



Government of Canada  
Permanent Mission of Canada  
to the United Nations and the  
Conference on Disarmament

Gouvernement du Canada  
Mission permanente du Canada  
auprès des Nations Unies et de  
la Conférence du désarmement

**Note No.: GENEV-6728**

**Reference:** Canada's response to AL CAN 5/2020

The Permanent Mission of Canada to the Office of the United Nations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to refer to the joint letter AL CAN 5/2020 dated 20 July 2020 by several Special Procedures mandate holders. The Permanent Mission of Canada further has the honour to submit Canada's response.

The submission consists of one document.

The Permanent Mission of Canada to the Office of the United Nations at Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 17 September 2020.



**Response by the Government of Canada to the Joint Communications from Special Procedures,  
reference AL CAN 5/2020**

1. **Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.**

The Government of Canada takes Special Procedure communications very seriously, and expresses concern regarding the allegations in the joint communication. Canada will be seeking contact with the company in question to convey the allegations from Special Procedures, as well as providing information on Canada's approach, expectations, and guidance regarding responsible business conduct.

2. **Please highlight the steps that your Excellency's Government has taken, or is considering to take, including policies, legislation, and regulations, to uphold its extraterritorial obligations to protect against human rights abuse by business enterprises under its territory, and ensuring that business enterprises within its territory conduct effective human rights due diligence to identify, prevent, mitigate and account for how they address their impacts on human rights throughout their operation, as set forth by the UN Guiding Principles on Business and Human Rights.**

The Government of Canada expects Canadian companies operating abroad to respect human rights, operate lawfully and conduct their activities in a socially and environmentally responsible manner consistent with international principles and standards on Responsible Business Conduct (RBC), including the OECD Guidelines for Multinational Enterprises and United Nations Guiding Principles on Business and Human Rights. Canada's current approach to RBC is founded on voluntary mechanisms that reflect the objectives of these principles and guidelines.

Canada has a balanced approach which commits to identifying and preventing problems before they escalate, as well as to offering effective, low cost and accessible dispute resolution. Canada has two complementary and voluntary mechanisms: the first is Canada's National Contact Point (NCP), established in the year 2000 as part of our commitment to the *OECD Guidelines*; the second mechanism is the Canadian Ombudsperson for Responsible Enterprises (CORE), announced in April 2019. Although voluntary, companies that do not collaborate in good faith with either dispute resolution mechanism may be denied trade advocacy support and future Export Development Canada (EDC) financial support. Canada's dispute resolution mechanisms do not preclude pursuing recourse in other fora such as courts in host countries or in Canada, where appropriate.

Canada has been engaged in the development, advancement and dissemination of the key international standards for RBC below:

- [OECD Guidelines for Multinational Enterprises for responsible business conduct](#)
- [OECD Due Diligence Guidance for Responsible Business Conduct](#)
- [OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas](#)
- [OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector](#)
- [The OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector](#)
- [OECD-FAO Guidance for Responsible Agricultural Supply Chains](#)

- Responsible Business Conduct for Institutional Investors

In addition, Canada promotes guidance developed in Canada, such as the Mining Association of Canada's *Towards Sustainable Mining*, and the Prospectors & Developers Association of Canada's *e3 Plus* initiative.

Canada provides core support to the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development, which supports governments in leveraging mining for sustainable development to ensure negative impacts are limited and financial benefits are shared. It is devoted to optimizing the benefits of mining to achieve poverty reduction, inclusive growth, social development and environmental stewardship. Papua New Guinea and other government members of the IGF can benefit from its expertise on environmental and social impact assessments and related matters to ensure mining that occurs on its territory contributes to sustainable development.

Since 2014, the Government of Canada's approach to RBC has been articulated in *Doing Business the Canadian Way: A Strategy to Advance Corporate Social Responsibility in Canada's Extractive Sector*. A renewal process of this strategy is currently underway.

3. **Please indicate what measures your Excellency's Government has taken to ensure that Canadian companies operating abroad are not causing or contributing to abuses of international human rights norms and standards that Canada has undertaken to uphold.**

Through its network of more than 1,000 trade commissioners at offices in Canada and at diplomatic and consular missions around the world, Canada actively promotes RBC best practices and provides advice on RBC to Canadian companies active abroad. Trade Commissioners work with Canadian businesses to help them grow through connecting them with international opportunities, funding and support programs. With respect to Responsible Business Conduct, Global Affairs Canada provides training to its trade commissioners on how to support Canadian companies to do business in a socially and environmentally responsible manner consistent with the internationally recognized standards and practices. A company's track record on RBC is taken into consideration by trade commissioners prior to providing trade advocacy support. To note, Pala Investments Limited of Zug, Switzerland, wholly acquired Cobalt 27 in 2019 and created Conic Metals Corp., which is domiciled in Toronto, Canada. Neither company is currently considered a client of the Canadian Trade Commissioner Service (TCS) and therefore is not eligible to receive TCS client services.

Canada's Trade Commissioner Service requires Canadian companies to sign an Integrity Declaration when seeking certain types of services abroad. This attests that the Canadian company understands the Government of Canada's ethical expectations, has not been charged, convicted or sanctioned for bribery or corruption, and will not engage in such illegal activities. In June 2020 approximately 1,500 Integrity Declarations signed by Canadian companies were in force.

4. **Please indicate specific initiatives taken to ensure that those affected by business-related human rights abuse within your jurisdiction and/or territory have access to effective remedy.**

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5. **Regarding all the above, please provide information on any specific measures taken to ensure dam safety, pollution control and environmental, worker and indigenous rights are respected and protected in the present case.**

Please refer to the response for question 2.