



The Honourable Mark Eyking
Chair
House of Commons Standing Committee on International Trade
House of Commons
Ottawa, Ontario
By email: ciit-tpp-ptp@parl.gc.ca

June 30, 2016

Dear Mr. Eyking,

We are writing with respect to the Committee's consultations regarding the question of possible Canadian ratification of the Trans-Pacific Partnership (TPP). Amnesty International strongly urges the Committee to call on the government to:

- subject the TPP to an independent, expert, transparent and comprehensive human rights impact assessment and address any detrimental impacts that are identified, before proceeding with a decision to ratify; and
- take steps to strengthen the human rights accountability of Canadian companies in their overseas operations.

Amnesty International takes no position in support of or against free trade agreements between countries, such as the TPP. We do, however, remind governments of their obligation to ensure that all aspects of trade policy, including bilateral and multilateral agreements as well as specific trading relationships, fully conform to international human rights obligations. Trade has the potential to both positively and negatively impact on human rights protection. It is incumbent upon governments to maximize the former and guard against and avoid the latter.

Human Rights Impact Assessment

The TPP's provisions, both by way of what is included and what is not included in the terms of the agreement, stand to impact a substantial number of human rights that are protected in binding international legal standards, the Canadian Charter of Rights and Freedoms and other federal, provincial and territorial laws.

The specific human rights that may be impacted are wide-ranging and include among others gender equality, the rights of Indigenous peoples, the right to health, labour rights, privacy, freedom of expression and rights to food, clean water, safe sanitation and adequate housing. There may be concerns about discrimination as well given the potential for heightened impact on other vulnerable groups, including migrants and refugees, ethnic and racial minorities, persons with disabilities and persons living in poverty.

Given the considerable potential consequences for human rights protection, Amnesty International is calling on Canada to conduct an independent, expert, transparent and comprehensive human rights impact assessment of the TPP. We recently made this same call directly to Prime Minister Trudeau, President Obama and President Peña Nieto as part of the set of recommendations presented by Amnesty International leaders in Canada, the United States and Mexico in advance of yesterday's North American Leaders' Summit, given that all three North American governments are currently considering ratifying the TPP.

The human rights impact assessment should be carried out at this time, before a final decision about ratification is made. If Canada does go forward with ratification it is also critical that there be ongoing human rights impact assessments at regular intervals thereafter. Any potential harms identified by such assessments must be addressed to ensure compliance with international human rights standards.

Corporate Accountability

Consideration of the possibility of ratifying the TPP also brings into sharp focus the urgent need for strengthened laws, policy and institutions with respect to the human rights accountability for Canadian companies in their overseas operations. Be it potential new deals such as the TPP, or existing bilateral and multilateral trade deals, free trade agreements inevitably give rise to the prospect of much greater corporate activity across borders. But the reality is that in Canada, in the other TPP states and in countries around the world, governments have inadequate and generally non-existent laws and policies in place to ensure that corporations headquartered nationally are held to binding and enforceable human rights standards when they operate in foreign jurisdictions. As is the case with other trade deals, the TPP does not acknowledge this reality or address this concern. The risk that the TPP may, therefore, simply lay the ground for increased human rights abuses associated with transnational corporate activity is very serious.

Globally, Amnesty International calls on all states to implement binding legal and policy frameworks, consistent with the UN Guiding Principles on Business and Human Rights, to govern the overseas operations of corporations based within their jurisdiction. Those frameworks should include binding human rights standards, mechanisms for oversight and enforcement, and an assurance of access to an effective remedy for individuals and communities who suffer human rights abuses associated with the operations of foreign corporations.

In Canada, Amnesty International has joined with partners in the Canadian Network on Corporate Accountability in calling for:

- the establishment of an independent Extractive Sector Ombudsperson with the power to investigate complaints and make recommendations;
- the withdrawal of government support to companies that fail to respect human rights and the environment; and

- facilitating access to Canadian courts for people, including non-Canadians, who have been seriously harmed by the international operations of Canadian companies.

This need for strengthened corporate human rights accountability in Canada was well articulated in the 2007 Advisory Group Report from the National Roundtables on Corporate Social Responsibility and the Canadian Extractive Industry in Developing Countries. It also served as the basis for Bill C-300 (the “Responsible Mining Bill”), private member’s legislation that was narrowly defeated in the House of Commons in 2010. After nearly a decade of elaboration of the legal, policy and institutional changes that are needed, Amnesty International urges the Committee to press the government to move forward with these reforms without any further delay.

Sincerely,



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Béatrice Vaugrante
Directrice Générale
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cc. The Honourable Chrystia Freeland, Minister of International Trade
Members, House of Commons Standing Committee on International Trade