

<http://wilpf.org/canada-cedaw-committee-recommends-stronger-regulation-of-corporations-and-measures-for-women-victims-access-to-justice/>

## **CANADA: CEDAW COMMITTEE RECOMMENDS STRONGER REGULATION OF CORPORATIONS AND MEASURES FOR WOMEN VICTIMS' ACCESS TO JUSTICE**

### **WILPF**

The UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) is the latest human rights body to criticize Canada's failure to regulate the extraterritorial activity of Canadian companies.[1]

Canada has one of the world's largest mining industries. Many of the companies operating in the metal mining sector in Latin America are Canadian. Their presence has often been accompanied by social conflict due to many factors: implementation of mining projects without the participation, consultation, and prior, free and informed consent of affected communities; serious environmental impacts, such as water contamination and deforestation; forced displacement; and health deterioration of communities, to name but a few, caused by mining operations.[2]

Women are particularly affected. They face gender-based violence connected to mining operations and are often disproportionately impacted by the detrimental socio-economic and environmental changes caused by them. Victims of human rights abuses by Canadian companies that operate abroad face enormous challenges in accessing justice and receiving effective remedies. Women face additional barriers, [indigenous women even more so](#).

These are some of the concerns that WILPF, jointly with the *Plataforma Internacional contra la Impunidad*, [brought to the attention of the CEDAW Committee](#) for its review of Canada's periodic reports held on 25 October 2016.

### **THE CEDAW COMMITTEE'S CONCERNS AND RECOMMENDATIONS**

On 18 November 2016, [the CEDAW Committee](#) published its Concluding Observations on Canada, which represent its evaluation of Canada's compliance with its international obligations under the Convention. In them, the CEDAW Committee expressed concerns about "(a) the negative impact of the conduct of transnational companies, in particular mining corporations, registered or domiciled in [Canada] and operating abroad on the enjoyment of the rights enshrined in the Convention by local women and girls; (b) the inadequate legal framework to hold all companies and corporations from the State party accountable for abuses of women's human rights committed abroad; (c) the limited access to judicial remedies by women victims, and the absence of an effective independent mechanism with powers to investigate complaints alleging abuses by such corporations; (d) the lack of impact assessments explicitly taking into account women's human rights prior to the negotiation of international trade and investment agreements." [3]

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The Committee recommended several measures to address these concerns. These include strengthening the legislation governing the conduct of corporations registered or domiciled in Canada in relation to their activities abroad, “including by requiring those corporations to conduct human rights and gender impact assessments prior to making investment decisions”;<sup>[4]</sup> and ensuring that trade and investment agreements negotiated by Canada “recognise the primacy of its international human rights obligations over investors’ interests, so that the introduction of investor-State dispute settlement procedures shall not create obstacles to full compliance with the Convention.” <sup>[5]</sup>

The limitations of Canada’s “Corporate Social Responsibility (CSR) Strategy” for the Canadian extractive sector abroad and the related Office of the CSR Counsellor and the need to create an Extractive Sector Ombudsperson are outlined in [our shadow report to the CEDAW Committee](#). Canada should implement the Committee’s recommendation to “introduce effective mechanisms to investigate complaints filed against those corporations, including by establishing an Extractive Sector Ombudsperson, with the mandate to, inter alia, receive complaints and conduct independent investigations”.<sup>[6]</sup>

[In her statement to Committee members](#), Angelica Choc, indigenous leader from Guatemala, emphasised the fundamental importance of ensuring effective access to justice and remedies in Canada for women whose rights are violated as result of operations by Canadian companies abroad. Sharing that concern, the CEDAW Committee recommended that Canada adopt measures to facilitate access to justice by women victims of human rights violations “and ensure that judicial and administrative mechanisms put in place take into account a gender perspective”.<sup>[7]</sup>

## TIME FOR DECISIVE ACTION

The CEDAW Committee’s Concluding Observations are yet another reminder to Canada of its extraterritorial obligations to respect, protect and fulfill human rights abroad. They follow similar recommendations by other UN human rights bodies and the Inter-American Commission for Human Rights.<sup>[8]</sup> Despite these repeated calls to regulate corporations and ensure access to justice in Canada by victims of corporate abuse, the Canadian government has continued to argue for voluntary and non-binding measures. Self-regulation and non-judicial dispute resolution are clearly not working.

It is time the Canadian government acted decisively to ensure respect for and protection of the rights of women and girls affected by resource extraction by Canadian companies operating in other countries. Prime Minister Justin Trudeau has the opportunity to demonstrate his commitment to gender equality, human rights, justice and care for the environment by addressing the shameful conduct of Canadian mining companies in Latin America and

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elsewhere. The CEDAW Committee's Concluding Observations provide him with a blueprint to build on.

FOR MORE INFORMATION

Watch [an interview with Mayan Q'eqchi leader Angélica Choc and psychologist Débora Yancoba from Guatemala.](#)

Read ['Creating an international gender and peace agenda: impact of Canadian mines in Latin America. Extraterritorial obligations of Canada. Shadow report to CEDAW 65th session'](#).

Read the [CEDAW Committee's Concluding observations on Canada.](#)