of concern and review the RCMP's national security related policing programs and activities. The CRCC is led by Governor-in-Council appointees and is supported by dedicated research staffs and legal counsel. The CRCC releases a report every year summarizing its activities, including findings and recommendations from reviews and in response to complaints.

**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 provides the Canadian Armed Forces with clear direction on their roles and missions through publicly available defence policy. Canada's new defence policy, issued in June 2017, highlights the three core roles of the Canadian Armed Forces – to defend Canada, defend North America, and contribute to global security.

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. The Canadian Armed Forces are required to operate according to the *National Defence Act*, as well as in accordance with 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. As mentioned above, the *National Defence Act* is available at: <http://lois-laws.justice.gc.ca/eng/acts/N-5/index.html> . The *Queen's Regulations and Orders* are also available in English at: <http://www.forces.gc.ca/en/about-policies-standards-queens-regulations-orders/index.page> and in French at: <http://www.forces.gc.ca/fr/a-propos-politiques-normes-directives-ordonnances-reglements-royaux/index.page>. 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, 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 of three or more years, excluding subsidized training. The length of the variable initial engagement 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 or the Canadian Rangers. 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 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 Canadian Armed Forces. 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*. These legal instruments contain specific provisions that ensure fair treatment of Canadian Armed Forces personnel according to law. They protect the Canadian Armed Forces members' 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 *Queen's Regulations and Orders* 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 *Queen's Regulations and Orders*. 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* and *Canadian Armed Forces Administrative Orders*. 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 Canadian Armed Forces Grievance Process, are accessible in English at: <https://www.canada.ca/en/military-grievances-external-review.html> and in French at: <https://www.canada.ca/fr/externe-examen-griefs-militaires.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.



The Ombudsman is appointed by the Governor General in Council and operated by Ministerial Directive supported by a Defence Administrative Order and Directive (DAOD)<sup>1</sup>.

The Office of the Ombudsman investigates complaints and serves as a neutral third party that helps ensure the fair treatment of members of the Defence Community. Acting independently of the chain of command and civilian management, 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:

- Current and former Canadian Armed Forces Members,
- Current and former DND employees,
- Current and former Cadets,
- Current and former employees of Staff of Non-Public Funds,
- Canadian Armed Forces applicants and recruits,
- Current and former Canadian Rangers,
- Families of all of the above, and
- Persons seconded/attached to the Canadian Armed Forces

The role of the Ombudsman is to:

- help individuals access existing channels of assistance or redress when they have a complaint or concern;
- Provide educational material on issues such as classification/career, pay, compensation, benefits, and health services and programs;
- Assist in navigating the DND/CAF complaint mechanisms;
- Review and investigate complaints of unfair treatment by the DND of the CAF.

When a grievance or complaint about unfair treatment in the workplace or accessing benefits or services has not been resolved satisfactorily through regular channels, members of the Defence team can ask for help from the Ombudsman. The Ombudsman can give advice about using existing services for assistance and redress or other available options. In more complex situations, the Ombudsman may further investigate a complaint and provide recommendations to the DND, CAF or Veterans Affairs Canada. If a complaint has [compelling circumstances](#), the matter may be escalated and investigated urgently.

In addition, the Ombudsman may investigate and report publicly on systemic 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. Members of the Defence team can contact the Ombudsman directly for information, referral or direction at: [ombudsman-communication@forces.gc.ca](mailto:ombudsman-communication@forces.gc.ca) or toll-free at: 1-888-828-3626. For more information, consult <http://www.ombudsman.forces.gc.ca/>

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

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<sup>1</sup> <https://www.canada.ca/en/department-national-defence/corporate/policies-standards/defence-administrative-orders-directives/5000-series/5047/5047-1-office-of-the-ombudsman.html>

#### **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 incorporated into Canadian law. During basic training, all Canadian Armed Forces personnel are instructed on the contents of the Geneva Conventions of 1949 and the Additional Protocols of 1977. Personnel are also periodically instructed on the Code of Conduct for Canadian Forces Personnel, which sets out, *inter alia*, the manner in which Canadian Armed Forces personnel must treat detained persons, soldiers rendered *hors de combat*, and civilians and civilian property during operations. In addition, personnel deploying on international operations receive refresher training on International Humanitarian Law and the Code of Conduct for Canadian Forces Personnel prior to deployment.

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

The Canadian Forces Military Law Centre in cooperation with the Office of the Judge Advocate General offers an Intermediate Law of Armed Conflict course available to officers and senior Non-Commissioned Members, at various times throughout the year and in a variety of locations across Canada.

The “DND and CAF Code of Values and Ethics” is available on-line at:

<http://www.forces.gc.ca/en/about/code-of-values-and-ethics.page>

Currently, all personnel of the Department of National Defence and the Canadian Armed Forces deployed on international missions receive specific pre-deployment training that is tailored to cultural sensitivities for the country in which they are being deployed. Pre-deployment training 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. This training is regularly updated, based upon consultations with international centres of excellence and on the experiences of our previously deployed personnel – from the Department of National Defence, Canadian Armed Forces, and other government departments – as well as non-governmental organizations in the field.

#### **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 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 Military Personnel Command, provides 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 Intermediate 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 (*Queen's Regulations and Orders* 4.02) and Non-Commissioned Members (*Queen's Regulations and Orders* 5.01). Officers and Non-Commissioned members remain subject to the civil law, except as prescribed in the *National Defence Act* (*Queen's Regulations and Orders* 19.51). These examples are not exhaustive. For the full set of regulations, applicable to Canadian Armed Forces members, see online at:

<http://www.forces.gc.ca/en/about-policies-standards-queens-regulations-orders/index.page>

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 may result in a trial in the military justice system. Violations of 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. The accused has the choice of proceeding by way of summary trial or by court martial for the majority of offences in the military justice system, including any offence which may result in a significant fine or detention.

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 and other selected senior non-commissioned officers. 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 and provided by legal officers on military bases across Canada and overseas, as required. This training includes such topics as powers of punishment, the rights of the accused, basic principles of military law, the pre-trial custody, the procedure applicable – including procedural fairness -- 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 conduct during operations and may be dealt with under Canadian law.

**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?**

The Canadian Armed Forces is subject to civilian oversight and Canadian Armed Forces operations are only conducted at the direction of the Government of Canada which, in turn, is responsible to the elected Parliament and through Parliament, the people of Canada. The Canadian Armed Forces conducts its domestic and international operations in accordance with all of its 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, religion, or sexual orientation. All Canadian Armed Forces members are eligible to serve in all military occupations subject to suitability and requirements; there are no 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 for the Implementation of United Nations Security Council Resolutions 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. The Canadian Armed Forces and Department of National Defence have gone beyond merely developing and implementing policies of equal opportunity by instituting special measures to attract greater numbers of qualified women from the Canadian workforce; identifying potential barriers to the full and meaningful participation of military and civilian members of Canada's Defence Team; continuing its education and training activities to raise awareness about women's vulnerability in conflict situations; promoting the role of women in international peace and security within international organizations such as NATO; and, implementing new gender neutral fitness standards. With diversity in the workplace becoming an increasingly important objective, gender issues are receiving heightened visibility, particularly in the context of intersectionality. Recognizing that there exists a clear requirement to update policy to better align with Canada's Defence Policy Strong, Secure, Engaged, and to account for the significant and ongoing diversity and inclusion work across the Canadian Armed Forces and the Department of National Defence, Military Personnel Command is launching a "refresh" of the Diversity Strategy and Action Plan. This work will be undertaken with Assistant Deputy Minister (Human Resources – Civilian) as part of a

Defence Team approach, with a view to having a revised and updated Defence Team Diversity Strategy and related Action Plans, including a Performance Measurement Framework, in place by the fall of 2019.

In addition, the Chief of Defence staff has released a directive on the implementation of UNSCR 1325, which has particular emphasis on integrating gender into operations, policies and programs by incorporating a gender perspective into the planning and execution of military operations at all levels. In parallel, the Deputy Minister has released a Directive on the implementation of GBA+ (Gender Based Analysis Plus) across the Department, and Gender Advisors, Gender Focal Points and GBA+ Focal Points have been established at both strategic and operational levels within the Department of National Defence and Canadian Armed Forces to enhance the Defence Team's capability to address a range of challenges in operational environments, including the prevention of Sexual- and Gender-Based Violence, the protection of civilians and the prevention of Sexual Exploitation and Abuse. The Canadian Armed Forces and Department of National Defence have moved forward and have begun instituting the mandatory requirement for key and selected staff to complete the Government of Canada Gender Based Analysis Plus course, with a view to making it a mandatory requirement for all Defence Team members and employees in the future. Gender Based Analysis Plus is an analytical tool used to assess the potential impacts of policies, programs, services, and other initiatives on diverse groups of women and men, taking into account not only gender but other identity factors such as age, education, language, geography, culture and income.

The RCMP, through the Canadian Police Arrangement - which is Canada's deployment mechanism for Canadian civilian police officers to serve with international peace operations - also works towards the implementation of Canada's Action Plan for the Implementation of United Nations Security Council Resolutions on Women, Peace, and Security. Canadian police officers serving with international peace operations, contribute to the development of professional and effective law enforcement institutions. These deployed police officers also promote respect for human rights and the rights of women and girls, protect women and girls from violence, including sexual violence, while also meeting the needs of the local population. Many Canadian police officers take on roles within peace operations that are mandated to promote women's rights and gender equality, for example the deployment of Gender Advisors and Human Rights mentors.

To enhance the ability of deployed Canadian police officers to deliver gender-sensitive programming, women, peace and security is a key subject for all officers during their pre-deployment training. The RCMP has also updated 100% of its reporting and assessment tools to include women, peace and security principles and gender perspectives, as they relate to equality, discrimination and persecution. These tools are used to assess future and current missions, as well as measure mission progress, to ensure that Canadian Police Arrangement operations comply with and address the needs of women and girls. Furthermore, the RCMP continues to strive to meet the UN's goals for the deployment of more women to peace operations, with the RCMP exceeding the Individual Police Officer deployment goal for women of 21% in fiscal year 2018-19.

In accordance with the Action Plan, Canada is committed 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. Canada also encourages 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 same rights as other Canadians, including those afforded to them under the *Canadian Charter of Rights and Freedoms*, as elaborated above.

Canadian Armed Forces may exercise their right to vote in federal elections under special rules in Canadian law. During federal elections and referendums, Canadian Forces electors can vote, by mail or at polling stations set up in their units, using a special ballot. This method of voting is governed by the Special Voting Rules, Part 11 of the *Canada Elections Act*. More information on the national Special Voting Rules is available online at:

<http://www.elections.ca/content.aspx?section=vot&dir=bkg&document=ec90550&lang=e>

Limits on political activities and candidature for office of Canadian Armed members are set out in 19.44 of the Queen's Regulations and Orders. Canadian Armed Forces members cannot engage in activities that may affect the actual or perceived political neutrality of the Canadian Armed Forces.

Members of the Canadian Armed Forces are subject to the Department of National Defence and Canadian Armed Forces Code of Values and Ethics. Compliance with this Code is an order for Canadian Armed Forces members. They are required to comply with certain ethical principles, including:

- **Serve Canada Before Self:** At all times and all places, Canadian Armed Forces members must fulfill their commitments in a manner that best serves Canada, its people, its parliamentary democracy, Department of National Defence and Canadian Armed Forces by, among a number of things, providing decision-makers with all the information they need, always striving to be open, candid and impartial.
- **Obey and Support Lawful Authority:** At all times and in all places, Canadian Armed Forces members must uphold Canada's Parliamentary democracy and its institutions by respecting the rule of law and carrying out their duty and their duties in accordance with legislation, policies and directives in a non-partisan and objective manner.

#### **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 Global Affairs Canada. 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 delivers client-focused, timely, options-oriented and – operationally-driven military and legal services across the full spectrum of military law, and superintends the administration of military justice. Specifically, the Judge Advocate General 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 Judge Advocate General 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, all Canadian legislation, including the *National Defence Act*, and the current defence policy, is publicly available on the Internet. Extensive information on Canada's armed forces, its budget and size, 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 all government institutions listed in Schedule I of the *Privacy Act* and *Access to Information Act*, including the Department of National Defence, are set out in these Acts and, in the case of crown corporations, in the *Financial Administration 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 at:

<http://laws-lois.justice.gc.ca/eng/acts/P-21/index.html>

Full text of the *Access to Information Act* can be found at:

<http://laws-lois.justice.gc.ca/eng/acts/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.

### **1.3. How does your State ensure public access to information related to your State's armed forces?**

The Department of National Defence maintains an extensive website, where citizens can access a wealth of information on the armed forces at: <https://www.canada.ca/en/department-national-defence.html> and <https://www.canada.ca/en/services/defence.html>). 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.

The Department of National Defence makes information available to the public through various social media platforms including Facebook, Twitter, Instagram, Flickr and YouTube, and through publications on various aspects of the activities of the Department of National Defence. Additionally, the public can also request information related to the Canadian Armed Forces through Ministerial Correspondence and questions to Members of Parliament.

The Department of National Defence and the Canadian Armed Forces maintain an active outreach program with members of civil society including community and business leaders and academics. Defence establishments are periodically open to the public through open houses, open ports and airshows.

Information on military operations, training and procurements are routinely and actively shared direct with the public and the media as part of a deliberate communications strategy, inclusive of domestic and overseas operations. Media queries are responded to promptly, and media are embedded periodically on military training and operations. Military strategic communications are aligned with the Government, as well as with allies and partners involved in specific military operations and activities.

As part of a government-wide movement towards even greater transparency, the Department of National Defence website has a *Proactive Disclosure* link at:

<http://www.admfincs.forces.gc.ca/pd-dp/index-eng.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.



## **2. Contact information**

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

Security and Defence Relations Division

Global Affairs Canada

125 Sussex Drive

Ottawa, ON

Canada

K1A0G2

Tel: 1- 343-203-3197

Email: [igr@international.gc.ca](mailto:igr@international.gc.ca)