

## UN WORKING GROUP ON BUSINESS & HUMAN RIGHTS

### Canada Country Visit: 2017-05-17

Submitted on behalf of the Justice & Corporate Accountability Project (JCAP)

#### Introduction

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The purpose of this briefing note is to provide an overview of JCAP's report, *The "Canada Brand": Violence and Canadian Mining Companies in Latin America*. The full report can be downloaded free of charge from:

<https://ssrn.com/abstract=2886584>

The report documents incidents violence and criminalization associated with Canadian mining companies in Latin America from 2000-2015. In general, neither the Canadian government nor industry are monitoring or reporting on these incidents.

#### Research Findings

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##### Violence and Criminalization

We found:

- Incidents involving 28 Canadian companies;
- 44 deaths, 30 of which we classify as "targeted";
- 403 injuries, 363 of which occurred in during protests and confrontations;
- 709 cases of "criminalization", including legal complaints, arrests, detentions and charges; and
- a widespread geographical distribution of documented violence.

##### Impact of Canadian Law and Policy

**Government CSR Policies** - The government offices responsible for CSR do not have the power to conduct investigations, nor sanction companies directly or compensate victims. Their only power is to recommend the withdrawal of Canadian government financial and embassy support.

To date:

- no voluntary mediations have taken place
- no indication of any response to reports of violence
- no process for withdrawing embassy support or funding

**Securities Regulation Disclosure** - In mandatory reports on company performance, companies listed on the Toronto Stock Exchange only reported:

- 24.2% of the deaths
- 12.3% of the injuries

#### Conclusions

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The proximity between violent conflict and Canadian mining companies, paired with the frequency with which such incidents occur, demonstrate a significant systemic problem. Existing Canadian laws and government policies do not address the problem.

#### Recommendation

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The report recommends that Canada establish a new mechanism to investigate specific cases of violence involving Canadian mining companies operating in foreign jurisdictions to determine whether there is, or there is not, company responsibility.

Appendices

**Appendix I**  
**Violence by Country**

Country (Number of projects linked to reported violence)	Deaths	Disappeared	Injuries	Sexual Violence	Warrants & Legal Complaints	Arrests, Detentions & Charges
<b>Total Victims</b>	<b>44</b>	<b>4</b>	<b>403</b>	<b>15</b>	<b>196</b>	<b>537</b>
<b>Guatemala (4)</b>	12	2	89	11	23	71
<b>Mexico (6)</b>	8	2	14	0	83	35
<b>El Salvador (1)</b>	5	0	4	0	0	0
<b>Bolivia (1)</b>	1	0	6	0	0	1
<b>Peru (4)</b>	4	0	85	0	0	56
<b>Guyana (1)</b>	0	0	2	0	0	0
<b>Dominican Republic (1)</b>	3	0	50	0	0	6
<b>Honduras (2)</b>	1	0	10	0	15	85
<b>Nicaragua (1)</b>	1	0	53	0	0	17
<b>Columbia (3)</b>	6	0	9	0	0	9
<b>Panama (2)</b>	2	0	39	1	0	70
<b>Argentina (3)</b>	0	0	27	0	0	114
<b>Chile (1)</b>	0	0	0	0	0	40
<b>Ecuador (4)</b>	1	0	15	3	75	33

Imai, Shin and Gardner, Leah and Weinberger, Sarah, The “Canada Brand”: Violence and Canadian Mining Companies in Latin America (2016).

**Appendix II**

**The number of reported incidents, disclosed incidents in different categories of violence**

Category of Violence	Reported Incidents	Disclosed Incidents	Disclosure Rate (%)
Deaths	33	8	24.2
Disappeared	2	1	50
Injuries	57	7	12.3
Sexual Violence	2	0	0
Warrants & Legal Complaints	7	0	0
Arrests, Detentions & Charges	37	3	8.1

Imai, Shin and Gardner, Leah and Weinberger, Sarah, The “Canada Brand”: Violence and Canadian Mining Companies in Latin America (2016).