**WRITTEN SUBMISSIONS TO THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT**

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May 1, 2026

This submission is prepared by Human Rights Action Group ("HRAG") in contribution to the Standing Committee on Foreign Affairs and International Development's study 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.

HRAG is a team of international lawyers dedicated to representing communities impacted by mass atrocity crimes and grave human rights violations, many of whom are the targets of transnational repression in Canada. HRAG works to combat impunity by pursuing justice through legal means, such as strategic litigation, targeted sanctions, and other strategies aimed at holding perpetrators accountable.

Bill C-219 represents an important and timely contribution to Canada's efforts to combat transnational repression and foreign interference. HRAG offers the following recommendations to strengthen the Bill as it proceeds through committee:

1. In its current formulation, the definition of transnational repression includes a requirement that the purpose be "silencing dissent and stifling activism" which might exclude instances where foreign autocratic regimes or their proxies target community members solely because of their identities. The definition could, instead, mirror that which is used in the United States' proposed Transnational Repression Policy Act ("TRPA"), H.R. 4829 / S. 2525,[1] which notes in section 3—

   > "In this Act, the term 'transnational repression' refers to a range of tactics deployed by a foreign government, or agents or proxies of a foreign government, to reach beyond their borders to intimidate, silence, harass, coerce, or harm individuals, such as political dissidents, activists, journalists, political opponents, religious and ethnic minority groups, international students, and members of diaspora and exile communities."[2]

2. Bill C-219 would amend the *Justice for Victims of Corrupt Foreign Officials Act* (*Sergei Magnitsky Law*) to enable the implementation of targeted sanctions in circumstances where "a foreign national has committed transnational repression as an agent of or on behalf of a foreign state" (emphasis added). The Bill could be strengthened by adding additional relational options, for instance "for the benefit of", to better cover more informal arrangements between individual perpetrators and foreign states engaged in transnational repression. The United States' proposed TRPA covers those types of relationships in its definition of transnational repression as outlined above.

[1] Transnational Repression Policy Act, H.R. 4829 / S. 2525, 119th Cong. (2025).
[2] Ibid at sec. 3.

3. The proposed amendment to the *Special Economic Measures Act,* which would amend paragraph 4 (1.1) (c) to enable the implementation of sanctions in circumstances where "transnational repression or gross and systematic human rights violations have been committed in a foreign state" (emphasis in original), is syntactically unclear, creating a risk that government officials could take the position that the transnational repression had to have occurred in a foreign state in order for sanctions to become an available tool. The amendment should instead create a new sub-paragraph, for clarity, as paragraph 4 (1.1) (c.1), adding the circumstance "transnational repression has been committed in Canada and/or abroad".

4. Currently, the requirement that would be imposed on the Minister to respond to sanctions requests does not extend to cases where civil society organizations make submissions; the Minister would only be obliged to respond to a committee of the Senate, of the House of Commons, or of both Houses of Parliament. This should be expanded to enable transparency with civil society.

5. Enabling the imposition of sanctions on immediate family members of perpetrators of transnational repression risks capturing individuals who bear no responsibility for the conduct in question. This risk is not entirely addressed with the material benefit exception contained in paragraphs 5 and 14. In particular, minor dependents of perpetrators of transnational repression may be financially supported by their parents, and under the current formulation of Bill C-219, they could face sanctions in the form of visa denials due to circumstances of their birth beyond their control. These risks may be mitigated by adjusting the wording of paragraph 14 from "immediate family members" to "non-dependent immediate family members".

6. Renaming the *Special Economic Measures Act* as the *Sergei Magnitsky Global Sanctions Act* raises a question of legislative clarity. Consolidation of the *Sergei Magnitsky Law* and the *Special Economic Measures Act* remains a worthwhile conversation, and may be a more effective vehicle for achieving this goal. In the interim, if both pieces of legislation remain active, they benefit from being readily distinguishable by name.

7. Requiring the RCMP to report to the Minister information on a sanctionable entity, including information based on what members of the public have provided to the RCMP, risks making interactions between diaspora community members and law enforcement less confidential. There may be circumstances where a community or community member does not want information communicated to the Sanctions Division of Global Affairs Canada or sanctions implemented, for example, if a sanction would result in a visa denial of a particular perpetrator and a community organization is planning the launch of a criminal prosecution. Such risks could be mitigated by including a consultation requirement on the part of the RCMP with its informational sources.

8. The proposed amendments to the *Broadcasting Act* address a real concern, but requiring revocation of licenses based on vulnerability of being significantly influenced, rather than significant influence itself, risks over-breadth. The threshold could be tightened by adjusting the phrase "vulnerable to being significantly influenced" in paragraph 23 to "significantly influenced".

9. The public reporting requirements relating to cases of arbitrary detention raise concerns that HRAG has heard directly from former detainees. While the intent behind transparency is well-placed, there is a risk that if the default and expectation become that a detainee is named on a particular list in the event their detention is arbitrary, efforts related to their release and repatriation may become more challenging if they are not included on that list.