

Briefing Note on International Advocacy Options

This brief reviews options for civil society to engage in international and non-judicial domestic advocacy to challenge the activities of Canadian corporations affecting human rights and the environment. Please note that this brief is being provided for informational purposes only and does not constitute legal advice.

A. United Nations

1. Human Rights Committee

The UN Human Rights Committee is a body of independent experts that monitors state compliance with the *International Covenant on Civil and Political Rights (ICCPR)*. The Committee conducts periodic country reviews to assess whether member states (states that have signed on and ratified the ICCPR) are upholding their obligations under the Covenant.

Canada, as a member state of the ICCPR, is scheduled for review during the Committee's 145th Session in Geneva (March 9–21, 2026).

Procedure:

1. **Submit a shadow report:** Civil society organizations and stakeholders may file “shadow reports” highlighting Canada’s violations or gaps in implementing rights under the ICCPR. These reports must be submitted by **Friday, February 2, 2026**.
2. **Engage during the review session:** Stakeholders can travel to Geneva during the March 2026 session to participate in briefings, hold meetings with Committee members, and present key concerns.
3. **Committee review:** Based on both Canada’s official report and civil society submissions, the Committee will question Canada’s representatives and issue *Concluding Observations* with recommendations for improving human rights compliance.

Benefits: Shadow reporting provides an important advocacy opportunity. The Committee's recommendations carry international legitimacy and can be used to strengthen campaigns, media outreach, and domestic advocacy.

Drawbacks: The Committee's process is not judicial. It cannot compel Canada to change its laws or practices. Implementation of recommendations depends on government willingness and civil society pressure.

2. UN Special Procedures

UN Special Procedures consist of experts, such as Special Rapporteurs and Working Groups, who may review and report on human rights situations.

Procedure:

1. File complaint with a UN Special Rapporteur or Working Group using the [Special Procedure online form](#).
2. If the expert(s) decide to take action, they will send communication letters to the relevant governments and other organizations and companies involved. These communication letters are meant to draw the parties' attention to the alleged human rights violations and gather further information.
3. Expert(s) may conduct country visits but require invitation from the government to carry out these formal visits. That said, experts may also conduct a visit with civil society where it is connected to a specific event (e.g. informal meeting, public speaking, etc.)
4. Where necessary, the expert(s) will ask the relevant parties to act to prevent or stop the violation, investigate it, hold those responsible to account, and make sure that remedies are available to the victim(s) or their families.

Benefits: This process is valuable for drawing attention to human rights issues. Communications letters and replies are shared with the Human Rights Council to raise public awareness on the issues. Activists and affected communities can use these reports to engage in media advocacy to gain more international attention.

Drawbacks: The complaints procedure of the Special Procedures is not judicial or quasi-judicial in nature. Expert(s) do not have power or authority to enforce their views or recommendations; governments and companies cannot be forced to take action as a result of this process.

UN Special Rapporteurs and Working Groups to consider sending a complaint to:

- [UN Special Rapporteur on Indigenous Rights \(Albert K. Barume\)](#): Dr. Barume's work involves promoting the UN Declaration on the Rights of Indigenous Peoples (and other

relevant instruments), examining ways and means of overcoming existing obstacles to the protection of the rights of Indigenous Peoples, and identifying, exchanging and promoting best practices.

- **UN Special Rapporteur on the Human Right to a Healthy Environment (Astrid Puentes Riaño):** Ms. Riaño’s mandate focuses on human rights obligations in relation to the enjoyment of a safe, clean, healthy and sustainable environment. Her work involves identifying challenges and obstacles to global recognition and implementation of the right to a safe, clean, healthy and sustainable environment. Allegations regarding the impact of extractive activities on the environment will be relevant to her mandate.
- **UN Special Rapporteur on the Right to Adequate Housing (Balakrishnan Rajagopal):** Mr. Rajagopal’s mandate considers the right to adequate housing, defined as having security of tenure – not having to worry about being evicted or having your home or lands taken away. He considers complaints on alleged violations of the right to adequate housing, including in situations where such violations are likely to occur in the future. He may act on such complaints irrespective of whether or not the concerned State has signed or ratified a particular international human rights treaty. This mandate is particularly relevant for bringing up issues of forced displacement/access to land.
- **UN Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation (Pedro Arrojo Agudo):** Mr. Agudo’s mandate focuses on the human right to water, which requires that drinking water, water for personal and domestic usage, and sanitation and hygiene facilities are available, accessible, safe, acceptable and affordable for all without discrimination.
- **UN Special Rapporteur on Freedom of Peaceful Assembly and of Association (Gina Romero):** The Special Rapporteur’s mandate was created to report on violations of the rights to peaceful assembly and of association, as well as discrimination, threats or use of violence, harassment, persecution, intimidation or reprisals directed at persons exercising these rights. Ms. Romero’s work includes submitting annual reports to the Human Rights Council, fact-finding country visits, transmitting urgent appeals and allegation letters, and engaging publicly on issues of concern through press releases and participation in events.
- **UN Special Rapporteur for Freedom of Opinion and Expression (Irene Khan):** Ms. Khan’s mandate is to gather relevant information on violations of freedom of opinion and expression, make recommendations for the promotion and protection of this right, and provide technical assistance to the UN High Commissioner for Human Rights.
- **UN Special Rapporteur on Human Rights Defenders (Mary Lawlor):** Ms. Lawlor’s mandate is to promote the effective implementation of the UN Declaration on human rights defenders through constructive dialogue with governments and other actors. She acts on information submitted to them regarding alleged violations and/or abuses against human

rights defenders by sending urgent appeals and communications to concerned States and other relevant stakeholders to clarify and/or bring this information to their attention.

- **Working Group on Business and Human Rights:** Comprised of five experts, the Working Group on BHR has a mandate to promote, disseminate and implement the Guiding Principles on Business and Human Rights (UNGPs). The UNGPs require to protect human rights in relation to business activity and sets out the responsibilities of businesses to respect human rights. This Working Group is particularly relevant to situations involving private corporations.

3. UN Advisory Body: Permanent Forum on Indigenous Issues

In addition to Special Procedures, the UN has advisory bodies that can make recommendations on specific issues, such as the **UN Permanent Forum on Indigenous Issues (UNPFII)**. The UNPFII is advisory body to the Economic and Social Council (the Council) that:

- Provides expert advice and recommendations on Indigenous issues to the Council, as well as to programmes, funds and agencies of the United Nations, through ECOSOC;
- Raises awareness and promotes the integration and coordination of activities related to Indigenous issues within the UN system;
- Prepares and disseminates information on Indigenous issues;
- Promotes respect for and full application of the provisions of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and follow up the effectiveness of this Declaration.

The UNPFII meets in New York every April/May during which Indigenous Peoples' Organizations and other civil society groups can provide information on issues affecting Indigenous communities worldwide. These sessions serve as a platform for Indigenous representatives to share their concerns, experiences, and recommendations directly with the UNPFII, member states, and other stakeholders.

During these meetings, the UNPFII also engages with UN agencies, governments, and experts to assess progress on Indigenous rights, highlight emerging challenges, and propose strategies for ensuring the full implementation of UNDRIP. Key thematic discussions may include land rights, climate change, education, health, and economic development.

The outcomes of these sessions contribute to reports and recommendations that inform the Council and other UN entities and can be used for further advocacy by civil society. Similar to Special Procedures, this process can be valuable for drawing attention to human rights issues, and affected communities can use these UNPFII reports to engage in media advocacy to gain more international attention. However, the UNPFII does not have power or authority to enforce their

recommendations and governments and companies cannot be forced to take action as a result of this process.

The next UNPFII is scheduled to take place in New York from 20 April – 1 May, 2026. The registration deadline has not yet been announced but will likely be in March 2026.

4. CERD Early Warning Urgent Action

The Committee on the Elimination of Racial Discrimination (CERD Committee) is a UN treaty body made up of independent experts who monitor the implementation of the Convention on the Elimination of All Forms of Racial Discrimination (ICERD) by State Parties. One of the mechanisms through which the CERD Committee carries out this function is through the ‘early warning and urgent action’ (EWUA) procedure. Anyone, including individuals, NGOs and Indigenous communities, can file an EWUA request alerting the CERD Committee to a risk of racial discrimination or evidence of such discrimination occurring within a State Party’s jurisdiction. Upon receiving the request, the CERD Committee may engage in dialogue with the State to collect further information and make recommendations to prevent or stop discrimination.

Early warning measures recommended by the CERD Committee aim to prevent existing problems from escalating, as well as measures to identify and support racial tolerance. Urgent action measures are meant to respond to problems requiring immediate attention to prevent or limit the scale or number of serious violations of ICERD. In the past, the CERD Committee has responded to EWUA requests concerning risks posed to Indigenous communities.

EWUA requests can be submitted to and considered by the CERD Committee at any time.

B. Inter-American Human Rights System

The Inter-American human rights system is a regional system responsible for promoting, monitoring and protecting human rights in 35 states in the Americas. It is made up of two organs: the Inter-American Commission on Human Rights (the Inter-American Commission) and the Inter-American Court of Human Rights (the Inter-American Court). Canada is a member of the Inter-American system.

1. The Inter-American Commission on Human Rights

The Inter-American Commission promotes and protects human rights by undertaking the following:

- Making country visits to review a human rights situation;
- Preparing reports on the human rights situation in a certain country or on a particular thematic issue

- Adopting precautionary measures where requested by individual/groups
- Adopting requests for provisional measures to the Inter-American Court
- Processing and analyzing individual petitions regarding allegations of human rights violations under the American Convention on Human Rights, the American Declaration on the Rights and Duties of Man, and other inter-American human rights treaties
- Issuing recommendations to states after reviewing cases and determining the responsibilities of states

Given its breadth of powers, the Inter-American Commission can consider complaints brought against Canada.

2. The Inter-American Court of Human Rights

The Inter-American Court is a judicial organ with a mandate to consider cases arising out of violations of the American Convention on Human Rights. Unlike the Inter-American Commission, the Inter-American Court's jurisdiction is limited and includes the following:

- Consider of cases brought by State parties to the American Convention against other state parties and issue judgments.
- Consider individual petitions regarding allegations of human rights violations under the American Convention. The Inter-American Court will not consider a petition received directly by an individual or group. It will only consider petitions first submitted to the Inter-American Commission that are then referred to the Inter-American Court.
- Consider requests for consultative opinions by member states and issue opinions.

Note that because Canada is not a party to the American Convention, the Inter-American Court cannot consider any case brought before it against Canada.

Advocacy Options to consider under the Inter-American System:

- **Precautionary Measures Request against Canada:** Where there is a serious and urgent situation, an individual or group may request Precautionary Measures from the Inter-American Commission using the [Virtual Portal](#). The complainant must show that there is an urgent and serious risk of human rights violations causing irreparable harm against a specific person or group. If the Commission determines that such a risk exists, it will issue a recommendation to the state in which the person or group resides to take precautionary measures to protect that person or group. A request for a precautionary measure and a petition may be processed simultaneously. While a petition establishes violations of human rights, precautionary measures seek to protect specific person(s) in a situation of serious

and urgent risk of irreparable harm. Complainants do not need to exhaust domestic remedies to bring a Precautionary Measures Request, but they may need to demonstrate that they raised or attempted to raise the issue with domestic authorities.

- **Engagement with Rapporteurs:** Similar to the UN, the Inter-American System has Special Rapporteurs who review complaints of human rights violations, make country visits, and prepare reports on human rights situations with recommendations to Member States. They do not have the power to force states or non-state actors to do anything / adopt their recommendations.

C. Advocacy in Canada

1. Canadian Ombudsperson for Responsible Enterprise (CORE)

CORE is an administrative body in Canada that reviews complaints about possible human rights abuses involving Canadian companies that operate outside Canada in the garment, mining, and oil and gas sectors. CORE offers informal mediation services and informs the Minister of International Trade about matters concerning the practices and policies of Canadian companies working outside of Canada.

Upon receiving a complaint, the CORE will first review the matter to determine if it falls within the office's mandate. Specifically, in deciding whether to admit a complaint, the CORE will consider:

1. Whether the complaint involves a possible human rights abuse.
2. Whether the possible abuse is a result of the operations of a Canadian company working outside Canada in the garment, mining, or oil and gas sector.
3. Whether the possible abuse started after May 1, 2019, or if it started before May 1, 2019, it is still going on.

If the complaint is admitted, CORE will gather information from both the complainant/persons affected and the company. Parties will then be given an opportunity to resolve the issues through mediation. If the parties are unable to reach resolution through negotiation, CORE will issue a final report on its findings regarding the human rights allegations and recommendations to the company. For example, the CORE may recommend that the company compensate those whose human rights were violated, apologize publicly, give back land, clean up polluted water or land, or change how they do business.

In deciding whether to file a complaint with the CORE, it is important to consider the following limitations of this mechanism:

- The CORE does not have enforcement power. This means that it cannot compel a company to cooperate in an investigation / provide information relevant to the human rights allegations.
- The CORE is not a court or tribunal. They cannot make people or companies carry out its recommendations.
- The CORE is not adequately independent from the Government of Canada, as its offices are situated within Global Affairs Canada (the foreign affairs department of the Canadian government, also referred to as “GAC”). Additionally, the Interim Ombudsperson is a former GAC employee, which means there is no guarantee that complaints will be kept confidential from GAC or Canadian embassies that may disclose information to Canadian companies.
- The CORE seeks to maintain confidentiality during the process and it will request the permission of complainants before disclosing certain information (e.g. the identity of complainants) that can increase the risk of retaliation against complainants. That said, the CORE does not have explicit powers to protect complainants from retaliation.

Important Note: Although the CORE Office remains open to accept complaints, there is currently no Ombudsperson appointed and the position remains vacant. This means that there is no guarantee regarding if and when a CORE complaint will be reviewed.

2. National Contact Point for Responsible Business Conduct (NCP)

Canada’s NCP is very similar to the CORE. The NCP’s mandate is twofold: to promote the OECD Guidelines for Multinational Enterprises, and to handle cases (referred to as “specific instances”) as a non-judicial grievance mechanism. Like CORE, the NCP can review and help contribute to the resolution of complaints made against multinational enterprises operating in or from Canada, but the company at issue can be operating *any* economic sector (not just garment, mining, oil and gas).

The NCP provides parties with an opportunity for mediation to informally resolve the issue, failing which it is investigate the human rights allegations and issue a report with recommendations.

Like the CORE, the NCP does not have any enforcement powers and is not a court or tribunal. It cannot require the parties to follow its recommendations. The NCP has investigated few complaints to date and its process can be unduly lengthy.

If a complaint falls within the mandates of both the NCP and the CORE, the complaint can be submitted to either body but not both.

D. Shareholder Engagement

Shareholders of a company can have broad impact on a company's operations, including the company's human rights and environmental impacts. Therefore, they also have the responsibility to respect human rights and undertake appropriate human rights due diligence. Many investors will have environmental, social, and governance (ESG) approaches to their investment decisions; however, these approaches do not always integrate human rights considerations. Engagement with investors, therefore, can include urging them to place risks for people and the planet at the center of their decision-making, and press for improved, coherent, and standardized data on human rights.

If the corporation at issue is a publicly-traded company, which opens up the opportunity to actively engage shareholders to:

- 1) advise them about human rights and environmental impacts connected to the company; and
- 2) prompt them to use their collective leverage to address human rights challenges.

Below are options to consider for shareholder engagement.

1. Disseminate human rights information to relevant stakeholders

A first step to shareholder engagement is to identify shareholders of the corporation who may have an interest in human rights/ESG or who may consider the current circumstances surrounding the mine (e.g. lack of Indigenous consultation and consent, risk of environmental damage, etc.) to be a financial risk. Once these investors have been identified, you can take a number of actions to educate shareholders (and other relevant stakeholders) about the risks associated with the corporation's operations and recommend that they pressure the company to take action. These may include the following:

- a) Send investor alerts. You can send a memo to the 20 main investors you identify detailing human rights and environmental concerns and urge them to negotiate with the company or bring a shareholder proposal (see next section).
- b) Send alerts to analysts. Similarly, you can send a memo to financial analysts, who review information and make recommendations to shareholders as part of their job. Analysts are often seeking the most recent information about a company's operations. You may want to consider providing human rights and environmental information to analysts to enable them to make recommendations to the company's shareholders.
- c) Provide investor webinars. Through collaboration with NGOs who are engaged in investor education on corporate accountability (for example see the [Interfaith Center on Corporate Accountability](#)), you can offer informative webinars on relevant human rights and environmental risks and impacts.

- d) Engage media. To ensure that the above information is widely disseminated to relevant stakeholders, you may consider speaking with journalists/media organizations.

2. Identify and coordinate with an institutional investor

Given the leverage that investors may have on corporate conduct, one way to engage shareholders is to identify institutional investors who have an interest in human rights/ESG and work with them to put pressure on the company (through a shareholder proposal and/or negotiations). Large institutional investors are ideal, but you may also want to consider smaller shareholders (shareholders who own at least C\$2,000 in shares and have held shares for at least 6 months prior to the company's annual general meeting).

a) File a shareholder proposal for Annual General Meeting

A shareholder proposal is a recommendation submitted by a shareholder requesting that the company take a course of action. Shareholder proposals are presented during a meeting of the company's shareholders, such as the Annual General Meeting (AGM). The AGM is a yearly meeting during which directors of the company provide information on the company's performance, among other things, to its shareholders. AGMs are required for both public and private companies.

Any shareholder who owns at least C\$2,000 in shares of the company and who has held those shares for at least 6 months can submit a shareholder proposal.

A shareholder proposal can be broad or narrow. For example, the proposal can request that a mining development be halted until free, prior, and informed consent is provided from affected Indigenous communities. The proposal can also request environmental and human rights assessments and reports and make recommendations regarding reparations and compensation to those impacted by the company's activities. It is worth noting that the company may seek to exclude the shareholder proposal from the AGM on certain legal grounds (such as, the proposal deals with the company's ordinary business or seeks to redress a personal grievance). Therefore, it is important to draft the proposal carefully to ensure that it can overcome such challenges.

Once a proposal is presented during the AGM, shareholders will vote on whether to approve a resolution adopting its recommendations. Resolutions are typically passed by a majority vote (50% plus one). To enhance the likelihood of approval, it is advisable to engage with other shareholders in advance of the AGM to garner their support. While a passed resolution serves as a recommendation rather than a mandate, companies often implement these measures to maintain shareholder confidence and uphold corporate governance standards.

b) Negotiate with company

Prior to submitting a shareholder proposal, you have the option to work with investors to negotiate with the company, i.e., an interested investor can write to the company that they intend to file a shareholder proposal and invite the company to meet with them regarding their concerns. The risk of an impending proposal may pressure the company to take certain actions without having the matter publicly discussed and voted on during the AGM.

3. File a securities complaint against the company

A securities complaint against the company is another tool for corporate accountability, particularly where the foregoing options are unavailable. Securities regulators are government agencies that are responsible for overseeing and enforcing the rules and regulations of securities markets. One of their goals is to protect investors who rely on information disclosed by the company to decide whether to buy/sell shares of the company. When there is a failure to disclose such information, securities regulators can investigate and take action against the company.

Corporations that are public (i.e., their shares are traded on a public stock exchange) have an obligation under securities regulations to disclose “material information” to investors. Material information is generally information that affects business, such as information that may affect the share price of a company’s stock. Information about social conflict – including human rights violations perpetrated by or connected to the company – has historically affected a company’s stock price and, therefore, can arguably be considered material information. Therefore, if a company fails to disclose information about social conflict and potential environmental damage, this could be the subject of a securities complaint.

It is worth noting that a securities complaint cannot offer a remedy to individuals and communities who have been affected by the corporation’s conduct, since securities regulations are meant to protect investors. However, securities complaints can be effective in pressuring corporations to change their conduct. Complaints can inform investors and the general public about the issue through press coverage, have an impact on the stock price, and result in enforcement action against the company by the securities regulator – such as penalties or enforced compliance with securities legislation - if there is a finding of wrongdoing. Thus, it is particularly important to combine any securities complaint with strong media engagement to ensure the complaint has these intended effects.

If there is interest in pursuing a securities complaint, the first step would be to conduct a thorough review of the company’s disclosures to investors to determine whether the company has failed to disclose material information about the issues to investors. Importantly, if the company has disclosed adequate information about the human rights and environmental concerns at issue, there would be no basis for a securities complaint (even if the company has not done anything to address the situation).