



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

44th PARLIAMENT, 1st SESSION

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# Standing Committee on Foreign Affairs and International Development

EVIDENCE

**NUMBER 129**

Tuesday, November 26, 2024

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Chair: Mr. Ali Ehsassi





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• (1105)

[English]

**The Chair (Mr. Ali Ehsassi (Willowdale, Lib.)):** I call this meeting to order.

Welcome to meeting number 129 of the House of Commons Standing Committee on Foreign Affairs and International Development.

Today's meeting is taking place in a hybrid format.

I'd like to remind you, members, to please wait until I recognize you by name before you speak.

Today we are looking into Bill C-353, the foreign hostage-takers accountability act. Pursuant to the order of reference of Wednesday, June 5, 2024, the committee is commencing consideration of Bill C-353.

I'd now like to welcome Ms. Lantsman to the committee.

I'm very grateful that you made the time to be with us today. For your opening remarks, you have five minutes, after which we will go to the members for follow-up questions.

Ms. Lantsman, the floor is yours.

**Ms. Melissa Lantsman (Thornhill, CPC):** Thank you, Mr. Chair. I've seen this movie before, so it's nice to be here.

Thanks to my colleagues for welcoming me here. It's certainly an interesting experience sitting on this side of the table and not being able to use my own microphone.

I'm here today to tell you about my legislation, Bill C-353, or the foreign hostage-takers accountability act. I think it will be an important asset for Canada in an uncertain world.

Since this bill was introduced, I can confidently say that the world has become a much more dangerous and unstable place. Nations such as China, Iran and Russia are, more than ever, intent on disrupting the global world order and the established balance of power. We've seen that in aggressive invasions, like the one in Ukraine or the one perpetrated by Hamas in Israel. These are on the verge on exploding into regional and global wars. Our nation's values of peace, freedom and democracy are increasingly under siege.

Throughout the history of global conflict, hostage-taking has been employed as a tactic. Its use is only growing. I mentioned that fact in the deliberations of the House on this bill. We saw it used prominently in the Hamas attack against Israel, even impacting Canadian citizens. That, of course, came after this bill was intro-

duced, which proves again why its adoption, frankly, is probably overdue in this country. In a time of turmoil, we should do everything possible for Canadians travelling abroad when it comes to protecting them from hostile states, groups and individuals. It's clear that there is a deficiency in our current law. I think more can be done, and that's why I'm here today.

When lives and livelihoods are at stake, the value of comprehensive, up-to-date and modern legislation to prevent and mitigate hostage-taking situations cannot be overstated. This bill provides the much-needed update to fix the existing laws or at least add to them. It would strengthen our ability to deter, minimize and resolve instances of hostage-taking and arbitrary detention in state-to-state relations. It would increase our power to levy sanctions, support families and encourage global co-operation.

It would also provide much-needed assistance to the families of hostages, who endure extreme stress while their loved ones remain in captivity abroad. Simply put, it would be a vital tool in the arsenal, helping us to continue to protect the rights of Canadians abroad and support those affected by hostage-taking.

Here is what it will not do, just to make it clear: It will not incentivize kidnapping or effect ransom payments to hostile entities, which I know has been suggested. It will not place too much power in the hands of individual federal ministers. It will not be rendered redundant by existing legislation. In short, there is a gap between what Canada could say and what Canada could do. This bill is brought forth with a desire to address the gap and help protect the rights and inherent dignity of Canadians wherever and whenever they might be in danger.

Since introducing this bill, I've received questions from colleagues on all sides of the House. I'll take that for what it's worth. Maybe it's positive and shows proactive interest in this piece of legislation. I'm looking forward to addressing some of those questions here, as well as any additional questions that may arise from the testimony today.

While there are, frankly, too many people to thank—because these things don't come together on their own—I have time today to name a few. I'm grateful for the support of many organizations and individuals, including Secure Canada, the Iranian Justice Collective, Muslims Facing Tomorrow, Hong Kong Watch, the Human Rights Action Group and the Uyghur Rights Advocacy Project. I hope it has your support, too, along with those groups.

Thanks, Mr. Chair.

• (1110)

**The Chair:** Thank you very much, MP Lantsman.

We now go to questions.

MP Epp, you're first up. You have six minutes.

**Mr. Dave Epp (Chatham-Kent—Leamington, CPC):** Thank you, Mr. Chair.

Thank you to my colleague for being here and for introducing this legislation.

There are three main pillars you're looking to address, so let's start with the first one.

In your opening comments, you talked about a gap. This committee has undertaken a study. We review and get constant notices about the sanctions this government is applying.

Can you identify the gap between our present sanctions legislation and what your bill will do to enhance it, specifically with respect to hostage-taking?

**Ms. Melissa Lantsman:** I know there are members and others who have raised questions about whether our existing sanctions regime is enough, particularly the Special Economic Measures Act and the Magnitsky laws. They don't specifically address hostage-taking. I think a dedicated sanctions regime for this particular issue is probably something worth exploring in this country as a deterrent and to give us even more tools in the arsenal to impose sanctions. It would be dedicated for this, particularly.

I think it does something further. There are lots of obligations Canada has under international law, and there are further things that are probably mandated and required from us domestically to address this. There are a number of articles within the UN hostage convention, the International Convention for the Suppression of the Financing of Terrorism, United Nations General Assembly resolution 68/276 and Security Council resolution 2133.

Not only does it do something our sanctions currently don't; it also helps us adhere to some of the things that I think we're lacklustre on.

• (1115)

**Mr. Dave Epp:** Thank you.

Obviously, it's not just hostages who are so severely affected. Their families are as well.

What is presently not covered for support, and how does your bill enhance support for families?

**Ms. Melissa Lantsman:** You have to give kudos to the foreign affairs ministry. I know that in all consular cases, particularly in hostage-taking, it does everything possible to work with the families. However, I think there's an additional step and probably a legislated solution that could ensure that the minister has an obligation, a legislative requirement. We can build out better supports for families.

Families are often the ones held in the balance. There is insane media scrutiny that happens around families that end up in the story

of all of this. No regular family—I don't even think an irregular one—is built to deal with, first of all, the very fact that their loved one or somebody in their family has been either detained or taken hostage. The fact is that the hostage-takers may use that family as a way to influence the media cycle and turn it, potentially, against the government. I don't think the importance of wrapping our arms around this family and providing support for them can be overstated. It's about understanding that it's the family that best knows the person who has been taken hostage. They could potentially be useful in solving the crisis.

**Mr. Dave Epp:** Your comments lead right into my next question.

In your opening comments, you touched on how hostage-taking diplomacy has become the new global currency for terrorists. It seems we are somewhat, or maybe considerably, ill-prepared for it.

What will this legislation do to help us prepare more for the potential unfortunate reality of seeing even more of this?

**Ms. Melissa Lantsman:** There's an argument that legislation is not necessarily needed around this, and there was probably that argument in 2001 before some of the anti-terror laws. This is different from terrorism. It could be one event; it could be a single moment in time. You saw that with some of the most famous acts of terror in the world, a mass casualty event of some kind.

This is like a prolonged way to hold an entire government and an entire country almost hostage on the basis of policy, on the basis of what they say or on the basis of its own citizenship, which may turn against a country. I think that this is one of the currencies that is going to be used more and more. In fact, we've seen that it's been used more and more by really bad actors in the world to hold countries like this one hostage on the basis of all kinds of things, like policy.

**Mr. Dave Epp:** Thank you, Mr. Chair.

**The Chair:** Thank you.

We now go to MP Alghabra. You have six minutes.

**Hon. Omar Alghabra (Mississauga Centre, Lib.):** Thank you, Mr. Chair.

Good morning, Ms. Lantsman.

Let me start off by saying that I want to give a shout-out to our consular team here in Canada and around the world for the work that they do every day. Hundreds of Canadians are being assisted on a daily basis when they find themselves in difficult situations. I'll also start off by saying that I do believe there's room to further strengthen and enhance our consular services policies, and I take this attempt at trying to improve our consular services policies in good faith.

You know, there's always a tension between how much you prescribe policies and how much flexibility you leave for the officials to respond to the unique situation that they're having to deal with. The question that I have about this bill is whether it really finds that right balance.

You've included eligible protected persons in here—non-Canadian citizens. You didn't talk about permanent residents but about “eligible protected persons”. Can you help me understand how Canada would choose which “eligible protected persons” this law would apply to?

• (1120)

**Ms. Melissa Lantsman:** It's actually in a subsection of the Immigration and Refugee Protection Act. I think it's subsection 95(2). “Eligible protected persons” would be individuals within the meaning of that, and it specifically refers to people “on whom refugee protection is conferred”—

**Hon. Omar Alhabra:** I'm sorry. I don't mean to interrupt, but I understand the definition of the term. I'm asking how Canada would choose which of those, because on a daily basis there are thousands of “eligible protected persons” around the world who find themselves in difficult positions. Which ones would the Canadian government choose to be involved with?

**Ms. Melissa Lantsman:** It would be the ones who wouldn't be found to be inadmissible.

**Hon. Omar Alhabra:** It would be everyone who is found to not be inadmissible.

**Ms. Melissa Lantsman:** That's correct. All of this legislation...colleague.... I'm sorry.

**Hon. Omar Alhabra:** We used to work together.

**Ms. Melissa Lantsman:** We're used to using first names, so....

MP Alhabra, I should say that you raised a point in your question about finding the balance. In this entire piece of legislation, there is nothing prescriptive. It is all up to the minister's discretion. Everywhere you think it should be a “shall”, there's actually a “may” in the legislation. It entirely falls on the minister and their prerogative to make those decisions.

**Hon. Omar Alhabra:** As you can imagine, if this law passes, there will be, again, thousands of families around the world who would expect Canada—

**Ms. Melissa Lantsman:** It would be the minister's prerogative.

**Hon. Omar Alhabra:** The second question I have for you is on arbitrary detention and unfair detention.

There are also a lot of Canadians who find themselves in detention in countries where there is no due process. There might be some other motives for their detentions, but they may not fully be under the definition of arbitrary detention. It could be unfair detention. Would this new act apply to them?

**Ms. Melissa Lantsman:** The definition under this act is pretty clear on arbitrary detention. The definitions around arbitrary detention are pretty clear in international law. Again, the discretion is to the minister on whether they would want to confer any of the pieces of legislation, such as take care of their families. They would automatically have consular services already.

These pieces of legislation, I think, in the case of arbitrary detention, which is delineated in international law, would give the minister additional capacity to act. It's not a “must”; it is additional tools in the tool box.

**Hon. Omar Alhabra:** Sure. As you can imagine, a lot of these arbitrary detentions are also hard to really figure out. The country that detains an individual doesn't come out and say, “This is what we want you to do in return for releasing this individual.” There are lots of factors—

**Ms. Melissa Lantsman:** But some of them are not very hard to figure out. That's where I think the discretion of the minister plays a role.

**Hon. Omar Alhabra:** How would you respond to a Canadian family who has a loved one who is unfairly detained in another country, who asks the minister at the time, after this law passes, to apply this law, and the minister says, “Sorry; the law doesn't apply to your loved one who's unfairly detained”?

**Ms. Melissa Lantsman:** Without giving me additional information about the intelligence you would have about the arrest and what is around the arrest, there is a clear definition to arbitrary detention. It's different from, say, getting arrested in Mexico because you were at the wrong place at the wrong time, doing the wrong thing, with the wrong suitcase in your hand and with the wrong people around you. That could be seen as a—

**Hon. Omar Alhabra:** I'm not talking about those cases. I'm talking about people who are unfairly detained.

**Ms. Melissa Lantsman:** I think you have to be more specific about the cases to see if this would apply.

Again, it's at the discretion of the minister to say yes or no as to whether any of these tools would apply to that. It's not a requirement; it is an additional set of tools.

I think the examples from the U.S. and what they're studying in Australia to eventually potentially adopt this law would suggest that our allies are on board too.

• (1125)

**The Chair:** Thank you.

We'll turn to MP Bergeron for six minutes, please.

[*Translation*]

**Mr. Stéphane Bergeron (Montarville, BQ):** Thank you, Mr. Chair.

Ms. Lantsman, thank you for initiating a debate on this important issue through your bill.

I agree with Mr. Alhabra. I think that Canada's consular staff all over the world do a tremendous job of trying to protect Canadians. However, the fact is that a number of hostage-takings in the past could have easily turned out badly because no one really knew how to deal with the situation. Your bill has the added benefit of proposing ways to deal with hostage situations.

I see a number of attractive features in your bill, but I also have a number of concerns. To quote the French saying, “grasp all, lose all”. You want to cast such a wide net that you either forget things, such as arbitrary detention matters, or you run the risk of not achieving the desired level of effectiveness, particularly when it comes to ransom payments.

At second reading on December 1, 2023, you stated that this bill wouldn't change Canada's long-standing policy of refusing to pay ransoms. Yet Bill C-353 would give the Minister of Foreign Affairs the power to pay a monetary reward to any individual who co-operates with the Government of Canada to secure the release of Canadian nationals and eligible protected persons who are held hostage or arbitrarily detained in state-to-state relations outside Canada. In short, this aspect could suggest the possibility of paying ransoms and thereby putting a price, so to speak, on the heads of Canadians and encouraging hostage-taking for monetary gain.

Don't you see this as a potential risk?

[English]

**Ms. Melissa Lantsman:** I appreciate the question.

Look, the use of monetary incentives by law enforcement agencies in western countries is not a new thing. It's an idea used widely by municipal, provincial and federal law enforcement agencies to help solve and prevent crimes all the time. It's the idea of Crime Stoppers. We use it domestically already.

There is a 40-year history in the U.S. with the rewards for justice program. Now, that's much wider than just hostages; this legislation only tackles one of the pieces in the rewards for justice program, which was an act brought in in 1984. It has saved countless lives through its incentives. Again, all of that discretionary prerogative is intended for the minister to use if they want to use it.

I think there are things you can put in place to make sure it's used, in terms of whether cases are looked at, what level they are looked at and whether they are reported to a committee like this one, or Parliament, if a proceeding was to be rewarded.

I think there are lots of examples in the U.S. and in our domestic law enforcement.

[Translation]

**Mr. Stéphane Bergeron:** I find your answer quite intriguing, given that you're comparing the situation of hostage-taking abroad with domestic situations. Here, we have more control over the situation, whereas abroad, the situation is often completely out of our hands. The concern is that this provision, which clearly sets out the possibility of monetary compensation, could have extremely adverse effects.

I'll now turn to another matter. The committee considered the opportunity to publicize cases of arbitrary detention. I was personally involved in the case of a Canadian citizen's imprisonment by the Saudi Arabian government. At the time, it was preferable to keep the issue out of the headlines. We worked behind the scenes to try to move the case forward. In other cases, such as the two Michaels, we chose to act quite publicly.

Don't you think that the government should be given the flexibility to choose the best strategy to pursue, rather than revealing so bluntly and publicly that the government might now be willing to pay monetary compensation?

• (1130)

[English]

**Ms. Melissa Lantsman:** To answer your question, I don't think this legislation has anybody negotiating anything in public. I don't think it takes it outside of the hard work our officials do. It provides them with the discretion necessary to do their jobs and do them well. It puts a bit of an onus on the minister if they have those additional tools in the tool box that they can draw on, if needed.

I think the incentivizing—

**Mr. Stéphane Bergeron:** The bad guys would know Canada is ready to pay.

**Ms. Melissa Lantsman:** I think the incentivizing tools are, again, fully discretionary. It expands the government's prerogative, rather than restricting it. Whether the bad guys know.... I think the bad guys will also know that Canada takes care of its citizens and puts some focus on hostage-taking. It says, "You can't take our guys."

[Translation]

**Mr. Stéphane Bergeron:** Thank you, Ms. Lantsman.

[English]

**The Chair:** Thank you. I'm afraid you're out of time.

Next we'll go to MP McPherson.

**Ms. Heather McPherson (Edmonton Strathcona, NDP):** Or gals....

Thank you very much, Mr. Chair.

I want to start by echoing some of the comments made by other members of the committee and thank our consular staff for the work they do in very difficult circumstances.

MP Lantsman, thank you for bringing this bill forward. I agree that Canada needs to do more to address hostage-taking and cases of arbitrary detention. We know that for years the families of hostages have asked for increased communication from the government. They've asked for better resources. They've asked for more support. I see that this bill attempts to create a requirement for the minister to provide timely information and assistance to families of Canadian nationals taken hostage or arbitrarily detained.

One area where the NDP has asked Canada to do better for many years is arbitrary detention. While arbitrary detention is included in this bill, it's not clear to me whether this would apply to particularly egregious cases, including the rendition of Canadians, such as the cases of Maher Arar and of Huseyin Celil, who is still held in China after many years, or the Canadians held in northeastern Syria whom this government has refused to bring home to face our justice system here.

In your view, does this bill apply to those cases? Could you articulate that?

**Ms. Melissa Lantsman:** Yes, why wouldn't it? Yes.

Again, with respect to the minister and the government of the day, I think it's at the discretion of the minister, but it's certainly something that we can ask of the minister.

**Ms. Heather McPherson:** Yes. That's wonderful.

We are also concerned about the limited resources for criminal investigations in these situations. We've seen this also with enforcement of Canada's sanctions regime—that the lack of resources at the CBSA, the RCMP and Global Affairs Canada has impacted the effectiveness of our sanctions regime.

The bill doesn't address the issue of resources for the CBSA or the RCMP—obviously, no bill can address everything—but I'd like to ask you to address that concern and what you believe the government would need to do in order to meet the new standards established in this bill.

**Ms. Melissa Lantsman:** To your point, given that it's a private member's bill and it already probably requires a royal recommendation, as we heard from the Speaker, there's probably a limit to that. The rewards for justice legislation in the U.S., first of all, is much bigger. It looks at organized crime and it has a ton of administration around it and monetary budgeting within their version of the estimates.

This attempts to work on a small piece of that, and it is going to require some reorganization of resources, but I don't think it requires anything that Canada doesn't already have in place. I think you can use existing resources within our talented public service, particularly within the CBSA, within law enforcement, to reorganize around taking this seriously, and I think it would send a signal around the world that we're serious about this, given that there's a high price tag on a Canadian.

• (1135)

**Ms. Heather McPherson:** Thank you.

The bill does establish the ability to seize “any property situated in Canada” that is owned or controlled by the foreign entity, state or national that engaged in “hostage taking or...arbitrary detention”. Obviously, for us, this is a welcome proposal, but we know from experience with Canada's sanction enforcement that the government has had very little success in seizing assets of Russian oligarchs and that we have too few resources allocated in this regard.

Can you comment again on the lack of resources and what would be required to actually enforce this part of the bill?

**Ms. Melissa Lantsman:** Yes. It doesn't necessarily mandate non-state assets, but we have the JVTA legislation, which has resulted in hundreds of millions of dollars in seizure of assets.

I think that's a much bigger issue that doesn't speak only to the inadequacies in this country on this specific measure, but frankly of all. The Justice for Victims of Terrorism Act is probably underutilized, and because we're under-resourced in the system—I think the rewards have been around \$700 million in this country—I can only imagine all of the cases that didn't see the light of day because of the lack of resources.

That's a much bigger problem that this piece of legislation isn't going to cover, but I agree with you.

**Ms. Heather McPherson:** Well, I would also point out that you compare it to legislation that's been done in the States, and the States has a significantly larger number of people in proportion that are—

**Ms. Melissa Lantsman:** Sure.

**Ms. Heather McPherson:** —being used to enforce the sanctions regime and other aspects of this legislation.

As my last question for you, are you open to amendments to your legislation going forward?

**Ms. Melissa Lantsman:** Yes. I'd like to see something passed in this Parliament—despite thinking that it's unlikely—that's going to send a signal to the outside world that we're taking this seriously and that if you're going to come after a Canadian, you had better think twice.

**Ms. Heather McPherson:** It is certainly difficult to get PMBs into the House at the moment.

Thank you, Mr. Chair. That's my time.

**The Chair:** Thank you.

We go next to Mr. Aboultaif. You have four minutes.

**Mr. Ziad Aboultaif (Edmonton Manning, CPC):** Thank you, Chair.

Also, thanks to MP Lantsman for putting this bill in front of the committee and, at some point, the House.

The first job and responsibility of every Canadian government is to protect Canadians everywhere they exist, whether inside or outside Canada. We have many examples of Canadian governments stepping up to protect Canadians abroad, and I thank all the people on the ground who do this tough negotiation and the tough work in these cases to make sure we get a positive result.

There were cases that we've experienced in the past. If Bill C-353 had been there at that time, how much difference do you see that it would have made in the negotiations or the end result when a hostage has been taken or when a Canadian was being detained deliberately by any foreign player?

**Ms. Melissa Lantsman:** I can't speak to the specifics, given that we don't have the intelligence around the cases, let's say. I've been asked a number of times if this would have sped up the case of the two Michaels, or any such cases. I think the answer is that if I were to say yes, it would be untruthful, but I do think that it adds, again, tools in the arsenal to be able to potentially do it faster.

We do have many examples from the U.S., and obviously some interest from Australia. Their Senate is studying a version of this, based on this bill, to eventually take to the Australian parliament. We do know that our allies are interested and we do know that there's been success in the U.S., particularly in the rewards for justice program.

I don't think anybody can argue.... I'm sure that you'll hear from witnesses in this short study on this bill who will tell you that the family aspect of it is probably the most horrific part of any of this. You don't just take a country hostage by policy and you don't just take the hostage; you take the entire circle around that person, where they are living and breathing this on a daily basis. Unfortunately, over the last year, I've talked to many, many families who are in that position and who see their government as acting inadequately on it.

• (1140)

**Mr. Ziad Aboultaif:** I'm sure that at the time when you were trying to bring this idea forward, you probably reviewed the current legislation and the tools we have, which were probably a trigger for you to introduce this. What do you believe the most significant tool is that this bill will be giving to the minister or to the existing system to be more effective?

**Ms. Melissa Lantsman:** Looking at all of this, I believe there is an inadequacy here. It's very clear that it's a missing piece in our legislation.

What I didn't understand is the argument of redundancy. I think there are a lot of international treaties that suggest that we should be doing more. There are a lot of people in our midst who have been victims of hostage-taking, who have said, after the fact, that we should do more. There are a lot of inadequacies in our own dealings with this as a country. I think that all three of them are important. We have to figure out how to incentivize people so that they will co-operate with us so that we can get our people back as fast as possible, and we have to make sure that we're taking care of families while we do it.

**Mr. Ziad Aboultaif:** Thank you.

How much time do I have? Is it about 30 seconds?

**The Chair:** No, you're actually over time.

**Mr. Ziad Aboultaif:** Oh, okay. Thank you.

**The Chair:** We next go to MP Oliphant, please.

You have four minutes.

**Hon. Robert Oliphant (Don Valley West, Lib.):** Thank you, Mr. Chair.

Thank you, Ms. Lantsman, for being here.

I have absolutely no doubt that this bill is well-intentioned, that your concerns and consideration for people who are taken hostage are real and that you have exercised compassion and interest in this bill.

I'm not going to repeat the speech that I made at second reading in the House, but I would commit it to other members' attention. I outlined what I believe are my personal concerns about this bill, as well as some of the government's concerns about it.

Being well-intentioned is not good enough. You, yourself, said recently in the House:

There is a reason that Canada has a long-standing policy of not negotiating with terrorists. It is that it rewards barbarism, and worse that it provides an incentive for that barbarism to continue and even escalate.

I agree with that. My fear is that this bill, at its core, is deeply flawed. It actually encourages and promotes such conversation, and it rewards and incentivizes criminal behaviour. It also does not distinguish clearly between hostage-taking—where we have a long history of attempting to help families deal with kidnapping, for instance, and our RCMP is quite skilled at this around the world—and state-sponsored terrorism, which is the arbitrary detention of Canadians.

There is also the rewarding of criminal and terrorist organizations. This bill—and we have had much legal analysis—actually enables the funding of terrorist organizations. That is illegal in Canada, and it needs to remain illegal in Canada.

My first concern is this: Could you explain what you see as the difference between arbitrary detention, which is in state-to-state relations, and hostage-taking, and where it is?

• (1145)

**Ms. Melissa Lantsman:** I'll answer your first comments. I think I attempted to answer them in the speech. Will it naturally end up funding terrorism? Frankly, I'm just going to disagree with you there. I think many people disagree. The 40 years of legislation in the U.S. would disagree with your assessment. There's a very successful act in the U.S., and it's the rewards for justice program. It's been around since 1984. It has helped save lives.

We are behind the ball. If you think we're doing everything as a country to incentivize co-operation with getting our people back, I think you are wrong. I'm going to say that as many times as possible, because I don't think you have thought this through. I think you are repeating talking points that were given to you by the ministry. I think—

**Hon. Robert Oliphant:** I have a point of order.

**The Chair:** Yes.

**Hon. Robert Oliphant:** I don't take that. I would ask the chair to please not allow personal attacks on members of this committee.

**The Chair:** Thank you.

Let's all try our best to make sure we get to the bottom of the question.

**Ms. Melissa Lantsman:** Mr. Chair, to go back to my point, I think a great deal of accumulated evidence has led to successful negotiations by our ally in the U.S. to get their people back quicker. Part of that has been to enlist the help of those with information. I think it sends a vital signal.

**Hon. Robert Oliphant:** Thank you for that answer.

I would also like to understand your understanding of Canada's initiative on arbitrary detention and our understanding in consular cases. I have worked on literally hundreds of them, and have dealt with families. How do you protect the privacy of an individual who may not be in a family situation that is the best family situation?



Our consular officials are brilliant at trying to assess the situation. The number one goal is the safety and security of that individual. There are times when a family can help the situation. There are times when it doesn't. We have families that sometimes think an advocacy program will be helpful, because they're absolutely stressed. I get it, because I have to deal with them on a daily basis, but it isn't always in the best interest, depending on the country involved.

We have an initiative on arbitrary detention. I forget the number now, but there are 70-some signatories, plus the EU. We actually co-operate with countries that have different understandings of the country that may have done an arbitrary detention.

**The Chair:** We're over time, so please give a very brief response.

**Ms. Melissa Lantsman:** I'll just say that none of what's in this bill would stop consular officials from doing what they already do and from making those assessments.

Again, the minister is given the prerogative on whether to use these tools or not. This legislation is an enabling of a tool box and not an edict.

**The Chair:** Thank you.

We next go to Mr. Bergeron for two minutes.

[*Translation*]

**Mr. Stéphane Bergeron:** Thank you, Mr. Chair.

Ms. Lantsman, thank you again for initiating this important debate on Canada's response to the hostage-taking issue. Congratulations.

Regardless of what happens to your bill, I hope that this debate will help to move things forward so that we can become more and more effective in dealing with this type of extremely worrying situation.

Clause 5 of your bill states that the Governor in Council may make any orders or regulations with respect to the restriction or prohibition of certain activities or transactions with a foreign national, foreign state or foreign entity if the Governor in Council is of the opinion that the foreign national, foreign state or foreign entity is responsible for, or complicit in, the hostage-taking or the arbitrary detention of a Canadian national or eligible protected person outside Canada or that the foreign national, foreign state or foreign entity materially supported this type of hostage-taking or arbitrary detention.

My question is quite simple. In the current body of legislation, what's preventing the government from taking the exact steps called for in clause 5 of your bill?

[*English*]

**Ms. Melissa Lantsman:** In terms of what the legislation stipulates, we don't have this program currently in place. The legislation would put that program in place.

I think what you're getting at, frankly, is the checks and balances that need to exist. We believe that this legislation, from an administrative law perspective, would be subject to common law, and that

judicial oversight on some of these rewards could be applied. That doesn't need to be in the legislation.

To answer your question more broadly, there could be clear criteria put in place for some of these awards, which I think would quell some of the concerns you have—

• (1150)

[*Translation*]

**Mr. Stéphane Bergeron:** Sorry, Ms. Lantsman, but I think that we're being told—

[*English*]

**The Chair:** I think you're out of time.

[*Translation*]

**Mr. Stéphane Bergeron:** There you go.

[*English*]

**The Chair:** It was only for two minutes.

We next go to MP McPherson.

You have two minutes.

**Ms. Heather McPherson:** Thank you very much, Mr. Chair.

Thank you again, MP Lantsman.

You talked about the horrific impacts on families, and I'm sure you've spent some time speaking to the families of hostages. Could you tell us some of the stories you've heard about their interactions with consular affairs and the support they've received?

**Ms. Melissa Lantsman:** Thanks for the question.

I spent some time in a past life working at the Department of Foreign Affairs, though not directly on consular files, unless it became a problematic file for the government. I've seen extremely careful and diligent work by consular officials on some of those cases. I've seen times when families were banging on the government's door, suggesting the consular officials weren't in contact. That's not always true. I think that's a mechanism to get the attention of the government in some cases.

I've spent time with foreign hostage families who have had similar experiences. In some cases, the government of the day in that country was attentive to their views, and in some cases, they too were banging down the doors.

As somebody who is not involved directly, it's hard to know which is which.

**Ms. Heather McPherson:** Yes.

I have some other questions for you with regard to clause 22. You talked about the summary information the Minister of Foreign Affairs would need to table for Parliament.

I'd like some more information from you on what that summary information would look like, how we would ensure—regardless of who the minister is—that it's reasonable and how we protect privacy through that.

**Ms. Melissa Lantsman:** There are a number of ways to do it, whether it's through estimates, a discretionary fund up to a certain amount or high-level approval within the ministry. There'd be some stuff approved at this level and some stuff approved at that level. I think implementing a reporting requirement would quell some of the concerns about it. It could be put within discretionary funding or be subject to a judicial review if over a certain amount. There are any number of ways to make sure the minister is doing this properly, if they choose this.

Remember that it's not required. Again, it is at the discretion of the minister.

**The Chair:** Thank you. I'm afraid we're out of time.

We next go to Mr. Hoback.

Mr. Hoback, you have four minutes.

**Mr. Randy Hoback (Prince Albert, CPC):** Thank you, Chair.

I'd like to thank Ms. Lantsman for bringing this forward.

I'm curious. You talked about the rewards for justice program in the U.S. If there were an American citizen and a Canadian citizen detained abroad in the same scenario, what would the difference be in their ability to react versus ours?

**Ms. Melissa Lantsman:** I appreciate the question and where I think you're going.

I don't think there is any case that would be similar. There's no silver bullet for this.

This piece of legislation, again, gives us additional tools in the arsenal to deal with each situation on a case-by-case basis. Give the minister more tools to get people back faster, and make sure their families are taken care of. If they choose to, they can impose sanctions so that those people come back faster and we send a signal to other bad actors saying, "It's not on for you to take Canadians."

**Mr. Randy Hoback:** In this situation, would the Americans have more access to tools that provide a speedier response? Is that what you're saying?

**Ms. Melissa Lantsman:** Well, with the success of the program there over the last 40 years, it's very clear that they have more tools, and they have different rules for how they engage in this in the first place.

**Mr. Randy Hoback:** That's fair. It's just a difference between countries.

We talked a bit about motivation and what brought this bill forward. What was the motivation for you to say, "We need to do this"? Is there anything in particular that made you say, "This is an injustice that needs to be corrected"?

**Ms. Melissa Lantsman:** I think it was warfare changes. If you look at the last year, 101 hostages remain in captivity in the hands of Hamas. Despite the fact that this bill was brought forward before that, it proves the point of hostage diplomacy being the new global currency. The federal government should be doing everything to protect Canadian citizens whenever it's needed and wherever they are. That is a fundamental responsibility. I think there's a deficiency here.

I really wanted to come to this committee—because I like the chair—and tell you all about it.

• (1155)

**Mr. Randy Hoback:** That's a smart answer.

**The Chair:** I might add that it's a perfect answer.

**Mr. Randy Hoback:** I'm having a hard time understanding the parliamentary secretary. He seems to think this legislation would make things worse, not better.

Do you have any analysis that would...?

**Ms. Melissa Lantsman:** Frankly, I disagree with the assessment. I think that many people you will hear as witnesses will disagree with the assessment. I think 40 years of legislation in the U.S. would disagree with the assessment.

This is not to take away from anything the government is doing on this issue, and particularly anything our public servants are doing. This is there not to usurp its role but to give it additional tools.

**Mr. Randy Hoback:** It's hard to explain why they wouldn't accept the new tool.

**Ms. Melissa Lantsman:** I'm sorry?

**Mr. Randy Hoback:** It's hard to explain to me or to Canadians why they wouldn't accept a new tool or a new option.

**Ms. Melissa Lantsman:** Hopefully they do. You have a chance to vote for it, colleague.

**Mr. Randy Hoback:** That's fair enough.

I'll stop there, Chair.

**The Chair:** Thank you, Mr. Hoback.

We'll next go to Dr. Fry.

**Hon. Hedy Fry (Vancouver Centre, Lib.):** Thank you very much.

I want to thank Ms. Lantsman for bringing forward the bill. I think all legislation can be amended, made better and broadened, etc. It is very important that people try to do this.

I have a couple of questions, because I think one of the things about trying to bring about a broad extension of legislation is that there can often be unintended consequences. My question would be about some of those unintended consequences.

For instance, you talk about monetizing access to information from people who know what's going on with regard to the hostage-taking or arbitrary seizure of a person. Do you know of any other countries that pay a person to give information?

**Ms. Melissa Lantsman:** Yes. The U.S. does, and I would assume that the Australian Senate is looking at ways to do this, given that it's studying it.

Again, it's not a "must"; it's a "may". It is a tool that would be discretionary to the minister, with a whole lot of checks and balances in place already in law.

**Hon. Hedy Fry:** Do you think this could create a lot of false information if a lot of people come forward under the monetary incentive and give misleading information and misinformation? It might be information that leads us down another avenue when we should be looking at it the way we were before in a particular instance. Do you think that that could happen?

In a simple kidnapping in a country, police are quite often loath to have people go ahead and pay the kidnapper or to try to pay other people for information, because it creates a domino effect of all kinds of people coming forward with false information, which could create chaos of some kind.

**Ms. Melissa Lantsman:** I think that happens in lots of cases. In fact, we have generations of law enforcement. I assume, like me, you have full confidence in them to do their job, and they get information on all kinds of things for monetary reward. In fact, we do it domestically in our own system. We do it provincially, municipally and at the federal level.

I think we should trust our authorities and the professionals who are on this to discriminate between good information and bad information. Any new information that would lead to that person coming home quicker, I think, is a good thing.

**Hon. Hedy Fry:** That would be so domestically, but what if it happens internationally? Are you going to be paying people who are bad actors internationally?

Is it good optics or even good practice for the Canadian government to pay bad actors to get information internationally from other countries when we don't know much about that person internationally? We don't know if they have other motives. We don't know if they are really terrorists in disguise or whatever. To me, it sounds like a slippery slope.

Can you tell me how we can prevent that slippery slope from happening?

• (1200)

**Ms. Melissa Lantsman:** Dr. Fry, I think we prevent it every single day. I think any information that could help get a Canadian back from being held captive is good information. We should incentivize that information.

Again, I trust our authorities to delineate between good information and bad information in the same way that our intelligence agencies do it every single day. This is not different—

**Hon. Hedy Fry:** Excuse me, Ms. Lantsman. I don't have a lot of time. I want to get in as many questions as I can.

This particular thing is of concern to me because you're saying that right now we do it every day, but you are mandating it. I think the difference between mandating and allowing decisions to be made by people on the ground who know the issues and who do not agree with a one-size-fits-all solution and can make those decisions.... Isn't that already happening?

**Ms. Melissa Lantsman:** No. I don't think you've read the bill. I'm not mandating anything.

We are saying that the minister has the prerogative whereby she “may” do that. It's not a mandate. It's not a “shall”. That's not how

the legislation is written. I'm not sure how to answer your question beyond that.

**Hon. Hedy Fry:** Well, you have answered it, actually.

**The Chair:** Dr. Fry, I'm afraid you're out of time.

**Hon. Hedy Fry:** I'm sorry, Mr. Chair.

**The Chair:** Thank you so much.

That concludes all the questions. Allow me at this point to thank you, Ms. Lantsman, for bringing forward this bill. I think I speak on behalf of everyone around this table and in this committee, which is recognizing the good intentions behind this bill. We look forward to examining it further.

Thank you very much.

**Ms. Melissa Lantsman:** Thanks, everyone.

**The Chair:** The meeting stands suspended for three minutes.

• (1200)

(Pause)

• (1205)

**The Chair:** Now we resume our study on Bill C-353. We're very grateful to have before us numerous witnesses who can answer questions for the members.

I'd like to welcome, from the Canada Border Services Agency, Mr. Derek Janhevich, director of inadmissibility policy, and Mr. Jeff Robertson, the manager of inadmissibility policy.

From the Department of Foreign Affairs, Trade and Development, we're grateful to have with us here today Ms. Tara Denham, assistant deputy minister of emergency management, legal and consular affairs branch; Ms. Kati Csaba, director general, consular affairs bureau; and Mr. Vasken Khabayan, acting executive director, sanctions policy, and sanctions outreach, compliance and enforcement division.

From the RCMP, we're grateful to have with us here today Chief Superintendent Denis Beaudoin, director general for federal policing and national security.

I understand, Ms. Denham, that you are doing opening remarks on behalf of everyone for five minutes.

Welcome. The floor is yours. You have five minutes. If you see me holding this card up, it means that you should really wind it up within 15 to 20 seconds.

**Ms. Tara Denham (Assistant Deputy Minister, Emergency Management, Legal and Consular Affairs Branch, Department of Foreign Affairs, Trade and Development):** Mr. Chair, thank you for the invitation to be here to discuss this topic.

Let me start by saying that arbitrary detention for diplomatic leverage and hostage-taking by non-state actors are unacceptable violations of human rights.

So far in my role as senior official for hostage affairs, I've met with many victims and their loved ones. I know that the suffering they endure from these practices is immeasurable and inhumane. Canadians and their families in these horrific circumstances need to know that their government is doing everything possible to bring them home and to protect their safety when they travel, work, study or live abroad.

• (1210)

[Translation]

We must always focus on their well-being. We must have the right tools to protect and support them.

While analyzing this bill, we came up with two main questions.

Will it help us ensure the well-being of victims? Will it help to ensure the safe and swift release of victims?

[English]

We are in full agreement with the intent of this bill. Our assessment is that mandating responses across a range of distinct situations with unique considerations does, however, present some unintended yet serious risks to victims and their families. Our assessment is based on significant operational experience in managing cases; our understanding of best practices, developed through regular information exchanges with trusted partners and informed by ongoing consultations with survivors and their families; and a comparison with what has been put in place over recent years, based on lessons learned.

[Translation]

It should be noted that the types of cases discussed today include some of our most complex work and that they often have significant implications for human rights, privacy, international law, intelligence, national security and public safety.

[English]

No two cases are alike. There are important distinctions between arbitrary detention by states, terrorist hostage-takings and kidnaps for ransom by criminal groups. Each has different motivations and pressure points. States are usually more sensitive to reputational costs, such as through statements, resolutions, *démarches* or coordinated sanctions using existing regimes. Conversely, non-state actors are much less likely to be swayed by tools of international pressure—for example, by sanctions—and may be incentivized to engage in more predatory behaviour when presented with the possibility of cash rewards or media attention.

[Translation]

We have different frameworks for dealing with various types of hostage-taking.

We respond to each case with a highly tailored and nuanced approach. We use the tools proven most effective and least likely to harm victims.

[English]

We always apply a victim-centric approach, which is absolutely essential and a cornerstone of the work we do.

Let me provide some details in terms of the considerations related to this bill.

First, in terms of assistance to families, I want to reiterate that working closely with families is absolutely critical to the effective management of cases. We have dedicated contact people for families. We share as much information as we possibly can while also considering the Privacy Act and the best interests of the victim.

[Translation]

The families do everything in their power to ensure that their loved ones can return home. We do the same. The considerations involved in determining when and how to share information are based on our experience and lessons learned.

[English]

Mandatory information sharing, as this bill proposes, could in fact put victims in danger, particularly while cases are active. We have seen situations in which sensitive information has been leaked, including by families posting details on social media. Information leaks can have many repercussions, including triggering reprisals against the victim or putting negotiations or prosecutions in jeopardy.

Mandating the disclosure of personal or sensitive information can also undermine victims' rights to privacy and lead to further traumatization.

Family dynamics are also complicated. We have dealt with many consular clients who are estranged from their family members. Hence, not all victims are comfortable having all of their personal information shared.

• (1215)

[Translation]

We must respect the victims' right to share their information in a way that makes them feel safe and at a time of their choosing.

[English]

In terms of facilitating communication between families and captors, we must also be careful. Direct contact could enable captors to further victimize family members. It could jeopardize sensitive negotiations, further endanger the victim and their release, and even impact future prosecution.

[Translation]

When it comes to offering monetary rewards or emigration incentives, many government departments have identified significant national security and public safety implications. These programs run a real risk of creating an incentive to hold Canadians hostage.

[English]

Offering rewards may also lead to an influx of misinformation that could overwhelm investigations, undermine negotiations and subject families to scams or false hopes. Unfortunately, the people most likely to have information on cases are often those with links to the terrorist or criminal groups that have taken individuals captive. We don't want to inadvertently put public funds in the hands of these bad actors. We want to break the business model.

Sanctions, including in existing legislation, can be powerful tools, depending on the circumstances. However, they are not necessarily helpful in cases of hostage-taking and arbitrary detention. On the contrary, they could trigger reprisals against the victims or other Canadians held by the same captors. Applying sanctions against criminal groups in particular would make any kind of financial dealings with them by Canadians illegal, hamstringing potential efforts families may want to pursue to bring their loved ones home.

**The Chair:** Ms. Denham, I'm afraid we're two minutes over. Could you conclude your remarks?

**Ms. Tara Denham:** In conclusion, I wish to reiterate that we have a strong suite of policies and procedures in place for dealing with all types of hostage cases, and we are continuing to refine our approach. We are recognized internationally for our leadership on the arbitrary detention initiative, and we have professional consular affairs teams around the world working tirelessly to protect and assist Canadians.

I would welcome the opportunity to answer your questions.

**The Chair:** Thank you very much.

We will start with Mr. Chong. You have five minutes.

**Hon. Michael Chong (Wellington—Halton Hills, CPC):** Thank you, Mr. Chair.

Thank you to all of the witnesses for appearing, and for your opening statement.

I noted that you have concerns about what you call mandatory responses in the bill. When I read it, the only part of the bill that mandates responses is on information sharing, as you outlined. All of the rest of the tools provided to the minister by the bill are not mandatory.

I looked through the bill. It uses the word “may”, not “shall”, for all of the new powers the minister would have under the act. Do you agree with that?

**Ms. Tara Denham:** In our reading, 50% of it has indications of being mandatory. Underneath where it says an aspect is mandatory, it says the following “may” be tools that could be used to pursue it. That was our interpretation of the proposals. Our concerns remain over those various aspects.

These are considerations we need to be taking into account with regard to anything mandatory that would be put in place. What we hope to be able to explain is that some of these approaches are already in place, plus the impact of them when they are put into legislation.

**Hon. Michael Chong:** Thank you for that answer.

One of the criticisms you levelled was about the part of the bill that requires the minister to do something. It's the section that says the minister “must provide timely information and assistance to the families”.

I hope the department's position isn't that it doesn't have an obligation to provide information to families. Hopefully, that's not what the department is suggesting.

• (1220)

**Ms. Tara Denham:** No. To clarify—again, because this is a mandatory element—what we want to very clearly articulate is that of course we work very closely with families, and we do want to share as much information as possible. I've met with victims and the teams have continued to meet with victims upon their return and their families and to learn the best practices possible, but there are key considerations.

It's been mentioned previously that in a lot of these cases, we actually do have intelligence and information that come forward. A lot of that may come from other countries, and we have to be very careful that any information or intelligence that's shared from other countries is not shared to the families—

**Hon. Michael Chong:** The bill doesn't say you have to provide “all” the information.

**Ms. Tara Denham:** That's correct.

**Hon. Michael Chong:** It simply says that you have to “provide information and assistance”—

**Ms. Tara Denham:** Yes.

**Hon. Michael Chong:** —so I think there's obviously room for interpretation that would allow the minister and the department to provide information but not so as to be injurious to the conduct of international relations or national security and so on and so forth.

One of the criticisms you also levelled at the bill was that paying for information may provide perverse incentives. I find that somewhat contradictory to the present public policy in Canada. We have Crime Stoppers across the country, which police of jurisdiction see as one of our most successful programs. The Toronto Police Service issued a news release last year on the Toronto Crime Stoppers program, which pays people for information. They noted that:

The 6,025 tips and additional 10,536 follow-up tips resulted in a 90 per cent increase in arrests, [a] 13 per cent increase in charges laid, [a] 113 per cent increase in property seized and a staggering 394 per cent increase in illegal firearms taken off the streets.

That program is paying for information that will allow the authorities to go after people who are doing wrong things. That program is seen as overwhelmingly successful across the country, and I'm not understanding the logic of why it wouldn't be successful in the federal context with hostage-taking, which is also a violation of law.

**Ms. Tara Denham:** Yes.

Again, I believe it was mentioned in an earlier round of questioning. The difference is in doing comparators between what happens within Canada, where we do have strong rule of law, justice systems and police who can manage to do those investigations. When we're talking about hostage-taking internationally, those same systems cannot be considered to exist, particularly in the countries—

**Hon. Michael Chong:** But you're not getting the information through paying for information to remit to a foreign police of jurisdiction; you're getting it for the purposes of the Government of Canada's use.

As you point out, we're a rule of law country, so I still fail to see why it wouldn't be an appropriate tool for the minister to potentially use in the event of a hostage-taking.

**Ms. Tara Denham:** Again—

**The Chair:** I'm sorry. Please answer very briefly.

**Ms. Tara Denham:** The individuals that you'd be paying would be individuals from these countries in which the rule of law.... We would not be able to engage with a lot of the police of jurisdiction to have that oversight and have a lot of the mechanisms that would be available to us in Canada.

I just quickly want to mention that there's been reference to the rewards for justice program in the U.S. and that it has been in place for a long time. It has been in place since 1984, but it's focused on terrorism: acts of terrorism and information relating to it, foreign interference and malicious cyber. It is only now being considered in cases of hostages, so we do not have the evidence or the understanding of its impact on that.

**The Chair:** Thank you.

We next go to MP Chatel.

You have five minutes.

[*Translation*]

**Mrs. Sophie Chatel (Pontiac, Lib.):** Thank you, Mr. Chair.

First, I want to thank the witnesses for being here to discuss this important topic. I would also like to thank them for their work.

I know that this isn't an easy situation. I'm thinking of Canadian families caught up in absolutely disastrous situations, with children and family members abroad.

I can imagine how I would feel if this happened to a member of my family. I can also imagine the pressure that I would place on our

public servants to try to resolve the impasse and bring my loved ones back home.

Thank you for coming to talk to us about how Canada could work even harder.

In your opening remarks, you talked a great deal about collaboration with other countries. I think that this plays a key role. When it comes to state-sponsored terrorism, international co-operation remains a powerful tool.

I have a specific question about the bill.

I'm wondering how Canada could end up in a situation where taxpayers' money goes to terrorist groups. We've talked a great deal about this.

What measures in the bill concern you most and could lead to this type of situation?

Would this violate.... I know that our alliance with the Five Eyes includes policies that prohibit states such as Canada from making payments to terrorist groups.

Can you elaborate on this point?

• (1225)

[*English*]

**Ms. Tara Denham:** In terms of the particular concerns around incentives, which was the first part of your question, and the specific element, as was noted previously, of offering rewards for information to be provided, our analysis is that in the countries where, unfortunately, the reality is that a lot of these cases happen, the individuals who have that type of information are often close to, or have links to, the entities that actually have taken individuals captive. That's where our concern is.

By offering financial incentives to individuals, an unintended implication could be that the information would go into the hands of close collaborators or to those close to the organizations that have actually taken individuals captive. When I say that we want to actually break that business model, it's because our objective is to always and continually not put any financial....

It's obviously illegal to have finances for terrorists, as you noted. We don't want to have any means by which public funds could ever inadvertently end up in the hands of criminal groups or terrorist organizations. That would be a major concern with the proposal outlined in this bill.

[*Translation*]

**Mrs. Sophie Chatel:** This would certainly contradict the policies of Canada, which made a commitment to its Five Eyes partners to refrain from doing just that.

Can you elaborate on this agreement with our partners in terms of our safety?

[English]

**Ms. Tara Denham:** I would welcome other colleagues from the RCMP and others if they'd like to add into any of the agreements we have with the Five Eyes in terms of the co-operation we have.

Again, we do not have any funding of terrorist organizations. That is in our Criminal Code. There is a recognition across the Five Eyes that this would not be taking place. We've been co-operating for years to sort of break the cycle of terrorism and to not put any actions in place whereby we could actually endorse or support any acts related to terrorism. Terrorist organizations, unfortunately, have taken Canadians hostage. We need to be taking all actions possible to make sure that we do not allow those groups to continue to take Canadians hostage.

Perhaps I'll pass it over to my colleague to speak to any more co-ordination with the Five Eyes.

**The Chair:** Please be very brief.

**Chief Superintendent Denis Beaudoin (Director General, Federal Policing, National Security, Royal Canadian Mounted Police):** All right.

The only thing I'll say is that we maintain close collaboration with the Five Eyes. Even broader than that, we just co-hosted, along with the FBI, a negotiating workshop in Washington that was attended by 27 countries. Every country has specific guidelines, but the better the collaboration internationally, the better our chances of bringing our Canadians back home safely.

**The Chair:** Thank you.

Next is Mr. Bergeron. You have five minutes, sir.

[Translation]

**Mr. Stéphane Bergeron:** Thank you, Mr. Chair.

I want to thank you all for joining us today. I also want to thank you for what you do every day to help and support Canadians abroad.

I would like to address the connection that Ms. Lantsman kept making in her remarks, meaning the connection between her Bill C-353 on ransom payments and the current legislation in the United States.

Ms. Denham, you started to address this issue, but you were cut off for lack of time.

Did you finish your answer? Did you want to add anything?

• (1230)

[English]

**Ms. Tara Denham:** I was speaking to the rewards for justice program that has been cited.

I want to be clear on the history of the program that, yes, it has been in place since 1984. It was introduced as part of the U.S. legislation on anti-terrorism, so it has been used predominantly in relation to terrorist acts, foreign interference and malicious cyber.

They have only now begun to roll out and consider applying that same approach in circumstances of hostages. Our assessment in relation to this bill remains in the considerations that I've outlined and

the concern that we do not inadvertently have information flow to the individuals who have taken Canadians captive. That is a significant concern. We also do not want to inadvertently incentivize that.

We're always open to learning from best practices. We're constantly in contact with our U.S. colleagues on this, but they're only now rolling this out. Our analysis and our concerns remain the same, but we will continue to engage with our American colleagues on the implications of rolling this out on these particular cases, recognizing the considerations and concerns we've raised.

[Translation]

**Mr. Stéphane Bergeron:** I would like to follow up on a question asked by Mr. Chong about intelligence sharing and support for the families of hostages or individuals arbitrarily detained.

Based on my own experience a number of years ago, I know that families are sometimes kept in the dark. They sometimes feel that negotiations are taking place over their heads and that they aren't being kept in the loop. I understand that, at times, this is completely necessary. I don't see any issue with that. However, you talked about trying to continually improve your way of communicating with families.

With regard to my own experience, in cases such as William Sampson's in the early 2000s, would you say that we have since managed to implement good communication practices with families to avoid leaving them in the dark while their loved ones' lives remain at stake?

**Ms. Tara Denham:** Thank you for your question.

[English]

On information sharing, just to be clear, we always want to share as much information as we can. We can all only imagine the heartache families are going through, and they want to do everything possible to bring their loved ones home.

On the considerations we've put in place, there are not only security ones on intelligence and potential links that I referenced. We are also taking into consideration what should be shared and when, based on all of our collective experience on the impacts that this could have. While I can completely understand a family wanting to know everything that's happening, it isn't always in the best interests of the individual.

I also mentioned that we have to respect privacy. All families are not created equal, unfortunately, and the reality is that some people have circumstances, such as health issues or situations that happen to them while they are in this horrible situation, that they do not necessarily want to disclose to their family. We have to let them.... We're always working under the assumption that they will come home. That's our starting point. I think that's where we always have to focus.

We have also made a lot of improvements. We have dedicated family contacts for every case we have. We make sure that we're increasing the training that individuals have. We want to continually ask ourselves, our colleagues across town and our international partners what other types of information we can share and if there could be risks.

We always want to share as much as possible, but we have to be careful with all of these other considerations.

[*Translation*]

**Mr. Stéphane Bergeron:** Of course.

[*English*]

**The Chair:** I'm afraid you're out of time.

We will next go to Madam McPherson for five minutes.

• (1235)

**Ms. Heather McPherson:** Thank you very much.

Thank you all for being here today and for answering our questions.

I have a few questions that I want to make sure I am very clear on so that I can understand the legislation better.

First of all, families of hostages have expressed the need for greater flexibility in paying ransoms without facing prosecution. This issue came up in a study this committee did on consular services several years ago.

Since that time, how has the government addressed the concerns of worried families about paying ransoms without fear of prosecution? Does this bill address those concerns, or does it, in the government's opinion, create new concerns, including the possibility—I think we've gone over this, but I'd like you to comment—of incentivizing hostage-taking through the compensation mechanism?

**Ms. Tara Denham:** The government's policy remains the same: We do not pay ransom and we do not change any policy positions.

We are also very aware that in certain circumstances, family members will want to do everything possible to bring their loved one home. That is the choice of the individual family. We do not provide advice on that, because our policy is to not pay ransom.

The concern about applying sanctions, particularly in this bill... It's a blanket. It's applying to states, terrorist organizations and criminal groups. There are very distinct differences among those. We have sanctions regimes in place that we can apply to states. Our major concern is about organized criminal groups. Applying sanctions would actually make it illegal to pay ransom, should Canadians choose on their own to do so. The reality is that we've had a

number of Canadian families choose that option. This bill would criminalize that.

**Ms. Heather McPherson:** As a mother, I'm sure we all understand we would do anything we possibly can to get our loved ones home, so we certainly need to be cognizant of that.

I also have some concerns about the permit process proposed in the bill, especially given the long waits Canadian organizations have faced due to Bill C-41, which established a new process for government authorization to do humanitarian and development work in areas controlled by terrorist organizations, such as Afghanistan under the Taliban. It is well over a year since that bill passed, and the authorization process took a year to design. It is so complicated that many Canadian organizations are saying that it simply doesn't work.

Then there is the no-fly list process. To my understanding, it takes up to six weeks to get a Canadian travel number.

In cases where time is of the essence and families are seeking a permit from the minister to carry out a specific activity that is restricted under this act, what would the service standards be, and how would the government ensure flexibility in urgent hostage-taking situations? What information would be required from the individual?

**Ms. Tara Denham:** If I understand your question correctly, this is about permits to come into Canada.

**Ms. Heather McPherson:** This is about the permit process proposed in the bill. It's about being able to get the carve-outs, I guess.

**Ms. Tara Denham:** I'm sorry. I'm just trying to confirm.

**Ms. Heather McPherson:** We're using the example of Bill C-41. We know the way it was brought forward was very problematic. It took a very long time for the government to come up with the framework in which Bill C-41 would work. The no-fly list process is very long as well.

We're wondering if we'd be looking at a long process like that, should families want to move forward and be able to do things. Would we have that concern?

**Ms. Tara Denham:** I'm sorry. I'm not familiar with some of those requirements. I'm not sure whether IRCC would be more appropriate to answer that question.

I'm not sure if our CBSA colleague has anything to add.



**Mr. Derek Janhevich (Director, Inadmissibility Policy, Canada Border Services Agency):** I don't, in the context of the question being asked. I apologize.

**Ms. Heather McPherson:** Okay.

**C/Supt Denis Beaudoin:** I can speak briefly on the authorization regime. I certainly would not be privy to the program in the bill.

You're right. In cases of hostage-taking, time is of the essence, and we can't let bureaucracy over the permit.... We have to alleviate some of the mechanisms that would be put in there. That's the only concern. Time is really of the essence in these circumstances.

**Ms. Heather McPherson:** Of course, as my examples illustrate, time being of the essence doesn't always mean the same thing to the government as it does to family members.

Mr. Chair, I believe I'm at five minutes.

**The Chair:** Yes. You still have 13 seconds remaining, but thank you.

**Ms. Heather McPherson:** I will cede it.

**The Chair:** Thank you.

Next we go to Mr. Aboultaif for four minutes.

• (1240)

**Mr. Ziad Aboultaif:** I'll give my time to Mr. Chong.

**The Chair:** We'll go to Mr. Chong.

**Hon. Michael Chong:** Thanks, Mr. Chair, and thank you to the witnesses for your testimony.

You mentioned in response to Ms. McPherson's questions that the official policy of the Government of Canada is not to pay ransom. Has the Government of Canada ever paid ransom?

**Ms. Tara Denham:** No, not to my knowledge. That policy has been in place for a number of years. It's no ransom, no policy changes, no prisoner exchanges and no immunity. That is the policy of the Government of Canada.

**Hon. Michael Chong:** I appreciate that answer.

I'll yield the rest of my time to Mr. Aboultaif, Mr. Chair.

**The Chair:** Mr. Aboultaif, go ahead.

**Mr. Ziad Aboultaif:** Thank you, and thank you to the witnesses for appearing today in front of the committee.

Ms. Denham, you said that we have a tailored system that is victim-centric. You said that all cases are complex. We know that no two cases are alike.

You said that sanctions are not necessarily helpful. This bill in front of us, somehow, has a focus on sanctions. You also said that we always tailor our policy and profile our policy.

When was the last time that you made any significant change to the policy to cope with the new challenges that we see in this very strange and dangerous world? Why wouldn't sanctions be considered as a tool, if we know that no two cases are the same and every challenge could be different?

**Ms. Tara Denham:** I'll make a few comments.

To clarify, are you asking about our change in posture related to sanctions, or are you asking more broadly about how often we have reviewed our approach to consular...?

**Mr. Ziad Aboultaif:** I'm asking about both, yes.

**Ms. Tara Denham:** I'll say a few things, and my colleague can add regarding the sanctions specifically.

In terms of our reviews on our consular framework and guidelines that we share with our entire network, we do that on a constant basis. Officially, the last one was in 2019. We're actually doing that review again now. This is done every couple of years, because we want to make sure that we are integrating the best practices that we are hearing about into the approaches.

I was in New Zealand the other week speaking with all of our Five Eyes colleagues. That was specifically to learn about all the best practices and how we should adapt. Recognizing that the world is becoming more complex and more dangerous, we are always pushing ourselves to make sure that we understand how others have applied approaches and that we're building them into our consular framework and the guidelines that are in place.

In terms of sanctions, my colleague may want to add to this. In cases when individual Canadians are taken, there are many considerations that we have to put in place. Applying sanctions at a time when we're actually trying to get the individual home can actually undermine that situation. In particular, it could irritate bilateral relations, should it be the case of a country that has taken the individual, and criminal groups may not pay attention to sanctions. These are some of the considerations that we have to put in place.

Again, I'll ask my colleague to speak more specifically to this aspect.

**Mr. Vasken Khabayan (Acting Executive Director, Sanctions Policy, and Sanctions Outreach, Compliance & Enforcement, Department of Foreign Affairs, Trade and Development):** We currently have two autonomous pieces of legislation, the Special Economic Measures Act, which has been mentioned before, and the Justice for Victims of Corrupt Foreign Officials Act, known as the Magnitsky law.

These can, in certain circumstances, be used to sanction individuals, entities or even states for actions that we believe, after careful consideration and after taking a look at the entire situation, may fall under the circumstances for sanctions, one of them being "a grave breach of international peace and security" or "gross and systemic human rights violations or acts of significant corruption".

I would point out that after the October 7, 2023, Hamas hostage-taking, we did, in fact, do that.

**The Chair:** Thank you very much.

We now go to Mr. Alghabra for four minutes.

**Hon. Omar Alghabra:** Thank you, Mr. Chair. Good afternoon, and thank you for being here this afternoon.

I have several concerns about this bill. One of my biggest concerns is making non-Canadian and non-permanent resident individuals eligible for consular services.

Given how stretched our consular services resources are, can you comment on what that could do to the ability to help other Canadians who might be in a difficult situation?

• (1245)

**Ms. Tara Denham:** Sure. I'd like to note two things with that concern related to permanent residents.

The most important one is that under the Vienna Convention on Consular Relations, there is no obligation on other states to allow us to provide services to permanent residents. That is not in the Vienna convention. Therefore, by putting this into legislation, we would raise expectations that we would be very unlikely able to deliver. A lot of the countries that we're speaking about would not recognize Canada's ability. We don't have an ability to access permanent residents.

In terms of the financial cost, it would be significant. I was getting the numbers the other day, just to give an order of magnitude. There are eight million permanent residents in Canada. If we look at that globally and we add that to the number of people we would provide consular services to, you can see the orders of magnitude by which this would increase.

Our consular professionals are amazing and hard-working, all around the world. This absolutely would push the consular services teams, and the teams across the Government of Canada would need to be properly resourced. It would be an order of magnitude that would be quite significant.

**Hon. Omar Alghabra:** This bill goes even beyond permanent residents. It talks about protected persons.

Do we have a rough sense of how many protected persons there are, or of people who fall in that category globally? Even if you don't have an answer today, can you help us and provide this committee with an estimated number of protected persons around the world?

**Ms. Tara Denham:** In the last round, I think there were questions as to how exactly that would be defined. In our analysis, how that would be defined wasn't clear, so it would be really hard to give a number. I don't know where that definition is and how we could provide a number. If we're able to get that definition, then we can work on a number.

**Hon. Omar Alghabra:** Can you imagine the number of Canadian families who have a loved one in a difficult situation abroad and how they would feel if the Canadian government paid an incentive or reward for a non-Canadian citizen while their loved ones are stuck in a difficult situation, even if maybe not a hostage situation?

Again, I don't want to take away from the humanity of this difficulty that other people are going through, but the fact of the matter is—and Ms. Lantsman herself repeated it multiple times, and I think we all agree—that the Canadian government's priority is the protection of Canadian citizens at home and abroad. The introduction of this category in this bill really undermines the government's ability to help Canadian citizens, and it creates a lot of confusion as to who is eligible and who is not eligible.

Do you want to comment on that?

**Ms. Tara Denham:** Again, we're bound by the Vienna Convention on Consular Relations, and what is proposed we would not be able to fulfill. Because it's not within the Vienna convention, we would have to have an arrangement in place so that they would provide access to those permanent residents. Unfortunately, that would not be a reality for the countries we're talking about, so for a large proportion of permanent residents, it raises expectations that we would not be able to fulfill.

**Hon. Omar Alghabra:** Thank you.

**The Chair:** Thank you.

Mr. Bergeron, you have two minutes.

[*Translation*]

**Mr. Stéphane Bergeron:** Since my time is short, I'll ask you the question that strikes me as the most important. If I still have time, I'll ask you another question.

You shared a number of reservations about this bill, which certainly comes with good intentions but contains some provisions that remain fraught with issues.

In your opinion, could we amend this bill to make it applicable to the Department of Foreign Affairs, Trade and Development? Or would it be better to scrap the whole thing and start afresh?

[*English*]

**Ms. Tara Denham:** It starts by saying that this applies to all cases—terrorist cases, criminal cases and states—but cases are very unique. It starts from a premise of treating all cases the same. In our analysis, that is a fundamental issue, and it was really our objective to raise some of those concerns.

There are significant considerations that would have to be taken into account, clause by clause, and I think I've gone through and noted some. It is our assessment that quite significant changes would be required.

At the end of the day, we feel that we do have the tools available. We need to continue to strengthen the tools. It is not through legislation that we think this can be done; it is through making sure that we have the resources and the ability to implement the tools that are already available to us.

• (1250)

[Translation]

**Mr. Stéphane Bergeron:** Do I still have time to speak, Mr. Chair?

[English]

**The Chair:** You have 20 seconds.

[Translation]

**Mr. Stéphane Bergeron:** Briefly, clause 5 of the bill refers to orders that could prohibit or restrict certain activities.

Can't the government do this type of thing already?

**Ms. Tara Denham:** Give me a moment. I would like to confirm something.

[English]

I'll hand it to my colleague with the expertise on assets and seizures.

**Mr. Vasken Khabayan:** In our current autonomous sanction measures in SEMA and JVCFOA, there are options to be able to seize assets of non-actors, as well as a discussion on state actors.

**The Chair:** Thank you.

For the last two minutes, we go to Madam McPherson.

**Ms. Heather McPherson:** Thank you very much, Mr. Chair.

I have two quick questions for our guests from the RCMP and the CBSA.

First of all, we've heard from experts who have spoken about concerns over the potential misuse of broad powers for targeting individuals. We've certainly seen how other security legislation has impacted minority communities disproportionately over the years, with particular concerns for the Muslim and Arab communities, who have felt targeted by Canada's security agencies as a result.

How would the RCMP work to prevent the bill's implementation from disproportionately affecting certain communities or from creating "suspect communities"?

I'll ask both questions at once, and you guys can answer them.

For the CBSA, are there mechanisms in place within the CBSA to verify the identity of individuals to prevent a wrongful designation or inadmissibility under the bill? How would the CBSA handle cases of individuals who were incorrectly targeted or required an expedited resolution?

**C/Supt Denis Beaudoin:** I'll try to be quick, but ultimately, it would be a response mechanism. The bill is set up so that an event needs to occur internationally to trigger any use of the powers in the bill.

What I'll point out is that the RCMP doesn't gain much through the bill. It falls under the minister for Global Affairs, so our powers would be limited, as the minister would hold much of those new powers.

We're part of the task force that tackles this and we play an important role, but again, in dealing with families and everything, we

already have processes in place and we remain in close contact with them throughout the incident.

I'll leave it at that so my colleague can further expand on it.

**Mr. Derek Janhevich:** I'll start by saying that there are measures in place that the CBSA takes. I'll pass the mic over to my colleague here, who has more operational experience in that area.

**Mr. Jeff Robertson (Manager, Inadmissibility Policy, Canada Border Services Agency):** I don't expect that the CBSA would have a whole lot of influence in whether or not the minister for foreign affairs would put a package forward for GIC consideration to impose sanctions. Our role would be to respond to the sanctions that have been imposed on a person, based on their name, date of birth and other biographical details. Our officials would rely on that biographical information to render an inadmissibility determination.

What options are available to immigration officials, perhaps in response to inadmissibility determination? At ports of entry, CBSA officers—and, in Canada, IRCC officers—have discretion to issue temporary resident permits that will authorize temporary residence to people notwithstanding inadmissibility, including an inadmissibility due to sanctions. This is a regular authority that is at the discretion of officers. We use it every day, I can say.

However, I don't see a role for the CBSA in determining whether or not to impose sanctions on a person or assessing the merits of that decision.

**The Chair:** Thank you very much.

That concludes our questions.

At this point, I want to thank Mr. Robertson, Mr. Janhevich, Mr. Beaudoin, Ms. Denham, Ms. Csaba, and Mr. Khabayan. We're very grateful for your time, your expertise and your perspective.

Go ahead, Mr. Bergeron.

• (1255)

[Translation]

**Mr. Stéphane Bergeron:** Thank you, Mr. Chair.

I just wanted to know whether we followed up with the Minister of Foreign Affairs to get her to appear before the committee. We just received a note stating that she would be speaking to the Montreal Council on Foreign Relations on December 13, I believe. It seems easier for her to make herself available to speak to the public than to appear before our committee.

Have we followed up with the minister to get her to appear before the committee?

[*English*]

**The Chair:** I did check in today. We haven't heard anything back.

When did the email go out?

**The Clerk of the Committee (Mr. Alexandre (Sacha) Vasiliev):** It went out on the day it was discussed.

**The Chair:** It was the day it was discussed. That's understood.

Thank you, Mr. Bergeron.

Last, is it the will of the committee that the proposed supplementary budget in the amount of \$5,900 for the study of Bill C-353, the foreign hostage takers accountability act, be adopted?

**Some hon. members:** Agreed.

**The Chair:** That's excellent.

The meeting is adjourned.

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