ANNUAL REPORT TO THE MINISTER OF NATIONAL DEFENCE: APPLICATION OF THE ACT AND THE DIRECTIONS TO DND/CAF FOR AVOIDING COMPLICITY IN MISTREATMENT BY FOREIGN ENTITIES

2025

Table of Contents

(U) EXECUTIVE SUMMARY

(U) PREAMBLE

(U//OUO) This report by the Department of National Defence and the Canadian Armed Forces (DND/CAF) is presented to the Minister of National Defence (MND) pursuant to the Governor-in-Council's *Directions for Avoiding Complicity in Mistreatment by Foreign Entities* (the 2019 Directions), which were issued as follow-on direction to the 2019 *Avoiding Complicity in Mistreatment by Foreign Entities Act* (the Act).

(U//OUO) The information contained in this report reflects the period from 01 January 2025 to 31 December 2025. Its contents describe how DND/CAF's authorized defence activities were conducted within the constraints of the statutory obligations of the Act and the follow-on directions including the 2022 Ministerial Direction (MD), the 2022 Chief of Defence Staff (CDS) and Deputy Minister (DM) Directive, and the 2024 Chief of Defence Intelligence (CDI) Functional Directive (FD).

(U//OUO) In accordance with paragraph 18 of the *Ministerial Direction to the Department of National Defence and the Canadian Armed Forces: Avoiding Complicity in Mistreatment by Foreign Entities* (the 2022 MD), the classified version of this report includes:

a. a detailed description of the total number of cases deliberated for substantial risk of mistreatment to individuals by DND/CAF in 2025;
b. an explanation of any cases assessed to present an immitigable risk of mistreatment to individuals; and,
c. updates on the implementation of the policy suite associated with the Act.

(U//OUO) The unclassified version of this report includes the contents described above without containing information:

a. the disclosure of which would be injurious to national security, national defence or international relations or compromise an ongoing operation or investigation; or
b. that is subject to solicitor-client privilege or the professional secrecy of advocates and notaries or to litigation privilege.

(U) INTRODUCTION

(U//OUO) This is the eighth annual report released since the introduction of the original MD in 2017, which preceded the 2019 Act of Parliament. No foreign entities were assessed to present an immitigable substantial risk of mistreatment to individuals by DND/CAF in 2025.

(U) Context

(U//OUO) The Government of Canada relies on DND and the CAF to fulfil their complementary mandates through the implementation of Canada's updated (2024) defence policy *Our North, Strong and Free (ONSAF): A Renewed Vision for Canada's Defence*, which builds on the 2017 defence policy *Strong, Secure, Engaged* (SSE*)* and Canada's 2022 NORAD modernization plan. Through SSE and ONSAF, the CAF is tasked with defending Canada's sovereignty, including in the Arctic, while making tangible contributions to its bilateral and multilateral commitments in North America and internationally.

(U//OUO) Canada's bilateral and multilateral relations, particularly with its Five Eyes (FVEY) partners and the North Atlantic Treaty Organization (NATO) Alliance, are enabled through the routine, often reciprocal, sharing of information and intelligence. Canada's ability to share the right information, at the right time, with the appropriate partner, will remain crucial to its most important relationships and ability to unequivocally defend Canadian interests in a fast-changing world.

(U//OUO) While the Government of Canada is committed to defending Canada and promoting Canadian interests in North America and abroad, it is equally committed to upholding Canadian values in doing so. Canada condemns, in the strongest possible terms, the use of torture or other cruel, inhuman, or degrading treatment or punishment. Canada's Act therefore directs government departments and agencies to share information and intelligence with partners in accordance with Canadian and international law.

(U//OUO) Since the Act was legislated in 2019, DND/CAF has developed a robust follow-on policy suite to guide personnel in assessing the substantial risk of mistreatment to individuals when sharing information or intelligence during the course of authorized defence activities.

(U) Current Defence Landscape

(U//OUO) The DND/CAF continued its support of Canada's security and prosperity goals in an increasingly complex operating environment through 2025. DND/CAF personnel deployed to multiple concurrent named operations including Operations REASSURANCE, UNIFIER, PROTEUS, NEON, HORIZON, IMPACT, and ARTEMIS.

(U//OUO) In addition to deploying CAF personnel to serve Canadians and Canadian interests internationally, DND/CAF continued to maintain Canada's most important defence relationships with its FVEY, NATO, and other trusted bilateral partners, in support of continental defence and maintaining the rules-based international order.

(U) REPORT

(U) POLICY AND GOVERNANCE FRAMEWORK

(U//OUO) The Department of National Defence (DND) and the Canadian Armed Forces (CAF) maintain a robust policy suite to guide the operational commands — Canadian Joint Operations Command (CJOC), Canadian Special Operations Forces Command (CANSOFCOM), Canadian Armed Forces Cyber Command (CAFCYBERCOM), and Canadian Forces Intelligence Command (CFINTCOM) — in sharing information and intelligence with foreign entities during the course of their authorized defence activities.

(U//OUO) The extant Chief of Defence Intelligence (CDI) Functional Directive (FD), entitled "Chief of Defence Intelligence Functional Directive: DND/CAF Information Sharing Activities with Foreign Entities," was updated and promulgated in May 2024. CFINTCOM's Release and Disclosure Coordination Office plans to review this CDI FD to ensure it provides accurate and enabling direction as it relates to information sharing with foreign entities.

(U) Governance

(U//OUO) The Defence Information Sharing Working Group (DISWG) remains the primary committee that enables subject-matter experts from the Strategic Joint Staff, Office of the Judge Advocate General, Office of the Department of National Defence and Canadian Forces Legal Advisor, CFINTCOM, CJOC, CANSOFCOM, CAFCYBERCOM, and the Assistant Deputy Minister (Policy) to provide near real-time advice to operational commanders on issues relating to information sharing, including cases of potential substantial risk of mistreatment to individuals.

(U//OUO) The Defence Information Sharing Advisory Committee (DISAC), comprised of senior leaders from the organizations mentioned above, serves as the advisory committee to the Deputy Minister (DM) and Chief of Defence Staff (CDS). The DISAC convenes in exceptional circumstances when the DISWG reaches an impasse and an operational commander is unable to determine whether a substantial risk of mistreatment of an individual can be mitigated; or information or intelligence received by DND/CAF from a foreign entity that could prevent the loss of life was likely obtained from mistreatment.

(U//OUO) The DISAC did not convene in 2025. The DM and CDS were apprised of issues brought to the DISWG through Records of Discussion that were brought to their attention at the discretion of the Chief of Defence Intelligence (CDI).

(U//OUO) In all cases since its conception in 2019, the DISWG has either reached decision through consensus or provided the requesting operational command with the advice it required to make an informed decision. The DISWG did not recommend any cases for deliberation at the DISAC in 2025.

(U) TRAINING AND AWARENESS OF RESPONSIBILITIES UNDER THE ACT

(U//OUO) DND/CAF supports the fulfilment of its obligations under the Act through a comprehensive training and accreditation process.

(U//OUO) CFINTCOM RDCO released its updated **Release and Disclosure Officer and Release and Disclosure Authority Training Course** on the Defence Learning Network (DLN) in 2023. This training course has now been on the DLN for two years. RDCO also made the course available to Other Government Department/Agency (OGD/A) employees as well as FVEY personnel within the intelligence community at that time.

(U//OUO) CFINTCOM led the training and qualification of 214 DND/CAF personnel in 2025 of which 78 were accredited. All DND/CAF personnel receive the qualification upon their successful completion of the course; however, only some personnel are eligible to receive an additional five-year accreditation[1]. In addition, one FVEY individual took the training in 2025. There was a total of 416 accredited Release and Disclosure Officer & Authorities at the end of 2025.

(U//OUO) Additionally, it remains relevant to note that CAF members are specifically required to complete mandatory training on their obligations with regard to human rights prior to deploying to an expeditionary named operation. This pre-deployment training includes instruction on International Humanitarian Law (i.e., the Law of Armed Conflict) including the Geneva Conventions, Hague Conventions, as well as other core international human rights instruments. In other words, CAF personnel are individually trained to ensure that their actions comply with all applicable laws, and that they are able to identify and avoid actual or potential violations.

(U) IMPLEMENTATION OF THE HUMAN RIGHTS RISK ASSESSMENT PROGRAM

(U//OUO) The Human Rights Risk Assessment Program was supported in 2025 through updates to approximately 60 of its Country Human Rights Profiles and a revamp of the associated template to more closely align with OGD/A reporting and provide a more efficient end-user experience.

(U//OUO) **Country Human Rights Profiles.** A total repository of 192 profiles is accessible across the Defence Intelligence Enterprise and to Government of Canada and FVEY partners.

(U//OUO) **Partner Entity Assessments.** A Partner Entity Assessment (PEA) is a tool that operational commands use to determine whether sharing certain types of information with a specific partner in a country that has a medium or high-risk rating would result in a substantial risk

[1] (U//OUO) DND/CAF personnel fulfilling RDO duties, and responsibilities, while occupying a position that requires them to share intelligence and intelligence-derived information with external entities will become accredited RDOs.

of mistreatment[2]. The PEA must be approved by the operational commander overseeing the defence activity prior to sharing information or intelligence with the partner entity.

(U//OUO) **Transactional Assessments.** Transactional Assessments document information sharing and mistreatment-related considerations prior to Release and Disclosure Officers/Authorities sharing information with a country or territory assessed to present a medium or high-risk of mistreatment to individuals.

(U//OUO) **Information Exchange Plans for Operations.** These plans are designed at the outset of an authorized named operation where it is reasonably expected that routine information or intelligence will be exchanged (on a frequency that would make Transactional Assessments prohibitive) during multilateral defence operations where at least one foreign partner has been assessed to be either medium or high-risk. As a likely example, an Information Exchange Plan for Operations may be required, vice a Transactional Assessment, on a multinational operation in which sharing information or intelligence is the inherent purpose of the operation.

(U) COLLABORATION WITH OTHER GOVERNMENT DEPARTMENTS AND AGENCIES

(U) NEXT STEPS

(U//OUO) DND/CAF will continue to implement its policy suite in a manner that enables DND/CAF personnel, as well as OGD/A partners, to understand their responsibilities under the Act. Activities identified to support this work in 2026 include:

- (U//OUO) **A review of completed PEAs across the Defence Intelligence Enterprise.** CFINTCOM RDCO will work closely with CFINTCOM's Directorate of Intelligence Review and Compliance and the operational commands to review extant PEAs and ensure that new ones are developed as required.

(U) CONCLUSION

(U//OUO) No immitigable substantial risks of mistreatment to individuals occurred in 2025.

(U//OUO) CFINTCOM RDCO held four DISWGs to provide timely policy advice to operational commands. One of these DISWGs was not summarized in this report as it was convened to discuss matters unrelated to how DND/CAF's authorized defence activities were conducted within the constraints of the statutory obligations of the Act.

[2] (U//OUO) Information or intelligence that could result in a substantial risk of mistreatment of individuals is characterized as Personally Identifiable Information; and, under some circumstances could include geo-locational information or imagery intelligence. In other words, *low-risk* information or intelligence, such as weather reporting, would not require a Partner Entity Assessment for a foreign entity located in a country with a medium or high-risk rating on its Country Human Right Profile.

(U//OUO) DND/CAF will continue to refine assessment tools and policy guidance to help DND employees and CAF members pursue authorized defence information sharing activities while ensuring compliance with the Act.