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Independent Special Rapporteur on Foreign Interference - Terms of reference

In the fulfillment of their duties, the Independent Special Rapporteur will be given access to Canadian national security intelligence resources, both classified material and personnel.

Mandate

The mandate of the Independent Special Rapporteur is to provide reports on a rolling basis to the Prime Minister, to be shared with Opposition Leaders and Canadians, targeting the completion of all work by the end of October 2023. In particular, while recognizing the challenges involved in these complex deliberations, given the public interest, interim recommendations on the advisability of additional mechanisms or transparent processes that in the opinion of the Independent Special Rapporteur may be necessary to answer any issues in connection with this mandate are requested no later than May 23, 2023. Recommendations regarding mechanisms or transparent processes could include the recommendation to initiate a formal public inquiry.

The work of the Independent Special Rapporteur will broadly follow five lines of effort:

1. To assess the extent and impact of foreign interference in Canada's electoral processes.
2. To review the Federal Government's information and actions about the threat of foreign interference to Canada's electoral processes both historically and particularly as relates to the 2019 and 2021 federal elections:
 - a. To determine what findings and recommendations were made by the Canadian Security Intelligence Service, Privy Council Office, the Protocol Panel and any other agencies and officials to address foreign interference in the two elections.
 - b. To determine what was communicated to the Prime Minister and his Office; other Ministers and their Offices; and Cabinet about electoral interference and what recommendations were made by agencies and officials to address it.
 - c. To determine what steps were taken by the Prime Minister and his Office; Ministers and their Offices; Cabinet and government departments and agencies to defend against or otherwise deal with electoral interference.
3. The Independent Special Rapporteur will consider the issues that are expected to be answered through the work of the National Security and Intelligence Committee of Parliamentarians and National Security and Intelligence Review Agency and will raise any outstanding questions of public interest or answers that are needed to ensure public confidence with respect to the issue of foreign interference during the 43rd (Forty-Third) and 44th (Forty-Fourth) General Elections, beyond those that will be answered by National Security and Intelligence Committee of Parliamentarians or National Security and Intelligence Review Agency;

4. The Independent Special Rapporteur will consider innovations and improvements in public agencies and their coordination to combat foreign interference in federal elections going forward including changes in the institutional design and co-ordination of government assets deployed to defend against or otherwise deal with such interference; and
5. To report on any other related matters of importance.

The Independent Special Rapporteur will report to the Prime Minister, with the reports to be shared promptly with Opposition Leaders and Canadians.

The Independent Special Rapporteur is authorized to:

- a. Adopt any procedures or methods they may consider expedient for the proper conduct of the mandate of the Independent Special Rapporteur, including reviewing any relevant records and documents or consulting as appropriate.
- b. For greater certainty, review any classified or unclassified records and documents, including, where necessary in their estimation to carry out their mandate, records protected by cabinet confidence.
- c. In accordance with Treasury Board policies, incur the following expenses in the course of their duties:
 - i. Travel and living expenses while in travel status in Canada while away from their normal place of residence in accordance with the Treasury Board Travel Directive and Special Travel Authorities;
 - ii. Expert staff, as required, and
 - iii. Any other reasonable expenses as necessary to conduct the independent review.

- d. Engage with the Commissioner of Canada Elections and the Chairs of National Security and Intelligence Committee of Parliamentarians and National Security and Intelligence Review Agency to ascertain the extent of their respective work in the area of foreign interference, while ensuring the independence of these institutions in the fulfillment of their mandates is respected.
- e. Engage with the Privy Council Office, Prime Minister's Office, national security bodies, including the Canadian Security Intelligence Service, Royal Canadian Mounted Police, Communications Security Establishment, Security and Intelligence Threats to Elections task force and protocol panel members to better understand how information flowed, what recommendations were given and what actions were taken.
- f. Engage with political parties on information flow and actions taken.
- g. To receive written submissions on these issues from interested persons.
- h. To report on the level of co-operation or failure to co-operate with the Independent Special Rapporteur in carrying out this mandate.

Date modified:

2023-03-21