

New law would create Human Rights Ombudsperson to investigate violations associated with Canadian mining, oil and gas operations overseas

Ottawa, Nov 2, 2016 – The Canadian Network on Corporate Accountability released today detailed model legislation, providing the Canadian government with a blueprint for how to create an effective human rights ombudsperson in the extractive sector.

Human rights abuses at Canadian mining and oil and gas sites around the world are widespread and well documented. Victims of such abuse in local communities have nowhere to turn to seek justice, including in Canada. A new model law being launched today will help the Canadian government fulfill its promise to remedy human rights abuses and prevent future harm, as well as help create a more predictable and stable operating environment where the responsible business practices of Canadian companies are recognized and rewarded.

Examples of widespread human rights violations involving Canadian mining companies in Latin America are detailed in a report launched last Monday, The “Canada Brand.” This report identifies violence associated with 28 Canadian mining companies’ projects in Latin America, including 40 deaths.

“In our globalized world we can’t hide behind the idea that the harm is happening somewhere else and is someone else’s problem,” says Alex Neve, Secretary General, Amnesty International Canada. “Canadian companies need to respect human rights. Canada needs mechanisms to allow those who feel they have suffered harm to seek redress – our international human rights commitments require it. This model legislation couldn’t come at a better time to help the government show concrete leadership in protecting human rights on the international stage.”

Recent reports on widespread violence at Canadian mines in Latin America and targeted attacks on environmental and human rights defenders near mining developments demonstrate the urgency to act now.

“People in the global South are demanding respect for their rights by transnational mining companies,” said Emily Dwyer, Coordinator of the Canadian Network on Corporate Accountability (CNCA). “The urgency is not lost on Canadians. Over 100,000 Canadians and more than 50 Canadian organizations are calling for the creation of an extractive sector ombudsperson.”

There are currently two mechanisms in Canada that can receive complaints of local communities relating to overseas operations of Canadian extractive companies (the Office of the Extractive Sector CSR Counsellor and the National Contact Point for the OECD Guidelines). However, these mechanisms lack investigatory powers and independence, are not mandated to recommend remedy or to engage in follow-up and monitoring activities and neither of them has proven effective in resolving cases. They lack the confidence of stakeholders.

“When worker and community complaints are not addressed, Canadian mining companies can face long delays in project approvals or operational interruptions with serious financial repercussions.” said Barb Byers, Secretary Treasurer, Canadian Labour Congress. “A human

rights ombudsperson that effectively addresses complaints can help repair Canada's international reputation, and will contribute to a more stable and predictable operating environment and level playing field for Canadian companies that implement responsible business practices".

Most Canadian political parties, including all opposition parties in the last Parliament, have committed to create an independent human rights ombudsperson for the extractive sector. Today's model legislation provides the roadmap to do so swiftly and effectively because when it comes to human rights abuse, unlawful and unethical practices, and destruction of livelihoods and environmental degradation, talk is not enough.

"A Canadian company facing credible allegations of overseas human rights abuses should be subject to investigation by an independent and impartial mechanism," said Emily Dwyer. "Right now all you can get is the chance to talk to the company, and at least half of complaints don't even get that far."

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Background:

- Formed in 2005, the CNCA brings together [30 environmental, human rights, religious, labour and solidarity groups](#) from across Canada and collectively represents the concerns of millions of Canadians from coast to coast to coast. We are connected with communities, workers, Indigenous peoples, environmental and human rights defenders from around the world. The CNCA has one simple mission: we work tirelessly to ensure that Canadian mining, oil and gas companies respect human rights and the environment when working abroad. To do this, we advocate for policy and law reform, we monitor government policy and we provide advice to ensure that both government and business uphold Canada's international human rights and environmental commitments.
- [The "Canada Brand": Violence and Canadian Mining Companies in Latin America](#), a report released on October 24, 2016 by the Justice and Corporate Accountability Project at Osgoode Hall Law School, documented "troubling incidents of violence associated with Canadian mining companies in Latin America."
 - o It found incidents (corroborated by two independent sources"):
 - involving 28 Canadian companies
 - 44 deaths, 30 of which were classified as "targeted"
 - 403 injuries, 363 of which occurred in during protests and confrontations
 - 709 cases of "criminalization", including legal complaints, arrests, detentions and charges.
 - o It found that, in general, neither the Canadian government nor industry are monitoring or reporting on these incidents.
- The United Nations Special Rapporteur on Human Rights Defenders [reported on October 21, 2016](#) that attacks against human rights and environmental defenders are particularly high in mining zones and that action is rarely effective in dealing with complaints.
- During the 2015 federal elections, the Liberal Party of Canada, New Democrats, Green Party and Bloc Quebecois [committed to implementing an independent ombudsperson office](#).
- CNCA coordinated civil society participation at the 2006-7 National Roundtables on mining in developing countries. The [report of the Advisory Group](#) included a consensus recommendation (from industry and civil society representatives) calling for the creation of an ombudsperson.
- In the fall of 2016, [51 Canadian organizations signed a statement](#) calling on Canada to close an international accountability gap, including creation of ombudsperson.
- In 2013, the CNCA launched the [Open for justice campaign](#), calling for the creation of an Extractive Sector Ombudsperson and access to Canadian courts for those seriously harmed by Canadian mining, oil and gas operations overseas. Over 100,000 Canadians have joined the campaign.