



Feb 1, 2021

To: Chair of the Standing Committee on Environment and Sustainable Development Francis SCARPALEGGIA, Vice Chair Monique PAUZÉ, Vice Chair Dan ALBAS and members of the ENVI Committee: MP Yvan BAKER, MP Laurel COLLINS, MP Joël GODIN, MP Matt JENEROUX, MP Lloyd LONGFIELD, MP Brad REDEKOPP, MP Raj SAINI, MP Ya'ara SAKS, MP Peter SCHIEFKE,

**Subject: Climate accountability bill (C-12) must be revised to protect human rights.**

Dear Members of the Standing Committee on Environment and Sustainable Development,

Amnesty International is a global human rights movement with over 400,000 members and supporters in Canada. Amnesty International is extremely concerned about the myriad of ways that climate change impacts human rights, including the right to health, food, water, shelter, life, and Indigenous rights. Climate change disproportionately impacts vulnerable communities and exacerbates inequalities. As such, we support strong, ambitious measures to tackle the climate crisis in a manner that is consistent with the 1.5C imperative under the Paris Agreement. In addition, we are concerned about the potential impacts that actions taken to combat climate change can have on human rights. It is imperative that climate policies are designed in a way that does not undermine human rights, but rather in a manner that respects, protects, and fulfills human rights and reduces inequalities. In other words, we need a “just transition”.

Canada’s announcement of a climate accountability bill (Bill C-12: Canadian Net-Zero Emissions Accountability Act) is a step in the right direction but is insufficient to ensure human rights protection in the face of climate change.

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Amnesty International urges the Standing Committee on Environment and Sustainable Development to apply the following recommendations when considering and amending Bill C-12 to ensure that the proposed legislation is consistent with human rights:

**1) Incorporate human rights principles into the Bill's preamble.**

To meet its international human rights obligations, Canada must ensure that the shift towards a zero-carbon economy and a more resilient society:

- addresses systemic inequalities, combats discrimination, and promotes gender, class, racial, disability and intergenerational justice;
- ensures a just transition for workers and communities impacted by the shift from a fossil fuel economy; and
- respects, protects and fulfils human rights.

These principles should be clearly set out in the bill's preamble.

**2) Strengthen emissions targets in line with Canada's international human rights obligations.**

The bill's target of net-zero emissions by 2050 is inadequate to meet Canada's human rights commitments. Under international human rights law, all states must take all feasible steps to the full extent of their abilities to reduce greenhouse gas emissions within the shortest possible time-frame both nationally and through international cooperation, in order to keep the average global temperature rise as low as possible and no higher than 1.5°C above pre-industrial levels. A failure to take such action will make states legally responsible for serious harm to human rights.

It is true that the Intergovernmental Panel on Climate Change recommends reducing global greenhouse gas emissions to net-zero by 2050 to limit the average global temperature rise to no higher than 1.5°C above pre-industrial levels; however, not all



countries can be expected to reduce emissions at the same rate. It would be unreasonable for example to demand that developing countries make this transition at the same pace as wealthier countries. Based on obligations under international environmental and human rights law, wealthy, industrialized countries like Canada, that have a greater responsibility for causing the climate crisis as well as greater resources and technological capacity, should move to zero carbon emissions by 2030 or as soon as possible thereafter. It is also crucial that the targets be achieved as much as possible by reducing emissions, while avoiding carbon removal mechanisms and other offsetting measures.

### **3) Demonstrate higher ambition in the short and medium term by adopting a 2025 target.**

According to Bill C-12, the Government of Canada is committed to achieving and exceeding its 2030 target. That's good to hear as Canada is one of the world's largest greenhouse gas emitters and its current 2030 target falls far short of what is needed. Amnesty International urges the Canadian government to demonstrate higher ambition, not just in the long, but also the short and medium term, as the country's current targets are highly incompatible with the imperative of limiting global warming to 1.5°C. Amnesty also recommends that Canada adopt a 2025 target to ensure that sufficient progress is being made before it is too late to adjust course.

### **4) Submit Canada's updated NDC without further delay**

Under the Paris Agreement, states were obliged to update their Nationally Determined Contributions by December 31, 2020, which Canada failed to do. Amnesty urges the Government of Canada to submit a substantially updated and ambitious Nationally Determined Contribution (NDC) as soon as possible in line with its international commitments. The enhanced NDC must be consistent with human rights obligations and set a target compatible with the 1.5°C imperative.

### **5) Ensure respect for Indigenous Rights.**



Amnesty was encouraged to see that Bill C-12 acknowledges the need for a rights-based approach in relation to the rights of Indigenous Peoples. The bill should ensure that climate measures fully respect the rights of Indigenous Peoples and all communities and groups impacted by such measures. In particular, just transition plans should be led by Indigenous Peoples who have an obligation to care for their territories. Just transition plans must also contribute to respecting, protecting and fulfilling Indigenous Peoples' inherent, treaty, constitutional and international rights to land, territory and resources and include the obligation to seek the free, prior and informed consent (FPIC) of Indigenous Peoples before moving forward with any transition project that may impact their rights.

**6) Take a rights-based approach to public participation that meaningfully engages those most affected by the climate crisis.**

When following a rights-based approach to public participation, it is essential that people are given the opportunity to meaningfully participate in decisions that affect them. Bill C-12 stipulates that the Minister will provide provincial governments, Indigenous Peoples, the advisory body, and interested persons, including any expert the Minister considers appropriate to consult, with the opportunity to make submissions. It is not clear in the bill who is meant by *interested persons*, but it is important that this include civil society organizations, the general public, and most importantly, the people and communities most affected by climate change and by measures to address climate change. Furthermore, the *opportunity to make submissions* does not in itself ensure meaningful participation. People and communities most impacted by climate change and measures to address climate change must have the opportunity to participate in the design, implementation, monitoring and evaluation of climate plans.

Additionally, meaningful participation needs to be underpinned by adequate information and education. And any barriers to participation must be identified and effectively addressed, especially considering Canada's obligations to consult and meaningfully

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engage with Indigenous Peoples, women, racialized communities, and people with disabilities.

### **7) Appoint human rights expert(s) to the advisory panel.**

Bill C-12 also mentions the establishment of an advisory body, whose mandate is to provide the Minister with advice with respect to achieving net-zero emissions by 2050. It will be important to appoint someone to the panel with human rights expertise to ensure that a rights-based approach is adhered to.

### **8) Include enforcement mechanisms to ensure compliance.**

Bill C-12 would benefit from a robust enforcement mechanism to ensure that the bill's objectives and targets are met. To date Canada has not met any of the emissions targets that it has set for itself during the past thirty years. The world is running out of time to combat the climate crisis and we cannot afford to miss any more targets. It is imperative that Canada takes extremely seriously its responsibility to climate-vulnerable communities in Canada and around the world and future generations, to decarbonize swiftly, and in a manner consistent with human rights.

In addition to the above recommendations, Amnesty International strongly encourages the Government of Canada to complement Bill C-12 with further policies and measures that tackle the human rights implications of the climate crisis domestically and abroad. We urge the Government of Canada to:

- Ensure access to effective remedy, including compensation, to people and communities, including Indigenous Peoples, whose rights have been negatively affected as the result of loss and damage caused by the climate crisis;
- Put in place human rights-consistent adaptation and disaster risk reduction measures to protect all people in Canada, and particularly groups



disproportionately affected by the climate crisis, from the foreseeable and unavoidable impacts of climate change;

- Adopt a whole-of-economy strategy to ensure every sector is transformed and equipped to best protect human rights in the face of the climate crisis;
- Regulate businesses to ensure they reduce emissions in a manner compatible with the 1.5C imperative, and respect human rights throughout their supply chains; and
- Substantially increase funding and support for developing countries to help increase their capacity to reduce emissions and protect people facing the impacts of the climate crisis, including through stronger adaptation measures. In climate negotiations, Canada should support the establishment of adequate mechanisms to mobilize new and additional finances to provide means, support and remedy, including compensation, to people and communities, including Indigenous peoples, whose rights have been negatively affected as the result of loss and damage caused by the climate crisis in climate-vulnerable developing countries.

To conclude, Canada is *obligated under international human rights law* to take all feasible steps to the full extent of its abilities to reduce greenhouse gas emissions within the shortest possible timeframe, and to do so in a manner that is consistent with human rights. If adopted, these recommendations will help to ensure that Bill C-12 is consistent with Canada's human rights obligations. Please don't hesitate to contact me if you have any questions or if you wish to discuss this matter further.

Sincerely,

Fiona Koza  
Business and Human Rights Campaigner  
Amnesty International Canada

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