

CASE STUDY

Canada



One in five people living in Canada is foreign-born and the country has a robust refugee resettlement program. Although Canadian authorities have demonstrated a high level of awareness of the threat posed by foreign governments to specific ethnic communities, political exiles, and diasporas living in the country, activists and others argue that reporting these threats to local and federal law enforcement seldom yields results. Canada's migration system is well insulated against information provided by foreign governments. However, agreements with foreign governments have in the past allowed agents of those states extraordinary access to individuals residing in Canada.

"Refugees are welcome" rally, Toronto, Canada on November 28, 2015. Photo credit: Arindam Shivaani/Nurphoto via Shutterstock.

Best practices in Canada's response to transnational repression:

- The national security framework expressly **recognizes the threat posed by foreign states to individuals**, including members of specific diasporas, and the fact that this threat **interferes with the exercise of fundamental rights**.
- Intelligence and law enforcement bodies coordinate to **warn and protect targeted individuals**.
- **Canadian law enforcement authorities independently vet Interpol Red Notices** before taking action.
- **Information sharing and cooperation in criminal matters with foreign governments** that have poor human rights records **is conditional on an assessment of risk**.
- There is a **dedicated stream for resettling human rights defenders as refugees** in Canada.

Introduction

In August 2020, in a lawsuit filed in a US district court, Saad Aljabri, a former top Saudi intelligence official, alleged that Crown Prince Mohammed bin Salman sent a team of mercenaries to Canada to kill him. According to the complaint, the assassination plan was thwarted by Canadian border agents at the Ottawa International Airport who refused entry to a group of Saudi men after discovering that they had lied about knowing each other.¹ Ominously, the men, thought to be members of the Saudi security service's so-called Tiger Team, had come to Canada just days after journalist Jamal Khashoggi was murdered by a different Saudi hit team at a consulate in Istanbul.

which foreign actors have attempted to monitor, intimidate or threaten Canadians and those living in Canada....Canadians can be confident that our security agencies have the skills and resources necessary to detect, investigate and respond to such threats.”³

Nearly 22 percent of Canada's population is foreign born and the country has welcomed over a million refugees since 1980.⁴ Although to date there have been no confirmed incidents of physical transnational repression, threats emanating from foreign states, such as those against Aljabri, have menaced members of Canada's large Chinese, Rwandan, Pakistani, Egyptian, Iranian, and Syrian diasporas. As reflected in Canada's security policies, authorities at the highest levels are aware of risks posed by foreign governments to the country's multiethnic population and to its institutions, and sovereignty. However, mechanisms to report individual threats are inadequate and people targeted by transnational repression in Canada have been disappointed by the lack of response from law enforcement. While Canadian authorities have used foreign policy tools such as sanctions to participate in multilateral responses to incidents of transnational repression committed elsewhere, the cohesiveness of the responses has in some cases been diminished by the desire to maintain economic partnerships with the offending governments. In general, Canada's migration system is both welcoming and well-equipped to avoid undue influence from foreign governments that may be pursuing people across borders. However, in the past, Canadian authorities have made agreements to cooperate with governments that perpetrate transnational repression, granting them access to people living in the country in exchange for short-term policy benefits.

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Aljabri had fled Saudi Arabia in 2017, shortly after bin Salman replaced Aljabri's patron, Mohammed bin Nayef, as the heir to the throne. Since then, several of Aljabri's family members, including a son-in-law and two adult children, have been detained by Saudi authorities. Around the time he filed the lawsuit, Aljabri was provided with extra security by the Royal Canadian Mounted Police (RCMP) at his home in Toronto.² While not confirming the threats against Aljabri directly, Canadian authorities noted that “we are aware of incidents in

Suggested citation: Yana Gorokhovskaia and Isabel Linzer, “Case Study: Canada,” in *Defending Democracy in Exile: Policy Responses to Transnational Repression* (Washington, DC: Freedom House, June 2022), <https://freedomhouse.org/report/transnational-repression/canada>.

Security

Foreign threats are monitored by the Canadian Security Intelligence Service (CSIS), the RCMP, and Global Affairs Canada (GAC). According to the Canadian government, the most significant national security threats are terrorism, weapons of mass destruction, organized crime, cyber threats, espionage, and foreign interference.

Government awareness

Acts that constitute transnational repression come under the rubric of foreign interference, which is defined in Canadian law as “activities within or relating to Canada that are detrimental to the interest of Canada and are clandestine or deceptive or involve a threat to any person.”⁵

A 2019 annual report produced by the National Security and Intelligence Committee of Parliamentarians for the Prime Minister notes that “states engage in foreign interference activities to support their national interests. These interests include regime protection and domestic legitimacy....A great deal of foreign interference has the goal of creating a single narrative or consistent message that helps ensure the survival and prosperity of the foreign state.”⁶ The report also notes that tactics of foreign interference include threats, harassment, detention of family members abroad and refusal to issue travel documents or visas. China and Russia are identified as perpetrators of foreign interference, along with other countries whose names have been redacted from the publicly available reports.

Like the government of Sweden,⁷ Canadian authorities frame the harms of foreign interference broadly, encompassing the negative impact on specific communities as well as on Canadian institutions and the fundamental rights of all individuals living in the country. The 2019 report observes that “Canada is a multicultural society, home to large ethnocultural communities...some of these ethnocultural communities are vulnerable to foreign interference...[which] threaten[s] the personal liberties of Canadians and landed immigrants.” The report further notes that activity designed to silence human rights-based criticism of foreign states “has a chilling effect on human rights activism and freedom of expression.”⁸

Including transnational repression under the umbrella of foreign interference obscures the impact on targeted individuals in favor of emphasizing threats to national interests.

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Consequently, Canadian authorities have not created reporting mechanisms specifically for incidents of transnational repression, nor have they engaged in significant outreach to communities that may be targeted. Instead, much of the focus has been on insulating the political process and public discourse from foreign influence and protecting intellectual property and scientific research. An unclassified bulletin published by CSIS on the topic of foreign interference lists “Canadian communities” as potential targets and suggests that individuals should avoid being manipulated by disinformation or into sharing sensitive information with foreign agents. Silencing dissent is only discussed in connection with foreign influence on university campuses. There is no advice about what types of harassment or activities are considered criminal under Canadian law or what resources are available to people experiencing targeting. The document instead suggests that members of targeted communities may become unwitting accomplices to foreign governments.

In a speech delivered in 2021, David Vigneault, the Director of the CSIS, observed that “a number of foreign states engage in hostile actions that routinely threaten and intimidate individuals in Canada to instill fear, silence dissent, and pressure political opponents....Those threatened often lack the resources to defend themselves or are unaware that they can report these activities to Canadian authorities, including us.”⁹ CSIS maintains a 1-800 number and a website for “reporting national security information” but this is not specific to transnational repression and is not widely known to the public. The RCMP has a “national security information network” phone number

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and email address for similar purposes. The accounts of people reporting that they have been targeted by a foreign government suggest that Canadian law enforcement is not always responsive.

Problems with reporting

People who suspect that the harassment or intimidation they have been subjected to is connected to their political activism described a lack of responsiveness on the part of Canadian law enforcement. Cherie Wong, the leader of Alliance Canada Hong Kong, a community of pro-democracy Canadian Hong Kongers, reported receiving threatening phone calls while on a trip in Vancouver to promote her activism. Police informed her that nothing could be done about the calls.¹⁰ A university student of Tibetan origin who was harassed online said that she received no updates on her case from the Toronto Police for almost a year after the department decided to examine whether the online threats against her constituted criminal activity.¹¹ Mehmet Tohit, the director of the Uyghur Rights Advocacy Project, tried to contact law enforcement after his phone was hacked but could not find anyone willing to investigate. According to Tohit, “Uyghurs and other China-related activists approached the RCMP numerous times without any tangible result. For that reason, many activists have already stopped reporting to the RCMP.”¹²

In a 2022 study of digital transnational repression in Canada, researchers at Citizen Lab interviewed dissidents and activists

living in exile about their experiences. They found that few had reached out to Canadian law enforcement about harassment and threats and that those who had were disappointed by the response. One activist was told that harassing phone calls could not be investigated because they came from an international phone number; the activist was advised instead to hire a private investigator. Another received no reply to their complaint. Consequently, the report states, “participants simply avoided dealing with the police, fearing that it might make the situation worse or that they could not be of assistance.”¹³

It appears that one of the primary challenges with appropriately responding to transnational repression, including threats and harassment online or via phone calls and abuse of family members still living in the home country, is that these acts fall outside the scope of criminal law in Canada. Testimony by the commissioner of the RCMP in front of the Special Committee on Canada-China Relations in 2021 revealed that most calls to the CSIS and RCMP hotlines are deemed not to be related to national security and are not followed up by law enforcement. The commissioner also noted that many of the threats people report do not rise to the level of a criminal offense, saying, “Obviously, in our space, it’s about criminal code infractions, so it’s important that it meets that threshold.”¹⁴ She further explained that RCMP investigations of foreign interference are “self-generated” and do not come about as a result of reports by individuals to the tip line. It appears that awareness of malign acts by foreign governments against people residing in Canada has not spread from the leadership of security agencies to federal and local law enforcement, leaving people targeted by transnational repression without much recourse.

Foreign policy responses

Canadian authorities have used both sanctions and persona non grata designations in response to incidents of transnational repression. After the poisoning of Sergei Skripal by Russian agents using a chemical nerve agent, Canada expelled four Russian diplomats and refused to renew the visas of three more in solidarity with the British government. Canadian authorities imposed sanctions against the government of Belarus following the forced landing of a passenger plane in 2021 to arrest a dissident journalist traveling on board.¹⁵ Similarly, 17 Saudi officials were sanctioned under the Justice for Victims of Corrupt Foreign Officials Act—Canada’s version of the Magnitsky Act—in response to the murder of Jamal Khashoggi.¹⁶

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However, like other host country governments, Canadian authorities have struggled to meaningfully prioritize human rights in their dealings with governments that perpetrate transnational repression. For example, the pause on export permits for sales of arms to Saudi Arabia originally sparked by Khashoggi's murder was lifted in April of 2020 after officials determined that breaking an existing contract worth between \$10 and \$14 billion for the sale of light armored vehicles would cost Canada almost the whole value of the contract. Although Canadian authorities assured the public that a renegotiated deal has safeguards for human rights and that an advisory panel of experts would review best practices for arms exports in the future,¹⁷ going through with the deal weakened Canada's demonstrated commitment to ensuring accountability for extraterritorial violence.

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Migration

One five people living in Canada today are born elsewhere. The country has a long history of admitting migrants to settle sparsely populated territories as well as to address labor and economic needs; an average of 150,000 people enter Canada annually to become permanent residents.¹⁸ In addition to economic admissions, Canada also resettles refugees both via a government-run program and a robust system of private sponsorship. In the past, refugees fleeing violence and conflict in Cambodia, Vietnam, Kosovo, Iraq, and Syria have been resettled in Canada. In 2021, the government became one of the first in the world to create a dedicated refugee resettlement pathway for human rights defenders forced to flee their homes.¹⁹

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Canada's migration system has checks to guard against manipulation and cooptation via information sharing by foreign governments seeking to target vulnerable individuals and is sensitive to protecting the privacy of asylum-seekers. However, Canadian authorities have acted on accusations of terrorism made by other countries—a tactic often employed by perpetrators of transnational repression. In addition, the Canadian government has allowed agents of foreign security agencies access to individuals residing in Canada without proper attention to whether this access would facilitate harassment.

Vetting information

One of the pathways that authoritarian governments use to target people who have fled their territories is by coopting or manipulating the migration systems of other countries, specifically through information sharing. In evaluating claims for asylum, Canada's Immigration and Refugee Board (IRB) uses information compiled without the input of the country-of-origin governments and does not share information on

applicants with foreign officials. The same is true of the process for document verification. Although some isolated cases of accidental disclosure of personal information have occurred, official guidance on the issue emphasizes respect for privacy. While Canadian authorities closely scrutinize Interpol notices coming from countries with a history of transnational repression, there seem to be fewer safeguards for other kinds of extradition requests.

Interpol Red Notices are often treated by governments and law enforcement as international arrest warrants even though the accusations and information they contain are not independently verified and do not necessarily meet due process standards. For this reason, Red Notices and diffusions can be tools of transnational repression, used by autocrats to locate, detain, and sometimes deport targeted individuals. In Canada, Interpol notices go through a secondary vetting process by the RCMP.²⁰ If information in the notice is substantiated, authorities of the issuing country are advised to submit an extradition request through the Department of Justice. In the past, extradition requests from Saudi Arabia, Iran, China, and Mexico have been denied because they were found to be political in nature.²¹ Canadian law enforcement also undertakes broader informational exchange with attention to the degree to which other countries respect and uphold human rights. The RCMP has an in-house committee that conducts risk assessments on countries with which Canada intends to share information.²²

While the migration system has procedures in place to guard against the influence of foreign governments through information sharing, it has also shown a capacity to consider activities associated with transnational repression when evaluating the admissibility of individuals seeking to come to Canada. In 2015, as part of a review of admissibility from a Rwandan national, the Canadian Border Services Agency (CBSA) submitted a report detailing Rwanda's campaign of transnational repression which included harassment and monitoring of the diaspora.²³ In 2022, Immigration, Refugees and Citizenship Canada (IRCC) established that the Chinese government's Overseas Chinese Affairs Office (OCAO) collected intelligence and discouraged dissent among diaspora members in an effort to maintain and enhance the reputation of the government.²⁴ These examples illustrate awareness of transnational repression within Canada's migration system.

Accusations of terrorism made by other countries against individuals residing in Canada seem to be treated with less scrutiny than other types of information coming from foreign states. In the past, Uyghurs have been denied entry to Canada for the purpose of family reunification based on accusations of membership in a terrorist group, even though the group in question—the East Turkistan Islamic Movement—is not listed as a terrorist group by Canada.²⁵ In 2014, Canada allowed the extradition of Hassan Diab to France to stand trial for a 1980 bombing. Diab spent three years in a French prison before a judge ruled that there was not enough evidence to take the case to trial; Diab was subsequently allowed to return to Canada.

Making alternative documents available to vulnerable people is another way the Canadian migration system provides protections against the harassment of individuals by foreign governments. Control of passports and other official documents is an avenue for transnational repression. Origin governments can refuse to renew passports or pressure people seeking them to return home where they may be imprisoned or otherwise harmed. Canada allows noncitizen residents without passports to apply for a “certificate of identity,” a document that they can use to travel internationally that does not force them to have unwanted contact with their country-of-origin governments. Recently, however, media reporting has revealed that the process for applying for certificates of identity has been plagued by unexplained delays, leaving some vulnerable individuals without official travel documents.²⁶ Strikingly, according to IRCC, Chinese citizens do not usually qualify for a certificate of identity unless they can secure paperwork from Chinese authorities explaining why they do not have access to a passport. This requirement is onerous and has the potential of bring unwanted government attention to people who are living in exile.²⁷

Cooperation with China

China conducts the most sophisticated and comprehensive campaign of transnational repression in the world.²⁸ While China targets many types of individuals as well as whole ethnic and religious groups, an especially aggressive part of its campaign focuses on seeking the repatriation of Chinese nationals accused of corruption or other financial crimes. Acting under the auspices of operations “Fox Hunt” and “Skynet,” Chinese agents and their hired associates have harassed and intimidated individuals living in the United States and Canada since at least 2015.²⁹

Media reporting has revealed that the Canadian government may have facilitated the targeting of some Chinese nationals in Canada through a relatively short-lived pilot program of legal cooperation. In 2014, the governments of Canada and China began talking about establishing a procedure to remove Chinese nationals from Canada. China wanted an extradition treaty that would bypass domestic legal protections in order to return people on request. Canada wanted China to implement a process for facilitating the return of individuals already found to be eligible for removal from Canada, including those who had entered the country illegally or had served criminal sentences. Although the extradition treaty and readmission agreement never materialized, other forms of cooperation did. As reported by *The Globe and Mail*, members of Chinese law enforcement agencies were allowed to testify at immigration hearings and to meet with fugitives to “negotiate voluntary return.” The meetings were supposed to take place in the presence of an RCMP officer but the Chinese delegation broke protocol and met with people privately in order to pressure them to return to China.³⁰

The Canadian government may have facilitated the targeting of some Chinese nationals in Canada through a relatively short-lived pilot program of legal cooperation.

The pilot and plans for further cooperation between the two countries seem to have ended in 2017 and relations between China and Canada were soon complicated by other geopolitical issues. There is no evidence that anyone was returned to China from Canada as a result of being pressured by Chinese agents invited into the country by Canadian authorities. Nevertheless, this type of cooperation is an example of how host governments can exacerbate the vulnerability of people targeted with transnational repression in pursuit of their own policy aims.

Recommendations for the Canadian government:

- **Develop a definition of transnational repression** independent from, or as a specific subcomponent of, the broader issue of foreign interference.
- **Assess whether current laws prohibiting foreign interference are sufficient to address tactics of transnational repression**, including harassment and intimidation.
- **Raise awareness of transnational repression within the government.** Develop trainings for all officials who engage with vulnerable populations or may encounter incidents of transnational repression in their work, including members of law enforcement, migration officials, and foreign affairs officials, including diplomatic staff.
- **Establish methods for law enforcement and security services to engage in outreach** to communities that may be targeted for transnational repression.
- **Screen for vulnerability to transnational repression** in the immigration and asylum process.

About the Project

Defending Democracy in Exile: Policy Responses to Transnational Repression examines what is being done to protect exiles and diaspora members who are being intimidated and threatened by the governments from which they fled. This report assesses the responses put forward by the governments of countries where exiles and diasporas reside, by international organizations, and by technology companies.

It represents the culmination of the second phase of our research into transnational repression. It combines an analysis of the policies of nine host countries, interviews with members of diasporas targeted by transnational repression who reside in the United States, interviews with staff at technology companies, and data on 735 physical, direct transnational repression incidents that occurred between 2014 and 2021. With this report, we aim to advance the ongoing conversation among members of the general public, civil society, media, and policymakers on countering this practice.

Over a 16-month period, we developed an original methodology for evaluating policy responses to transnational repression, trained and collaborated with 16 in-country analysts to gather data, and held two roundtables to review and refine our findings and recommendations. Collaboration with academics and civil society researchers around the world was integral to the success of this project.

Yana Gorokhovskaia and Isabel Linzer led the project and cowrote the final report and eight of the nine country reports. Research Associate Bochen Han provided research support and wrote one country report. Intern Paulina Song helped to catalog and vet incidents for the transnational repression database. The project was made possible through the generous support of the National Endowment for Democracy.

Our data collection and coding methods can be viewed at <https://freedomhouse.org/report/transnational-repression/about-acknowledgements>. Data is available on request through the research@freedomhouse.org email account. Please use the subject line “Transnational Repression Data Request.”

This report builds on the findings of *Out of Sight, Not Out of Reach: The Global Scale and Scope of Transnational Repression*—the first global study of this dangerous practice—which Freedom House released in February 2021. The first phase of our research sprang from our engagement with academic researchers dedicated to examining transnational repression.

Finally, none of this would have been possible without exiles from Syria, Iran, Saudi Arabia, India, Egypt, Rwanda, Russia, China, Turkey, Vietnam, Equatorial Guinea, and Ethiopia who agreed to speak with us about their experiences of transnational repression. Their courage and resilience are an inspiration.

Endnotes

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