

February 20, 2023

To the members of the Standing Committee on International Trade,

I am writing to you on behalf of the [40 members](#) of the Canadian Network on Corporate Accountability (CNCA). We urge you to take immediate action to prevent serious human rights violations and environmental damage from continuing in the global operations of Canadian mining companies.

We would also like to call your attention to our network's position that the current draft of Bill S-211 (*Fighting Against Forced Labour and Child Labour in Supply Chains Act*) would not help address abuses linked to Canadian mining companies operating abroad. Instead, the bill would do more harm than good, especially if its proponents exaggerate the bill's obligations for companies. [Commentary](#) from Penelope Simons, University of Ottawa law professor and Gordon F. Henderson Chair in Human Rights, affirms that, contrary to what was stated at committee, Bill S-211 would neither require companies to examine their supply chains nor ensure that there is no forced labour in their supply chains. Attached is a more detailed brief that we prepared for the Foreign Affairs and International Development Committee's study of Bill S-211.

Below is a high-level summary of our concerns and proposals.

***1. Canadian mining firms are linked to serious human rights abuse and environmental damage worldwide. It is urgent that Canada take action.***

Canadian mining companies operating abroad are linked to serious human rights violations and environmental damage around the world. For example, there are well-documented allegations of serious bodily harm, death and gang rape linked to security personnel and/or police at Canadian mines in [Tanzania](#), [Papua New Guinea](#) and [Guatemala](#). Additional examples can be found in this CNCA [brief](#) to the office of the Minister of International Trade; this [brief](#) from the Justice and Corporate Accountability Project to the UN Working Group on Business and Human Rights; and the submission from MiningWatch Canada to this CIIT study.

Canada does not have adequate measures to prevent these harms from occurring or to help ensure that victims can access remedy and hold companies to account. For a detailed list of CNCA's policy recommendations, please consult our [submission](#) to the 2020 review of Canada's CSR Strategy. Our position on the CORE is summarized in this [brief](#) to the SDIR subcommittee. Challenges in accessing basic information about Canadian government support to companies accused of abuse is highlighted in this [brief](#) on *Imai v Canada* (Goldcorp). Examples of Crown corporation EDC's financing of companies linked to abuse are [here](#).

## ***2. This issue matters to Canadians and the international community***

Canada's failure to effectively regulate companies, investigate harms and ensure access to remedy for victims is damaging to our global reputation and an impediment to fulfilling our international human rights commitments. This failure has attracted the attention of UN and regional human rights bodies,<sup>1</sup> communities and workers from around the world,<sup>2</sup> and Canadians from across the country.<sup>3</sup>

With more and more countries implementing mandatory human rights and environmental due diligence laws, Canada is falling further behind. Furthermore, Canadian businesses will not benefit from reduced reputational risk and the level playing field that accompanies *effective* regulation, such as that advanced in France, Germany and the Netherlands. This [map and comparative table](#) shows the scope of European momentum.

## ***3. Canada needs comprehensive measures for tackling corporate abuse***

A robust response to Canadian mining abuse abroad would be legislation that:

- requires companies to prevent human rights violations and undertake due diligence;
- helps impacted people and workers access remedy; and
- applies to all human rights in recognition of the fact that human rights are indivisible, interdependent and interrelated.

Thank you for your time and consideration. We remain available for any further consultation or information required. We reiterate our offer to connect Committee members with directly impacted people around the world.

Best regards,



Emily Dwyer  
Policy Director, Canadian Network on Corporate Accountability  
Tel: 819-592-6657

---

<sup>1</sup> Including the UN Working Group on Business and Human Rights, the UN Committees on the Elimination of All Forms of Racial Discrimination and the Elimination of Discrimination Against Women, the UN Human Rights Committee, the International Committee on IESCR and the Inter-American Human Rights Commission. See here for more information.

<sup>2</sup> For example, this letter from 240 signatories from 56 countries.

<sup>3</sup> Over [500,000 postcards](#) were sent to members of Parliament in 2009 to call for accountability for Canadian mining companies engaged in abuses overseas. Over [80,000 signed action cards](#) calling for an ombudsperson for the overseas extractive sector were delivered to MPs at a rally on Parliament Hill in 2014. Tens of thousands of other Canadians have joined the Open for Justice campaign through petitions, letter writing and meet-your-MP events organized by CNCA members across the country. Most recently, CNCA member Development and Peace has collected 28,000 signatures in its people and planet first campaign.

## **Appendix A: United Nations commentary calls on Canada to facilitate access to remedy**

Canada's failure to regulate and ensure access to remedy for harms associated with Canadian business activity overseas is inconsistent with Canada's international human rights obligations and has attracted the attention of the United Nations. For example, from 2007 to 2016, at least four United Nations treaty monitoring bodies called attention to human rights violations by Canadian extractive companies overseas and called on the Canadian government to take steps to prevent abuses and facilitate access to justice and remedy.

In **November 2016, the International Committee on the Elimination of Discrimination Against Women**, at paragraphs 18 and 19, expressed concern about violations of the rights of women and girls by Canadian mining companies operating abroad and recommended that Canada "strengthen its legislation governing the conduct of corporations registered or domiciled in the State party in relation to their activities abroad, including by requiring those corporations to conduct human rights and gender impact assessments before making investment decisions" and "adopt measures to facilitate access to justice for women who are victims of human rights violations and ensure that judicial and administrative mechanisms put in place take into account a gender perspective." [CEDAW concluding observations](#)

In **March 2016, the International Committee on Economic, Social and Cultural Rights**, at paragraphs 15 and 16, highlighted the need for Canada to introduce an independent mechanism for complaints, to facilitate access to Canadian courts, and to ensure trade and investment agreements recognize the primacy of human rights. [ICESC concluding observations](#).

In **July 2015, the United Nations Human Rights Committee** Report, at paragraph 6, called on Canada to: "enhance the effectiveness of existing mechanisms to ensure that all Canadian corporations under its jurisdiction, in particular mining corporations, respect human rights standards when operating abroad; (b) consider establishing an independent mechanism with powers to investigate human rights abuses by such corporations abroad; and (c) develop a legal framework that affords legal remedies to people who have been victims of activities of such corporations operating abroad." [UNHRC report](#)

In **2007 and 2012 the United Nations Committee on the Elimination of All Forms of Racial Discrimination** recommended that Canada "take appropriate legislative measures to prevent transnational corporations registered in Canada from carrying out activities that negatively impact on the enjoyment of rights of Indigenous peoples outside Canada, and hold them accountable." In 2012, the Committee expressly stated that Canada's CSR Strategy did not fulfill this recommendation: [CERD concluding observations](#).