



**Inter-American Commission on Human Rights
166th Period of Sessions
“Measures to prevent human rights violations by Canadian extractive
industries that operate in Latin America”
Human Rights Clinic of the Human Rights Research and Education Centre
University of Ottawa
7 December 2017**

Good morning.

My name is Salvador Herencia Carrasco, from the Human Rights Clinic of the HRREC at the University of Ottawa. We were last here in March 2015 when Canadian and Latin American organizations called for the need to implement concrete regulations to prevent and to remedy abuses perpetrated by corporations registered or headquartered in Canada.

Since then, this Home State obligation has been addressed by different UN Committees (CEDAW, CERD) and the UNWBHR, restating this as a pressing concern. For example, the UN CESCR recommended in 2016 that Canada should:

- Strengthen its legislation governing the conduct of corporations registered or domiciled in Canada regarding their activities abroad;
- Require private corporations to conduct human rights impact assessments prior to making investment decisions;
- Introduce effective mechanisms to investigate complaints filed against those corporations; and
- Adopt legislative measures necessary to facilitate access to justice before Canadian courts by victims of the conduct of those corporations.

These recommendations are in line with the demands from our organizations. Despite the evidence of harm or threat of harm on vulnerable populations in Latin America originated by Canadian mining companies, there is still no legal and policy changes in Canada on this field.

An issue of special concern is the financing of mining ventures by public entities like Export and Development Canada (EDC). For years, EDC has been a strong supporter of extractive ventures in Latin America providing millions of dollars in project financing.



Just this year, EDC has financed 14 extractive projects in Chile, Colombia, Mexico and Peru, with a value range of approximately USD 580-1.1 billion dollars. The purpose is not to deny the importance of financial support by these institutions. The problem is that there are grounds to believe that these resources are provided without meaningful social and environmental assessments and there are no clear mechanisms to prevent that these are used in contexts where human rights could be violated. This lack of proper checks and balances, transparency and accountability can foster serious human right violations.

For example, there are reports about serious human right violations in the Puerto Gaitán oilfields in Colombia. Despite serious allegations of labor exploitation, lack of consultation and crimes of sexual violence happening in Puerto Gaitán, EDC still granted an additional 250-500 million dollars in May 2016 to Ecopetrol and its Canadian partners.

This shows that there is no clarity regarding the criteria or assessment before EDC financially supports to these projects. Although this crown corporation/public entity states that there is a due diligence requirement to assure that these projects are environmentally and socially responsible, there is no access to the information of these reports. Art. 24 of the EDC Act classifies as privileged the information from its customers. As we have seen this week, transparency and access to information is fundamental to prevent these violations from taking place.

The title of this hearing is "Measures to prevent human rights violations by Canadian extractive industries that operate in Latin America". We will next hear reports of people whose lives were shattered because of mining projects that did not fulfill minimum human rights standards. Canada has a Home state obligation to prevent this from recurring. It should start with granting full access to information regarding financing of mining projects by public entities.

Thank you.

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