



The Raoul Wallenberg Center for Human Rights (RWCHR)

WRITTEN TESTIMONY TO THE HOUSE OF COMMONS STANDING COMMITTEE
ON FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT ON ITS STUDY OF
CANADA'S SANCTIONS REGIME

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About the RWCHR

The Raoul Wallenberg Centre for Human Rights is a unique international consortium of parliamentarians, scholars, jurists, human rights defenders, NGOs, and students united in the pursuit of justice, inspired by and anchored in Raoul Wallenberg's humanitarian legacy.

Our Sanctions Program

RWCHR Founder and Chair Honourable Irwin Cotler initiated the first Magnitsky sanctions Bill as a parliamentarian, and the Centre later spearheaded a multi-faceted advocacy campaign that led to its unanimous adoption. The RWCHR has since been a leader in proposing several successful designations and providing expert counsel in the form of witness testimony before the House and Senate and in meetings with the Prime Minister and senior Cabinet Ministers and civil servants.

As a global leader in the international Magnitsky Justice Campaign, and Co-Chair of a global civil society coalition comprising over 375 of the world's major Non-Governmental Organizations advocating for targeted sanctions against perpetrators of human rights abuses and corruption, the RWCHR has been instrumental in advising civil society organizations, parliamentarians, and governments around the world – including in Australia, the European Union, and Japan – in spearheading the adoption and implementation of targeted sanctions laws.

Fourteen Ways Canada can Strengthen its Magnitsky Sanctions Frameworks

Canada can be a global leader in safeguarding dignity and democracy by strengthening the use of targeted sanctions. The Standing Committee on Foreign Affairs and International Development's study on Canada's Sanctions Regime presents a most propitious opportunity to chart such a path forward.

As the Committee undertakes its Study Reporting and the Government builds out its new Sanctions Bureau, we offer fourteen recommendations for consideration.

The Committee's Study is especially timely, as Putin's illegal and unjustified aggression against Ukraine is giving violent expression to a wider authoritarian assault on the rules-based order and those who seek to defend it.

Targeted sanctions have proven to be a powerful tool in pushing back.

The visa bans, asset seizures, and business dealing prohibitions these sanctions entail are isolating the architects of repression, turning them into global pariahs and cutting them off from the financial flows that fund their oppression.

These sanctions are also protecting Canadian sovereignty from the corrosive effects of corrupt foreign capital and ensuring our financial institutions and markets are not contributing to abuses abroad.

These are all measurable successes.

Indeed, Canada's 2017 Magnitsky Law was a game-changer. It lowered the implementing threshold for autonomous sanctions from "a grave breach of international peace and security... that has resulted in or is likely to result in a serious international crisis" also to include "gross and systematic human rights violations" and "acts of corruption."¹ Accordingly, we use the term "Magnitsky-style sanctions" to refer to actions taken pursuant to these post-2017 lower thresholds under both the Justice for Victims of Corrupt Foreign Officials Act (JVCFOA) and the Special Economic Measures Act (SEMA).

¹ The Special Economic Measures Act Sec. 4(1.1) (c) & (d) and Justice for Victims of Corrupt Foreign Officials Act, Sec. 4(2).

The adoption of this transformative law in 2017 means that out of the Over 2000 targeted sanctions that have since been implemented,² 482 of these are Magnitsky-style sanctions for human rights abuses and corruption.³

In a total of 35 Magnitsky jurisdictions,⁴ this makes Canada a leader in Magnitsky implementation – a close second to the United States and far ahead of every other jurisdiction – and which is all the more admirable when you consider we have a fraction of the resources.

To further strengthen this transformative change, we recommend:

- 1) **The Government should call all human rights and anti-corruption designations "Magnitsky-style sanctions."** Much of the public discourse surrounding Canada's targeted sanctions frameworks gets muddled, with confusion about the form and function of designations undertaken under the various laws. Both for those who submit evidence and for our allies around the world, the current communications strategy in government announcements regarding the implementation of sanctions under the various frameworks gives the erroneous impression of their being rather disparate, even though they have the same effects and are implemented for the same acts of criminality.

Most importantly, the name "Magnitsky" has come to denote the defining human rights movement of our times, inspiring fear in rights violators and hope in the hearts of victims. It therefore also strengthens the rhetorical value of these tools.

- 2) **Canada's sanctions laws should be harmonized, with a view to filling legal loopholes and lacunas.** The human rights violation trigger of SEMA, "gross and systematic human rights violations," should remove the word "systematic", which would give the government more flexibility in implementation, and accord with the standard of "gross violations" in the JVCFOA.⁵

² Consolidated list of Canadian autonomous sanctions, https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/consolidated-consolide.aspx?lang=eng.

³ Multilateral Magnitsky Sanctions at Five Years (2022), https://humanrightsfirst.org/wp-content/uploads/2022/11/Multilateral-Magnitsky-Sanctions-at-Five-Years_November-2022.pdf. This report covers 324 Magnitsky-style sanctions until September 30, 2022. In addition, there are 158 new Magnitsky-style sanctions that are levied from October 1, 2022 to June 1, 2023.

⁴ The Standing Senate Committee on Foreign Affairs and International Trade, *Evidence*, Senate of Canada p 28:6 (Nov. 24, 2022), <https://sencanada.ca/content/sen/committee/441/aeafa/28ev-55849.pdf>.

⁵ *Supra* note 1.

As well, the JVCFOA should be amended so that “foreign national” is replaced with “foreign person”, so that the provisions of the Law can be applied to entities in addition to individuals. This change would also give the government a broader scope in implementation, and bring the JVCFOA into harmony with SEMA.

- 3) **Parliament should expeditiously ensure that being subject to sanctions are grounds for inadmissibility to Canada.** While Magnitsky-style sanctions for human rights and corruption under both SEMA and JVCFOA are grounds for inadmissibility to Canada, sanctions levied under SEMA for grave breaches of international peace and security are not.⁶ Accordingly, Parliament should amend the Immigration and Refugee Protection Act to ensure that this enforcement gap for entry to Canada is corrected.⁷
- 4) **Canada should establish an international contact group of jurisdictions with Magnitsky laws.** The vast majority of Canada’s Magnitsky-style sanctions decisions (79%) are undertaken unilaterally and without structured cooperation amongst allies,⁸ despite the shared interests, values, and threats we all may be seeking to address. This can result in asset flight, with a sanctioned individual laundering their ill-gotten gains and conducting their business in another parallel jurisdiction. It also lessens the significant rhetorical and reputational value, as a listing by any one country can be characterized as a singular aberration amongst more reasonable democracies rather than an achievement in the pursuit of justice and accountability.

With similar triggering thresholds anchored in international law, like-minded countries can implement sanctions simultaneously in a coordinated way, maximizing impact.

Today, countries that have adopted Magnitsky Laws are limited to informal bilateral conversations between sanctions units and occasional intelligence

⁶ Immigration and Refugee Protection Act, Sec. 35(1) (d) & (e).

⁷ While the Government of Canada announced its intention to do so, the relevant changes have not yet been implemented. “Government to ban sanctioned Russians from entering Canada” (May 17, 2022) <https://www.canada.ca/en/border-services-agency/news/2022/05/government-to-ban-sanctioned-russians-from-entering-canada.html>; “Bill S-8, An Act to amend the Immigration and Refugee Protection Act, to make consequential amendments to other Acts and to amend the Immigration and Refugee Protection Regulations” is currently at report stage in the House of Commons. <https://www.parl.ca/legisinfo/en/bill/44-1/s-8>.

⁸ Multilateral Magnitsky Sanctions at Five Years, p. 19 (2022), https://humanrightsfirst.org/wp-content/uploads/2022/11/Multilateral-Magnitsky-Sanctions-at-Five-Years_November-2022.pdf.

sharing on prospective targets. There is increasing multilateral coordination, but it is ad-hoc rather than systemic, and subject-specific rather than comprehensive.⁹

An international contact group would not only allow sanctions to be more effectively implemented multilaterally, but would provide a forum for the sharing of best practices and learning from the implementation of this relatively new legal mechanism.

Further, many other legislatures are actively considering adopting their own Magnitsky Laws, but often face immense oppositional pressure in their deliberations. Whether from internal special interests or malign foreign actors, these principled parliamentarians would benefit from the coordinated support of rights-respecting Magnitsky states. The proposed diplomatic coordination group could support states exploring the enactment of Magnitsky laws, including by sharing technical expertise in the legislative drafting process, important public statements, and parliamentary interventions that demonstrate leading economies' support for such frameworks.

Canada has a unique convening capacity and can help shape the global sanctions conversation by spearheading this multilateral coordination group. Canada would benefit immensely from a streamlined forum to encourage other states to adopt our designations and unified strategic interventions to bring more states into the Magnitsky fold.

- 5) **Canada should take a whole-of-government approach to sanctions and create a single focal point to ensure coordination across departments, and amongst allies internationally.**

The governmental actors involved in Magnitsky designations are multifaceted, ranging from the Global Affairs staff who prepare the listings, to the Department of Justice that reviews the legality, to the Department of Finance and Public Safety personnel that help gather the relevant intelligence and enforce the sanctions. Regrettably, as in any bureaucratic structure, the many stakeholders involved can lead to silos and the slowing of an urgent process. Formalizing an intergovernmental task force to support the Sanctions Bureau in Global Affairs –

⁹ See, for example, “Global Affairs Canada engages international partners on Myanmar sanctions efforts” (May 24, 2023)

<https://www.canada.ca/en/global-affairs/news/2023/05/global-affairs-canada-engages-international-partners-on-myanmar-sanctions-efforts.html>; see also, “G7 Leaders’ Statement on Ukraine” Section 7 (May 19, 2023)

https://www.international.gc.ca/world-monde/international_relations-relations_internationales/g7/documents/2023-05-19-statement-ukraine-declaration.aspx?lang=eng

with a central focal point – would ensure greater efficiency internally and also provide a single point of contact for allies.

The United States interagency Task Force Kleptocapture provides an excellent model that could be applied to sanctions enforcement more broadly, and the State Department Office of Sanctions Coordination — headed by an ambassador, with authority to coordinate internally between different departments and internationally among allies — can serve as a source of inspiration for Canadian reforms.¹⁰ The U.S. Department of Treasury Office of Foreign Assets Control and the UK Treasury Office of Sanctions Implementation, also offer effective models as dedicated and centralized offices for sanctions implementation and enforcement.¹¹

- 6) **Canada should stand with the world’s most vulnerable victims, ensuring that implementation and analysis takes into account equity and vulnerability.** For example, a gender analysis that provides particular attention to inequities and the unique vulnerabilities of women, children, Indigenous, LGBTQ2IA+ peoples, and others identified in the National Anti-Racism Strategy would be an important addition to the policymaking process.¹² It is all the more relevant in light of data demonstrating that Canada has not yet implemented sanctions in relation to crimes targeting most of these victim classes.¹³

In its public announcements, only 7% of Canada’s Magnitsky cases mentioned female victims, and just 1% mentioned children.¹⁴ None mentioned Indigenous or LGBTQ2IA+ people.¹⁵ A more refined analysis when crafting sanctions could help bridge the gaps and ensure greater responsiveness and responsibility towards the most vulnerable. LGBTQ2IA+ people are often the first targets of illiberal and authoritarian regression; attacks on indigenous peoples are often a core part of

¹⁰ U.S. Department of Justice, “Attorney General Merrick G. Garland Announces Launch of Task Force Kleptocapture (March 2, 2022) <https://www.justice.gov/opa/pr/attorney-general-merrick-b-garland-announces-launch-task-force-kleptocapture>; U.S. Department of State, “Head of the Office of Sanctions Coordination” <https://www.state.gov/head-of-the-office-of-sanctions-coordination/>

¹¹ <https://ofac.treasury.gov/>; [https://www.gov.uk/government/organisations/office-of-financial-sanctions-implementation#:~:text=The%20Office%20of%20Financial%20Sanctions%20Implementation%20\(OFSI\)%20helps%20to%20ensure.is%20part%20of%20HM%20Treasury.](https://www.gov.uk/government/organisations/office-of-financial-sanctions-implementation#:~:text=The%20Office%20of%20Financial%20Sanctions%20Implementation%20(OFSI)%20helps%20to%20ensure.is%20part%20of%20HM%20Treasury.)

¹² Government of Canada, “Building a Foundation for Change: Canada’s Anti-Racism Strategy 2019–2022” (2019) <https://www.canada.ca/en/canadian-heritage/campaigns/anti-racism-engagement/anti-racism-strategy.html>

¹³ Multilateral Magnitsky Sanctions at Five Years, p. 19.

¹⁴ *Id* at 43 and 44.

¹⁵ *Id* at 45.

broader assaults on ecological protections and on environmental defenders confronting climate change; and Antisemitism is toxic to democracy and erodes the fundamental rights of all.¹⁶ Targeted sanctions could also be a powerful tool for combatting hate against the most vulnerable groups, and thereby preventing atrocities.¹⁷ Canada's National Anti-Racism Strategy sets out important consensus-driven tools and metrics in the protection of minorities, such as the International Holocaust Remembrance Alliance Definition of Antisemitism, which should be used by Global Affairs Canada in its policymaking.

An analysis that considers equity-seeking groups would best advance Canada's Anti-Racism Strategy, feminist foreign policy, universal human rights, and our national interests.¹⁸

7) How the government announces these sanctions matters. Canada should provide more detailed sanctions announcements, and work with civil society partners and stakeholders to help strengthen this messaging.

The press releases and public statements that accompany Canada's targeted sanctions designations contain very little information about the nature of the crimes or its victims. More specific information would reinforce the impact of sanctions announcements. Indeed, the "naming and shaming" components of sanctions – stigmatizing perpetrators while providing accountability for victims and elevating their voices – would be strengthened by such measures. At the same time, it could also help support media freedom and civil society efforts on the ground by mitigating disinformation and providing credible data to pro-democracy and human rights campaigns.

On a practical level, this shift would also provide critical data for Canadian civil society research and analysis to inform more effective and transparent policymaking.

¹⁶ United Nations Office of the High Commissioner for Human Rights, "A/74/358: Report on combating antisemitism to eliminate discrimination and intolerance based on religion or belief", (Sep. 20, 2019) <https://www.ohchr.org/en/documents/thematic-reports/a74358-report-combating-antisemitism-eliminate-discrimination-and>

¹⁷ Irwin Cotler, Ahmed Shaheed, and Brandon Silver, "Curbing the Hate Pandemic", <https://www.project-syndicate.org/commentary/targeted-individual-sanctions-to-combat-hate-pandemic-by-irwin-cotler-et-al-2021-08>

¹⁸ Government of Canada, "Canada's Feminist International Assistance Policy" https://www.international.gc.ca/world-monde/issues_developpement-enjeux_developpement/priorities-priorites/policy-politique.aspx?lang=eng

- 8) **Canada should mainstream the use of targeted sanctions in specific cases of arbitrary detention and encourage other jurisdictions to strengthen this important precedent by doing the same.** Canada can also amend our sanctions laws to specifically enumerate arbitrary detention as a triggering criterion, as JVCFOA does with victim classes such as whistleblowers and Human Rights Defenders.

Indeed, the policies, practices, and legislative language relating to Magnitsky sanctions can help advance Canada's foreign policy priorities. Given Canada's leadership in spearheading the Declaration on Arbitrary Detention in State-to-State Relations, Canada can use its Magnitsky laws to give it teeth and thereby shift the calculus in hostage-taking.

Based on a Magnitsky submission and advocacy from our Raoul Wallenberg Centre for Human Rights in the case of Vladimir Kara-Murza, Canada set an excellent example to be built upon in becoming the first-ever jurisdiction to impose sanctions on those directly involved in a particular arbitrary detention. At the G20 Leaders Summit in Bali in November of 2022, Prime Minister Trudeau announced the designation of the 23 members of the Russian justice and security sectors, including judges, police officers, and prosecutors who were facilitating Kara-Murza's arbitrary detention in Russia.¹⁹ The United States, United Kingdom, and European Union subsequently followed Canada's lead in implementing such sanctions, with the U.S. directly crediting Canada's leadership as part of its rationale in announcing sanctions.²⁰

- 9) **As Canada seeks to strengthen international justice and accountability mechanisms, we recommend amending our sanctions laws to expressly include a request from the Prosecutor of the ICC, pursuant to the issuance**

¹⁹ "Canadian Prime Minister Justin Trudeau Counters Russian Criminal Aggression in Ukraine and Domestic Repression at G20 with Military Support and Magnitsky Sanctions, Foreign Minister Mélanie Joly Joins Prime Minister in Imposing Magnitsky Sanctions on Russian Individuals and Entities Responsible for Unjust Imprisonment of Vladimir Kara-Murza" (Nov. 14, 2022)

<https://www.raoulwallenbergcentre.org/en/press-releases/2022-11-14>; "RWCHR Hosts Major Advocacy Days in Ottawa in Support of Russian Hero, Pro-Democracy Leader, and now Political Prisoner, Vladimir Kara-Murza" (2022) <https://mailchi.mp/4f66b27de041/vladimir-kara-murza-event>.

²⁰ "Treasury Sanctions People Involved in Serious Human Rights Abuse Against Vladimir Kara-Murza" (March 3, 2023) <https://home.treasury.gov/news/press-releases/jy1320>; "UK sanctions FSB agents and Russian investigators behind arrest of British-Russian national Vladimir Kara-Murza" (April 21, 2023) <https://www.gov.uk/government/news/uk-sanctions-fsb-agents-and-russian-investigators-behind-arrest-of-british-russian-national-vladimir-kara-murza#:~:text=On%20Monday%2C%20Mr%20Kara%2DMurza.abo ut%20the%20Russian%20armed%20forces.>; "Human rights violations in Russia: EU lists individuals responsible for Vladimir Kara-Murza's sentencing and degrading treatment" (June 5, 2023) <https://www.consilium.europa.eu/en/press/press-releases/2023/06/05/human-rights-violations-in-russia-eu-lists-individuals-responsible-for-vladimir-kara-murza-s-sentencing-and-degrading-treatment/>.

of an ICC arrest warrant, as a trigger for consideration of a sanctions' designation.²¹ If such a Canadian policy were emulated in a concerted manner by all ICC member states, 123 countries could become off-limits to suspects on the run.

Even just the pressure of financial and visa prohibitions from a select few key states could lead to a change of heart and encourage the transfer or surrender of a suspect. This would also protect the integrity and credibility of the ICC from being undermined by impunity.

- 10) **Canada should reinforce the rules-based order and multilateral institutions by implementing sanctions pursuant to decisions of United Nations Special Procedures like the UN Working Group on Arbitrary Detention or international treaty monitoring mechanisms like the Committee Against Torture.**

In so doing, Canada would be demonstrating confidence in these institutions and the enforceability of these international norms. We therefore encourage Canada to implement sanctions anchored in and informed by credible and impartial determinations of the independent expert bodies of multilateral institutions.

- 11) **Canada's targeted sanctions must be more effectively enforced.** The regulations designating these individuals and the consolidated sanctions lists that are used by Canadian banks and businesses to ensure compliance with the law must provide further identifying details.

To improve enforcement, Canada must close glaring loopholes that have allowed sanctioned individuals and entities to bypass the effects of their designation.²² Enforcing sanctions requires heightened scrutiny on the executives and board of directors of a listed entity, to prevent them from simply starting a new company to evade sanctions while conducting the very same activities. As listed individuals often have their family members act in their stead, scrutiny of this wider circle of individuals must also be part of enforcement.

²¹ Irwin Cotler, Allan Rock and Brandon Silver, "The International Criminal Court at 20", (September 6, 2022), <https://www.policymagazine.ca/the-international-criminal-court-at-20/>.

²² See Scott Anderson et al., *Canadian sanctions against Iranian company don't cover board member with business interest in B.C.*, CBC News (Jan. 27, 2023), <https://www.cbc.ca/news/canada/canadian-sanctions-against-iranian-company-don-t-cover-board-member-with-business-interest-in-b-c-1.6726954>.

12) Canada should establish a beneficial ownership registry, endeavouring to include real estate and provincially incorporated businesses. The recent tabling of Bill C-42, “An Act to amend the Canada Business Corporations Act and to make consequential and related amendments to other Acts” establishing a federal beneficial ownership registry is an important and impactful legislative initiative that should be adopted by Parliament expeditiously. However, federally incorporated businesses represent a relatively small proportion of all businesses incorporated in Canada. Indeed, according to Statistics Canada, there are over 4,357,903 Canadian businesses, with Business Canada reporting that only 458,780 are incorporated federally.²³ As such, the vast majority of businesses are incorporated provincially, and therefore not included in the proposed beneficial ownership registry. A disparity in public reporting requirements between Federal and Provincial corporations would likely accelerate this trend.

Additionally, real estate ownership is not a part of the proposed Federal registry, thereby excluding a significant forum used for the laundering of ill-gotten gains. Indeed, Billions of dollars are being laundered through British Columbia’s real estate market alone.²⁴

As a means of increasing transparency, accountability, and enforceability of Canada’s sanctions laws, the Government of Canada should work with the Provinces to ensure all real estate and provincially incorporated businesses are included in a beneficial ownership registry that is accessible to the public. Whether through negotiation and dedicated fund transfers to enable Provincial action, or through the use of federal criminal law authority under the Constitutional division of powers to expand the proposed beneficial ownership registry, the Government of Canada should be proactive in seeking to establish a beneficial ownership registry that is comprehensive and responsive to economic realities.²⁵

13) The seizure and repurposing of assets should be victim-centric, with a detailed policy or transparent framework for victim compensation. The amendments made to SEMA and JVCFOA allowing for the confiscation of assets

²³ “Canadian business counts, December 2022” (Feb 20, 2023), <https://www150.statcan.gc.ca/n1/daily-quotidien/230220/dq230220f-eng.htm>; Corporations Canada, “Annual Statistical Report” 2020 at page 3, https://ised-isde.canada.ca/site/corporations-canada/sites/default/files/attachments/2022/cs09267_en.pdf.

²⁴ Austin F. Cullen, “Commission of Inquiry into Money Laundering in British Columbia: Final Report” (June 2022), <https://www.cullencommission.ca/files/reports/CullenCommission-FinalReport-Full.pdf>.

²⁵ Constitution Act 1867, Sec. 91 (27).

is a transformative contribution to the pursuit of justice and accountability.²⁶ It is encouraging and laudable that these provisions have been put into force relating to sanctioned Russian persons.²⁷ Further, the seizure and forfeiture of assets belonging to sanctioned Russian and Iranian rights violators maintains overwhelming support amongst a broad and inclusive cross-section of Canadians.²⁸

Should the assets subject to court proceedings ultimately be forfeited to the Crown – and for any assets that may be subject to future forfeitures – the Government would need to determine how they are to be repurposed.²⁹

The individual dissidents and human rights defenders who put not only their livelihoods, but their very lives on the line in the defence of fundamental freedoms are particularly deserving of consideration in the repurposing of frozen assets. Indeed, it is often through their submission of evidence — or that of their surviving family members — that the identification and sanctioning of human rights abusers are undertaken. While no amount of money could ever compensate for the loss of loved ones, loss of limbs, or for the years lost in unjust imprisonment, it could at least help them cover some of the heavy costs involved in reclaiming their lives. These individuals who have been devoted to helping the most vulnerable deserve to get the help that they so desperately need — whether psychologists, physiotherapists or other critical services — but that is far too frequently out of reach for them financially. Moreover, there is often a direct pecuniary component to the targeting of these courageous individuals, where their assets are unjustly confiscated by the human rights violators, or where they are subjected to onerous financial penalties or exorbitant bail costs in the case of arbitrary arrest.³⁰

²⁶ Budget Implementation Act, 2022, No. 1 (S.C. 2022, c. 10), Sec. 436-451, https://laws-lois.justice.gc.ca/eng/annualstatutes/2022_10/FullText.htm

²⁷ “Canada starts first process to seize and pursue the forfeiture of assets of sanctioned Russian oligarch” (December 19, 2022), <https://www.canada.ca/en/global-affairs/news/2022/12/canada-starts-first-process-to-seize-and-pursue-the-forfeiture-of-assets-of-sanctioned-russian-oligarch.html>; “Government of Canada orders seizure of Russian-registered cargo aircraft at Toronto Pearson Airport” (June 10, 2023), <https://www.canada.ca/en/global-affairs/news/2023/06/government-of-canada-orders-seizure-of-russian-registered-cargo-aircraft-at-toronto-pearson-airport.html>.

²⁸ World Refugee and Migration Council, “Canadians Overwhelmingly Support Seizing the Canadian Assets of Corrupt Foreign Officials who are Violating Human Rights in Russia and Iran” (December 13, 2022), <https://wrmcouncil.org/news/canadians-overwhelmingly-support-seizing-the-canadian-assets-of-corrupt-foreign-officials-who-are-violating-human-rights-in-russia-and-iran/>.

²⁹ Pursuant to *SEMA* article 5.6 and *JVCFOA* article 4.4.

³⁰ See, for example, “Nicaragua orders seizure of assets of 222 opposition figures expelled to US” (June 10, 2023), <https://www.laprensalatina.com/nicaragua-orders-seizure-of-assets-of-222-opposition-figures-expelled-to->

Therefore, the Canadian government should establish a transparent policy or formal framework for victim compensation via forfeited funds. Particularly for regions where the authorities are a perpetrator – such as Iran – rather than a partner – such as Ukraine – this could include the creation by the Canadian Government of a dedicated fund for victims.³¹ Such a specialized fund for supporting the victims of a rights-abusing regime and its sanctioned officials and enablers could provide grants to Canadian or international organizations providing psycho-social support, refugee resettlement, or even direct funding for victims. Canada can draw on existing models, best practices and precedents, including other funds and foundations established or supported by the Government such as the Race Relations Foundation, Equality Fund, and Crimes Against Humanity Fund.³²

- 14) **Canada’s sanctions laws should enshrine the crucial oversight role of the public and Parliament.** Some of the most impactful precedents and policies have been proposed by civil society and pursued by Parliament. Formalizing this relationship would only strengthen it.

The public or parliamentarians should be able to petition the government to initiate a sanctions designation, repurpose assets, or mandate a fulsome explanation if the government declines to do so. Canadian parliamentary procedure provides precedent and guidance for such legislative oversight practices. For example, Order Paper Questions pursuant to Article 39 of the Standing Orders of the House of Commons have generally engendered substantive governmental responses within a mandated 45-day timeframe.³³ The tabling of petitions from members of the public is also a well-worn parliamentary practice that elicits meaningful government engagement.³⁴

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https://twitter.com/maradiaga/status/1667484420792635393?ref_src=twsrc%5Fgoogle%7Ctwcamp%5Feserp%7Ctwtgr%5Ftweet](https://twitter.com/maradiaga/status/1667484420792635393?ref_src=twsrc%5Fgoogle%7Ctwcamp%5Feserp%7Ctwtgr%5Ftweet)

³¹ As elaborated upon in a forthcoming paper of the the Atlantic Council Strategic Litigation Project “Proposal for the creation of an Iranian-Canadian Fund for Victims”,

<https://www.atlanticcouncil.org/programs/middle-east-programs/strategic-litigation-project/>;

³² Canadian Race Relations Foundation Act (S.C. 1991, c. 8),

<https://laws-lois.justice.gc.ca/eng/acts/C-21.8/FullText.html>; “Partnership to fund gender equality and the empowerment of women and girls in Canada and abroad”

https://www.international.gc.ca/gac-amc/campaign-campagne/gender_equality-egalite_des_genres/index.aspx?lang=eng; Crimes Against Humanity and War Crimes Act (S.C. 2000, c. 24), articles 30-32,

<https://laws-lois.justice.gc.ca/eng/acts/C-45.9/FullText.html>.

³³ See Standing Order of the House of Commons, Chapter V,

<https://www.ourcommons.ca/procedure/standing-orders/Chap5-e.html#SO39>.

³⁴ See Standing Order of the House of Commons, Chapter IV,

<https://www.ourcommons.ca/procedure/standing-orders/Chap4-e.html#SO36>.

Enshrining engagement from Parliament and civil society would strengthen Canada's democracy and refine the function of its sanctions frameworks, fostering both a greater understanding from the public and more effectiveness in gathering evidence and ensuring enforcement.