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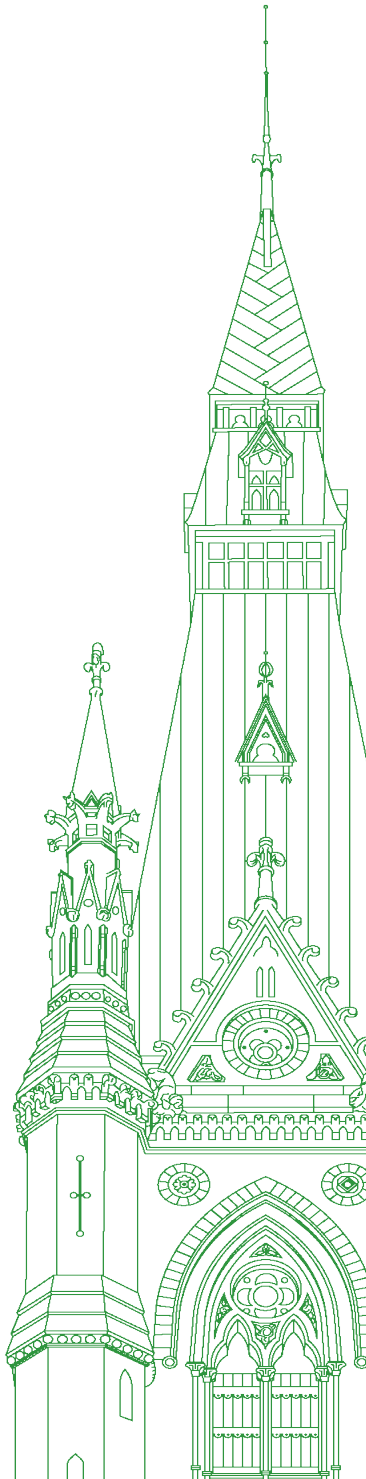

Chair: Ahmed Hussen

Standing Committee on Foreign Affairs and International Development

Thursday, May 7, 2026

● (1530)

[*English*]

The Chair (Hon. Ahmed Hussen (York South—Weston—Etobicoke, Lib.)): I call this meeting to order.

Welcome to meeting number 34 of the House of Commons Standing Committee on Foreign Affairs and International Development.

Pursuant to the order of reference of the House of Commons on Tuesday, February 24, 2026, the committee is meeting on Bill C-219, an act to amend the Department of Foreign Affairs, Trade and Development Act, the Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law), the Special Economic Measures Act and the Broadcasting Act.

Today's meeting is taking place in a hybrid format, pursuant to the Standing Orders. Members are attending in person in the room and remotely using the Zoom application.

I would now like to welcome our witnesses for the first hour.

From the Department of Canadian Heritage, we have Charlene Budnisky, senior director, communication legislative and regulatory policy.

From the Department of Citizenship and Immigration, we have Tara Lang, director general, integrity policy and programs.

From the Department of Foreign Affairs, Trade and Development, we have Robert Brookfield, director general, sanctions and strategic export controls; Kati Csaba, director general, consular affairs bureau; and Angelica Liao-Moroz, executive director, human rights, freedoms and inclusion.

Up to five minutes will be given for opening remarks, after which we will proceed with rounds of questions from colleagues.

I now invite Mr. Brookfield to make an opening statement of up to five minutes.

[*Translation*]

Robert Brookfield (Director General, Sanctions and Strategic Export Controls, Department of Foreign Affairs, Trade and Development): Thank you.

Honourable members of the committee, good morning. Thank you for inviting me to discuss Bill C-219.

The promotion and protection of human rights are a central priority for Canada. The laws that the bill seeks to amend play an important role in strengthening the Government of Canada's ability to respond effectively to gross violations and acts of violence committed abroad. Today, I will present some initial perspectives on potential areas for improvements to the bill.

[*English*]

The bill proposes amendments to the Department of Foreign Affairs, Trade and Development Act. We welcome the requirement to publish an annual report outlining Canada's efforts to strengthen human rights globally. Such a report would be an opportunity to meaningfully capture the breadth of our engagement in this area. However, with the bill as presently proposed, we are concerned about a number of elements.

First, we are concerned that divulging the names and details surrounding cases of individual human rights defenders, including Canadians, could put their safety at risk from the regimes that have detained them. Thus, any list that the minister could publish, even with ministerial discretion, would in reality be a short list not likely to satisfy the intent of the bill.

Second, the bill uses the term “prisoners of conscience”. It would be preferable to follow Canada's long-standing practice of using the internationally recognized term of “human rights defenders” when referring to individuals who peacefully advocate for human rights. This approach is reflected in “Voices at Risk: Canada's Guidelines on Supporting Human Rights Defenders”.

Third, we have concerns that publishing a detailed list without distinguishing between foreign nationals, Canadian citizens and permanent residents of Canada could have unintended negative consequences for the delivery of consular services to Canadian citizens.

The bill also proposes amendments to the Justice for Victims of Corrupt Foreign Officials Act and the Special Economic Measures Act. I will comment on some key elements of those proposed amendments.

First, the bill seeks to expand and clarify sanctions triggers, including a response to transnational repression. We consider expanding the situations in which Canadian legislation could be used to be desirable, but we would suggest that a broader expansion to allow for other situations, such as countering scam centres and cybercrime, would be preferable.

Second, the bill would issue visa restrictions for the immediate family members of sanctioned individuals, subject to limited exceptions. However, sanctioned individuals and their family members are already prohibited entry under the Immigration and Refugee Protection Act administered by the Minister of Public Safety. Thus, creating an additional visa ban power would be duplicative. It also risks undermining the clear accountability of the Minister of Foreign Affairs for sanctions while diluting existing accountabilities for inadmissibility decisions and weakening parliamentary oversight. We would suggest removing it.

Third, the bill proposes rigid mandatory timelines for asset forfeiture and disposal. We consider that these timelines could undermine due process and international coordination, and we believe they should be removed.

Fourth, the bill would mandate information sharing from the RCMP and FINTRAC and would impose fixed timelines for sanctions decisions. While information sharing is essential, we believe these measures would negatively impact the handling of sensitive intelligence and decision-making flexibility. As a result, we believe they should also be removed.

● (1535)

[*Translation*]

Finally, the bill proposes amendments to the Broadcasting Act that would require the immediate revocation of a broadcasting licence where a broadcaster operating in Canada is found to be under the significant influence of a foreign person or entity that is subject to Canadian sanctions or has committed genocide. This legislation does not fall under Global Affairs Canada's mandate, but Canadian Heritage notes that the provision raises concerns regarding a lack of proper process, a defined role for the CRTC, and clarity around key concepts such as vulnerability to significant influence and evidentiary standards.

[*English*]

In conclusion, Bill C-219 engages a broad range of legislative frameworks that underpin Canada’s efforts to promote and protect human rights and to hold perpetrators of serious violations accountable. While the bill advances objectives that Canada strongly supports, several of the proposed amendments would raise important legal, operational and coordination questions, including with respect to due process, existing authorities and effective implementation across government.

As the committee considers this bill, Global Affairs Canada would encourage careful consideration of how proposed changes can best reinforce the effectiveness, coherence and credibility of Canada’s sanctions and human rights tools.

Thank you, Chair.

The Chair: Thank you very much for your statement.

I will now open the floor to questions, beginning with MP James Bezan. You have six minutes.

James Bezan (Selkirk—Interlake—Eastman, CPC): Thank you, Mr. Chair.

I want to thank the officials for appearing today.

Is the definition of “family member” that you want to see put in the legislation, rather than using the term “immediate family member”, taken from the immigration and refugee protection regulations?

Robert Brookfield: To clarify, our preference would be that we rely on the immigration and refugee protection regulations, but I'll let my colleague elaborate on that point.

James Bezan: Under that definition, a family member is limited to a spouse, a dependent child and a dependent child of a dependent child, with the definition of a dependent child being someone under 22 years of age. You understand that the problem we have is that corrupt foreign officials are bringing their adult children here to hide themselves, along with the illicit wealth that has been gained.

I prefer using the immediate family definition out of the Canadian labour standards regulations, which says that immediate family is:

(a) the employee’s spouse or common-law partner;

(b) the employee’s father and mother and the spouse or common-law partner of the father or mother;

(c) the employee’s children and the children of the employee’s spouse or common-law partner;

(d) the employee’s grandchildren;

(e) the employee’s brothers and sisters;

(f) the grandfather and grandmother of the employee;

Immediate family is adult children and siblings. That, to me, better protects Canada from being used as a safe haven by these corrupt foreign officials and the gross human rights violators we're trying to stop.

Wouldn't you agree with that?

Tara Lang (Director General, Integrity Policy and Programs, Department of Citizenship and Immigration): I would suggest that under the current legislation we have for sanctions, any of those individuals could already be named and sanctioned very specifically.

The slippery slope in the space of an expanded family definition is that for visa processing, what we receive from a sanctions perspective is the name of the sanctioned individual. It's impossible to calculate the brother-in-law, the grandmother, the sister, the aunt or the uncle. When a visa officer receives an application, it would say, “James Bezan. Sanctioned individual”. You're inadmissible—

● (1540)

James Bezan: I am in Russia, so far. Let's not go beyond that.

Tara Lang: Say you have an adult son who might already be in Canada. The visa officer wouldn't have that information at their disposal.

The purposeful definition of a family member works for IRPA. If the purpose is truly to sanction individuals who might be benefiting from a regime or unscrupulous practices, then that individual should be named, and those family members who are associated shouldn't be painted with that same brush. I think there are charter implications with that.

More than that, you're risking the person's potentially getting into Canada because these officers couldn't possibly know all the family relations of a sanctioned individual unless they're named.

James Bezan: It would get a little more difficult when you start talking about girlfriends, boyfriends, intimate partners and that type of stuff, but with family members, it doesn't take that long to research—if it's somebody coming in from the Iranian regime, as an example—so that we'd be able to say, “This is a brother”. Potentially, you'd have someone to do that background research.

Some of this comes down to whether you guys have enough resources at hand or you should be allocated more to enforce the sanctions from the standpoint of a travel ban or visa ban that's been put in place.

Tara Lang: I don't think this is a question of resources. On an application—family members are defined in IRPA—there's a tight definition. The reason for this is that, down the line, if we have a tight definition and somebody comes in, they can't then sponsor their uncle or their cousin. If the intention is to keep people out of Canada, then they should be sanctioned individually.

I would say that under the current regime, this can be done, and recommend that it is what should be done to protect Canadian society.

James Bezan: You mentioned, Mr. Brookfield, that you didn't like the use of the term “prisoners of conscience”. You prefer “human rights defenders”. Where does that definition come from? You're saying it is a Canadian tradition. I don't find it anywhere. If you look at prisoner of conscience, Amnesty International is the one that coined the term.

I think it aligns with what we've always talked about as parliamentarians when we're talking in the House, when we're in debate and when we're here at committee. When you look at the legislation that came up in the last Parliament from my colleague Mr. Lawrence, it was with the NDP that we added in this definition of prisoner of conscience. It passed third reading before it was sent off to the committee with this terminology in there.

Just because you guys prefer one term, it doesn't mean that prisoner of conscience isn't better.

Robert Brookfield: I'll let my colleague answer.

Angelica Liao-Moroz (Executive Director, Human Rights, Freedoms and Inclusion, Department of Foreign Affairs, Trade and Development): We have long used the term human rights defender. Perhaps I'll take a minute to explain how we differentiate that from the term prisoners of conscience.

When we talk about a human rights defender, we're referring to people or groups that peacefully—the key word is peacefully—promote and protect human rights. We prefer this broader definition because it focuses very much on the role and the activities of the individual, as opposed to prisoners of conscience, which can be a subset of human rights defenders. That term focuses more on their custodial situation than on what they are doing and what they are advocating for.

I would say the term human rights—

James Bezan: Let me interrupt you. Where in legislation do we currently use that term in Canada?

Angelica Liao-Moroz: It's an internationally agreed upon concept. It stems from the United Nations. There are a number of recurring UN resolutions. It's widely used in the UN system by many member states and regional organizations, and it is a term that we have used in government to guide our engagement, including in our official guide that we provide to our officials abroad when detailing how they should be supporting and protecting human rights defenders abroad.

● (1545)

The Chair: Thank you very much.

We'll go next to MP Vandenbeld. You have six minutes.

Anita Vandenbeld (Ottawa West—Nepean, Lib.): Thank you very much, Mr. Chair.

I have a few questions, but I'd like some clarification on that last one about human rights defenders and prisoners of conscience.

“Human rights defenders” is a broader category. Is that correct? Once a prisoner is released, they may still be under surveillance, they may still be targeted and their family may still be targeted, but they're not technically a prisoner of conscience anymore. The term human rights defender would capture a larger group of people.

Angelica Liao-Moroz: Thank you very much for the clarification. That's exactly right. The point we are trying to make is that it's not a personal preference of one term or the other but more about having inclusivity.

When we talk about prisoners of conscience, the mind goes to somebody who's detained and being imprisoned. When we talk about human rights defenders, we're talking about the broad spectrum of defenders. They can be journalists, indigenous leaders, business associates, youth or students. It's not about just what their custodial arrangement is. They could be facing any number of threats—intimidation, surveillance, etc. It goes beyond the narrower lens of detention and imprisonment.

Anita Vandenbeld: Thank you.

My questions are for Mr. Brookfield. You outlined a number of areas in which you have concerns about the bill, but this bill also modernizes our Magnitsky sanctions regime. It updates and expands it in a number of areas, including transnational repression, which probably wasn't as exposed when the first bill came through as it is now.

Could you tell us what the good things are in this bill?

Robert Brookfield: I'd highlight, as you did, that the ability to have broader opportunities under the Special Economic Measures Act, in particular, to deal with transnational repression is potentially quite helpful.

One of the challenges between the Special Economic Measures Act and the JVCFOA is that the evidence required to list is a bit more specific. Having a broader trigger with respect to transnational repression, as I mentioned, and other topics would allow us greater latitude so that we don't necessarily need to have evidence of a specific individual engaging in a specific human rights abuse, but rather a more general linkage between a problem that is occurring and the individual's contribution to that problem, as we do in other areas. Sanctions against Russian oligarchs are an example of that.

Anita Vandenbeld: You said this could be even further broadened. Cybercrime was one of the things you mentioned. What would those areas be?

Robert Brookfield: The one that I would particularly highlight is scam centres. In November last year, both the United States and the United Kingdom, at the same time, issued sanctions under their human rights legislation, essentially, or their human rights sanctions regimes against an organization called the Prince Group, which is located in Cambodia. It's involved in abductions and doing scams within the area and more internationally. Later on—this year, in fact—South Korea did the same thing for the first time. It had autonomous sanctions against that same group.

We, in Canada, could not put sanctions on that group without doing sanctions against Cambodia, because the trigger for doing sanctions under the Special Economic Measures Act requires a link to the country.

Another example is cybercrime. For example, we listed a group in Kyrgyzstan called A7. It was a conduit for Russian funding. We were able to link it to Russia and Russia's support of the war against Ukraine, but had we wanted to go against a unit that was not directly linked to the war against Ukraine or to the Russian government, we would have had challenges.

The United Kingdom, for example, has sanctioned cybercrime actors in Russia that are not necessarily linked to the regime or activities in Ukraine, but linked to activities against the United Kingdom directly.

Those are the sorts of areas in which our allies have flexibility, and we think it would be helpful if we had it as well.

Anita Vandenbeld: Thank you. That's something we can certainly reflect on.

I was a bit confused when you talked about the unintended consequences of the annual publication of all the consular cases we're working on. You said that because of the difference between permanent residents, citizens and foreign nationals.... I think your words were that there would be unintended consequences for our consular services. How?

Kati Csaba (Director General, Consular Affairs Bureau, Department of Foreign Affairs, Trade and Development): I'm happy to speak on that front.

The bill does not currently distinguish between foreigners, Canadian citizens—some of whom might be dual citizens—and permanent residents of Canada. Whenever Canadians find themselves detained abroad, they automatically become eligible for consular services. What can happen is that publicly disclosing that they are in this situation and publicly criticizing the government make it more difficult for us to have consular access to those individuals.

Normally, we would seek to do prison visits to check on the well-being of those Canadian citizens, but if we are out there, publicly naming and shaming—as much as I know there are other good reasons for doing that—it can make it very difficult to support Canadian citizens who find themselves in that situation. It's not just those who are named on the list but also any other Canadian citizens who happen to be detained in the same country, because we must ultimately have some degree of co-operation with local officials in order to access those Canadians.

● (1550)

Anita Vandenbeld: What about publication and the unintended consequences? It could put those individuals in more danger if it's publicized.

Kati Csaba: Indeed. Naming them and exposing the fact that we consider them to be human rights defenders makes them, in a sense, a potentially more valuable target for the regime of the country that is holding them. It may end up treating them even more badly because it knows we are seeking to protect them.

The Chair: Thank you very much.

We'll go next to Monsieur Brunelle-Duceppe. You have six minutes.

[*Translation*]

Alexis Brunelle-Duceppe (Lac-Saint-Jean, BQ): Thank you, Mr. Chair.

I'd like to thank the witnesses for joining us to study this bill, which is supported by the Bloc Québécois. I would now like to address all the witnesses.

Perhaps we could hear some explanations. In particular, we have concerns regarding the implementation of the bill as currently drafted, and I believe people are open to us working a little more to improve it.

The bill provides for the production of an annual report that includes information on political prisoners and on the government's communications with families and civil society.

From an administrative or operational standpoint, how do your departments plan to collect, validate and disseminate this information, particularly in terms of interacting with families? That is the most important aspect for us.

Angelica Liao-Moroz: Thank you for the question.

First, the government encourages the publication of transparent and relevant reports on Canada's efforts to advance human rights internationally.

[*English*]

Such an annual report, we really feel, should be an opportunity to focus on our overall strategic priorities when it comes to human rights, our actions and the outcomes.

You asked what level of effort this would take. The way the draft bill is currently worded requires us to provide not just a listing of individual defenders who are detained abroad but also details regarding their circumstances—you've obviously read the bill—and how often we've intervened with the local government, etc. There would be a vast amount of resources and efforts deployed for constantly monitoring these cases, verifying this information and, purely from an information management perspective, ensuring the integrity, privacy and security of this information.

The reason we would like to reframe it as a report on Canada's broader human rights priorities is that it's a way to show the full spectrum of work we're doing, whether it's specific geographic areas of concern; whether we're talking about human rights defenders, transnational repression or other trends; whether we are doing this through country-to-country engagement; whether it's through our work at the United Nations; whether it's through funding programming for civil society and human rights defenders; whether it's through imposing consequences such as sanctions for countries that have very concerning human rights records; or whether it's through our engagement of civil society.

Our assessment is that, for the reasons already explained—principally relating to the safety and privacy of the individual—perhaps one way to do so would be to highlight what we call “emblematic cases” of particular individuals abroad that signify a broader trend on a particular issue of concern, as opposed to going into details and case by case.

● (1555)

[*Translation*]

Alexis Brunelle-Duceppe: I understand. However, your answer is much broader than what I was looking for. I would ask you to be more specific about interactions with families. That is what interests me most at the moment, because this bill would allow the disclosure of information while giving the minister the option to exclude certain details at the families' request. I have some concerns on this point.

Wouldn't it be preferable for the bill to require obtaining the consent of political prisoners' families before publishing their names or other information in the annual report?

I'd like to know what it would entail if we added this requirement for prior consent from families. Would it complicate your work or would it make it easier?

Wouldn't it be preferable to proceed in this manner—that is, the opposite of what is currently provided for in the bill—to obtain prior consent from the families before disclosing any information whatsoever, rather than leaving that decision in the hands of the minister, for example?

Robert Brookfield: I think my colleague can tell you more, but the problem is that, even before this change takes place, we anticipate that we won't be able to disclose many names. We don't know if we'll be able to find the information or if we'll be able to speak to anyone in the family. It's not clear. Will it be the sister, the brother, the father? There won't be a decision regarding the disclosure of the information since it will be difficult to find and there will always be the fear that someone might object, whether it's someone here or the prisoner themselves.

Alexis Brunelle-Duceppe: Yes, but there are still many families who would approve such a thing. In fact, several of my colleagues who work precisely with families of political prisoners are asking us to do so.

That said, there are also families asking us to work mainly behind the scenes and not to make things public. Sometimes, we start by trying everything that can be done privately. Then, if that doesn't work, we decide to make it public by shining a spotlight on a specific case.

There are many cases I could mention. Raif Badawi's is one. Jimmy Lai's is another. Many families initially try to work through private channels. That was the case for a long time with the two Michaels, before we finally made the information public.

My question is fairly simple. I don't think it should necessarily be left up to the minister—I think prior consent should be obtained. I understand your concerns about how to proceed and whose decision it is within a family, but there must be a way to establish parameters that lead us to a fairly obvious decision at a certain point, for cases that aren't that complicated, so to speak.

Does that make sense?

[*English*]

The Chair: We need a very brief response because we're running out of time.

[*Translation*]

Angelica Liao-Moroz: Thank you for the question.

You are correct in saying that it is always preferable to obtain the consent of the individual or the family. However, I will say that there are other principles we must follow.

[*English*]

The other principles relate to.... We have to assess the disclosing of the name and circumstances of an individual regardless of their consent and whether that will put their safety at risk, for any number of reasons, along with others that I can elaborate on subsequently.

The Chair: Thank you.

MP Bezan, we're starting the next round with five minutes from you.

James Bezan: Thank you, Mr. Chair.

I want to come back to this. Would you guys be opposed to having both a definition of “human rights defenders” and a definition of “prisoners of conscience”? That or different...?

Angelica Liao-Moroz: Not necessarily. Off the cuff, as long as we have the broader definition of human rights defenders, as I said, so that we can be as inclusive as possible, we could recognize that—

James Bezan: Tell me this on human rights defenders, because I'm looking at the GAC line on this about who they are. It's saying that a human rights defender is:

> ...someone who, individually or with others, acts to promote and protect human rights.
>
> Human rights defenders document and call attention to violations and abuses by any actor, including:
>
> governments
>
> businesses
>
> non-state actors...

That's what you're defining it as, but what do you do with people who get arrested, detained and, often, sterilized, such as the Uyghurs, the Falun Dafa and the Tibetan monks?

They're all being ostracized, prosecuted and executed based upon religion. It's not that they're out there fighting for freedom. They don't fall under our definition of “human rights defenders”.

● (1600)

Angelica Liao-Moroz: No, and I would say that just because they don't fall under a definition of the human rights...as a human rights defender doesn't necessarily mean that we're not advocating in other ways.

If I may first answer your initial question, I don't think we would be opposed to including the subcategory of “prisoners of conscience”. It's not out of disliking the term. It's very much, as I said, to go much wider in scope.

The example you just described, in which an individual is peacefully standing up for rights regardless of, in this case, the right to the freedom of religion or belief, we would consider that to be a human rights defender.

James Bezan: Yes, but they're getting arrested based upon their belief. They're just practising their faith.

You can also take people like Vladimir Kara-Murza, who was standing up for democracy. Right now, under “human rights defender”, maybe that falls in, but I think “prisoners of conscience” fits better. I think that maybe we should look at my colleagues across the way when we start working on amendments and possibly do a combination and make sure both terms are used, so that we are inclusive and specific enough that nobody slips through the cracks.

Would you be okay with that?

Angelica Liao-Moroz: Yes, and the one thing I would add is that in this case, somebody who is exercising their freedom of religion or belief...this is not to say that we don't advocate for these types of rights. We very much do.

For example, Canada has long led the International Contact Group on Freedom of Religion or Belief in working with 20-plus states, the UN and elsewhere to really make sure that these issues are front and centre when we're talking about human rights.

There are many ways in which we do this. I understand your particular point that if somebody is detained, they're not left behind.... I think we would be open to reflecting on this to make sure that we are as inclusive as possible.

James Bezan: In talking about the privacy concerns around the reporting—and I understand that some families may not want to—in my conversations with Michael Kovrig.... I know that we have Brandon Silver up next, and he'll probably talk about Irwin Cotler's comments on shining the spotlight. Mr. Kovrig and Vladimir Kara-Murza have told me that if their situations hadn't been brought to the forefront and they had been forgotten about behind bars, they most likely would have been executed.

How do we balance this? We know that sunshine is the best disinfectant. How can we shine sunlight on governments that are really trying to repress individuals whom they have captured and imprisoned based upon political beliefs or religious beliefs? Jimmy Lai is another one, as my colleague Mr. Brunelle-Duceppe talked about. How do we make sure that, for those individuals, we shine the spotlight? Otherwise, it could get worse. Who knows?

Angelica Liao-Moroz: It's a very fair point. If I may, I'll elaborate on what I said previously.

You're absolutely right that there are cases in which shining a spotlight will help. In many of these situations, we also like to work with partners. There's strength in numbers. It brings more visibility to a case. I can think of one example. You talked about Jimmy Lai. At the Human Rights Council not too long ago, we stood up alongside New Zealand, Australia and other partners and brought to light the most recent details concerning this case.

I think what we're trying to say is that in using a blanket approach, in which we would have to list in detail the names of the individuals and the circumstances around their detention, there are situations in which we assess that shining a public light on them, regardless of whether they've provided consent, would backfire. It could lead to reprisals by the host state.

The Chair: Thank you.

We go next to MP Oliphant.

You have five minutes.

Hon. Robert Oliphant (Don Valley West, Lib.): Before I begin my time, I have a point of order. I didn't want to interrupt the previous person.

I want clarification—and I believe I'm correct on this—that it would be inappropriate for me to comment on discussion on the previous bill around the definitions of “human rights defenders” or “prisoners of conscience” that took place in camera and agreements that might have been reached the last time, because it was an in camera meeting. I cannot bring that up at this meeting. Am I correct on that?

● (1605)

The Chair: You are correct.

Hon. Robert Oliphant: Can I bring it up at an in camera meeting at a later date?

The Chair: Yes, I believe so.

Hon. Robert Oliphant: Clause-by-clause was in camera.

A voice: It wasn't. I looked at the transcript.

Hon. Robert Oliphant: Oh, it wasn't in camera. Okay, then I can....

There were discussions among the parties at that point around this, which I thought we had reached consensus on. I will want to look at the transcript—

The Chair: If it was not in camera—

Hon. Robert Oliphant: —just to prove to myself. I'm very careful about privilege on those issues, so I want to be very careful. Thank you.

Thank you to the witnesses, not just for today but for coming back again and for the work you do all the time.

Ms. Csaba, how many consular cases do we have per year, approximately?

Kati Csaba: Of all kinds, we have over 7,000 consular cases per year.

Hon. Robert Oliphant: How many complex, problematic cases are there that would require a variety of higher-level interventions?

Kati Csaba: Those over 7,000 cases would include anything that is more complicated than, let's say, a passport renewal. Of that, it would be a much smaller number. It depends, really, on the country.

Hon. Robert Oliphant: Would it be about 600 per year?

Kati Csaba: Let's say it's something like that.

Hon. Robert Oliphant: For complex cases with prison or threat of capital punishment, would it be 100 per year?

Kati Csaba: For cases with threat of capital punishment, I would say there are fewer than 30 or so.

Hon. Robert Oliphant: Okay. However, these are complex cases that you need to follow and need attention on, with limited resources.

Am I also right in assuming that our consular engagement sets a priority for Canadian citizens?

Kati Csaba: Absolutely. Consular services are only available for Canadian citizens.

Hon. Robert Oliphant: In our missions, we would have that as a priority as well.

Kati Csaba: Yes.

Hon. Robert Oliphant: Then we'd be very cautious about doing something that could undermine our work for Canadian citizens. A point was being made that we would want to be delicate in our strategic interventions around human rights defenders or prisoners of conscience who may not be Canadian citizens if those interventions jeopardized a Canadian citizen in an either similar or different....

We have people who do bad things. They may not be prisoners of conscience. They may be crooks who are in jail, but we still help them.

Kati Csaba: Absolutely. We still want to offer as much consular assistance as possible and advocate for their well-being.

Hon. Robert Oliphant: Listing activities by country and by name of person could threaten that work, in your opinion.

Kati Csaba: It could indeed, in our opinion, threaten that work and put at risk other Canadians who might be held in the same country and who would be equally affected by the country's dissatisfaction with our naming it publicly.

Hon. Robert Oliphant: When we're dealing with a consular case and with family members who are not the consular case themselves, what power of agency does the family have versus the individual?

Kati Csaba: Thank you for that opportunity, because I want to raise an important point around the role of the Privacy Act. Any Canadian citizen who is arrested abroad and might fall within this category—or not—is then considered to be a consular client, and the Privacy Act then comes into play. Under the Privacy Act, a family member cannot allow for the divulgation of personal information. It is only the consular client.

Hon. Robert Oliphant: If the family of Jimmy Lai decided to go public with the case or if Jimmy Lai went public with the case, it would be different from the Government of Canada going public with what we're doing to support Jimmy Lai in incarceration.

Kati Csaba: Indeed, it would be, although Jimmy Lai is not a Canadian citizen. Yes.

Hon. Robert Oliphant: He has family who are Canadians. We have a concern for him. We've raised it many times at the highest levels, internationally, bilaterally. However, it was the choice of his family to raise that, and it was his personal choice, as he's spoken a number of times.

Kati Csaba: There have been cases in which we have chosen to speak very publicly. The case of the two Michaels has already been raised. In that situation, the government felt that it was in the best interests of those two individuals. They were able to give us permission to raise their cases publicly, because we had access to them in China, and we did so.

Hon. Robert Oliphant: Those are strategic case-by-case decisions as opposed to a blanket or universal decision.

Kati Csaba: Absolutely.

Hon. Robert Oliphant: A blanket or universal requirement to do that could limit our ability to be strategic, country by country, or even to engage a third country if we felt that it had a better relationship with the host country. We may want to engage it, as opposed to doing it ourselves, to find a more successful route. Am I correct?

● (1610)

Kati Csaba: Yes, you are correct.

Hon. Robert Oliphant: We do that regularly.

With respect to transnational repression, I'm pleased that you are looking into this and perhaps expanding the scope. We may try to come up with an amendment. Why hasn't the government come up with legislation that might do that?

The Chair: We need a brief response.

Robert Brookfield: As a humble functionary, I don't think it's my position to suggest what the government or Parliament should or should not have done.

The Chair: Thank you very much.

We will go next to MP Alexis Brunelle-Duceppe.

You have two and a half minutes.

[*Translation*]

Alexis Brunelle-Duceppe: Thank you.

I would have liked to put Mr. Oliphant's question to Mr. Oliphant. How wonderful. We live in a strange world, sometimes.

With regard to the part of the Broadcasting Act affected by Bill C-219, the English version is identical to that of Bill C-281, which was introduced during the last Parliament. However, the French version of the part of Bill C-219 on the Broadcasting Act is slightly different.

Have you noticed that difference? Do you see any discrepancies that could potentially impact legal interpretation?

Charlene Budnisky (Senior Director, Communication Legislative and Regulatory Policy, Department of Canadian Heritage): Thank you for the question.

That's something we could look into. We always like to have a complete and accurate translation. Thank you for raising the point. It will allow us to discuss it.

Alexis Brunelle-Duceppe: If necessary, you would recommend that we make adjustments to ensure it remains true to the spirit of what was drafted. Very well. We'll do that when we get to the clause-by-clause review. I think there will be consensus.

For your information, in Bills C-219 and C-281, the English version of the section on the Broadcasting Act is the same, but the French version is not. It's easy enough for you to check.

Robert Brookfield: As I mentioned in my opening remarks, there are issues with the English version as well.

If we correct the French version, we should also do so for the English one. They should be consistent.

Alexis Brunelle-Duceppe: That’s another excellent answer.

Let’s stay with the Broadcasting Act. After all, there are concerns about freedom of expression and Canada’s international obligations.

How do these measures fit within the existing legal framework, particularly with regard to freedom of expression and fundamental rights?

Charlene Budnisky: That's a very good question.

If you don't mind, I will explain in English.

[*English*]

Also, if possible, I'd like to back up a bit on that to give a little more context.

Freedom of expression is a very important point, and it links back to the whole discussion about the concept of vulnerability to significant influence, which is extremely ambiguous. It doesn't really give clear guidance to the commission. This could ultimately impact freedom of expression by having a chilling effect in which Canadian broadcasters avoid and limit certain non-Canadian programming or effectively do not enter into commercial relationships with broadcasters or other associated businesses, even if there is no idea of any sort of influence, to avoid a compliance risk.

The Chair: Thank you very much.

We will go next to MP James Bezan.

You have five minutes.

James Bezan: Thank you.

I'll continue on this path to get to more of those concerns.

I'm a freedom guy. That's why I brought forward this bill; we're standing up for freedom for everybody around the world. Of course, freedom of expression is something we were concerned about in discussions we had internally when we were bringing this forward.

I think we're being fairly specific: When the House or the Senate makes a recommendation around a certain country carrying out an atrocity or a genocide, we call it out as such. Look at how long it took us to get RT, Russia Today, off the air. These things should happen more quickly. If we decide to sanction a broadcasting entity because it is a propaganda machine for a corrupt regime that is committing gross human rights violations, should we not then automatically, through that process, have them taken off our airwaves?

Isn't that really what this says quite clearly, rather than muddying the waters around freedom of expression?

● (1615)

Charlene Budnisky: That's a really good question in the sense that we have to understand what the regulatory powers are of the CRTC, as well as the non-Canadian programming services that I think we're talking about when we're discussing the aim of the bill to prevent the proliferation of propaganda in the Canadian broadcasting system.

If you would allow me, I'll talk first about the regulatory aspects and then about what it looks like to identify non-Canadian programming services.

James Bezan: It's a short period of time. Let's pretend it's question period.

Charlene Budnisky: Sure, I'll do it very quickly. That's fair enough.

The bill would directly impact only licensed broadcasters. These are Canadian-owned and controlled broadcasters. The bill does not impact the CRTC's authorization process for non-Canadian services or online broadcasters, as these are not licensed broadcasters.

The CRTC has the authority to add or remove non-Canadian services to or from an approved list called the "list of non-Canadian programming services and stations authorized for distribution". These are not licences. This is just the authority to distribute in Canada.

James Bezan: Tell me how it works, then, with RT. It was broadcasting on the air using Canadian cable companies. Did it have to get a licence to do that?

Charlene Budnisky: No, it didn't have to get a licence to do that. It would be carried through the authorized distribution list.

Here is another—

James Bezan: How, then, was the directive issued for cable and satellite companies to take it off the air?

Charlene Budnisky: The CRTC would have a hearing as part of its due process to decide whether a station or a channel like RT TV should be carried as part of the authorized distribution list. It can add or remove channels to or from that list.

James Bezan: When we look at Communist China, we've already recognized what it has done to the Uyghurs as genocide.

Are you saying that to be carried on Canadian airwaves, CCTV, or China Central Television, doesn't need a licence, and it's the carriers that have made that decision?

Charlene Budnisky: The licensed Canadian broadcasters are the ones that can pick up programming services from the authorized distribution list for distribution in Canada.

There is one very important point to add as well, which is that even if they are excluded from the authorized distribution list—like CCTV or CGTN—the reality is that if the programming service is available online or through a website, Canadians could still access that content.

James Bezan: We specifically left that out.

To go back to issues around privacy concerns, this week is Iran Accountability Week, and we are shining the spotlight on a number of prisoners of conscience and human rights defenders—we're going to do both—in Iran. Some of them have connections to Canada, and some do not.

As we go down this path, we are fighting for people who are recognized as standing up for the "Woman Life Freedom" movement and who are standing up against the regime and being arrested. Before the war broke out, 50,000 were arrested on the streets of Tehran.

Where there are Canadian connections—maybe they have dual citizenship or they are permanent residents—how does that impact our making sure there is transparency? Families want to let the sunlight in, but how do we make sure that's happening without bringing up the concerns of privacy?

The Chair: I'll ask for a very brief response.

Angelica Liao-Moroz: Thank you.

Perhaps I can start and then turn to my colleague regarding consular—

The Chair: No, we won't be able to do that. You'll have to finish, please.

Angelica Liao-Moroz: My colleague has already spoken to the consular considerations for Canadians, so maybe I'll focus on the other aspects.

We talked about unintended consequences. Let's say we have the consent of an individual or their family, and they want us to go public or raise it with the host government. That is definitely one consideration. It's one of three top considerations when we think about how to go about securing their release and defending them.

The second consideration is that human rights are universal, so they apply to all. I think that's a concept understood by all.

The last principle is that we do not endanger them further. It comes down to—

● (1620)

The Chair: I'm sorry, but we'll have to stop there.

Next is Mr. Guilbeault.

You have five minutes.

[*Translation*]

Hon. Steven Guilbeault (Laurier—Sainte-Marie, Lib.): Thank you, Mr. Chair.

I'd like to thank the witnesses.

I would like to return to the issue of the Broadcasting Act, and focus on two elements in particular.

Ms. Budnisky, you began to explain this to us earlier, and I would like you to expand on that. You are welcome to do so in English.

Obviously, the CRTC has power over conventional broadcasters, but not over online media. I would like to hear your thoughts on this, since much of the propaganda—which we could seek to stop through the kind of provisions contained in this bill—is increasingly taking place in online media and on social media. The CRTC's powers would therefore be exceedingly narrow if we were trying to curb that, assuming that is the intended goal.

Charlene Budnisky: Yes, absolutely. You explained it well. The CRTC's powers are limited in that they only apply to conventional broadcasters, as you said.

[*English*]

Yes, that's absolutely correct. It applies only to traditional broadcasters. These are Canadian-owned and controlled broadcasters.

As I said before, they are not online broadcasters. They are not non-Canadian programming services that the CRTC controls or licenses. Only through the authorized list of non-Canadian services for distribution would those sorts of programming decisions be made, and then the programming would be picked up by Canadian traditional broadcasters.

[*Translation*]

Hon. Steven Guilbeault: Thus, if we wanted to set up a system to try to restrain or limit the ability of certain countries to spread such propaganda—as my colleague from the Conservative Party mentioned earlier—we would need a completely different system that specifically targets social media, online media and platforms.

Charlene Budnisky: Yes, that's right. We would indeed need to make several types of amendments to this bill, or perhaps have a completely different law, to encompass everything you've proposed.

Hon. Steven Guilbeault: Mr. Chair, my throat is bothering me. I've asked the questions I wanted to ask. If any Liberals want to take my speaking time, I'll stop there.

Alexis Brunelle-Duceppe: That's fine. I'll take it, Mr. Guilbeault.

[*English*]

The Chair: Go ahead.

[*Translation*]

Hon. Steven Guilbeault: I didn't know Mr. Brunelle-Duceppe had crossed the floor.

I offered it to my Liberal colleagues, Mr. Brunelle-Duceppe.

[*English*]

The Chair: Monsieur Oliphant will share your time.

Hon. Robert Oliphant: Following up on the good parts of this bill, of which I think there are several, and the difficult parts of this bill, would it be easier for us to write a new bill? Otherwise, in your mind, is this bill fixable with the understanding that we have common goals to uphold human rights in the world, to show Canada's defence of human rights in the world and to be practical help to human rights defenders? This is what we want to do.

My concern is that there are parts of this bill that could hinder that work as opposed to helping it, and I'm wondering whether we can fix it, how we would fix it and whether there are things we're not thinking about and are not in the bill that you have had on your wish list for government to do.

This is your chance to tell parliamentarians if there is something you think we're missing that would aid in that work, whether it's on transnational repression, human rights defenders or prisoners of conscience, should we go that limited way, or how we navigate a difficult world with some despotic regimes that don't share our values on human rights.

Are there measures you would recommend that we consider?

● (1625)

Robert Brookfield: Perhaps I can start, and my colleagues can add if they have more.

As I tried to make clear in my opening statement, there are two key elements of this bill that we think are very valuable. As my colleagues have said, we think the idea of doing human rights reporting would be very useful under the constraints we've set forth. As I've mentioned, the elements of this bill that expand the trigger to include more transnational repression, which would allow our sanctions regime to be fit for purpose, would be very helpful.

There are other elements of it, as I elaborated in my opening comments, that are procedurally challenging and would impede our work. If those could be removed, that would be helpful.

The Chair: Thank you. Unfortunately, we'll have to keep going.

Mr. Chong, you have five minutes.

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

I want to ask Ms. Budnisky about the Broadcasting Act changes in the bill.

I agree with you that this doesn't address the issue of RT and other authoritarian state-controlled broadcasters such as CGTN because they're not licensed; they are on the "list of non-Canadian programming services and stations authorized for distribution".

That point is taken, but wouldn't you agree that one way to amend the act would be to use section 7 of the Broadcasting Act? It gives the minister the power to issue directives so that an amendment is introduced or something is done that effectively issues a new broadcast policy of general application in which authoritarian state-controlled broadcasters are not on the "list of non-Canadian programming services and stations authorized for distribution".

Wouldn't you agree that this is the way to go about doing this?

Charlene Budnisky: Let me back up. I want to talk about RT TV and what happened in that case.

Hon. Michael Chong: I know what happened. They issued a directive under section 15. They basically nudged the CRTC, which held a hearing and concluded that RT should be pulled off the airwaves.

I think we need to be a bit more categorical about authoritarian state-controlled broadcasters, and not just RT. CGTN should have been pulled at the same time. That's why I'm suggesting section 7, or some derivative thereof, and proceeding in that fashion. The intent of the drafters of the bill was to get authoritarian state-controlled broadcasters off our airwaves.

I would disagree with you on one thing: It's not the same as the Internet, because long-standing Supreme Court rulings have said that the broadcast system, as regulated by the CRTC, is a public entity. It is owned by the Government of Canada, and we are under no obligation to allow authoritarian state-controlled broadcasters to use publicly owned airwaves, which is what they are.

That's very different and distinct from the Internet, the publication of books or newspapers, or the distribution of materials. These are public airwaves. They're owned by the public and they're owned by the Government of Canada. In my view, the Government of Canada is well within its rights to determine what goes on those airwaves and what doesn't. That's why we have a whole Canadian content policy that's been in place for decades. We don't do that to newspapers or other private forms of media. That's a distinction I would make.

Charlene Budnisky: With respect to section 7, we'd be issuing a policy direction, and that would continue ad infinitum until it was repealed or brought back in any way, shape or form.

Yes, I suppose there could be a section 7 order issued, but it's really a very direct and maybe even a heavy approach to dealing with removing a non-Canadian programming service from the airwaves.

Section 15 is not as permanent. It is less directive. It does have its value in the case of RT TV. You said yourself it was removed almost immediately once that was issued.

There are different ways to do things. The desired approach would be something a little less directive in this case.

● (1630)

Hon. Michael Chong: When the directive under section 15 was issued, I did not expect any results other than what transpired after the hearing. To be frank, when the minister for Canadian heritage issues a directive like that, it's pretty clear what the CRTC is expected to do. That's just my commentary on that.

There's a distinction there. Publicly owned airwaves are licensed, and we have long determined editorial or content direction, Canadian content rules being the most famous of those. Free speech and free expression rights are protected generally, but throughout the civil domain of our society, I think that's a separate and distinct issue.

We appreciate your feedback on it. You've pointed out an important change that needs to be made to the bill if we are to get authoritarian state-controlled broadcasters off our airwaves.

The Chair: Thank you.

Hon. Michael Chong: Thank you, Mr. Chair.

The Chair: Thank you very much. We'll go back to Mr. Oliphant.

You have five minutes.

Hon. Robert Oliphant: Thank you again.

I want to get into the parts of the bill that I understand the least and know the least about. They are clauses 8, 9, 16 and 17 with respect to FINTRAC, RCMP, information sharing and those requirements.

I don't know the current state of information sharing that happens. What are we lacking at Global Affairs that could help with the sanctions impositions, and what potential problems could this cause?

Robert Brookfield: Obviously, FINTRAC and RCMP aren't here. I'll do my best to pass on what I understand to be their perspectives on this. From the Global Affairs perspective, we work very closely with FINTRAC and RCMP.

There are very tight authorities under FINTRAC on what they can report and not. In fact, they recently set a fine of $175 million against a cryptocurrency exchange in B.C., in part based on its failure to do sanctions reporting.

They do a very important job, but they're not a law enforcement tool. They have very limited constraints, for charter and constitutional reasons. This particular provision is problematic for them, as it is for the RCMP, in that it requires that they take on a role of judge, in a sense, which is not their role. The RCMP has the same concerns.

Similarly, for the RCMP, we work closely with them on the enforcement side, but they don't assess the policy question of whether, for example, individuals are committing genocide.

Hon. Robert Oliphant: It would seem to be quite difficult. I turned my clock back to a time when I was in opposition. Unfortunately, we had cases in which the RCMP relayed information with respect to Canadians, who were incarcerated in Syria based on incorrect information from the RCMP. That information was not shared appropriately. There were consequences for the government at that time, and reparations were made.

I'm very worried about giving any sort of non-enforcement or non-operational activity to those two agencies, which really are enforcement agencies. They can have red flags, as you say. They can assert that there is an issue that needs sanction attention, but do they have experience in determining sanctions and when sanctions should be placed?

Robert Brookfield: No, they do not.

Hon. Robert Oliphant: I don't misunderstand this bill, then, probably. I thought I was not getting it, because it seems to me that we don't have the Ontario Provincial Police or city police doing recommendations on certain things. They have an activity they're responsible for within their legislation and within the separation of government from policing operations or from an independent arm of government such as FINTRAC. I'm not mistaking this.

Robert Brookfield: No. The RCMP, like the Department of National Defence, CSIS and other intelligence agencies, provides information that can be the basis for our activities, but they don't make decisions. That's the Minister of Foreign Affairs—

Hon. Robert Oliphant: Sure. We must get.... The CSE, CSIS, RCMP and FINTRAC are all sources of information, but the decision-making activity would be at Global Affairs Canada.

Robert Brookfield: In fact, it would be with the Minister of Foreign Affairs, specifically, and cabinet.

Hon. Robert Oliphant: On your recommendation to an order in council....

Robert Brookfield: Yes.

Hon. Robert Oliphant: Okay. That's all.

Thank you.

The Chair: Thank you very much.

Next, we'll go to Monsieur Brunelle-Duceppe.

You have two and a half minutes.

[*Translation*]

Alexis Brunelle-Duceppe: Thank you, Mr. Chair.

Witnesses, do you have any examples of what is being done internationally on this type of legislative measure?

Have you done any research to determine whether such measures exist internationally and, if so, to find out what works well and what does not for countries like Canada?

Obviously, I am not referring to countries with authoritarian governments that control information.

● (1635)

Robert Brookfield: As I pointed out, the United States, the United Kingdom and even South Korea have human rights-related tools to impose broader sanctions. They are not linked to a specific country.

I don't know if my colleagues can speak to the human rights reports or other matters related to other aspects of the law.

Alexis Brunelle-Duceppe: One of the concerns we raised relates to the Broadcasting Act, which is part of Bill C-219, or to the annual report.

Is this done in other countries? That isn't a trick question. I'm genuinely asking for information.

Robert Brookfield: Judging by my colleagues' reactions, the short answer is no, based on what we know. I apologize for that.

Alexis Brunelle-Duceppe: Okay.

Charlene Budnisky: I don't have an answer at this time. I will have to do a bit of research on that.

Alexis Brunelle-Duceppe: We, too, must get to work. Sometimes we count on you to do our work for us, but, clearly, we'll have to do our own research.

Since the start of today's meeting, I get the sense that you are extremely reluctant about the entire text of Bill C-219. That said, many members of Parliament supported this bill to make sure it would be sent to our committee.

Isn't there a disconnect between the people working at the department—that is, you—and the members of Parliament who decided to send this bill to the committee?

Robert Brookfield: Yes, perhaps. Many of the details we haven't discussed today pertain to procedural matters, particularly reporting.

We already have a lot of internal consultations, research and collaboration with our allies to gather the information we need to prepare for each case. Any additional steps on top of that make our lives more difficult.

[*English*]

The Chair: Thank you very much for your appearances and testimony today. It's very much appreciated by all of us.

We will now briefly suspend the hearing in order to prepare for our next panel.

Thank you.

● (1635)

_____(Pause)_____

● (1640)

The Chair: I call this meeting to order.

I would now like to welcome our witness for the second panel.

From the Raoul Wallenberg Centre for Human Rights, we have Brandon Silver, director of policy and projects.

Welcome. I now invite you to make an opening statement of up to five minutes, please.

Thank you.

● (1645)

Brandon Silver (Director of Policy and Projects, Raoul Wallenberg Centre for Human Rights): Mr. Chair and honourable members of the committee, thank you for the opportunity to appear before you today.

[*Translation*]

It's a pleasure for me to testify on Bill C-219. I want to thank MP James Bezan for introducing this important bill, as well as the government for its general support. This approach reflects the spirit of consensus that characterized the initial passage of the Magnitsky Act in 2017.

[*English*]

Indeed, the founder of our institution, Professor Irwin Cotler, first proposed Magnitsky legislation, Bill C-339, as a parliamentarian in 2011. In 2013, he co-founded and headed the Justice for Sergei Magnitsky Inter-Parliamentary Group. In 2015, he proposed a unanimous consent motion, which was adopted, calling for Magnitsky legislation. Again in 2015, he proposed a global Magnitsky bill. In 2016, he offered emphatic support for the important legislation spearheaded by Senator Andreychuk and MP James Bezan. We are pleased to offer strong support and endorsement of Bill C-219.

I will focus my remarks on what we consider to be some of the particularly essential elements of this bill.

First, changing the short title of the Special Economic Measures Act to the Sergei Magnitsky global sanctions act not only honours the sacrifice of Sergei Magnitsky but reflects the reality of our sanctions regime. Human rights violations and corruption would not be sanctionable offences under SEMA if not for the adoption of the 2017 Magnitsky law amendments. Of the 1,042 human rights sanctions implemented by Canada since these amendments in 2017, 962 of them are under SEMA, so 92% of our country's Magnitsky-style human rights sanctions are not actually implemented under the Magnitsky law.

Over 35 countries now have a Magnitsky act. Therefore, in an increasingly dangerous and divided world, this simple title change will help streamline collaboration and end confusion amongst our allies and civil society around the world. It also reflects the reality of how the Canadian government has implemented our human rights sanctions frameworks thus far.

Second, expanding visa bans to immediate family members fills an important gap in current legislation. Grave human rights abusers often like to send their families abroad to enjoy the freedoms that they deny their citizens at home. This legislation would close the door on their family members' enjoying the banks, businesses and beaches in Canada and thereby also protect our sovereignty from the corrupt and corrosive effect of this foreign capital. It enhances our national security and the integrity of our banking systems, protects our borders and is in line with what our allies have integrated into their sanctions legislation. In fact, it is somewhat narrower.

In response to what was shared earlier by the important and hard-working civil service leaders, I want to comment that their assertion around dependent family members does not reflect the practice of allies. The European Union has associated family members, which goes beyond dependents, and the United States also goes beyond dependent family members. I would encourage the committee to therefore go beyond defining immediate family members as only those who are dependent.

● (1650)

Third, the provision on prisoners of conscience will provide a life-saving spotlight to them. For the dissident suffering in the darkness of a dictator's dungeon, this legislation would shine a light on their case that could help secure their freedom. Vladimir Kara-Murza's new-found freedom from Putin's gulags provides a case study. Giving public disclosures surrounding advocacy on his case, working with his wife Evgenia and undertaking efforts such as sanctioning the officials responsible for his unjust imprisonment, as well as our ambassador's holding a press conference on the steps of the courthouse during his unfair trial and granting him honorary Canadian citizenship, helped free him. I commend the essential work of this committee, done in a multipartisan way, that helped ensure that he is alive and free today.

Upon his release, Vladimir Kara-Murza, like all prisoners of conscience we have advocated for, told us that these public activities from governments and parliaments kept him alive. It told him, and it told his jailers, that he was not forgotten.

Beyond individual cases, the prisoner of conscience provision is essential for data and deterrence. GAC's annual consular report makes no mention of arbitrary detention and hostage taking. A Canadian prisoner of conscience is lumped together with a murderer, thereby equating crimes committed against Canadians by foreign states with crimes committed by Canadians in foreign states.

If there were clear metrics about the detention of prisoners of conscience and, particularly, Canadians held abroad, this would inform the travel decisions of Canadians and could even lighten the load on the consular affairs that they refer to. Perhaps fewer Canadians would travel to the jurisdictions in which there are rising rates of prisoners of conscience. It could be helpful for Canadians to have this information at hand.

The Chair: Thank you. We will have to conclude. Thank you so much for your statement.

We will begin the period of questions with MP Bezan. You have six minutes.

James Bezan: Thank you.

I may split my time with Mr. Chong. I thought Ziad was going first.

Thank you so much, Mr. Silver. Thank you for the support of your organization. Make sure that you give Professor Cotler our best. His leading-edge work on the Magnitsky sanctions will always be immortalized in Parliament. We will always recognize how hard he's worked in support of and standing up for human rights, as well as how he's such a strong leader. He's an inspiration to each and every one of us.

I'm glad you brought up the importance of why we want to make sure that we shine the spotlight on prisoners of conscience and human rights defenders, as the department likes to call them.

Can you talk more about what's happening with hostage diplomacy, which we're starting to witness from China and others? Why is it important that we continue to have this transparent reporting to ensure that this type of practice stops?

Brandon Silver: Thank you very much for that timely and important question.

The rapid rise of state hostage taking and arbitrary detention merits a reconsideration of current approaches to better address this situation. Having worked on a number of such cases, hand in hand with the hard-working folks in consular affairs, I want to commend the government for establishing a special hostage department, which was a necessary step, but more can be done.

I would suggest three amendments that can help reflect this in the prisoner of conscience section.

The first is mandating that the information on the numbers of prisoners of conscience in a country, which this legislation proposes, be included in the travel advisories issued by GAC. Beyond the public disclosures, right now, it's at times.... In Jimmy Lai's case, for example, a travel advisory was issued, stating that Hong Kong can arbitrarily apply local laws and that Canadians travelling there for business or tourism should take that into consideration. This is a potential way of protecting Canadians from being targeted abroad and of alleviating some of the burden on GAC.

The second is that the arbitrary detention and torture of prisoners of conscience in general, and of Canadians in particular, be added as a stand-alone, sanctionable offence. The TNR additions are essential if we're adding sections to the Magnitsky law. Talking specifically about the targeting of prisoners of conscience and the hostage taking of Canadians can be immensely helpful.

The third draws from the bill that Professor Cotler proposed in 2010, Bill C-554, an act to protect Canadians abroad. In shifting the suggestion about public disclosure to be contingent on the request of families, but not in a discretionary manner, pursuant to clauses 19 and 20 of Bill C-554, there could be a right to apply for mandamus. When Canadian family members want actions by the Canadian government, they should be able to demand them. We would suggest that the public reporting requirements of this bill, which we support, could be expanded to give the right to families to demand that of the government.

● (1655)

James Bezan: Thank you for those recommendations.

I'm going to give the rest of my time to Mr. Chong.

Hon. Michael Chong: How much time remains?

The Chair: You have two minutes and 20 seconds.

Hon. Michael Chong: Thank you, Mr. Chair.

I'd like to focus on one of the purposes of the bill concerning the Broadcasting Act.

The government effectively took RT off the airwaves in Canada in 2022 through a cabinet directive issued under section 15 of the Broadcasting Act. The CGTN continues to operate. In the United Kingdom, in 2021, Ofcom—their CRTC—pulled CGTN off the airwaves because it concluded that the CGTN's broadcast editorial direction was coming from the Chinese Communist Party and the authoritarian state of the PRC.

Can you tell us what other democracies have pulled either RT or CGTN off their airwaves and the method by which they did that?

Brandon Silver: I can undertake to come back with that information.

More broadly, I would comment that there is a very clear nexus between the objective of this bill—to combat transnational repression—and elements of the bill that seek to limit the ability of foreign regimes to conduct foreign influence and foreign interference via their broadcasting, so we'd be broadly supportive.

Hon. Michael Chong: I concur with that assessment. It would be helpful if you could send the committee that information as we seek to amend that section of the bill.

I'd note, in support of what you just said, that Ofcom also concluded that the airing of a forced confession by Simon Cheng, a former official at the United Kingdom's consulate in Hong Kong, was a gross violation of human rights, which breached its licensing code. It's important for the record to show as well that these authoritarian, state-controlled broadcasters have done some pretty egregious things and are acting at the editorial direction of the CCP and the PRC.

Thank you, Mr. Chair.

The Chair: Thank you very much.

We'll go next to MP Abdelhaq Sari for six minutes.

[*Translation*]

Abdelhaq Sari (Bourassa, Lib.): Thank you very much, Mr. Chair.

Thank you very much, Mr. Silver.

Canada is internationally recognized for taking a clear stance on issues involving serious human rights violations.

Bill C-219 contains several elements. Could you explain, in the simplest terms possible for those following our proceedings, what would be its most significant contribution to strengthening Canada’s position in this regard?

Brandon Silver: Thank you for this important question. I would say that it is the provisions of the bill that target prisoners of conscience and give the government more tools to impose sanctions.

It is not just a matter of giving the government more powers and tools. It is also a matter of sending a message to the world, to victims, and to those who violate human rights, to say that Canada is committed and that the Canadian government's foreign policy is rooted in human rights.

It is not just about the process. It is also about communication. This bill sends a clear and important message to that effect.

Abdelhaq Sari: Among the proposed changes, what would be the most concrete and tangible effects that could actually lead to the perception you mentioned?

Brandon Silver: First, if I had to choose just one, I would say it is the changes to the criteria for imposing sanctions to include transnational repression and the creation of a definition in this regard.

Second, I would say it is the definition of "prisoner of conscience". The government was asked to report on this and to engage with the families.

As I mentioned in my introductory remarks, families and the public have not had access to this information until now. Making this information publicly available could help Canadians make better decisions when travelling for personal or business purposes. It also sends a message to governments that take Canadians hostage or detain prisoners of conscience that such actions have consequences.

● (1700)

[*English*]

It gives the Canadian government more leverage. Basically, if we're publicly disclosing this information, it not only protects and informs Canadians, but it also has a deterrent effect on the imprisoning countries and holds them to account. A lot of them care about their reputation abroad. They're dependent on tourism and business transactions, and it is hoped that this, beyond sanctions, could encourage some behaviour changes.

[*Translation*]

Abdelhaq Sari: Do you think the bill goes far enough? Does it have enough teeth, as we say here in Quebec, or should it be strengthened? Is it sound and comprehensive enough, or should we add other elements to give it more teeth, to strengthen it?

Brandon Silver: I had a few proposed amendments to present. I think that, in some respects, this is also a matter of interpretation, and that clearer definitions—such as those regarding sanctions against family members of someone who is sanctioned—could be helpful.

I therefore want to reiterate our position that we must go further with regard to immediate family members than we do with regard to dependent family members, as our allies have done. The courts have made many rulings. We must not be afraid that this will end up in court.

This has already been the subject of legal proceedings in the United States, the European Union, and Canada. It is possible to review the rulings that have been issued in third-party democratic countries.

[*English*]

We have a corpus of global case law that can inform these interpretations and evidence, so I would encourage a more expansive approach to the definition of family members. This will protect our own sovereignty and economy from the corrosive effects of this corrupt foreign capital.

In addition, I would underscore the rights of families. It's incredibly important that we take a victim-centric approach. As counsel to political prisoners, hostages, family members.... The common thread in all of these cases is that they want more public action and the ability to engage with the government in that regard. Having some embedded protections in the legislation that would encourage and allow for that, I think, would be most welcome.

[*Translation*]

Abdelhaq Sari: What we don't like is having symbolic bills or laws.

Do you think there was a lack of legislative measures, or rather a lack of will, to ensure that this kind of situation is actually enforced more effectively? Was the shortcoming legislative in nature, or was it due to a lack of will on the part of the government?

Brandon Silver: I think that, for action to be effective, we need both. The more tools we have at our disposal, the more the government can commit to taking action.

[*English*]

The rhetorical value of legislation creates the context that can catalyze action, but having the correct tools in a more narrow, procedural sense and in a substantive sense goes well beyond rhetoric. The rhetoric's important, and some of the symbolic aspects of this law are essential, but it goes beyond symbolism. It changes some of the triggering thresholds for the implementation of sanctions. It embeds the definition of prisoners of conscience within reporting requirements.

There are a lot of highly substantive and procedural additions in this law that will not only empower action but also, it is hoped, encourage more of the discretionary movement that you've alluded to.

The Chair: Thank you very much.

We will go next to MP Brunelle-Duceppe. You have six minutes.

[*Translation*]

Alexis Brunelle-Duceppe: Thank you, Chair.

Mr. Silver, good morning again. We're going to give you a VIP pass for the committee, since you're often here with us. I think that when it comes to Bill C-219, your expertise is clear, given the work your organization does, of course.

I'd like to ask you about some specific points. I'll perhaps wrap up with some broader questions at the end. I spoke with representatives from the department a little earlier. The bill is based on the annual report, which would include the disclosure of information to raise awareness about prisoners of conscience and political prisoners.

In your experience, could the disclosure of information about prisoners put their families at risk?

● (1705)

Brandon Silver: Each case is different, and it always boils down to determining whether sharing the information will help the situation or harm it.

[*English*]

We're seeing greater instances of transnational repression against family members and those seeking to support political prisoner cases, whether it's the counsel of prisoners of conscience being targeted or their family members. This is a rising trend, so it's an important question.

Ultimately, the release and dissemination of information provide a protective cover, and it should be up to the family members whether this information is released. I believe this bill already embeds the correct safeguards. There's a mention of exceptions if the minister feels this information shouldn't be disclosed, or that it could cause harm if it were; however, by default, more public reporting can be helpful. We've found cases in which it has, more often than not, led to release.

There is a critical mass of pressure on the imprisoning regimes that encourages them to realize that it would cost them more to keep this prisoner of conscience in prison than it would to release them.

[*Translation*]

Alexis Brunelle-Duceppe: I agree with you, having participated publicly in several efforts regarding various cases and having often taken part in press conferences where all recognized parties in the House united to support a specific case. Examples would be Vladimir Kara-Mourza, but also Raif Badawi or Jimmy Lai, among others.

That said, I have serious concerns about the text, and, frankly, that is the purpose of the meetings we are currently holding. I am not in favour of one option or the other, but what we currently have in the text leaves it up to the minister to decide whether to disclose information.

Shouldn't we instead recommend a model based on the prior consent of the families before the minister has a say? Shouldn't it be up to the families to decide whether such information should be made public?

This is not currently included in Bill C-219, and I was wondering whether it would be worth adding it through an amendment.

Brandon Silver: First of all, I would like to thank you for your commitment to all these prisoners of conscience around the world, and for your contribution to cases where prisoners were released or their conditions were improved.

[*English*]

As I referred to in my opening statement, the perspectives of those victims imprisoned abroad and their family members should be the driving force of this. A victim-centred approach would be the most appropriate. It would shift the burden from what the minister may feel should be done in a particular case, regardless of family concerns. If the family wants the information to be made public and wants certain government interventions, the family's wishes should be the default. They should even be allowed to apply for a mandamus to compel government action.

This would suggest, perhaps, that some Canadians could have gone home even sooner if the government had decided to speak out earlier.

[*Translation*]

Alexis Brunelle-Duceppe: Thank you very much.

I'd like to ask you a slightly broader question.

You mentioned countries that do things differently. In what ways would Bill C-219 bring us closer to the best—or worst—practices currently in place internationally? I get the impression that it would bring us closer to the best practices.

Brandon Silver: I am proud that the Canadian Parliament, in a multipartisan way, is not following our allies.

[*English*]

We lead. I found that, in Vladimir Kara-Murza's case, other countries followed what Canada did. We were the first to implement sanctions in the case of arbitrary detention. We were the first country to give him honorary citizenship.

Yes, our allies are doing things that can be reflected in legislation, as I suggested, when it comes to the definition of immediate family, for example. However, I think we can go beyond that. This is an opportunity for Canada to be a leader in global Magnitsky sanctions. The bill, as it stands, makes important contributions in that regard.

Some of the suggested amendments are the kinds of things that, apropos of previous questions about the rise of global hostage taking, can help ensure that Canada is a leader in that. Such amendments include adding prisoners of conscience to TNR, given that the term “prisoners of conscience” is already in the bill, and having the arbitrary detention of Canadians abroad be a triggering threshold.

The public reporting requirements are essential. Other countries are doing some good things on that. The U.S., in a bipartisan way, has pursued a lot of important legislation and executive orders in that regard. We can go beyond that and encourage the world to follow Canada's leadership, as we did in the Kara-Murza case, in a multipartisan way.

● (1710)

The Chair: Thank you very much.

I will start a lightning round of three minutes each, beginning with MP Ziad Aboultaif.

You have three minutes.

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

Mr. Silver, welcome to the committee again.

Regarding the existing sanctions regime in Canada, what is your view on the procedure for sanctioning entities with demonstrated acts of transnational repression?

Do you believe the existing sanction system in Canada is effective enough? Where are we vulnerable in the whole process?

Brandon Silver: Well, there's been a question of enforcement in Canada's current sanctions laws. On a per capita basis, Canada is one of the leaders in sanctions implementation, but we are lacking in enforcement.

One of the suggestions of the bill that would help to fill those gaps and deficiencies is about how sanctioned individuals often evade those sanctions by using their family members. By adding in visa bans on immediate family members, we're helping to close some of those gaps. That's one easy reference in terms of gaps in existing legislation that this law helps to fill.

Also, when it comes to transnational repression, some of the specific acts enumerated may not be covered under the current law. This would both ensure that the tools are there and encourage government action to use them.

Ziad Aboultaif: Do you see any fundamental reasons that we would be prevented from going further on strengthening the sanctions system, especially on the implementation part of it?

Brandon Silver: No, and this didn't get much reference in some of the earlier exchanges, but I want to specifically point out the part of Bill C-219 that mandates government responses to requests for sanctions from the committee. That is an important act of transparency.

It has a parallel to existing frameworks in the Magnitsky law. Currently, parliamentarians can pass a motion to repeal sanctions but can't pass a motion to implement sanctions. There's a bit of incongruity there. I think this bill helps to fix that and makes sure that parliamentarians can encourage the government to do this.

I would add that it doesn't put a significant burden on the government. It's enshrining in legislation what can potentially be done creatively with Order Paper questions, but in a much more transparent and democratically oriented way. This parallels existing sanctions removal mechanisms in the current legislation.

Ziad Aboultaif: Thank you.

The Chair: Thank you very much.

We go next to MP Clark.

You have three minutes.

Braedon Clark (Sackville—Bedford—Preston, Lib.): Thank you very much, Mr. Chair.

Mr. Silver, thank you for being here today. Your organization has been dealing with these issues for well over a decade—a long time—and I congratulate you on all the work you've done in this regard.

In the previous hour, we touched a bit on the terms “prisoners of conscience”—the term used in Bill C-219—and “human rights defenders”. You may have heard that there was some discussion about the fact that perhaps “human rights defenders” is a term that might capture individuals who would otherwise be excluded under this legislation.

I'm wondering if you have a point of view on those terms and how we might balance them to be most effective.

Brandon Silver: Thank you very much, both for your kind words and for your very incisive question.

I would only comment, in relation to some of the discussions about “human rights defenders” versus “prisoners of conscience”, that all human rights defenders arbitrarily detained abroad are prisoners of conscience under the definitions that were proposed, but not all prisoners of conscience are human rights defenders. I would assert that the definition of “prisoner of conscience” is broader and better suits the intentions of the bill and of Canada's human rights foreign policy.

I'll give you two concrete examples of cases we've worked on as an institution, which would be excluded if the definition were shifted from “prisoner of conscience” to “human rights defender”. First, we've represented members of the Baha'i faith, such as the Yaran, who are persecuted and imprisoned in Iran and Yemen, for example. They self-describe as prisoners of conscience. They do not engage in human rights defender activity. They would be excluded.

In another example, Canada has been an important leader when it comes to protecting LGBTQ persons. Just three days ago, a group of LGBT people were imprisoned in Russia. They would be excluded if the definition were changed to “human rights defenders”. People who are targeted simply for immutable characteristics and their identity would be covered under “prisoners of conscience”. They would likely not be covered under “human rights defenders”.

● (1715)

Braedon Clark: I appreciate that.

I have a short period of time, but I wanted to ask quickly about transnational repression as well. This concept has become more prominent in recent years. In your view, what's proposed in this bill and how does it compare and contrast with what peer countries might be doing? Is there anything that you would like to see added or adjusted on that issue in particular?

Brandon Silver: This is a nascent area of growing concern. Like our sanctions legislation more broadly, it gives an opportunity for Canada to lead. It is hoped that the specific acts enumerated in this bill and in the definition would give the government greater authority to take action in these types of situations.

There are important G7 statements that were initiated by Canada, the compendium that was put together under Canada's chairmanship of the G7 and a further joint statement, led by Canada, of 14 countries about transnational repression targeting human rights defenders, Jewish citizens and former ministers, including the founder and chair of our centre. Therefore, there might be an opportunity there, when this legislation is further considered, to coordinate with allies.

This bill makes important amendments. There's reference to working with allies. It references NATO, for example. The proactive use of this legislation to counter TNR can be done unilaterally, and it should be, but particularly in concert with allies. We could be leading in NATO and in the G7, as we have on TNR as a thematic concept, to ensure coordination of sanctions implementations with allies.

The Chair: Thank you very much.

We go, finally, to Monsieur Brunelle-Duceppe.

You have three minutes.

[*Translation*]

Alexis Brunelle-Duceppe: Thank you, Mr. Chair.

Mr. Silver, I'm going to ask you a question. After that, if you would like to add any comments with the remaining time, you're welcome to do so.

Currently, you operate in a certain way when it comes to representing political prisoners or prisoners of conscience. If Bill C-219 is passed, as we hope it will, how will that change your work and how you represent these individuals, whether politically, in the media or legally? What will change for you?

[*English*]

Brandon Silver: It really will be a game-changer in shifting public conceptions around arbitrary detention, whether it's of prisoners of conscience globally or of Canadians in particular. The greater transparency that this will inject into processes is something that we can leverage to improve prison conditions for prisoners and even help secure their freedom.

I would encourage that the prisoner of conscience definition in public reporting be embedded into the sanctions triggers as well and that some of the public reporting even be expanded, as we've suggested. The bill itself adds important transparency, democratic principles that could be leveraged in individual representation and in those emblematic cases in which the freedom of one person can have a positive impact in encouraging the freedom of so many others whose cases and causes they represent—as Jimmy Lai and Vladimir Kara-Murza did.

● (1720)

[*Translation*]

Alexis Brunelle-Duceppe: This could then serve as a model for other friendly countries that wish to achieve the same goals that we would achieve with Bill C-219.

[*English*]

Brandon Silver: Yes, very much so. Canada has played a leadership role in many regards. This is a chance for us to do so again.

It's encouraging that the work of this committee, whether it's been on previous iterations of the Magnitsky law—the first one and then its amendments—or on countering arbitrary detention and hostage taking, advocating for political prisoners.... These have been rare issues, not only of agreement but also of unanimity. The Magnitsky law was passed unanimously in 2017. The honorary citizenship for Vladimir Kara-Murza was adopted unanimously. Mr. Lai's case was supported unanimously. These are issues of common cause that bring Canadians together and that reflect your own leadership in having come together on this. It's very gratifying for us, as civil society organizations, to see that.

I hope that here too, Bill C-219 will be a place of coming together for the sake of global justice and human rights.

The Chair: Thank you very much. On behalf of the committee, I want to thank you for your appearance and for your answers to the questions.

We will now briefly suspend in order to go in camera.

[*Proceedings continue in camera*]