

**2024.03 Grant the Canadian Ombudsperson for Responsible Enterprise Legal Authority to Investigate Environmental and Human Rights Abuses**

**Resolved,** that national council of The Catholic Women’s League of Canada in 104<sup>th</sup> national annual meeting of members assembled, urges the federal government to enact legislation giving the Canadian Ombudsperson for Responsible Enterprise the power to subpoena witnesses and documents when investigating complaints of environmental and human rights abuses attributed to companies registered in Canada and operating outside Canada.

**Brief: Grant the Canadian Ombudsperson for Responsible Enterprise Legal Authority to Investigate Environmental and Human Rights Abuses**

In 2019, a consultant was hired by the federal government to advise "...how best to equip the Canadian Ombudsperson for Responsible Enterprise (CORE) with sufficient tools to engage in credible and effective investigations of alleged human rights abuse and to ensure that she has powers to compel witnesses and documents," and further stated legislation is the preferred method (McIsaac 3). Through the creation of this legislation, the CORE would have the power to subpoena witnesses and documents when investigating complaints of environmental and human rights abuses attributed to Canadian registered companies that operate outside of Canada.

An independent CORE had been established in 2018 (Canada, Global Affairs, The Government). The minister of international trade stated he was committed "to ensuring that the ombudsperson has all the tools required to ensure compliance in the hopefully very rare circumstances, where a company is not fully and appropriately cooperating" (Canada, Global Affairs, Announcement, 6).

In 2019, the minister of international trade diversification noted "... the most effective way to ensure the Ombudsperson has the tools they need would be to enact a stand-alone legal framework for the office, including stipulating its powers to compel documents, witnesses, and other key testimony" and had instructed his staff to proceed with this plan (Global Affairs).

Research was completed on CORE in spring 2021 by the Subcommittee on International Human Rights to the House of Commons Standing Committee on Foreign Affairs and International Development. It was found "...the power to compel witnesses and documents – a power that was initially promised by the Government of Canada, [was] subsequently left out of the CORE's mandate" (Canada House). The committee's report concluded "...it is not satisfied [the federal government] is doing all that it can to protect human rights where Canadian companies are operating. The [subcommittee] is confident that by creating due diligence legislation, human rights abuses by Canadian companies could be prevented" (Canada House). Despite the federal government requesting this review of the mandate of the CORE, there has been no change in its legal authority to access witnesses and documentation.

There are continued reports of allegations of human rights and environmental concerns against Canadian registered companies that operate outside of Canada, yet few have been settled and many are ongoing (Transnational). For example, an investigation by the CORE concluded human rights abuse against the Uyghur people through forced labour had occurred at the Hatu gold mine in China, operated by Dynasty Gold Corporation, a business with majority Canadian holdings (Meyerhoffer).

Without the authority to summon witnesses and documents, CORE is limited to acting in an advisory or mediator role. The Catholic Women's League of Canada urges the federal government to create legislation to grant the CORE legal authority, thereby empowering the CORE to subpoena documents and witnesses when investigating allegations of environmental and human rights abuses attributed to Canadian registered companies that operate outside of Canada.

## Grant The Canadian Ombudsperson for Responsible Enterprise Legal Authority to Act Upon Environmental and Human Rights Abuses

### Works Cited

- Canada, Global Affairs Canada. “Announcement by the Honourable François-Philippe Champagne, Minister of International Trade, Concerning the...” *Canada.ca*, 17 Jan. 2018, <http://www.canada.ca/en/global-affairs/news/2018/01/announcement-by-thehonourablefrancois-philippechampagneministero.html>.
- Canada, Global Affairs Canada. “The Government of Canada Brings Leadership to Responsible Business Conduct Abroad.” *Canada.ca*, 17 Jan. 2018, [www.canada.ca/en/global-affairs/news/2018/01/the-government-ofcanadabringsleadershiptoresponsiblebusinessconduct.html](http://www.canada.ca/en/global-affairs/news/2018/01/the-government-ofcanadabringsleadershiptoresponsiblebusinessconduct.html).
- Canada, House of Commons, FAAE Subcommittee. “Committee Report No. 8 - FAAE (43-2) - House of Commons of Canada.” *www.ourcommons.ca*, 2021, [www.ourcommons.ca/documentviewer/en/43-2/FAAE/report-8/page-120#29](http://www.ourcommons.ca/documentviewer/en/43-2/FAAE/report-8/page-120#29).
- Global Affairs Canada. *Briefing Document for the Subcommittee on International Human Rights (SDIR)*. Government of Canada, 23 Mar. 2021, [www.international.gc.ca/transparency-transparence/briefing-documents-information/parliamentary-committee-comite-parlementaire/2021-03-23-sdir.aspx?lang=eng#14](http://www.international.gc.ca/transparency-transparence/briefing-documents-information/parliamentary-committee-comite-parlementaire/2021-03-23-sdir.aspx?lang=eng#14).
- McIsaac, Barbara. *Legal Opinion on the Powers of the Canadian Ombudsperson for Responsible Enterprise*. Canadian Network on Corporate Accountability, 2019, <https://cnca-rcrce.ca/site/wp-content/uploads/2021/02/McIsaac-Report-2019.pdf>.
- Meyerhoffer, Sheri. “Canada Ombudsperson for Responsible Enterprise Concludes Human Rights Abuse at China’s Hatu Qi-2 Mine.” *Government of Canada*, 26 Mar. 2024, [https://core-ombuds.canada.ca/core\\_ombuds-ocre\\_ombuds/news-nouvelles/2024-03-26-press-release-communique.aspx?lang=eng](https://core-ombuds.canada.ca/core_ombuds-ocre_ombuds/news-nouvelles/2024-03-26-press-release-communique.aspx?lang=eng).
- “Transnational Lawsuits in Canada against Extractive Companies.” *Above Ground*, 22 Jan. 2024, [www.aboveground.ngo/transnational-lawsuits-in-canada-against-extractive-companies/](http://www.aboveground.ngo/transnational-lawsuits-in-canada-against-extractive-companies/).

**Action Plan: Grant the Canadian Ombudsperson for Responsible Enterprise Legal Authority to Act Upon Environmental and Human Rights Abuses**

1. Write to the prime minister and the minister of export promotion, international trade and economic development asking the federal government to enact legislation giving the CORE the legal authority to respond to complaints of environmental and human rights abuses attributed to Canadian registered companies that operate outside of Canada, including the ability to subpoena witnesses and documents.
2. Educate members on the environmental and human rights abuse allegations attributed to Canadian registered companies that operate outside of Canada.
3. Monitor the federal government's response to this issue.