

The Right Honourable Justin Trudeau, PC, MP  
Prime Minister of Canada  
Office of the Prime Minister  
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Dear Prime Minister: An Open letter in support of Bill C-331 (the International Promotion and Protection of Human Rights Act)

We, the undersigned, write to you as we are deeply concerned about the conduct of some Canadian companies operating abroad. Canada is in a unique position to address these concerns.

It is our belief that Canada must promote values of respect, social justice, environmental protection and respect for human rights abroad. The most recent figure quoted by Global Affairs Canada states that over 50% of the world's publicly listed exploration and mining companies were headquartered in Canada. Therefore, Canada's responsibility is that much greater since it has the obligation and duty under international law to respect, protect and fulfill human rights. Canada must ensure that Canadian corporations respect the rights of Indigenous peoples, labour, environmental and human rights abroad.

Unfortunately, the Canadian corporate social responsibility strategy does not in any way guarantee that Canadian companies that operate outside of Canada adhere to human rights, labour and environmental norms and laws. With regards to the recent announcement by the Government of Canada on its promise to create an independent ombudsperson, as the Canadian Network on Corporate Accountability (CNCA) stated on April 8, 2019: "the government announced that it would create an independent (ombudsperson) office with the power to investigate. Instead, it unveiled a powerless advisory post, little different from what has already existed for years." The United Steelworkers USW-Canada endorsed the CNCA's statement. USW-Canada National Director, Ken Neumann said: "With the announcement by Minister Carr of the appointment of a special advisor, without the powers of an effective ombudsperson, this government has again disappointed thousands of Canadians who were expecting serious action on human rights."

Canada has the obligation to make changes so that our institutions and our legal system protects from impunity not only Canadians but also foreign citizens whose Indigenous

rights, labour, environmental or basic human rights are violated by Canadians or by Canadian companies. For instance, some corporations are associated with widespread and egregious human rights violations including people being displaced without their consent, without consultation, forced labour, rape, murder and people watching their environment get destroyed.

In the face of the growing economic, political, legal and social interdependence of peoples around the world, the limited ability of the present system to protect and promote basic rights in all corners of the world threatens our collective peace and security. At present, Indigenous peoples' rights, labour, environmental & human rights are subject to few concrete, effective enforcement mechanisms. As a result, there is an urgent need to create an enforceable legal mechanism to remedy egregious violations of these rights. Bill C-331 fills this need for the victims of international rights violations when no forum is available to them in the country where the violations are taking place.

Some companies are socially responsible, but there exist many others that do not take into consideration Indigenous peoples' rights, environmental, labour or basic human rights. Currently, there are few effective mechanisms to enforce these rights, thus the urgency to develop a binding legal enforcement mechanism that deals with the atrocious rights' violations taking place.

Unfortunately, previous federal governments have rejected even modest legislative proposals to end corporate impunity. We believe that Bill C-331 would respond to this need of people whose rights, including environmental and labour rights, have been violated in other countries and who do not have a legal forum in the country where the violations occurred.

Bill C-331 would provide international communities with the possibility to pursue legal recourse in Canadian federal courts for clear violations of Indigenous peoples' rights, international labour, environmental and basic human rights such as degrading treatment, arbitrary arrest, kidnapping, infliction of emotional distress, genocide, war crimes, extrajudicial execution, slavery, torture and illegal detention.

Bill C-331 would create a new civil cause of action so that federal courts could hear and decide claims for violations of international law that occur outside Canada. Specifically, the law would permit a non-citizen to sue Canadian citizens or companies for serious violations of the rights of Indigenous peoples, international labour, environmental and basic human rights outside Canada.

We ask the Government of Canada to support Bill C-331, and thereby create a new legal bases of action that would allow Canadian federal courts to hear and decide claims for violations of international law that occur outside Canada, and allow non-citizens to sue, in the Canadian justice system, any Canadian individual or company for violating the rights of Indigenous peoples, international labour, environmental and basic human rights outside Canada.

It is essential that Canada maintain, promote and enhance its role in the international community as a country that respects the rights of Indigenous peoples, labour and human rights and environmental sustainability worldwide.

Many multinational Canadian and foreign companies face international condemnation for utilizing socially and environmentally destructive practices, including contamination of local water supplies, forced displacement of communities, social conflicts, violent disruption of protests against unjust labour practices, destruction of fresh water sources, farmlands and fisheries.

- Legislation in Canada has not kept pace with the new realities of the growing need for international accountability for victims of international violations the rights of Indigenous peoples, international labour, environmental and basic human rights of persons who lack the legislative and institutional framework that hold perpetrators accountable.
- Bill C-331 would provide a cause of action for violations of recognized environmental rights including the wanton destruction of the environment and transboundary pollution.
- This Bill would provide Canada with a unique opportunity to lead in the development of corporate responsibility standards internationally.
- Bill C 331 would be a legitimate avenue to remedy human rights abuses and increase corporate accountability for violations of these rights.
- A cause of action would be created for violations of key international labour rights (forced labour, child labour, freedom of association etc.) as defined by the fundamental conventions of the International Labour Organization.

Together we can make positive changes so that Canada will continue to progress and be a leader in the field of human rights and the rights to a clean ecologically balanced environment. Canada prides itself in the fact that it is an open and accepting nation that has always fought for progress and defended the rights of the underprivileged, both at home and abroad. Your government, in particular, has made it a point to advocate for gender

equality, Indigenous Peoples' rights, labour, environmental and human rights across the world, be it at G7 conferences or at the recent United Nations General Assembly meeting. However, we know as well as anyone that words without actions are empty and meaningless.

We demand justice for persons and communities affected by these rights violations. Whether it is the systemic displacement and genocide suffered by the people of Darfur or the murder of trade unionists at the hands of death squads in Colombia, the violation of Indigenous peoples' rights, labour, human and environmental rights abroad is a national and international concern that can no longer be ignored.

It is our belief that Canada must promote values of respect, social justice, environmental protection and respect for the rights of Indigenous peoples, labour, environmental and human rights abroad. It is time for the Canadian government to show leadership in facilitating access to Canadian courts for the foreign victims of corporate abuses.

Mr. Prime Minister, your government has the power now to affect real and positive change in the world, which is why we are urging you and your government to vote in favour of Bill C-331.

Signed:

- José Luis Abarca Montejo, Fundación Ambientalista Mariano Abarca
- Catherine Abreu, as an individual, Executive Director, Climate Action Network Canada
- Rick Arnold retired Canadian social activist, former coordinator of Common Frontiers Canada
- Laura Avalos, as an individual, Regional Working Groups Assistant, CCIC-CCCI
- Céline Bak, Founder and President, Analytica Advisors
- Nicolas Boeglin, Profesor de Derecho Internacional Público, Facultad de Derecho, Universidad de Costa Rica (UCR)
- Larry Brown, President of the National Union of Public and General Employees (NUPGE)
- Raul Burbano, Coordinator, Common Frontiers Canada
- The Canadian Association of Labour Lawyers / Association Canadienne des avocats du mouvement syndical (CALL-ACAMS)
- Canadian Fair Trade Network | Réseau canadien du commerce équitable
- Canadians for Justice and Peace in the Middle East (CJPME)
- The Canadian Labour Congress – Congrès du travail du Canada
- Gustavo Castro Soto, Otros Mundos AC/Chiapas, Mexico

- John Cavanagh, Director, Institute for Policy Studies in Washington, DC
- Terry Collingsworth, U.S. human rights lawyer
- Common Frontiers Canada
- East and Central African Association for Indigenous Rights (ECAAIR)
- Friends of the Congo
- Dr. John W. Foster, semi-retired academic, writer and researcher, teaching as a sessional lecturer at Carleton University (Dept. of Political Science) and the University of Regina (International Studies, and Human Justice programmes), Argentina
- Fundación Ambientalista Mariano Abarca
- Luciana Ghiotto, Magister en Investigacion en Ciencias Sociales y Universidad Nacional de San Martin, Escuela de Politica y Gobierno, Faculty Member
- Institute for Policy Studies in Washington, DC
- Ellen R. Judd FRSC, FCASCA, Distinguished Professor, Anthropology, University of Manitoba
- D’Arcy Martin, founding member of the OFL and CLC training Committees, Author
- Nick Milanovic, Adjunct Professor, Department of Law & Legal Studies, Carleton University
- National Union of Public and General Employees (NUPGE)
- NDP Leader Jagmeet Singh and the federal NDP Caucus
- Professor Liisa North, Professor Emeritus, Political Science, and Fellow, Centre for Research on Latin America and the Caribbean (CERLAC) York University
- Professor Viviana Patroni, Associate Professor, Graduate Program Director, Development Studies Program
- Manuel Perez-Rocha, Associate Fellow, Institute for Policy Studies in Washington, DC
- RESULTS Canada
- Graciela Rodríguez - Coordinator of EQUIT Institute (Gender, Economy and Global in Brazil)
- Mark Rowlinson, labour lawyer and Assistant to Steelworkers' Canadian National Director, Ken Neumann
- United Steelworkers (USW) - Syndicat des Métallos USW-Canada
- Dr. Alejandro Villamar Calderón, a nombre de la Red Mexicana de Acción frente al Libre Comercio (RMALC)
- Fredrick Wangabo Mwenengab, Executive Director, East and Central African Association for Indigenous Rights (ECAAIR) and Ambassador to the United Nations, Peace and Human Rights Advocate.
- Thomas Woodley, President, Canadians for Justice and Peace in the Middle East