

March 20, 2018

Ms Cheryl Urban
Director General
Latin America and Caribbean Bureau
Global Affairs Canada
125 Sussex Drive
Ottawa, Ontario
K1A 0G2

Dear Ms Urban,

We are writing in response to the invitation from Global Affairs Canada to provide input towards preparation of this year's annual report on Human Rights and Free Trade Between Canada and the Republic of Colombia.

After careful consideration, Amnesty International has decided not to make a submission to this year's process or to any similar future process unless there is a substantial change in scope and methodology for the report. We would like to take the opportunity to provide our rationale for this decision.

During the negotiation of the Canada Colombia Free Trade Agreement, amidst grave concerns about the alarming human rights situation in Colombia, particularly in areas of economic interest for investors, Amnesty International advocated strongly for Canada to exercise due diligence so as to ensure that Canadian investments in Colombia promoted by the CCOFTA would not exacerbate or benefit from existing human rights violations. We specifically called for Canada to commission a comprehensive, independent, impartial human rights impact assessment (HRIA) and to address any concerns identified by such an assessment. We urged that such an assessment take place before the CCOFTA were to enter into force and at regular intervals thereafter.

We have consistently continued to call for such an impact assessment since the CCOFTA was signed and implemented with the addition of an annual legal requirement to table a report on Human Rights and the Canada Colombia Free Trade Agreement. Our request has been consistently declined.

As we have said repeatedly in our submissions to Global Affairs Canada, including in 2017, Amnesty International continues to be deeply concerned that the Government of Canada chooses to interpret its human rights reporting responsibilities in a limited and restrictive manner that ignores and overlooks pressing human rights concerns directly related to critical trade, investment and business policy and activities that are encouraged, promoted and furthered by the CCOFTA.

For instance, the report prepared in 2017, like those prepared in 2012, 2013, 2014, 2015 and 2016, very notably failed to assess one of the most significant trade-related human rights concerns in Colombia; the rapidly increasing presence of extractive companies in and around the territories of Indigenous peoples amidst armed conflict, grave human rights violations and forced displacement that, according to Colombia's Constitutional Court, threaten more than one-third of Indigenous nations in Colombia with physical or cultural extermination.

Last year, Amnesty International once again urged the government to embrace best practices championed by leading experts in the field of trade and human rights, and produce a meaningful report in 2017, enabling Canada to proceed with due diligence, in compliance with international standards and its duty to protect human rights. We insisted that such an approach is not only possible, but an essential underpinning of a progressive, human rights-based approach to trade and to Canada's economic policy more broadly.

We also stated: "Given the importance of Canadian investment in the extractive sector in Colombia, it is very troubling that the government continues to insist that the expanded opportunities and stability for Canadian investment in the extractive sector in Colombia under the free trade agreement lies outside the scope of evaluation and analysis of the human rights report. In reality, this defies logic. It defies methodological rigour. It leads to obvious questions as to why the government would intentionally look the other way. The end result is lack of accountability. But the other consequence is lack of credibility in the eyes of civil society both in Canada and in Colombia, where the issue of human rights in areas of resource extraction can literally be about life and death."

Our recommendation with regard to preparation of the 2017 report on human rights and free trade between Canada and Colombia, which reiterated our recommendation in previous years, was the following:

Experience has proven that promoting trade and investment in conflict zones carries significant risks of exacerbating or benefiting from human rights violations. The ongoing dangerous situation of human rights in Colombia, despite a peace agreement with the FARC and the start of negotiations with the ELN, means that Canada's actions going forward are vitally important.

We urge the Government of Canada to show leadership and undertake an impartial, comprehensive, independent human rights impact assessment that complies with benchmarks set out by international experts like the UN Special Rapporteur on the Right to Food, amongst others, and assesses important sectors, including resource extraction and investments promoted by the free trade agreement. It is only with such an assessment, as recommended by the Standing Committee on International Trade in its June 2008 report, that the Government of Canada can make sound, responsible decisions to ensure that Canadian commerce in Colombia is not contributing to or benefiting from human rights violations.

Unfortunately, our recommendation was not taken up and the 2017 report of the Government of Canada, like the reports before it, focused narrowly on an assessment of the impact of tariffs on human rights and avoided analysis of the human rights impact of Canadian investment in Colombia. The end result is a lack of substance, meaningful analysis, relevant information and, ultimately, credibility; all of which has caused us to withdraw from the process at this time.

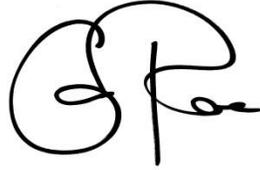
Without guarantees that the scope and methodology for the report in 2018 has been broadened, we are not prepared to participate in a process that in our view will not produce a meaningful assessment to guide Canadian decision-making with regard to trade, investment and human rights in Colombia.

Amnesty International Canada remains open to participation in the future, should the scope and methodology be changed in line with international benchmarks for independent human rights impact assessment of trade agreements. We also remain committed to dialogue with the Government of Canada with regard to human rights in Colombia.

Sincerely,



Alex Neve
Secretary General
Amnesty International Canada
(English branch)



Geneviève Paul
Directrice générale par intérim
Amnistie internationale Canada francophone

cc. The Honourable François-Philippe Champagne, Minister of International Trade