

Inter-American Commission on Human Rights
Organization of American States
1889 F St., N.W
Washington, D.C. 20006, USA

October 22, 2026

To: The Inter-American Commission on Human Rights

Re: Canada's Ongoing Failure to Meet its International Obligations to Regulate the Operations of Canadian Extractive Companies Abroad

In 2019, a Canadian Federal Court Judge commented that, had the Canadian Embassy “acted in a certain way” while promoting a mining project in Mexico “perhaps [Mariano] Abarca would not have been murdered”.¹ Mariano Abarca was a community leader murdered in 2009 in the context of his opposition to the social and environmental impacts of a Canadian mine operating in his home community. Even after the Embassy received direct testimony from Abarca, and over a thousand letters expressing concern for his safety, government records show that the Embassy continued its direct, robust support for the mining project.² Despite this, Canadian authorities have refused to investigate and Canadian courts have found that applicable human rights policies were not binding on government officials.³

This story of injustice and impunity is just one of many cases that informs this letter in support of the upcoming hearings of the 197 Period of Sessions of the Inter-American Commission on Human Rights (IACHR). Endorsed by the undersigned 123 organizations, legal experts and academics, this letter explains Canada's ongoing failure to fulfill its international obligations to communities affected by Canadian extractive companies operating abroad.⁴ Part 1 outlines research documenting the harms linked to these companies' operations, alongside Canada's long-standing support for the sector. This context anchors our argument in Part 2, that Canada has an international obligation to prevent, investigate, sanction and remedy human rights violations perpetrated by Canadian companies outside its territory. In Part 3, we explain why Canada's current legal and policy framework fails to meet this obligation. Finally, in Part 4, we reiterate recommendations that numerous organizations and international bodies have made to Canada for more than two decades, and which Canada has repeatedly failed to implement.

¹ *Gordillo v. Canada (Attorney General)* (2019) FC 950 at para 66, [online](#).

² Jennifer Moore & Gillian Colgrove, “Corruption, Murder and Canadian Mining in Mexico: The Case of Blackfire Exploration and the Canadian Embassy” (May 2013), MiningWatch Canada, United Steelworkers and Common Frontiers, [online](https://perma.cc/W8CU-VPCX) [https://perma.cc/W8CU-VPCX] [Moore and Colgrove].

³ *Gordillo v. Canada (Attorney General)* (2019), supra note 1 at paras 35, 66.

⁴ The Justice and Corporate Accountability Project (JCAP) is a Canadian national legal organization with a mission to support communities adversely affected by Canadian extractive companies' extraterritorial activities, as well as their civil society allies.

1. Canada enables extractive companies operating abroad despite documented links to human rights violations across the sector

Approximately half of publicly listed mining companies worldwide are based in Canada, with business activities in 95 countries. More than two-thirds of the sector's assets are invested abroad, with half of these investments concentrated in Latin America and the Caribbean.⁵ The prominence of the sector is due in part to Canada's well-documented and long-standing economic, political and legal support. Canada offers companies competitive tax arrangements, securities regimes designed to promote mining,⁶ and legal protection through dozens of international trade and investment agreements in Latin America and Africa.⁷ Canada also provides direct financial support with sizable Canada Pension Plan investments, and favourable loans and other financial services through Export Development Canada (EDC), one of the largest state-based export credit agencies in the world.⁸ In terms of political support, "economic diplomacy" is the "driving force" behind Canada's trade promotion, offering companies "privileged access to foreign governments, business leaders and decision-makers," in addition to "on-the-ground intelligence".⁹ Finally, Canada's foreign aid programs have often been designed to support the sector.¹⁰

These forms of Canadian government support persist despite well documented concerns for almost three decades. As early as 1999, a Canadian federal mission to Sudan found that Canadian company infrastructure was implicated in widespread violence and alleged war crimes.¹¹ In 2005,

⁵ Natural Resources Canada, *Canadian Mining Assets Information Bulletin*, January 2026, [online](#). For more information on how these numbers compare globally and why Canadian exchanges are so attractive for mining companies, see: Shin Imai, "Social Conflict and Indigenous Consent in Mining: A Primer on CSR, ESG and Social disclosures to Investors", 2025, All Papers, 389, [online](#) [Imai].

⁶ Imai, *supra* note 5 at p. 7; Alain Deneault, *Canada: A New Tax Haven: How the Country That Shaped Caribbean Tax Havens Is Becoming One Itself* (Vancouver: Talonbooks, 2015); Canadian Network on Corporate Accountability & JCAP, "Human Rights, Indigenous Rights and Canada's Extraterritorial Obligations. IACHR Thematic Hearing for 153rd Period of Sessions, 28 October 2014", p. 6, [online](#) [CNCA (2014)].

⁷ Government of Canada, "Canada's international trade and investment agreements", 2026, [online](#); Mining Association of Canada, "The Mining Story 2025, Canadian Mining Industry Facts and Figures", [online](#), p. 93; Hadrian Mertins-Kirkwoo, "A Losing Proposition: The Failure of Canadian ISDS Policy at Home and Abroad", 2015, Canadian Centre for Policy Alternatives, [online](#).

⁸ Above Ground, "Eye on Export Development Canada", 2019, [online](#) [Above Ground]; Karyn Keenan & Karen Hamilton, "Export Credit Agencies and Human Rights: Failure to Protect", 2015, Halifax Initiative, Both Ends, CounterCurrent, Forum Suape & Rios Vivos, [online](#); Canadian Network on Corporate Accountability and Polaris Institute, "Submission to the Economic, Social and Cultural Rights Unite of the Inter-American Commission on Human Rights", 2016, p.10, [online](#).

⁹ Government of Canada, Department of Foreign Affairs, Trade and Development, "Global Markets Action Plan: The Blueprint for Creating Jobs and Opportunities for Canadians Through Trade", 2013, [online](#); Government of Canada, "Trade Commissioner Service – Eligibility and Services" (last modified 1 March 2023), [online](#) [perma.cc/K855-5WXR]; United Nations Human Rights Council, "Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises", 2018, UN Doc A/HRC/38/48, at paras 9 and 24.

¹⁰ Stephen Brown, "Mining self-interest? Canadian foreign aid and the extractive sector in Mongolia", *Canadian Journal of Development Studies / Revue Canadienne d'études Du Développement*, 2023, 44(4), 645–664, [online](#); Kim Mackrael, "Commercial motives driving Canada's foreign aid, documents reveal," *The Globe and Mail*, January 8, 2014, [online](#); Stephen Brown, *Struggling for Effectiveness: CIDA and Canadian Foreign Aid* (McGill-Queen's University Press, 2015).

¹¹ Penelope Simons and A. Macklin, *The Governance Gap: Extractive Industries, Human Rights and the Home State Advantage* (Routledge, 2014), pp. 1-3, 22-78.

after hearing testimonies on these issues, a federal parliamentary committee found that “mining activities in some developing countries have had adverse effects on local communities”.¹² In a 2007 report following national roundtables on the topic, a federally convened expert advisory group reported issues with: environmental concerns, human rights, security and armed conflict, labour relations, benefit sharing with local communities, ineffective legal systems and the potential for corruption.¹³

Civil society organizations (CSOs) and academics have published myriad reports that link Canadian mining companies and a wide range of human rights violations in connection with their operations abroad.¹⁴ This includes: damage to the environment, livelihood and health; lack of participation, consent, inadequate consultation, and irregularities in property acquisition; criminalization and violence against human rights defenders, including Indigenous leaders; lack of equitable benefits sharing; and corruption.

In 2016, the Justice and Corporate Accountability Project (JCAP) published a comprehensive study systematically documenting reported incidents of violence and criminalization associated with Canadian mining companies operating in Latin America over the preceding fifteen-year period.¹⁵ It found that 44 people were killed, over 400 people were injured and over 700 people

¹² House of Commons Standing Committee on Foreign Affairs and International Trade, “Mining in Developing Countries: Corporate Social Responsibility”, 2005, 38th Parl, 1st Sess, 14th Rep, [online](#).

¹³ Advisory Group Report, “National Roundtables on Corporate Social Responsibility (CSR) and the Canadian Extractive Industry in Developing Countries”, 2007, pp. 4-5, [online](#).

¹⁴ For example: Working Group on Mining and Human Rights in Latin America, “The Impact of Canadian Mining in Latin America and Canada’s Responsibility: Executive Summary of the Report Submitted to the Inter-American Commission on Human Rights”, 2013, [online](#) [Working Group on Mining]; Rights and Democracy, “Human Rights Impact Assessment of Foreign Investment Projects: Learning from Community Experiences in the Philippines, Tibet, the Democratic Republic of Congo, Argentina, and Peru”, 2007, [online](#); Brant McGee, “The Community Referendum: Participatory Democracy and the Right to Free, Prior and Informed Consent to Development”, 2009, 27:2 BJIL 570; Mariana Walter & Joan Martinez-Alier, “How to be Heard When Nobody Wants to Listen: Community Action against Mining in Argentina”, 2010, 30 Can J Dev Stud 281; Jen Moore, “In the National Interest? Criminalization of Land and Environment Defenders in the Americas”, 2015, MiningWatch Canada, [online](#); Todd Gordon & Jeffery R Webber, *Blood of Extraction: Canadian Imperialism in Latin America* (Fernwood Publishing, 2016); “Posición de la Iglesia católica ante vulneración y abusos contra los derechos humanos de las poblaciones afectadas por las industrias extractivas en América Latina,” (Audiencia pública ante la Comisión Interamericana de Derechos Humanos 154th Sess, 19 March 19 2015), [online](#); Human Rights Research and Education Centre, “Extraterritoriality and Responsibility of Home States in the Protection of Human Rights for the Activities of Extractive Industries in Latin America” (Thematic Hearing for Inter-American Commission on Human Rights delivered at 154 Period of Sessions on Corporations, Human Rights and Prior Consultation in the Americas, 17 March 2015); Human Rights Research and Education Centre et al, “Measures to prevent human rights violations by Canadian extractive industries that operate in Latin America” (December 7, 2017); Véronique Plouffe, “Canada’s Claim that it Champions Human Rights is at Odds with its Mining Practices”, January 26, 2025, The Conversation, [online](#); Human Rights Clinic (Columbia Law School) and International Human Rights Clinic (Harvard Law School), “Righting Wrongs? Barrick Gold’s Remedy Mechanism for Sexual Violence in Papua New Guinea: Key Concerns and Lessons Learned”, November 2015, [online](#); Amazon Watch et al, “Unmasking Canada: Rights Violations Across Latin America”, 2023, [online](#); Catherine Coumans, “Canada’s Mining Dominance and Failure to Protect Environmental and Human Rights Abroad: Brief Accompanying Testimony provided by Catherine Coumans of MiningWatch Canada on February 6, before The House of Commons’ Standing Committee on International Trade (CIIT)”, 2023, [online](#).

¹⁵ Justice & Corporate Accountability Project, “The ‘Canada Brand’: Violence and Canadian Mining Companies in Latin America”, 2016, [online](#) [JCAP (2016)].

were criminalized in conflicts related to Canadian mining companies.¹⁶ The report concluded that there is *proximity* between Canadian mining abroad and violence, and it explored the concept of *complicity* in order to understand the relationship between companies and the violence it documented.¹⁷

In a sequel 2026 study, this time focusing on incidents reported on the African continent between 1999 and 2026, JCAP has documented credible reporting of violence, militarization, forced displacement, environmental harms, the silencing of critique, labour violations, corruption, and the exploitation of Canadian economic diplomacy in cases involving 23 companies in 17 African countries. JCAP concluded that these allegations suggest a “habitual *modus operandi*”, where Canadian extractive companies benefit from weak regulatory environments abroad and limited accountability at home.¹⁸

Researchers have also reported a link between Canadian economic diplomacy and human rights violations. Five substantial studies, based on documents disclosed through access to information requests, detail how companies use Canadian diplomatic support to undermine the rights and safety of affected communities.¹⁹ These records establish that Canadian public servants: (1) continued to aggressively support companies, despite being on notice of alleged rights violations; (2) routinely disregarded Canada’s applicable domestic and international obligations; and, (3) contributed to the risk of harm for human rights defenders, including by undermining communities’ efforts to defend their rights and access justice.²⁰ One of these studies is connected to two petitions currently before the IACHR at the admissibility stage.²¹

¹⁶ *Ibid*, p. 4.

¹⁷ The report found a link between a Canadian mining project and violent conflict where at least two independent reports provide information or analysis that credibly established that the project’s presence was likely to have made a substantial contribution to violence or criminalization. It uses the concept of complicity to refer to an act, or failure to act, that enables violence to occur, exacerbates the occurrence of abuse, or facilitates abuses: *ibid*, pp. 11, 28.

¹⁸ Justice & Corporate Accountability Project, 2026, *The ‘Canada Brand’ in Africa: Human Rights and Environmental Conflict in Extractive Industries* (on file with authors).

¹⁹ Charlotte Connolly & Charis Kamphuis, “The Two Faces of Canadian Diplomacy: Undermining International Institutions to Support Canadian Mining”, February 2022, Justice and Corporate Accountability Project, [online](#); Moore & Colgrove, *supra* note 2; Jen Moore, “Unearthing Canadian Complicity: Excellon Resources, the Canadian Embassy, and the Violation of Land and Labour Rights in Durango, Mexico”, February 2015, MiningWatch Canada and United Steelworkers, [online](#) [<https://perma.cc/S36H-95B4>]; Charis Kamphuis, et al., “The Two Faces of Canadian Diplomacy: Undermining Human Rights and Environmental Defenders to Support Canadian Mining”, December 10, 2022, Justice and Corporate Accountability Project, [online](#).

²⁰ Justice and Corporate Accountability Project and MiningWatch Canada, “Submission to the UPR Working Group of the United Nations Human Rights Council in anticipation of the 2023 Universal Periodic Review of Canada”, 2023, [online](#) [JCAP (2023)].

²¹ *Petition Against Canada for Violations of the Right to Life and Other Rights of Mariano Abarca* (P-1015-23), June 2, 2023, [online](#) [IACHR Petition (Canada)]; *Mariano Abarca Roblero y familia* (México) (P-1196-17); Moore and Colgrove, *supra* note 2.

2. Canada has international obligations to regulate the extraterritorial activities of extractive companies domiciled in Canada

The previous section highlighted Canada's longstanding policies and practises of institutional support and, in many cases, direct assistance to the extraterritorial activities of extractive companies domiciled in Canada despite the demonstrated harms the industry has caused to human rights and the environment. As an OAS member, Canada has a duty to respect and guarantee certain fundamental rights as enshrined in the *American Declaration of Rights and Duties of Man* and interpreted by international human rights bodies.²²

In their seminal report on business and human rights, the IACHR and REDESCA recognized that this duty applies extraterritorially whenever states, through their conduct or influence, produce foreseeable effects on the enjoyment of rights outside their borders (paras 152-3).²³ The stronger the degree of state influence, the stricter this duty (paras 167, 306-08). Influence over rights can be measured through influence over a corporate national, for example, through domestic regulation, as well as through the relationship between the state's behavior and the factors that threaten or enable human rights violations related to corporate activities (paras 162, 167, 312). Certainly, when home state influence in a given situation is significant, the potential to impact specific rights may trigger specific obligations towards affected individuals or groups (paras 152, 162-7), particularly when serious harm is foreseeable, such as a violation of the right to life.²⁴

This framework informs two interrelated forms of international responsibility on the part of Canada. The first is a general obligation to regulate the sector in light of Canada's enabling and institutional support, as well as the known risks mining poses to human rights abroad. The second is a specific obligation to a defined group of individuals, when Canada has knowledge that a business domiciled in Canada may have threatened or violated the human rights of those individuals (para 79). We note that this latter situation is the basis of a petition against Canada currently before the IACHR.²⁵ However, the remainder of this letter will focus primarily on the former obligation, namely, to effectively regulate the sector to prevent harm, and to ensure access to an effective remedy in Canada.

The IACHR and REDESCA report recognized that the extraterritorial duty to respect and guarantee the exercise of rights in the context of business activities can include the following

²² I/A Court H.R. Advisory Opinion OC-10/89 of July 14, 1989. Series A No. 10, paras. 35-45; IACHR. Towards the Closure of Guantanamo. OEA/Ser.L/V/II. Doc. 20/15, June 3, 2015, at paras 16-23.

²³ Inter-American Commission on Human Rights and the Special Rapporteur for Economic, Social, Cultural and Environmental Rights, *Business and Human Rights: Inter-American Standards*, OEA/Ser.L/V/II, November 1, 2019, CIDH/REDESCA/INF.1/19 [Business and Human Rights: Inter-American Standards].

²⁴ See jurisprudence of the Inter-American Commission and Court on the "effective control or authority test." See also: Advisory Opinion OC-23/17, Inter-Am Ct HR (Ser A) No 23, at para 140 [Advisory Opinion OC-23/17]; OAS, Inter-American Commission on Human Rights, *Report on the Situation of Human Rights Defenders in the Americas*, OEA/Ser.L/V/II.124 (7 March 2006), at paras 42-43, [online](#); Human Rights Committee, General comment No. 36 on article 6 of the International Covenant on Civil and Political Rights, the Right to Life, UN Doc. CCPR/C/GC/36 (2018), at para 23 [General comment No. 36].

²⁵ IACHR Petition (Canada), *supra* note 21.

specific content. This framework is echoed and supported by multiple other sources of international law, including from the OAS and UN bodies.²⁶

Duty to respect: Canada must refrain from assisting, instructing, controlling, tolerating, acquiescing to, or collaborating with the actions of companies that contravene the exercise of human rights (paras 69, 74-5).

Duty to prevent: Canada must cooperate to ensure that host States, and non-state actors whose conduct Canada is in a position to influence, do not impede the enjoyment of human rights (paras 169, 174).

Duty to supervise: Canada must implement effective mechanisms for supervision and oversight of its corporate nationals' extraterritorial activities to protect human rights and the environment (paras 100-3).

Duty to regulate: Canada must adopt binding legal standards regulating the extraterritorial activities of extractive companies with the purpose of discouraging threats to the most vulnerable human rights (109-11). Non-compliance must entail consequences for companies, including legal liability (paras 163, 438). Canada must also take steps to ensure its own state agents comply with national and international obligations (para 105).

Duty to investigate, sanction and guarantee access to effective reparation mechanisms: Canada must collaborate with host states so that human rights infringements in which Canadian businesses are involved do not remain in impunity. This necessarily involves investigating companies and guaranteeing access to remedies (paras 130-2, 171). Effective venues for remedy are independent and able to make determinations of fact and law, order reparations, and sanction those responsible (paras 124-5). Barriers to judicial protection, like the doctrine of *forum non-conveniens*, must be removed when they hinder the right to a remedy, such as when the judicial

²⁶ Business and Human Rights: Inter-American Standards, *supra* note 23, at paras 147-153; Inter-American Commission on Human Rights, "Access to Justice as a Guarantee of Economic, Social, and Cultural Rights. A Review of the Standards Adopted by the Inter-American System of Human Rights", OEA/Ser.L/V/II.129, September 7, 2007; Inter-Am. Ct. H.R., Advisory Opinion OC-32/25, May 29, 2025; Inter-Am. Ct. H.R., Advisory Opinion OC-23/17, *supra* note 24; Inter-American Commission on Human Rights, "Indigenous peoples, Afro-descendent communities, and natural resources: Human rights protection in the context of extraction, exploitation, and development activities", December 31, 2015, OEA/Ser.L/V/II. Doc.47/15OEA; General comment No. 36, *supra* note 24, at paras 22 and 63; Economic and Social Council, *General comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities*, UN Doc. E/C.12/GC/24, 2018, at paras 5, 27-28, 32; United Nations General Assembly, "Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises", A/72/162, July 18, 2017 at para 64; Committee on the Rights of the Child, *General comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights*, UN Doc. CRC/C/GC/16, 2013, at para 43; Human Rights Council, "Guidelines on access to justice and effective remedies in the context of toxics" A/HRC/60/34, July 10, 2025; Charis Kamphuis & Leah Gardner, "Effectiveness Framework for Home-State Non-Judicial Grievance Mechanisms" in Amissi M Manirabona & Yenny Vega Cárdenas, eds, *Extractive Industries and Human Rights in an Era of Global Justice: New Ways of Resolving and Preventing Conflicts* (Toronto: LexisNexis Canada, 2019) [Kamphuis and Gardner]; Robert McCorquodale & Penelope Simons, "Responsibility Beyond Borders: State Responsibility for Extraterritorial Violations by Corporations of International Human Rights Law" (2007) 70:4 MLR, pp. 617-613.

and legislative system in the host state is ineffective, or when a host state subsidiary lacks sufficient resources to pay damages (paras 132-4).

3. Canada's legal and policy framework fails to meet its international obligations

In August 2026, Canada ignored pleas from CSOs and closed the **Canadian Ombudsperson for Responsible Enterprise (CORE)** office, eliminating the possibility of an international human or environmental rights complaint against a Canadian company through an administrative process in Canada.²⁷ During its six years of operation, the CORE was controversial, suffering from a lack of independence, lack of power to fully investigate and order remedies, and a tense relationship with CSOs.²⁸ As a result, Canada's policy framework for its mining sector abroad has fallen even further below the standard required by international law. The remaining policies all suffer from the following serious deficiencies:

Canada's **OECD National Contact Point** can receive complaints and mediate with the consent of the parties. However, it is not independent, its standards are non-binding, and it lacks the power to compel the disclosure of documents, make findings of fact and law, or to require action or remedy from any party.²⁹ A 2016 joint CSO review of the NCP's performance found significant and wide-ranging shortcomings explained in part by procedural flaws and lack of institutional will.³⁰

Added to this, the OECD and others have also expressed concern about Canada's "exceedingly low" enforcement of its **anti-bribery legislation**, the *Corruption of Foreign Public Officials Act*.³¹ This is demonstrated in part by the fact that in 25 years only two individuals were convicted and four companies sanctioned under this law.³²

²⁷ Karen Hamilton and Aidan Gilchrist-Blackwood, "Opinion: Is Canada even serious about confronting forced labour?", *The Globe and Mail*, April 15, 2026, [online](#); Canadian Network for Corporate Accountability, "Civil society groups and MPs denounce the elimination of the Office of the Canadian Ombudsperson for Responsible Enterprise (CORE)" (Press release), June 18, 2026, [online](#); Sarah Teich, David Matas and John Packer, "Canada still needs an ombudsperson for responsible enterprise: Sarah Teich, David Matas, and John Packer for Inside Policy", *Macdonald-Laurier Institute*, August 17, 2026, [online](#).

²⁸ Penelope Simons, "Developments in Canada on business and human rights: One step forward two steps back", *Leiden Journal of International Law*, 2023, pp. 376-379, 386 [Simons]; Karyn Keenan, "Canada's New Corporate Responsibility Ombudsperson Falls Far Short of its Promise", *Business and Human Rights Journal*, 5 (2020), pp. 137-142; Kamphuis and Gardner, *supra* note 26.

²⁹ See e.g. Above Ground, MiningWatch Canada & OECD Watch, "Canada Is Back but Still Far Behind: An Assessment of Canada's National Contact Point for the OECD Guidelines for Multinational Enterprises", 2016, [online](#) [Assessment of Canada's National Contact Point]; Kamphuis and Gardner, *supra* note 26.

³⁰ Assessment of Canada's National Contact Point, *ibid.* Findings included: that the NCP imposes a high and opaque threshold for advancing complaints; it rarely makes findings of breach or non-compliance with the OECD Guidelines; most complaints do not result in mediation or agreement; there is no systematic monitoring of recommendations; and the trade consequences for non-participating companies are negligible in practice.

³¹ *Corruption of Foreign Public Officials Act*, SC 1998, c 34.

³² OECD, *Implementing the OECD Anti-Bribery Convention in Canada*. Phase 4 Report (October 12, 2023), p. 5, [online](https://perma.cc/DX8E-3TAG) [<https://perma.cc/DX8E-3TAG>]; Transparency International, "Exporting Corruption 2022: Assessing Enforcement of the OECD Anti-Bribery Convention", 2022, pp. 8, 23, 31-32, [online](https://perma.cc/NW5A-2M46) [<https://perma.cc/NW5A-2M46>]; OECD, Working Group on Bribery, "Phase 3 Report on Implementing the OECD Anti-Bribery Convention in Canada", Adopted on March 18, 2011, at para 181, [online](#).

Canada's voluntary **Responsible Business Conduct (RBC) Abroad** policy does not mandate due diligence on the part of companies and instead creates some limited mechanisms to encourage it.³³ While it requires companies who receive trade advocacy support to "attest" that their operations are consistent with certain international human rights standards, this attestation is "vague and weak".³⁴ In addition, the policy states that Canada "may" consider a company's responsible business practices before providing advocacy support, and that advocacy services "may" be withdrawn if a business fails "to comply with Canada's RBC laws, policies and standards."³⁵ As such, this policy does not mandate Canadian officials to "consider whether such companies are indeed operating in line with those initiatives"³⁶ and leaves Canadian officials "with significant discretion to support companies who violate human rights, harm the environment or engage in bribery or other forms of corruption".³⁷

Canada's **Voices at Risk Guidelines** describe Canada's intentions to support human rights defenders through its diplomatic service, including when they raise concerns about a Canadian company. However, research has shown that Canadian officials ignore this policy, and that Canada lacks any systems to evaluate, monitor, and publicly report on the implementation of the guidelines.³⁸ Moreover, despite this policy, the Canadian government has refused to investigate alleged harms connected to economic diplomacy and has told Canadian courts that related policies were non-binding.³⁹

Added to this, **Export Development Canada (EDC)** economic support for high-risk projects is discretionary, opaque and not subject to meaningful oversight or accountability mechanisms.⁴⁰ At the same time, disclosures required under Canadian **securities law** are not actively verified by regulators, nor is there any record of consequences for companies' failure to disclose material social and environmental information despite multiple complaints on these points.⁴¹

Civil actions in Canada against Canadian companies pertaining to allegations of harms perpetrated abroad face numerous practical and legal obstacles, including the doctrine of *forum non conveniens*. To date, only three cases have surpassed admissibility barriers, and no case has been

³³ Government of Canada, "Responsible Business Conduct Abroad: Canada's Strategy for the Future", 2022, p. 13, [online](#) [Responsible Business Conduct (2022)]. See: Simons, *supra* note 28, p. 373.

³⁴ Responsible Business Conduct (2022), *ibid*, p. 13; Simons, *supra* note 28, pp. 373-374.

³⁵ Responsible Business Conduct (2022), *supra* note 33, pp. 11,13.

³⁶ Simons, *supra* note 28, p. 374.

³⁷ Simons, *supra* note 28, p. 386.

³⁸ JCAP (2023), *supra* note 20, p. 11.

³⁹ For examples of the problems with Canada's current legal approach in terms of lack of transparency and accountability, see JCAP's work to bring these matters before Canadian federal judges: *Gordillo v Canada*, 2019 FC 950 (This case was launched after Canada's Public Sector Integrity Commissioner (PSIC) refused to investigate a complaint about the conduct of Canadian officials who supported a mining company in Mexico before and after the murder of community leader Mariano Abarca.); *Imai v Canada (Minister of Foreign Affairs)*, 2021 FC 1479 (This case challenged the redaction of records related to Canada's diplomatic interventions in the IACHR process in favour of the Marlin Mine in Guatemala. After a four-year long investigation by the Office of the Information Commissioner, a federal judge decided to keep the records hidden).

⁴⁰ Above Ground, *supra* note 8.

⁴¹ See: Imai, *supra* note 5; JCAP (2016), *supra* note 15. For a recent complaint to the Ontario Securities Commission, see: University of Toronto Jackman Law's International Human Rights Program, "New Submissions to Canadian and U.S. Securities Commissions Allege Proposed Canadian Mine in the Brazilian Amazon Has Misrepresented Risks to Investors", May 5, 2026, [online](#).

heard on the merits.⁴² These cases are extremely costly, and plaintiffs face the risk of costs ordered against them.⁴³ Despite this, Canada has refused to legislate to modify these procedural barriers.⁴⁴

International bodies have repeatedly concluded that Canada's policies and legal framework, as outlined above, fall far short of its obligations. Between 2002 and 2023, at least seven UN bodies issued at least eleven statements expressing concern about the effects of Canadian resource extraction outside Canada, and the deficiencies of Canada's oversight.⁴⁵ Between 2013 and 2017, the Inter-American Commission on Human Rights dedicated three thematic hearings to the issue and has commented several times on Canada's obligations in this area.⁴⁶ In making these statements, these bodies have reiterated some of the state duties described in the previous section, as well as the recommendations outlined in the next section.

⁴² For a review of the problems with the doctrine in Canada, see: Penelope Simons and Ratana Ly, "The Right to an Effective Remedy and Forum Non Conveniens", June 2026, [online](#). For a review of related admissibility hurdles, see: Simons, *supra* note 28.

⁴³ JCAP, "Business and Human Rights: Responsibility of Canada for Actions of Canadian Companies in Latin America", November 29, 2019, p. 20, [online](#).

⁴⁴ See, e.g. OpenParliament.ca, "Bill C-323 (Historical)", [online](#); Charis Kamphuis, "Canadian Mining Companies and Domestic Law Reform: A Critical Legal Account", December 1, 2012, 13:9 *German Law Journal*, 1456-1486, Osgoode CLPE Research Paper No. 10/2013, pp. 1469, 1482-1484, [online](#).

⁴⁵ For a full list up to 2019 see: Charis Kamphuis, "Home-State Grievance Mechanisms: Law Reform Strategies in the Canadian Resource Justice Movement" in Isabel Feichtner, Markus Krajewski, Ricarda Roesch, eds *Human Rights in the Extractive Industries: Transparency, Participation, Resistance* (New York: Springer, 2019). For example: Human Rights Committee, *Concluding observations of the seventh periodic report of Canada*, UN Doc. CCPR/C/CAN/CO/7, April 2, 2026, at para 9; Tavia Grant, "Canada failing to protect human rights activists from mining companies operating overseas: UN Watchdog", *The Globe and Mail*, July 2, 2024, [online](#); UNHCR, *Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on its mission to Canada*, 2018, A/HRC/38/48/Add.1, [online](#); UN OHCHR, *Statement at the end of Visit to Canada by the United Nations Working Group on Business and Human Rights*, June 1, 2017, [online](#); UN Committee on Economic, Social and Cultural Rights, *Concluding Observations on the Sixth Periodic Report of Canada*, UN Doc E/C.12/CAN/CO/6, 2016, at para 15, [online](#); UNHRC, *Concluding Observations on the Sixth Periodic Report of Canada*, UN Doc. CCPR/C/CAN/CO/6, August 13, 2015, at para 6, [online](#); UNCRC, *Concluding observations on the combined third and fourth periodic report of Canada*, adopted by the Committee at its sixty-first session (17 September – 5 October 2012), UN Doc. CRC/C/CAN/CO/3-4, December 6, 2012, at paras 28–29, [online](#); UNESCO, *Commission on Human Rights, Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Mission to Canada*, UN Doc E/CN.4/2003/56/Add.2, 2003, at para 126, [online](#).

⁴⁶ For hearings: IACHR, "Measures to prevent human rights violations by Canadian extractive industries that operate in Latin America", Schedule of Public Hearings, 166th Sess, 7 December 2017, p. 2, [online](#); CNCA (2014), *supra* note 6; Working Group on Mining, *supra* note 14. For comments: OAS, "IACHR Wraps Up its 153rd Session", Press Release, November 7, 2014, [online](#); OAS, "Inter-American Commission on Human Rights, Indigenous Peoples, Afro-Descendent Communities, and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities", OR OEA/Ser.L/V/II. Doc 47/15, 2015, at paras 20, 23, 78-9, 136-8, 141, [online](#); Business and Human Rights: Inter-American Standards, *supra* note 23 at paras 306-308.

4. Recommendations to Canada

1. **Fully and meaningfully consult** with CSOs and affected communities before designing any new mechanisms, laws or policies to address the harms associated with Canadian extractive industries operating abroad. Take measures to ensure that such consultations are not undermined by undue corporate influence over the development of any resulting laws and policies.⁴⁷
2. Establish an effective **home-state non-judicial grievance mechanism** for hearing complaints against extractive companies domiciled in Canada that is independent and has the power to compel disclosure of documents, fully investigate, and issue binding orders with respect to sanctions and remedies, in alignment with international standards.
3. Adopt **mandatory environmental and human rights due diligence legislation** that reflects the standards and approaches currently reflected in the model law proposed by the Canadian Network for Corporate Accountability,⁴⁸ including a civil cause of action for harms that result from any failure to comply. These reforms should ensure that procedural barriers like *forum non conveniens* are removed.
4. Suspend all forms of **economic and diplomatic support** for Canadian companies' extraterritorial operations until Canada has ensured it is in compliance with international law through the establishment of appropriate access to justice measures (such as through the three steps described above).
5. If reinstated, the provision of **economic and diplomatic support** must comply with Canada's international human and environmental rights obligations. This includes making this support conditional on company compliance with international standards, transparency on supports that are provided, and mechanisms for investigating and remedying alleged failures on the part of public officials to follow applicable policies.

Thank you for accepting this submission. We would be happy to answer any questions or provide any supporting documentation that you might require.

Respectfully,



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⁴⁷ For the standard, see: Business and Human Rights: Inter-American Standards, *supra* note 23 at para 444; For more on corporate lobbying on past reforms, see: Charis Kampuis, "Why does Justin Trudeau succumb to corporate pressure?", *The Conversation*, May 5, 2019, [online](#); JCAP, "Lobbying by mining industry on the proposed Canadian Ombudsperson for Responsible Enterprise (CORE)", July 25, 2019, [online](#); Brent Patterson, "News: The Mining Industry's Lobbying Blitz to Kill C-300", November 12, 2010, *The Council of Canadians*, [online](#).

⁴⁸ Canadian Network for Corporate Accountability, "Model Legislation for Mandatory Human Rights and Environmental Due Diligence", 2021, [online](#).

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1. Above Ground
2. Americas Policy Group
3. Amnesty International Canada

4. Canadian Centre for Policy Alternatives
5. Canadian Network for Corporate Accountability
6. CoDevelopment Canada
7. Comité pour les Droits Humains en Amérique Latine
8. Coordination du Québec de la Marche mondiale des femmes
9. Censat Agua Viva
10. Common Frontiers
11. Development and Peace - Caritas Canada
12. Dionne Schulze
13. Due Process of Law Foundation
14. Earthworks
15. Environmental Justice and Sustainability Clinic, Osgoode Hall Law School
16. Fair Finance International
17. Friends of the Earth Canada
18. Human Rights Action Group
19. InterPares
20. Investor Protection Program, University of Toronto Faculty of Law
21. Laboratorio de Litigio Estructural, A.C.
22. L'Association québécoise des organismes de coopération internationale (AQOCI)
23. Lawyers without Borders
24. Malach Consulting
25. Maquila Solidarity Network
26. Mining Injustice Solidarity Network
27. MiningWatch Canada
28. Nobel Women's Initiative
29. Oxfam
30. People's Health Movement-Canada
31. Silver Valley Community Resource Center
32. Simcoe County Honduras Rights Monitor
33. UNBC Guatemala Research Group
34. Wildflower Grp

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