

Canadian Delegation to the
Organization for Security & Cooperation
in Europe



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

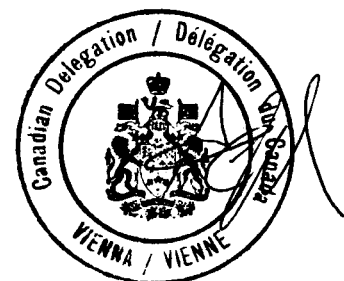
Note Number 148

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

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

Vienna, 14 July 2009

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



**INFORMATION EXCHANGE ON THE CODE OF CONDUCT ON POLITICO-
MILITARY ASPECTS OF SECURITY**

SUBMISSION BY CANADA – 2009

1. Appropriate measures to prevent and combat terrorism, in particular participation in international agreements to that end:

- (a) List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the participating State is a party;

Canada is a proponent of pursuing counter-terrorism initiatives multilaterally. Canada coordinates the *Measures to combat international terrorism* resolution in the Sixth Committee of the UN General Assembly each year. Furthermore, Canada has ratified and implemented 12 UN counter-terrorism conventions. Canada has also ratified the *Inter-American Convention Against Terrorism*, 2 December 2002.

- (b) Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities;

Canada signed the *International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT)*, September 14, 2005, and is working towards its implementation and ratification. In July 2005, Canada signed the *Amended Convention on the Physical Protection of Nuclear Material (CPPNM)*. Canada was a key participant in the negotiation of the *Protocol of 2005 amending the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation* and its related *Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf*.

Canada continues to be active in a number of multilateral, regional and functional fora dealing with counter-terrorism, including: OSCE, UN, G8, APEC, ASEAN/ASEAN Regional Forum, Commonwealth, ICAO, IMO, and OAS. Canada strongly believes that each organization can bring different strengths and elements to the global effort, but that needless duplication between fora and organizations must be avoided.

Canada, along with other UN members, welcomed the reaffirmation of the Global Strategy on Counter-Terrorism in September 2008 and looks forward to collaborating with members on its implementation. Canada especially appreciates the emphasis of the strategy on a universal condemnation of terrorism in all its forms and manifestations. The strategy rightly highlights the need for all States to uphold their international obligations in their efforts to prevent and suppress terrorism.

Canada is actively engaged in the United Nations Ad Hoc Committee on Measures to eliminate international terrorism.

Canada also welcomes the extensive attention devoted to the need to develop states' capacity to counter terrorism. We recognize that part of the challenge in implementing international obligations, norms and standards lies in individual states' capacity, and we are working to improve that capacity through our Counter-Terrorism Capacity Building program. That work will continue both through multilateral cooperation and via international organizations.

Canada, as a member of the G8, believes that the G8 can play a significant role in moving forward models of international collaboration on counter-terrorism issues.

In APEC, Canada continues to make important progress on implementing counter-terrorism priorities and commitments in Leaders' statements. Canada continues to propose and organize projects on counter-terrorism within this forum. In 2008, Canada implemented two capacity building projects through the APEC counter-terrorism task force (CTTF). The first took place in Bangkok, Thailand in January 2008 and offered APEC-wide training for urban transit first responders. The second, on establishing guidelines for effective public-private partnerships to counter terror and secure trade, was co-sponsored by Canada and New Zealand and was held in Lima, Peru, in August 2008.

- (c) National measures, to include pertinent legislation, taken to implement the international agreements, conventions and protocols cited above; and,
- (d) Information on national efforts to prevent and combat terrorism, including appropriate information on legislation beyond United Nations conventions and protocols (e.g., pertaining to financing of terrorist groups);

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

Criminal Code: The *Criminal Code* contains a number of offences that are applicable to terrorism including hijacking, kidnapping and offences dealing with weapons and explosives. With the enactment of the *Anti-Terrorism Act* in 2001, the *Criminal Code* now contains specific offences dealing with terrorism including a detailed definition of terrorist activity. Specific offences include participation, facilitation, instruction and harbouring in relation to terrorist activities. These offences carry significant maximum penalties and reduced parole eligibility. Provisions to implement the *UN International Convention for the Suppression of Terrorist Bombings* have also been added, as well as provisions to deal with the listing of terrorist entities. The *Anti-Terrorism Act* contains amendments to the *Criminal Code* that created three new offences relating to terrorist financing. The new offences relate to providing or collecting property for terrorist activities (*International Convention for the Suppression of the Financing of Terrorism*); collecting, providing, or making available property or financial or other related services for terrorist purposes; and using or possessing property for terrorist purposes. Among other measures, the Act amended the *Proceeds of Crime (Money Laundering) Act* (see below).

United Nations Act: The purpose of this Act is to provide a means by which Canada may conform to Article 25 of the Charter of the United Nations to implement decisions of the Security Council made under Article 41 of the Charter. When the Security Council of

the United Nations decides on a measure to be employed to give effect to any of its decisions and calls on UN member states to apply the measure, the Governor in Council may make such orders and regulations as appear to him/her to be necessary or expedient for enabling the measure to be effectively applied.

United Nations Al-Qaida and Taliban Regulations: The *United Nations Al-Qaida and Taliban Regulations* (previously entitled the *United Nations Afghanistan Regulations*) were made on 10 November 1999 under the *United Nations Act*, pursuant to United Nations Security Council resolution 1267. Article 4 of those regulations effectively requires the freezing by persons in Canada and Canadians outside Canada of the assets of the Taliban, as designated by the United Nations Security Council Committee concerning Afghanistan. The Regulations were amended on 22 February 2001 to implement resolution 1333 and freeze the assets of Osama bin Laden or his associates, as designated by the Committee.

Regulations Implementing the United Nations Resolutions on the Suppression of Terrorism: The *Regulations Implementing the United Nations Resolutions on the Suppression of Terrorism* (previously entitled the *United Nations Suppression of Terrorism Regulations*) were made on 2 October 2001 under the *United Nations Act*, pursuant to UN Security Council resolution 1373. These regulations freeze the assets of individuals and entities listed in the schedule to the regulations and prohibit fund-raising on their behalf.

Proceeds of Crime (Money Laundering) and Terrorist Financing Act: Amendments to the *Proceeds of Crime (Money Laundering) Act* require the reporting of transactions suspected of being linked to terrorist financing. They also expand the mandate of Canada's financial intelligence unit, the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), to include the analysis of these reports, the disclosure of key identifying information to law enforcement and intelligence agencies, and the ability to share information related to terrorist financing with its international counterparts.

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

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

Mutual Legal Assistance in Criminal Matters Act: Canada views the creation of an international network of Mutual Legal Assistance Treaties (MLATs) as an important step in the fight against terrorism, organized and trans-national crime. To date, Canada has concluded and brought into force 34 bilateral MLATs. Canada is also party to a number of multilateral instruments on criminal issues containing mutual legal assistance provisions. Canada's *Mutual Legal Assistance in Criminal Matters Act* provides the primary vehicle through which Canada receives and provides assistance in the gathering

of evidence for use in criminal investigations and prosecutions, including terrorist financing offences. On 1 February 2002, the Act was amended to allow Canada to enforce foreign criminal freezing and forfeiture orders in appropriate cases, including those against terrorist financing.

Immigration and Refugee Protection Act: This Act deals with immigration and refugee matters and contains provisions for the denial of entry and removal from Canada of suspected terrorists.

- (e) Roles and missions of armed and security forces in preventing and combating terrorism;

The Canadian Forces play a key role in preventing and combating terrorism. Domestically, our military contributes to the fight against terrorism by:

- monitoring and controlling Canada's territory, airspace and maritime areas of jurisdiction in cooperation with other departments and agencies;
- sharing intelligence with other departments and agencies;
- maintaining response plans and capabilities to respond to terrorist incidents;
- protecting critical infrastructure when required;
- providing humanitarian and disaster relief in the event of an emergency; and
- providing support to civilian authorities when requested.

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

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

The PJBD is the senior bilateral advisory body on continental defence. It was created in 1940 to "consider in the broad sense the defence of the North half of the Western Hemisphere". It focuses on security and defence issues involving the political and economic aspects of the bilateral relationship. The Board meets semi-annually and is composed of two national sections made up of diplomatic and military representatives. The two co-chairmen report directly to the President of the United States and the Prime Minister of Canada.

The MCC has acted as a forum for the management of military planning and the coordination of military information exchange since being established in 1946. NATIBO promotes a cost effective, healthy North American technology and industrial base that is responsive to the national and economic security needs of the United States and Canada.

Canada continues to work with international organizations such as the UN and the North Atlantic Treaty Organization (NATO) and multinational coalitions to combat terrorism. The principal role of the Canadian Forces has been to provide air, sea, land and special operations forces to multinational operations.

Canada's major international military commitment is in Afghanistan. Joint Task Force Afghanistan comprises all Canadian Forces assets deployed in southwest Asia as part of Canada's ongoing commitment to the international campaign against terrorism. It comprises approximately 2,830 personnel, of whom all but about 5 are deployed under Operation Athena as part of the UN-mandated, NATO-led, International Security Assistance Force (ISAF).

With the exception of approximately 75 CF personnel serving with various military and civilian organizations in Kabul, all Canadian Forces assets in Afghanistan are located in Kandahar, in the southern region of Afghanistan.

Canada has committed a battle group, a multi-disciplinary military and civilian Provincial Reconstruction Team (PRT), and 6 Operational Mentoring and Liaison Teams in Kandahar province.

At sea, the CF participate regularly in the Combined Task Force 150 (CTF 150), a multinational coalition fleet formed under Operation Enduring Freedom to conduct maritime security and counterterrorism operations in and around the Persian Gulf, the northern Arabian Sea, the Gulf of Oman, the Gulf of Aden, and parts of the Indian Ocean and the Red Sea. The purpose of these maritime security operations is to help set the conditions for security and stability at sea, while complementing the counter-terrorism and security efforts of regional nations. The fleet comprises 10 to 15 rotating warships from a variety of nations, including Bahrain, Britain, France, Germany, the Netherlands, Pakistan and the United States, as well as Canada. Canadian warships serving with CTF 150 deploy under Operation Altair. As part of the surveillance patrols and maritime security operations that are the normal business of CTF 150, Canadian ships monitor shipping and help detect, deter and protect against terrorist activity.

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

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

The CJIRU provides timely Chemical, Biological, Radiological and Nuclear (CBRN) support to the Government of Canada in order to prevent, control and mitigate CBRN threats to Canada. Effective responses to CBRN terrorism depend on cooperation and coordination between all levels of government, response organizations and international

partners. Accordingly, Canada works closely with the U.S. to ensure a coordinated response should a CBRN attack have a cross-border impact.

2. Description of the national planning- and decision-making process - including the role of the Parliament and Ministries - for the determination/approval of

(a) the military posture;

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

While Parliament does have some part in determining military posture, actual decisions are taken by the Prime Minister, the Minister of National Defence and the Cabinet. Cabinet plays a large role in this process through regular Cabinet discussions, reports of Special Cabinet Committees and Cabinet meetings held during times of crisis.

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

(b) defence expenditures;

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

(a) the announcement of a Federal Budget, usually in February, may contain specific initiatives for the Department of National Defence;

(b) at the beginning of the financial cycle, the Main Estimates are approved by Parliament, which may or may not contain specific initiatives announced in the Federal Budget;

(c) the Main Estimates provide the Minister of National Defence with the Defence budget for the upcoming year, and a more detailed explanation including information on expected outcomes, is provided through the Report on Plan and Priorities (RPP);

(d) as per the submitted plan, the approved Defence Appropriations are expended by DND;

(e) additional in-year funding items, such as deployed operations, or additional funding announced in the Federal Budget but not included in the Main Estimates, are requested through Supplementary Estimates;

- (f) DND accounts for the annual expenditures through the Public Accounts of Canada and provides a more detailed explanation of its performance (financial and non-financial) to Parliament through the Departmental Performance Report (DPR); and
- (g) defence expenditures may be reviewed for efficiency by both executive agencies (Auditor General) and Parliamentary committees (National Defence, Public Accounts).

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

3. Description of

- (a) constitutionally established procedures ensuring effective democratic control of the military, paramilitary, and internal security forces, as well as intelligence services, and the police;

Effective democratic control of the armed forces is maintained by a distribution of responsibility to federal government officials. The Governor General of Canada acts as the Queen's representative in Canada and has the title of Commander and Chief of the Canadian Forces. The *National Defence Act* establishes the Department of National Defence and the Canadian Forces as separate entities under the authority of the Minister of National Defence. The Chief of the Defence Staff, charged with command, control and administration of the Canadian Forces, is appointed by the Governor in Council (Cabinet), and serves as long as he or she retains the confidence of the Prime Minister.

Full text of the *National Defence Act* can be obtained in English at: <http://laws.justice.gc.ca/en/n-5/text.html> and in French at: <http://lois.justice.gc.ca/fr/N-5/index.html>

The Minister of National Defence is an elected official and is charged with the management and direction of all matters relating to national defence. The Minister reports to the Prime Minister and Cabinet on issues of defence and is accountable to Parliament. The Chief of the Defence Staff normally reports to the Minister of National Defence, but can advise the Prime Minister and Cabinet directly. In situations of “aid of the civil power”, the Chief of the Defence Staff may, upon request by the attorney general of a province and subject to direction from the Minister, call out such part of the Canadian Forces as he or she considers necessary for the purpose of suppressing or preventing any riot or disturbance that is occurring or considered likely to occur. Furthermore, the Minister of National Defence, on the request of the Minister of Public Safety or any other Minister, may issue directions authorizing the Canadian Forces to provide assistance in respect of any law enforcement matter if the Minister considers that the assistance is in the national interest and the matter cannot be effectively dealt with except with the assistance of the Canadian Forces. Finally, Parliament must approve the Federal Budget, which contains proposed defence expenditures.

Canada's main intelligence organization, the Canadian Security Intelligence Service (CSIS), is responsible for domestic intelligence requirements. *The Canadian Security Intelligence Service Act (CSIS Act)* (available at: <http://laws.justice.gc.ca/en/c-23/index.html>) provides the legislative foundation for CSIS' mandate, outlines its roles and responsibilities, confers specific powers and imposes constraints, and sets the framework for democratic control and accountability for Canada's security intelligence service. For example:

- The *CSIS Act* strictly limits the type of activity that may be investigated, the ways that information can be collected, and who may view the information. Under Section 12 of the *CSIS Act*, information may be gathered, "to the extent that it is strictly necessary", related to activities that may, on reasonable grounds, be suspected of constituting threats to the security of Canada, as defined by the *CSIS Act* (i.e. espionage, sabotage, serious politically motivated violence, clandestine or deceptive foreign influence activities, and covert unlawful acts undermining or leading to the violent overthrow of the established system of government in Canada).
- The *CSIS Act* prohibits the Service from investigating acts of lawful advocacy, protest or dissent. CSIS may only investigate these types of acts if they are carried out in conjunction with activities that are threats to the security of Canada.
- Sections 13 and 15 of the *CSIS Act* give CSIS the authority to conduct security assessments on individuals seeking security clearances when required by the federal public service as a condition of employment.
- Sections 14 and 15 authorize CSIS to conduct security assessments used during the visa application process and the application process for refugees and Canadian citizenship.

CSIS is one of the most open and accountable security organizations in the world. This is achieved through a system of control and review mechanisms and processes, prescribed by the *CSIS Act*, that include the following:

- Minister of Public Safety: The Minister is responsible to Parliament for CSIS as a whole and for its general direction. The Minister may issue written directions to the Director of CSIS on the conduct and management of CSIS operations.
- Deputy Minister of Public Safety: The Deputy Minister provides advice to the Minister regarding the general operational policies of CSIS, and any other matter with respect to which consultation is required under directions issued by the Minister.
- Director of CSIS: The Director of CSIS is accountable to the Minister for the management and control of CSIS. The Director submits periodic reports on CSIS activities to the Minister, and chairs internal committees that are aimed at enhancing the organization's management and accountability. Two of these committees are directly responsible for, and have authority over, CSIS' use of investigative techniques.
- Inspector General: The Inspector General reports through the Deputy Minister of Public Safety to the Minister and is responsible for monitoring CSIS' compliance with operational policies, reviewing its operational activities, and reviewing and issuing a certificate indicating the degree of satisfaction with the Director's annual operational report. The certificate and the report are forwarded to the Security

- Intelligence Review Committee (SIRC). At the request of the Minister or SIRC, the Inspector General may conduct a review of specific CSIS activities. The Inspector General has access to all information under CSIS' control that relates to the performance of the duties and functions of the Inspector General (except for Cabinet confidences).
- Security Intelligence Review Committee (SIRC): SIRC is an independent review agency and is responsible for reviewing how CSIS performs its functions, and investigates complaints against CSIS. The Committee also investigates complaints filed by individuals who were denied security clearances, and reviews reports concerning immigration applications and citizenship applications that were rejected based on security or criminal grounds. To enable it to fulfill its responsibilities, the Committee has access to all information under CSIS' or the Inspector General's control that relates to the performance of the duties and functions of the Committee (except Cabinet confidences). SIRC informs the Minister of Public Safety of its investigation findings on an ongoing basis, and produces an annual report that is tabled by the Minister in Parliament.
 - Federal Court: Under the *CSIS Act*, the power to authorize intrusive investigation techniques rests solely with the Federal Court of Canada. CSIS must apply to the Federal Court, justifying the proposed use of these techniques. This application is reviewed by a senior CSIS committee chaired by the Director and comprised of representatives from the Department of Justice, and Public Safety Canada. If the committee endorses the application for use of intrusive techniques, it is then submitted to the Minister of Public Safety for approval. If the Minister gives approval, the application is then submitted to the Federal Court, which must issue a warrant before CSIS can proceed with the intrusive investigative technique.
 - Public Reporting: CSIS provides information to Parliament and the public through the Minister's Annual Statement on National Security and the CSIS Public Report. These documents provide Canadians with an assessment of the current security intelligence environment and detail the government's efforts to ensure national security. More specifically, the CSIS Public Report is aimed at increasing awareness of CSIS' functions and the processes it employs, and dispelling some of the myths surrounding security intelligence work.

The national police and security force is known as the Royal Canadian Mounted Police (RCMP). Its roles include preventing and investigating crime, maintaining order, contributing to national security, providing personnel for UN peacekeeping operations, ensuring the safety of state officials, visiting dignitaries and foreign missions as well as providing operational support services to other police and law enforcement agencies. The RCMP's operations are conducted in accordance with the *Royal Canadian Mounted Police Act*, originally passed by Parliament in 1873. To reflect changing times, the Act has been amended at various times, as in 1988 when additional parts to the Act were passed by Parliament to improve procedures for grievances, dispute resolution and establish a system to address complaints against the RCMP. These changes created two oversight bodies; the Commission for Public Complaints Against the RCMP (CPC) and the External Review Committee (ERC), which are explained below.

Full text of the *Royal Canadian Mounted Police Act* can be found at: <http://laws.justice.gc.ca/en/r-10/210062.html> and <http://lois.justice.gc.ca/fr/R-10/index.html>

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

Commission for Public Complaints Against the RCMP (CPC)

The Commission for Public Complaints Against the RCMP (CPC) performs a vital role in providing civilian review of the conduct of RCMP members in carrying out their policing duties thereby holding them accountable to the public. It is an independent review agency that ensures public complaints about the conduct of RCMP members are examined fairly and impartially. Its findings and recommendations help identify, correct and prevent the recurrence of policing problems caused by the conduct of specific RCMP members or by flaws in RCMP policies or practices. The CPC informs the Commissioner of the RCMP and the Minister of Public Safety of its complaint investigation findings and recommendations on an ongoing basis, and produces an annual report that is tabled in Parliament by the Minister of Public Safety.

Royal Canadian Mounted Police External Review Committee (ERC)

The External Review Committee (ERC) is an independent and impartial agency that functions as the expert in the field of labour relations for federal policing. The ERC's jurisdiction is restricted to labour matters that relate to regular members and civilian members of the RCMP, who are non-unionized. The ERC has two program activities: to conduct independent, timely, fair and impartial case reviews in disciplinary, discharge and demotion matters, as well as certain categories of grievances, such as pay, disability, irregular appointments and isolated postings, leading to the provision of quality findings and recommendations. The RCMP has made changes in a variety of areas based on recommendations made by the ERC; these include policy changes with regard to medical discharge, suspension without pay, and harassment. The ERC produces an annual report that is tabled in Parliament by the Minister of Public Safety.

- (b) constitutionally established authorities/institutions responsible for the democratic control of military, paramilitary and security forces;
- (c) roles and missions of the military, paramilitary and security forces as well as controls to ensure that they act solely within the constitutional framework;

The Government has given the Canadian Forces clear direction concerning their three roles: defending Canada, defending North America and contributing to international peace and security – as well as the types and numbers of missions it expects our military to fulfill. This level of ambition will see the Canadian Forces deliver excellence at home, be a strong and reliable partner in the defence of North America, and project leadership abroad by contributing to international operations in support of Canadian interests and values.

There are various control measures to ensure that the armed forces act solely within the framework of the Constitution. The *National Defence Act* provides the legal basis for civil control of the armed forces and for command authority in the Canadian Forces. The Canadian Forces are required to operate according to the *National Defence Act*, as well as in accordance with supplemental regulations known as *Queen's Regulations and Orders*. The armed forces are also controlled by Parliament, as defence budgets must be approved by Parliament. The Minister of National Defence presents regular reports to Parliament concerning various aspects of the operation of the Department of National Defence and the Canadian Forces.

Canada has no paramilitary forces and no internal security forces.

(d) public access to information related to the armed forces;

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

Full text of the *Privacy Act* can be found in English at: <http://laws.justice.gc.ca/en/p-21/206690.html> and in French at: <http://lois.justice.gc.ca/fr/P-21/index.html>

Full text of the *Access to Information Act* can be found at: <http://laws.justice.gc.ca/en/a-1/166695.html> and <http://lois.justice.gc.ca/fr/A-1/index.html>

The *Privacy Act* and the *Access to Information Act* are intended to complement other informal procedures that allow public access to government information, and are not intended to limit in any way the type of government information that is normally available to the general public. The Department of National Defence maintains an extensive website, where citizens can access a wealth of information on the armed forces at: www.forces.gc.ca. As part of a government-wide movement towards greater transparency, the DND website has a *Proactive Disclosure* link:

<http://www.admfincs-smafinsm.forces.gc.ca/pd-dp/index-eng.asp> and
<http://www.admfincs-smafinsm.forces.gc.ca/pd-dp/index-fra.asp>

This link provides access to information in the following categories:

- disclosure of Travel and Hospitality Expenses;
- disclosure of contracts over \$10,000;
- disclosure of Position Reclassifications; and

- disclosure of Grant and Contribution Awards over \$25,000.

4. Stationing of armed forces on the territory of another participating State in accordance with their freely negotiated agreements as well as in accordance with international law;

The Canadian Forces are currently stationed in other OSCE member countries in accordance with various treaties and negotiated agreements, or under the auspices of the United Nations or NATO.

Canada currently has agreements with the United States, the United Kingdom, the Netherlands, Belgium and Germany to provide for the Canadian Forces to operate on their territory in training, support and liaison roles. These agreements spell out in general terms what activities the Canadian Forces are permitted to engage in, where they can operate, what support they may receive and any other relevant points. Canada is also a party to the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, done at London on 19 June 1951.

5. Description of

- (a) procedures for the recruitment or call-up of personnel for service in the military, paramilitary, or security forces, if applicable;

The Canadian Forces are comprised of three components: the Regular Force; the Reserve Force; and the Special Force. The Reserve Force is further comprised of four sub-components, two of which are the Primary Reserve and the Supplementary Reserve. Entry and service in the Regular and Reserve Forces are on a voluntary basis. Members who agree to serve in the Regular Force (i.e. full-time service) enroll on a variable initial engagement (VIE) which may vary between three and nine years, excluding subsidized training. The length of the VIE varies among military occupations. Members of the Primary Reserve enroll on an indefinite period of service. Members of the Regular Force and Primary Reserve can voluntarily transfer between their respective components. These members can also transfer to the Supplementary Reserve. The role of the Supplementary Reserve is to augment the Regular Force and other sub-components of the Reserve Force with individual Supplementary Reserve members as required during normal peacetime situations, with their consent, and during an emergency or mobilization if placed on active service, without their consent. To ensure that their skills and knowledge remain current, members in the Supplementary Reserve serve no longer than 10 years or until reaching the compulsory retirement age. In an emergency, or if considered desirable as a consequence of any action undertaken by Canada, the Governor in Council (Cabinet) may establish and authorize the maintenance of the Special Force. The Special Force will consist of members of both the Regular Force and the Reserve Force.

Canada has no paramilitary forces and no internal security forces.

- (b) exemptions or alternatives to compulsory military service, if applicable;

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

- (c) legal and administrative procedures protecting the rights of all forces personnel;

The rights of all Canadian citizens, including members of the Canadian Forces, are constitutionally protected by the *Canadian Charter of Rights and Freedoms*. Further protection is provided by statutes such as the *Canadian Human Rights Act* and the *Canadian Bill of Rights, 1960*. These legal instruments protect the legal and democratic rights of the individual and proscribe discrimination. They enshrine in law such principles as the right of an individual to legal counsel upon arrest or detention and the right to vote, and protect the fundamental freedoms of the individual, including freedom of thought, belief, opinion, and expression.

Canadian Forces members are also governed by the *National Defence Act* (NDA) and the *Queen's Regulations and Orders* (QR&O). These legal instruments contain specific provisions that ensure fair treatment of CF personnel according to law. They protect the CF member's right to impartial process or trial and to advice and/or legal representation when a CF member is charged with a Service Offence under the Code of Service Discipline. The proceedings of service tribunals are subject to the constitutional provisions of the *Canadian Charter of Rights and Freedoms*, and are fully compliant with international legal standards regarding judicial guarantees and fair trials, such as those set out in Article 14 of the *International Covenant on Civil and Political Rights*. The NDA and QR&O also set out the rights of the CF member to seek redress by grieving a decision, act or omission in the administration of the affairs of the Canadian Forces, unless such remedy is specifically precluded in the NDA or QR&O. The CF Grievance Manual was developed to guide CF members through the administrative procedure of preparing and submitting grievances.

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

The legislation, regulations and administrative orders are readily available to all Canadian Forces members, whether in Canada or deployed abroad, through the internal Defence Intranet Network or on the Internet. Online manuals of procedures, such as the Grievance Manual (http://cfga.forces.gc.ca/pubs/griev_instruments/manual_e.asp and http://www.cfga.forces.gc.ca/pubs/griev_instruments/manual_f.asp) or search engines of the Forces Grievance Board (<http://cfgb-cgfc.gc.ca/casestudies-e.php> and <http://www.cfgb-cgfc.gc.ca/casestudies-f.php>) are also easily accessible.

CF members can use toll free access numbers for support or information, such as 1-866-GRIEVOR (474-3867) for grievance issues. As well, the Department of National

Defence employs a full-time Ombudsman. The Ombudsman investigates complaints and serves as a neutral third party on matters related to DND and the CF. Acting independently of the chain of command and managers, the Ombudsman reports directly to the Minister of National Defence. The Office of the Ombudsman is a direct source of information, referral and education for the men and women of DND and the CF. Its role is to help individuals access existing channels of assistance or redress when they have a complaint or concern. In addition, the Ombudsman may investigate and report publicly on matters affecting the welfare of members and employees of DND/CF and others falling within his/her jurisdiction. The ultimate goal is to contribute to substantial and long-lasting improvements. CF members can contact the Ombudsman directly for information, referral or direction at <http://www.ombudsman.forces.gc.ca/>.

6. Instruction on international humanitarian law and other international rules, conventions and commitments governing armed conflict included in military training programmes and regulations;

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

Commissioned officers are given a more extensive education on IHL. Through the Officer Professional Military Education Programme, officers are required to follow independent study courses and pass examinations on various military topics. This programme includes an extensive section on the law of armed conflict beginning with the 1899 Hague Conference, and including the 1949 Geneva Conventions and the 1977 Additional Protocols, as well as regulations regarding the conduct of Canadian Forces personnel while on operation and specific issues relating to war crimes.

The Office of the Judge Advocate General also offers a course on IHL, available to officers and senior Non-Commissioned Members, at various times each year, in locations across Canada.

The 'Code of Conduct for CF Personnel' is available on-line at: http://www.forces.gc.ca/jag/training/publications/code_of_conduct/Code_of_Conduct_e.pdf or http://www.forces.gc.ca/jag/training/publications/code_of_conduct/Code_of_Conduct_f.pdf

In addition, a manual entitled 'Law of Armed Conflict at the Operational and Tactical Level', issued under the authority of the Chief of the Defence Staff, is available online at:

http://www.forces.gc.ca/jag/training/publications/law_of_armed_conflict/loac_2004_e.pdf
f or
http://www.forces.gc.ca/jag/training/publications/law_of_armed_conflict/loac_2004_f.pdf
f

All personnel of the Department of National Defence and the Canadian Forces deployed on missions abroad receive specific pre-deployment training on the protection, rights and particular needs of women and on the importance of involving women in all peacekeeping and peacebuilding measures, known as gender equality training. This pre-deployment training specifically mentions and discusses Resolution 1325, and also covers issues such as codes of conduct, human rights, international humanitarian law, human trafficking and the concerns of female combatants. The curriculum for this training is developed at the Peace Support Training Centre. It is regularly updated, based on the experiences of our previously deployed personnel – from DND and other government departments – as well as non-governmental organizations in the field.

All Canadian police officers undertake pre-deployment training that includes codes of conduct and cultural awareness modules that have gender dimensions.

Cross-cultural training with a gender equality component is routinely included in briefings designed for specific civilian activities (e.g., elections support).

7. Any other information.

Gender and the Implementation of UN Security Council Resolution 1325 (2000)

In keeping with its core values of freedom, democracy, human rights and the rule of law, Canada is committed to the effective implementation of United Nations Security Council Resolution 1325 (2000). All personnel of the Department of National Defence and the Canadian Forces deployed on missions abroad receive pre-deployment training on the protection of women and other vulnerable populations. This training specifically mentions and discusses Resolution 1325, and also covers issues such as codes of conduct, human rights, international humanitarian law, human trafficking and the concerns of female combatants. The curriculum for this training is developed at the Peace Support Training Centre. It is regularly updated, based on the experiences of our previously deployed personnel – from DND/CF and other government departments – as well as non-governmental organizations in the field.

Prior to deployment to an operational theatre, Canadian Forces personnel also receive cultural awareness training. For example, in the case of Afghanistan, all Canadian Forces personnel receive either Individual Pre-deployment Training or Individual Battle Task Standards training. The Individual Battle Task Standards require that deployed personnel understand the Law of Armed Conflict as a legally-binding convention from which the Canadian Forces Code of Conduct is derived, understand the difference between the Canadian Forces Code of Conduct and the Rules of Engagement, and apply the rules of the Canadian Forces Code of Conduct during operations.

Following the completion of this individual training, personnel attend the Canadian Manoeuvre Training Centre which employs “civilians in battlespace” as role players to

ensure realism in the collective training scenarios that are used to prepare for operations in Afghanistan. A minimum of 20 percent of the “civilians in battlespace” during this collective training are women above the age of 18 years old. Some scenarios also simulate issues involving children in conflict zones. This realism allows participants to practice applying the Law of Armed Conflict and the Canadian Forces Code of Conduct, and for instructors to assess the proper application.

In addition, Canada and the United Kingdom have developed a Gender Training Initiative for military and civilian personnel involved in peace support operations. This provides material for a three-day sensitization course, complete with a thematic overview and geographic case studies. After being used on a trial basis with a mix of Canadian military and civilian personnel in spring 2002, it has since been adopted by the United Nations in the development of their own standard training modules for peacekeepers. It is available on-line at www.genderandpeacekeeping.org.

Outreach/Support Services.

At a local level, Canadian/Military Family Resource Centres (C/MFRC), available in 41 CF communities world-wide, offer outreach and support services that help families manage the stresses associated with the military lifestyle, and enhance the quality of life of CF families by facilitating opportunities for personal development. Typically, C/MFRCs provide services in four program areas: child and youth development and parenting support; prevention, support and intervention; family separation and reunion; and personal development and community integration. Further information on the Military Family Services Program is available at: <http://www.cfpsa.com/en/psp/dmfs/mfrcontact/index.html#> or <http://www.cfpsa.com/fr/psp/dmfs/mfrcontact/index.html>

Alternate Dispute Resolution.

National Defence is placing renewed emphasis on Alternate Dispute Resolution as a means of addressing workplace conflict. As a means of achieving resolution, it cannot be enforced as all parties to the dispute must agree and accept to use the process beforehand. DND and the CF however strongly encourage its use and deem it to be the first natural step in addressing and resolving workplace conflict. For further information, please see the ADR website at:

http://www.dnd.ca/hr/adr-marc/engraph/home_e.asp or
http://www.dnd.ca/hr/adr-marc/frgraph/home_f.asp

Casualty Support

In partnership with the Department of Veterans Affairs, the Canadian Forces provide a broad range of benefits, vocational rehabilitation programs, and career-transition services to injured members, injured veterans, and their families. For further information, please see:

<http://www.dnd.ca/hr/cfnp/pdf/Casualty-Support-for-CF-personnel-and-their-families.pdf>
or <http://www.forces.gc.ca/hr/cfnp/pdf/Soutien-aux-blesses-pour-le-personnel-des-FC-et-leurs-familles.pdf>