

Women's International League for Peace and Freedom  
Ligue Internationale de Femmes pour la Paix et la Liberté  
Liga Internacional de Mujeres por la Paz y la Libertad  
رابطة النساء الدولية للسلام والحرية

*Consultative Status with UN ECOSOC, UNCTAD and UNESCO; Special Consultative Relations with FAO, ILO, and UNICEF*



20 September 2018

### **STATEMENT ON CANADA**

UN Human Rights Council 39th session (10 September 2018 to 28 September 2018)

*Item 6: Universal Periodic Review*

Les opérations des entreprises minières canadiennes à l'étranger, en particulier en Amérique latine, restent une source de préoccupation majeure compte tenu de leurs impacts néfastes en matière d'environnement, de droits humains et d'impacts socio-économiques sur les populations autochtones. Les femmes et les défenseurs des droits humains travaillant à protéger les droits de ceux affectés par ces opérations sont particulièrement exposés. Les personnes cherchant à accéder à la justice et à obtenir des réparations effectives au niveau national et devant les tribunaux canadiens font face à d'énormes difficultés. Les femmes sont confrontées à des obstacles supplémentaires et les femmes autochtones d'autant plus.<sup>1</sup>

Dans ce contexte, nous saluons la création en janvier de cette année d'un Ombudsperson canadien de la responsabilité des entreprises. Ceci marque une étape importante pour garantir l'accès à la justice et à réparation pour les individus et les communautés lésés par les activités des entreprises minières canadiennes opérant à l'étranger. Nous saluons également l'inclusion dans les critères de désignation de l'Ombudsperson d'une expertise de genre, ce qui aidera à garantir un accès à la justice sensible au genre.<sup>2</sup> Il est essentiel que l'Ombudsperson bénéficie aussi de solides pouvoirs d'enquête.

Over the years, numerous UN human rights bodies have urged Canada to address the human rights impacts of Canadian extractive companies operating abroad. They have also addressed the need to respect and protect the rights of Indigenous Peoples and in particular, of their right to free, prior and informed consent. Many States have echoed these recommendations in the UPR.

We hence welcome Canada's acceptance of recommendations 142.91 to 142.95 and 142.97 on strengthening measures to guarantee the accountability of Canadian companies with regard to human rights abuses committed abroad and to ensure access to remedies for victims.<sup>3</sup> Yet, we regret that Canada only noted recommendation

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<sup>1</sup> See, for example, concluding observations by CESCR: E/C.12/CAN/CO/6, paragraph 16, and the CEDAW Committee: CEDAW/C/CAN/CO/8-9, paragraph 19 (a). See also joint report submitted for the Universal Periodic Review (UPR) by WILPF and the *Plataforma Internacional contra la Impunidad*, available at: [https://wilpf.org/wp-content/uploads/2017/12/UPR\\_Canada\\_WEB.pdf](https://wilpf.org/wp-content/uploads/2017/12/UPR_Canada_WEB.pdf)

<sup>2</sup> <https://appointments.gc.ca/slctnPrCs.asp?menu=1&lang=eng&SelectionProcessId=4CC0AB04-7F58-4E47-97D5-F05D15B5BFB9>

<sup>3</sup> 142.91 Take further steps to prevent human rights impacts by Canadian companies operating overseas, as well as ensuring access to remedies for people affected, and share Canada's practices as appropriate (Thailand); 142.95 Exercise due diligence in dealing with business entities that are involved in illegal economic activities and human rights violations in the uncontrolled conflict-affected territories of other United Nations Member States (Azerbaijan); 142.97 Consistency with the United Nations guidelines with regard to the arrival of the victims of Canadian companies operating abroad to justice in Canada (Syrian Arab Republic).

142.5 on the ratification of ILO Convention 169<sup>4</sup> and recommendation 142.24 on the ratification of the Optional Protocol to ICESCR.<sup>5</sup> We also regret that Canada only noted recommendations 142.98, 142.99 and 142.100 on the creation of a national action plan on the implementation of the UN Guiding Principles on Business and Human Rights.<sup>6</sup> Nonetheless, we welcome that Canada is considering measures to strengthen its approach to responsible business conduct.

In this regard, WILPF urges Canada to:

- Implement the recommendations by the UN Working Group on the issue of human rights and transnational corporations and other business enterprises after its visit to Canada, in particular by requiring corporations to apply a gender lens to human rights and environmental impact assessments and by developing a gender-sensitive national action plan on the United Nations Guiding Principles, that includes all stakeholders, including women and Indigenous Peoples.<sup>7</sup>

Canada must also:

- Ensure that the Ombudsperson for Responsible Enterprise be granted with independent and unrestricted powers to compel the disclosure of and access to any and all documents and witnesses in the course of investigations;
- Adopt measures to facilitate gender-sensitive access to justice for women seeking justice and remedy for corporate abuse by Canadian companies both in and outside Canada;
- Ensure that all Canadian companies respect the legitimate role of human rights defenders and develop policies that address their protection, both in and outside Canada;
- Incorporate the free, prior and informed consent principle in Canadian law and ensure that Canadian businesses respect the right to free, prior and informed consent of Indigenous Peoples by carrying out meaningful consultations with Indigenous Peoples, including women, on all activities affecting their rights, including in their activities outside of Canada.

Finally, as a country committed to promoting gender and women's rights issues, we call on Canada to participate in the upcoming fourth session of the intergovernmental working group on transnational corporations and other business enterprises with respect to human rights and to promote the integration of a gender perspective into the treaty that is being drafted.

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<sup>4</sup> 142.5 Adhere to and/or ratify those international human rights instruments to which it is not yet a party, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO) (Honduras).

<sup>5</sup> 142.24 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Costa Rica) (Portugal) (Montenegro) (Spain).

<sup>6</sup> 142.98 Develop a national action plan for business and human rights (Switzerland); 142.99 Adopt a national action plan to implement the United Nations Guiding Principles on Business and Human Rights (Kenya); 142.100 Start work on the drafting of a national action plan to implement the Guiding Principles on Business and Human Rights, in cooperation with all stakeholders concerned (Belgium).

<sup>7</sup> HRC: A/HRC/38/48/Add.1, paragraph 79 (r).