



GENEV-8896

Reference: Joint Communication from Special Procedures, Office of the High Commissioner for Human Rights.

The Permanent Mission of Canada to the United Nations and the World Trade Organization at Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to refer to the letter of 12 June 2023 from Ms. Beatriz Balbin, Chief, Special Procedures Branch, Office of the High Commissioner for Human Rights.

In this regard, the Permanent Mission of Canada has the honour to transmit the response to the communication JAL CAN 2/2023 sent by the Special Rapporteur on the situation of human rights defenders; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

The Permanent Mission of Canada to the Office of the United Nations and World Trade Organizations 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, 28 August 2023

Response by the Government of Canada to the Joint
Communication from Special Procedures Reference AL CAN
2/2023

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 its serious concern regarding the allegations in the joint communication.

The Government of Canada expects all Canadian companies active abroad to abide by all relevant laws, to respect human rights, to operate transparently, and in consultation with host governments and local communities, and to work in a socially and environmentally responsible manner that is consistent with internationally respected guidelines on responsible business conduct (RBC). This includes the *UN Guiding Principles on Business and Human Rights* and the *OECD Guidelines for Multinational Enterprises*.

2. Please provide information as to any steps taken by your Excellency's Government for meaningful and good-faith consultations with the impacted communities throughout all phases of the project cycle, to assess and address any negative impacts of the mining activities on the human rights and the environment.

A key aspect of Global Affairs Canada's international assistance as it relates to natural resource governance is building the capacity of governments to respect and promote the rights of women, Indigenous Peoples and marginalized groups.

We promote the engagement of impacted communities in good-faith consultations through promoting and protecting the activities of environmental and human rights defenders (HRD) as laid out in [Voices at Risk: Canada's Guidelines on Supporting Human Rights Defenders](#). This includes guidelines for Canada's diplomatic missions in supporting human rights defenders.

Canada has also released guidance recognizing the important role that the private sector can play to support HRDs. The [guidance document "Private Sector Support for Human Rights Defenders: A Primer for Canadian Businesses"](#) outlines measures businesses can take to protect human rights, and to prevent and respond to issues facing HRDs.

The Government of Canada promotes the implementation of responsible business practices, including meaningful engagement with host governments, communities, Indigenous Peoples and all relevant stakeholders, as appropriate.

The Government of Canada endorses and promotes responsible business conduct (RBC) standards and guidelines including the *OECD Guidelines for Multinational Enterprises on Responsible Business Conduct* and the *UN Guiding Principles on Business and Human Rights*.

The Government of Canada aims to provide guidance on responsible business practices to Canadian companies active outside of Canada. Through its network of Trade Commissioners at offices in Canada and at diplomatic missions around the world, the Government of Canada actively promotes RBC best practices and provides advice on RBC to Canadian companies.

Canada's expectations related to RBC are reinforced in Canada's Responsible Business Conduct Strategy, launched in April 2022. The Strategy applies to all Canadian companies active abroad, regardless of size, sector or scope.

3. Please provide information on any investigations or inquiry undertaken by your Excellency's Government into the allegations of threats, intimidations, defamation and criminalization of the environmental women human rights defender Ms. Yenoqyan for her work around mining activities in Armenia.

Canada strongly supports a transparent business environment, based on respect for human rights, the environment, the rule of law and responsible governance. Canada supports resource-rich countries like Armenia in acquiring knowledge and strengthening institutions, laws and policies to manage natural resources in a sustainable, inclusive and responsible way. Canada supports Armenia's current democratic and reform transition process. The transition has the potential to align Armenia with Canada's key foreign policy priorities of promoting the empowerment of women, good governance, and the rules based international order. We continue to explore options to increase support for Armenian democracy. Through various initiatives, we support capacity development of the Armenian institutions to make them accountable. The Government of Canada has recently extended and expanded its project with the Parliamentary Centre in Armenia to include targeted activities that support the Office of the Human Rights Defender (Ombudsperson) in formulating and promoting legislative amendments to advance the rights of people. Additionally, we continue to explore ways in order to assist the Commission for the Prevention of Corruption in Armenia and identify funding sources to support potential initiatives.

4. Please provide detailed information on the steps taken, or being considered, to push review, amendment, and abolition of laws, including any measures to prevent Strategic Litigation Against Public Participation (SLAPPs) aimed at silencing critical voices, including of activists and journalists.

Canada's diplomatic missions abroad do their utmost to implement the Guidelines, recognizing that each approach is tailored to local contexts and circumstances, and responds to the specific needs of human rights defenders.

Canada recognizes and applauds the key role played by human rights defenders in protecting and promoting human rights and strengthening the rule of law often at great risk to themselves, their loved ones, their communities, and the organizations and movements they often represent.

5. Please provide information as to any steps taken by your Excellency's Government to allow affected communities by Amulsar Gold project to engage in peaceful assemblies and to freely disseminate materials which may include dissenting views or beliefs on those mining activities.

Civil society in Armenia is very active in monitoring mining projects. Canada continues to support democratic reforms, including the development of a vibrant civil society in Armenia.

Canada is a supporting member of the [Extractive Industry Transparency Initiative](#) (EITI), for which Armenia is an [implementing country](#). EITI promotes international transparency standards in the oil, gas and mining sectors in an effort to deter corruption, and improve the governance of natural resources. Mining, oil and gas operations have substantial environmental impacts, which are often a focal point of public debate. As such, EITI seeks to foster the inclusion of community

organizations in national multi-stakeholder groups, composed of government, companies and civil society, which support the implementation of the EITI Standard in implementing countries. Further, the EITI Standard requires implementing countries to disclose material environmental payments to governments and encourages the disclosure of information related to environmental impact and monitoring.

Canada is also a member and outgoing Chair of the [Voluntary Principles on Security and Human Rights \(VPs\)](#) Initiative. This multi-stakeholder framework provides guidance to companies, governments and civil society organizations to anticipate and mitigate human rights risks related to the deployment of public and private security forces around industrial natural resource sites. Canada recently funded the creation of a VPI Human Rights Defenders Guidance Tool that offers an analytical and operational framework to identify and address risks to human rights defenders such as risk assessment and due diligence, stakeholder and community engagement, and relationships with security forces and host country governments.

6. Please indicate what actions that have been taken by your Government to ensure accountability and access to an effective remedy for the human rights abuses of affected groups and individuals, including guarantees of non-repetition regarding the operations of businesses operation in the extractive sector in the country. Info on any steps taken by Canada to ensure that the affected communities can obtain adequate, fair and timely compensation for all assets lost any affected property, regardless of whether or not they enjoy formalized land rights.

The Embassy of Canada accredited to Armenia continues its efforts to foster dialogue among stakeholders, including NGOs and civil society organizations. The promotion of the Extractive Industries Transparency Initiative in Armenia has included the support of the civil society organizations that are part of the multi-stakeholder group focused on this topic. The Embassy of Canada also continues to leverage funds from the *Canada Fund for Local Initiatives* to increase democratic participation by supporting governmental and civil society initiatives seeking to fight corruption, and to advance sustainable economic growth for women and girls.

7. Please provide information on any steps taken by your Excellency's Government to appoint an independent and impartial mediator to reconcile conflicting claims and find a mutually agreeable solution.

The Government of Canada has two non-judicial dispute-resolution mechanisms: Canada's National Contact Point (NCP) for Responsible Business Conduct and the Canadian Ombudsperson for Responsible Enterprise (CORE).

As an adherent to the OECD Guidelines for Multinational Enterprises, Canada maintains a National Contact Point (NCP). The NCP can receive complaints about observance of the OECD Guidelines by multinational enterprises operating in or from Canada. The Guidelines cover a wider range of areas, including human rights and the environment. The NCP can, when appropriate, offer to facilitate dialogue or mediation aimed at helping the parties achieve a mutually agreeable resolution to the issues raised.

The Canadian Ombudsperson for Responsible Enterprise (CORE) was established in 2019. The CORE has a mandate to review and report on allegations of human rights abuses arising from the operations of Canadian companies abroad in the mining, oil and gas and garment sectors.

The CORE can initiate reviews in response to complaints or on their own initiative. The CORE can also offer informal mediation services.

Canada's approach to dispute resolution reflects the objectives of the *UN Guiding Principles on Business and Human Rights* and the *OECD Guidelines*. Bringing a complaint to the CORE or NCP does not preclude a party from pursuing the issues in other fora, such as the courts.

8. Please highlight the steps that your Excellency's Government has taken, or is considering to take, including policies, legislation, and regulations, to fulfil its obligations to protect against human rights abuses by business enterprises under its jurisdiction, 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. This includes any effective measures to enforce existing legal obligations to protect human rights and the environment in the context of the extractive sector.

The Government of Canada expects Canadian companies operating abroad to abide by all relevant laws, to respect human rights in their operations, and to adopt best practices and internationally respected guidelines on responsible business conduct, such as the *UN Guiding Principles on Business and Human Rights*.

Canada's expectations related to RBC are reinforced in [Responsible Business Conduct Abroad: Canada's Strategy for the Future](#), Canada's Responsible Business Conduct Strategy, launched in 2022. The Strategy applies to all Canadian companies active abroad, regardless of size, sector or scope.

As part of the RBC Strategy, the Government of Canada – in tandem with industry, civil society, and academia – is working to develop a national standard on RBC due diligence and reporting for Canadian companies abroad. While Canadian companies active abroad have always been encouraged to address their environmental, social, and economic impacts in a responsible manner, the Standard will provide them with a roadmap to do so, offering a common set of indicators for Canadian companies to account for how they address the actual and potential negative impacts of their business activities abroad.

Moreover, through Global Affairs Canada's network of 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 and due diligence to Canadian companies active abroad.

Trade Commissioners help Canadian businesses connect with opportunities for international growth. Global Affairs Canada provides RBC training to Trade Commissioners on how to support Canadian companies in their efforts to do business in a socially and environmentally responsible manner, consistent with internationally recognized standards and practices.

Canada's Trade Commissioner Service requires Canadian companies to sign an Integrity Declaration when seeking certain types of services abroad, such as trade advocacy. Companies that sign the Integrity Declaration attest that they understand the Government of Canada's RBC expectations; have not been charged, convicted or sanctioned for bribery or corruption; and will not engage in such illegal activities. In July 2023 over 1,100 Integrity Declarations were in force.

Canadian companies are expected to undertake thorough supply chain due diligence to reduce the risk that they are not directly or indirectly sourcing products from entities implicated in forced labour or other human rights violations.

In July 2020 Canada's Customs Tariff was amended to prohibit the importation of goods mined, manufactured or produced wholly or in part by forced labour.

On May 11, 2023, the *Fighting Against Forced Labour and Child Labour in Supply Chains Act* was passed into law and is expected to come into force in January 2024. The Act imposes an obligation on certain entities (including businesses) and government institutions to submit an annual report on steps taken to prevent and reduce the risk that forced or child labour is used by them or in their supply chains. The Act also amends the Customs Tariff to expand the prohibition on the importation of goods mined, manufactured or produced, in whole or in part by forced labour to also include child labour.

Global Affairs Canada financially supports and engages with multilateral organizations and initiatives such as the [Intergovernmental Forum on Mining Metals and Minerals and Sustainable Development](#) (IGF) of which Armenia is a member. The IGFs [Mining Policy Framework](#) is the basis upon which IGF engages with member countries. The Framework provides mining policy best practice guidelines that increase the capacity of governments to, for example, respect and protect human rights and communities' rights.

As noted in response to question #6, the Government of Canada has two non-judicial dispute resolution mechanisms for addressing issues related to the operations of Canadian companies abroad: Canada's National Contact Point (NCP) for Responsible Business Conduct, and the Canadian Ombudsperson for Responsible Enterprise (CORE).

Both the Canadian National Contact Point and the Canadian Ombudsperson for Responsible Enterprise actively promote the implementation of the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises. This joint communication has been shared with the office of the Canadian Ombudsperson for Responsible Enterprise (CORE) and Canada's National Contact Point (NCP).

Canada's Guidelines on Supporting Human Rights Defenders offers practical advice, tools and resources to Canadian diplomats on support for human rights defenders. The Guidelines are informed by the work and advice of civil society organizations and reflect the experiences of Canadian representatives abroad. The Guidelines include specific guidance for human rights defenders belonging to identifiable groups that face discrimination in various contexts, including but not limited to women, LGBTI individuals, Indigenous Peoples, land or environmental defenders, persons with disabilities, youth, individuals who defend freedom of religion or belief, journalists, and defenders in online and digital contexts.

9. Please indicate steps taken by your Excellency's Government to develop and implement a national action plan for the implementation of the UN Guiding Principles on Business and Human Rights and clarify the timeline for the adoption of said action plan.

Canada has long been a proponent of the *United Nations Guiding Principles on Business and Human Rights* and actively promotes their implementation by Canadian companies. This expectation is underscored in Canada's 2022 RBC strategy. Owing to the federal, provincial,

and territorial separation of powers in Canada, and a range of RBC-related measures already in place, Canada is not pursuing a National Action Plan at this time.