

# Canada\_NGO\_Women's International League for Peace and Freedom (WILPF)\_PSWG

The impact of Canada's arms transfers on children's rights

Submission to the 87th pre-sessional working group of the Committee on the Rights of the Child

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I. Introduction

In this submission, WILPF draws the Committee on the Rights of Child's (CRC) attention to concerns around Canada's arms transfers, including to the United States and Saudi Arabia, and around loopholes in Canada's arms export regulatory system and regulation of arms producers. In doing so, we recall, *inter alia*, that the CRC has detailed the impact of arms availability on children's human rights in many of its concluding observations. And we stress that Canada has a duty to take measures to prevent arms transfers that may facilitate violations and abuses of children's human rights.

Arms transfers have a well-documented and multi-faceted impact on human rights. They facilitate the movement of the very same weapons—or ammunition—that are used to curtail human rights in direct and specific ways by militaries, paramilitaries, law enforcement groups, criminals, and armed groups. They are used directly, for instance, in the perpetration of extrajudicial killings, forced disappearances, illegal detention, torture, gender-based and sexual violence, and the recruitment of child soldiers. Weapons are used as a tool of intimidation and repression to curtail freedom of expression and of assembly. Arms transfers therefore can be

viewed as enabling factors that equip those who commit human rights violations and facilitate such violations by providing them the means with which to do so.

There are also indirect ways in which the availability and proliferation of conventional weapons in particular contribute to the grave violation of children's rights. Arms transfers and availability can deepen, exacerbate, and/or prolong existing violence or conflict, which, in turn, has secondary effects on human rights. Conflict can, for example, render access to education impossible through the physical destruction of schools, learning materials, or the existence of related departments and entities. In some places, families do not send their children to school because of the fear of attacks on educational facilities which has far-reaching impacts on children's future opportunities. It can further impair socio-economic development, the provision of and access to medical care, including sexual and reproductive health services, or humanitarian aid, which impedes the enjoyment of other human rights. Armed conflicts often lead to an increased risk in sexual violence, child marriage and early pregnancies, abduction, and trafficking. They also lead to forced displacement, which exposes children to even more vulnerabilities and threats to their safety and security and leads to negative coping strategies.

In particular, explosive weapons leave explosive remnants of war. Until they are removed, they can kill and injure children and other civilians long after hostilities have ended and prevent or delay reconstruction work as well as the return of refugees and displaced persons.

Arms transfers and availability is also linked to violent masculinities and the heightened levels of militarisation within communities. This means that arms are correlated with an increase in gendered inequality and a generalised culture of violence, often with specific gendered impacts. Violence against women and girls increases along with militarisation, often as a result of exacerbating hegemonic masculinities. The intensification of violent masculinities in situations of armed conflict also plays a crucial role in the recruitment of child soldiers, in particular boys. For example, becoming a child soldier becomes a symbol of initiation to manhood. Importantly, hyper-masculinity continues to be present long after a conflict has ended.

Human rights mechanisms on the link between arms and human rights

Many human rights mechanisms have recognised the strong link between the impact of the international arms trade, and the availability of weapons on human rights. These include, in addition to the CRC, the Human Rights Council (HRC), and investigative mechanisms created by the HRC (e.g. Commissions of Inquiry), the Committee on Economic, Social and Cultural Rights and the CEDAW Committee. Recommendations relating to the arms trade have increasingly been made in the context of the Universal Periodic Review (UPR).

In many of its concluding observations, the CRC has detailed the impact of arms availability on different categories of human rights, such as in relation to child recruitment, child marriage and child labour, environmental degradation, and with regard to the enjoyment of the rights to life, survival, and development, education, health, water and sanitation. Please refer to Appendix II for a more detailed overview how the CRC and other human rights mechanisms have addressed this issue.

## II. The link between Canadian weapons and military equipment and human rights violations

In 2018, Canada's total exports permitted under the Export and Import Permits Act (EIPA) of military goods and technology amounted to approximately CAD \$2.069 billion, which was more than double the value of its 2017 exports. In 2019, this rose to CAD \$3.757 billion.

According to the Stockholm International Peace Research Institute (SIPRI) arms transfers database, the majority of Canadian exports are aircraft, armoured vehicles, and engines. In 2019, the category of "ground vehicles and components" comprised 75.46 per cent of Canadian military exports at a value of CAD \$3.018 billion, while the next largest category of items ("Imaging or countermeasure equipment, specially designed for military use, and specially designed components and accessories") comprised just under seven per cent of total reported exports in 2018. Firearms, among the items in Group 2-1 ("smooth-bore weapons with a calibre of less than 20 mm, other arms and automatic weapons with a calibre of 12.7 mm or less and accessories") were approximately two per

cent of total exports in 2018.

#### Canada's arms export control system

Export control policy guidelines approved in 1986 required the government to closely control the export of military goods and technology to countries that pose a threat to Canada and its allies; that are involved in or under imminent threat of hostilities; that are under United Nations Security Council sanctions; or whose governments have a persistent record of serious violations of the human rights of their citizens, unless it can be demonstrated that there is no reasonable risk that the goods might be used against the civilian population; in addition to other policy goals.

With the accession to the Arms Trade Treaty (ATT) in 2019, amendments came into effect that made Canada's risk assessment process more rigorous and required a denial if there is a substantial risk that a proposed export could violate any of the ATT assessment criteria. It additionally led to the creation of brokering controls, some transparency around transfers to the United States, and the creation of "an arms-length advisory panel of experts that will review best practices regarding arms exports by state parties to the ATT to ensure Canada's export controls are as robust as possible."

Contained in Article 7.4 of the ATT is an assessment about the potential for the proposed export to commit or facilitate "serious acts of gender-based violence or serious acts of violence against women and children." (emphasis added) It is important to underscore that the risk assessments assess just that—the "risk" that the arms in question will be used in any of the ways prohibited by the treaty. It is not necessary to establish the direct presence of a transferred item as having been used in a specific act in order to prevent future transfers of the same item. If the risk alone is high enough, the transfer must be denied.

The 2019 report on military transfers from Global Affairs Canada states, "A key consideration in the review of each application is the end-use and end-user of the item. Careful attention is paid to end-use documentation in an effort to ensure that the export or brokering transaction is intended for a legitimate end-user and will not be diverted to ends that would threaten the security of Canada or its allies or violate any of the ATT assessment criteria. Where a substantial risk is identified with respect to any of the ATT criteria, mitigating measures, such as additional end-use assurances, post-shipment controls, or transparency provisions between Canada and the government of the destination country, must be sought. A permit can only be issued if the mitigating measure reduces the risk to less than "substantial"."

#### Concerns around transparency of Canada's arms exports

An estimated half of all Canadian exports of military goods and technology are to the United States but these exports remain largely off-the-record and are not publicly reported on, as per the 1956 Defence Production Sharing Agreement (DPSA) between the two countries. Such transfers are not only exempt from the risk assessment and public reporting policies and procedures that Canada applies to other states but there is also no assessment of how Canadian-made items are further transferred or used, as the case study on Nigeria highlights. Please refer to Appendix I for the case study on Nigeria.

As part of regulatory changes made to implement the Arms Trade Treaty (ATT), the government of Canada created a new group in its export control list to include the items that the ATT controls and "impose a permit requirement to export these items to the United States". The items included in the new group match the list of weapons included in the scope of the ATT only. The precise impact of this change is not yet known but Canada's 2019 report on exports of military goods did include information about permits issued to the United States, including their value.

Beyond the United States, 82 other countries and territories received Canadian weapons in 2019. The major recipient was Saudi Arabia (76.21 per cent); followed by Belgium (4.04 per cent), Turkey (4.03 per cent), the United Kingdom (3.10 per cent), Australia (1.63 per cent), Singapore (1.06 per cent), Germany (1.04 per cent), and the United Arab Emirates (0.98 per cent). While dozens of others received less than one per cent of the

remaining total, a review of the full list bears scrutiny.

Despite the provision of the above figures from official federal government reporting, it can be difficult to discern further the precise items that Canada exports and to whom, within those broad categories. Canada's reports to the UN Register of Conventional Arms (UNROCA) provides some further detail in a more accessible format but the Register is not exhaustive of all types of weapons, focusing on the seven categories of conventional arms "deemed most offensive" and small arms and light weapons.

As Project Ploughshares, a Canadian civil society organisation, has observed, "... instead of listing a precise model of rifle, with numbers exported, the report uses broad classifications, such as 'automatic weapons with a calibre of 12.7 mm or less and accessories.' Yet we know that the government has the exact information, which is required before export permits are granted." The same organisation has also observed that (until 2019) Canada published the number of approved export permits but not the number that were utilised, nor the reasons for rejecting permits. Changes implemented as part of new legislation passed in 2019, in order to be able to accede to the ATT, means that more of this kind of information is now available in the official federal annual reports. However greater specificity is needed. For example, the reasons for denying a permit are provided as large, and vague, categories, such as "Canadian foreign and defence policy".

Canada views itself as a champion of human rights abroad and domestically, but its arms export history does not always reconcile with that view, or with some of its core foreign policy objectives, such as reducing gender-based violence and promoting feminist policies; supporting the rules-based international order; or eradicating poverty and achieving the Sustainable Development Goals. Human Rights Watch's World Report 2020 notes that "Canada also grapples with serious human rights issues relating to the overseas operations of Canadian extractive companies, and persistent exports of military equipment to countries with a record of human rights violations."

#### Examples of problematic arms transfers

While recent deals and transfers that have raised questions and inquiries by civil society organisations and journalists might give the impression that this is a current problem, others have noted that weapons transfers to recipients and contexts of concern is not a new problem.

Background research prepared by Project Ploughshares in support of this submission notes "The UN Secretary-General's 2018 Report on children and armed conflict highlights grave breaches across twenty conflict zones. These violations include the recruitment of child soldiers, attacks on schools and hospitals, and the killing and maiming of children during conflict, amongst others. Of the belligerents identified, nine have received Canadian weapons exports between 2016-2018, as outlined in the annual Reports on Exports of Military Goods from Canada." These nine countries are outlined in the table below. Further details on Saudi Arabia and the war in Yemen, Nigeria, and the Philippines are provided in Appendix I to this submission

Table 1

### III. Addressing the role of Canadian arms companies in human rights abuses

Under the UN Guiding Principles on Business and Human Rights (UNGPs), states have the obligation to protect against human rights abuse within their territory and/or jurisdiction by business enterprises in all sectors, and should clearly set out the expectation that enterprises respect human rights throughout their operations. It is important to underline that states should take additional steps to protect against human rights abuses by business enterprises that are owned or controlled by the state, or that receive substantial support and services from state agencies, as is often the case with companies in the arms industry. Given the specific risks of gross human rights abuses posed by the arms industry, including by fuelling conflict, it is essential to recall that states have a specific obligation to ensure that business enterprises operating in conflict-affected areas are not involved in such abuses. In its General Comment 16, the CRC has also stated that: "Home States should also develop and implement laws and regulations that address specific foreseeable risks to children's rights from business

enterprises that are operating transnationally. This can include a requirement to publish actions taken to ensure that companies' operations do not contribute to serious violations of children's rights, and a prohibition on the sale or transfer of arms and other forms of military assistance when the final destination is a country in which children are known to be, or may potentially be, recruited or used in hostilities."

Over the years, numerous UN human rights bodies have urged Canada to address the human rights impacts of Canadian companies operating abroad, including by adopting a National Action Plan on Business and Human Rights and by ensuring access to justice for victims. In January 2018, a Canadian Ombudsperson for Responsible Enterprise was created. However, this mechanism does not hold investigatory powers such as the ability to compel documents and testimony from parties to complaints, which is a major gap to ensure accountability. In addition, despite many recommendations from UN human rights mechanisms, Canada still does not have a National Action Plan on Business and Human Rights nor a legal framework on mandatory corporate human rights due diligence. It is essential that the relevant authorities in charge of enforcing arms transfer controls be duly sensitised about the UNGPs and that mandatory human rights due diligence obligations, including child-rights due diligence, be adopted and also cover the arms industry.

The case study on Nigeria in Appendix I provides information about two Canadian-owned companies with operations in other countries (STREIT Group and INKAS) having provided armoured vehicles to the Nigerian armed forces; a police investigation about possible sanctions violations in STREIT Group's sale of armoured trucks to Sudan; and STREIT Group being named in reports of UN panels investigating arms embargo violations on Libya and South Sudan.

#### IV. Other relevant considerations

If Canada wants to truthfully uphold its role as a defender of human rights domestically and elsewhere, it should consider the far-reaching consequences of the impact of its arms sales to other countries. This includes the diversion from investments in economic and social rights in recipient countries.

As demonstrated above, Canada sells arms, and parts and components, to countries which cannot meet the basic human needs of their populations. The above-cited country examples demonstrate, inter alia, how arms transfers can undermine economic and social rights of children through the diversion of public resources in recipient states, away from health, education, and other social services. This "opportunity cost" is recognised by the United Nations Charter in its call for the least diversion of the world's economic and human resources to armaments.

The CRC has called upon states parties under review to address the root causes of acts of armed violence, including poverty and marginalisation. In line with the CRC, WILPF argues that arms-exporting states such as Canada have a responsibility to consider the root causes of armed violence, including poverty and marginalisation, when conducting arms export risk assessments. A similar point was raised in the 2018 review of Germany by the Committee on Economic, Social and Cultural Rights (CESCR), This follows a CESCR recommendation to the United Kingdom relating to arms transfers.

#### V. Suggested questions for Canada

Based on the concerns and recommendations presented in this submission report, WILPF suggest that the CRC ask Canada the following questions:

How does Canada reconcile its arms transfers to repressive states, notably to Saudi Arabia, vis-à-vis its feminist foreign assistance policy and defence of human rights?

What are the export controls and human rights impact assessments carried out over arms transfers in the context of business relationships between Canadian companies and companies located in third countries, such as in the US, and with Canadian companies' subsidiaries located in third countries?

What are the measures taken by the government to assess the human rights risks posed by arms transfers, including for children's rights and is the government considering adopting a National Action Plan on Business and Human Rights or legislation on mandatory due diligence? If so, is the arms industry covered by such initiatives?

Despite recent changes as part of Arms Trade Treaty implementing legislation, and updates to Canada's agreement with Saudi Arabia, it remains challenging to discern the details of arms transfer agreements and permit approvals between the United States and Canada, which hinders public accountability and transparency. What is Canada doing to improve transparency in its arms transfer decision-making, agreements, and reporting?

Appendix I. Detailed information on some of the particularly concerning arms transfers

Saudi Arabia and Yemen

Canada's arms transfer agreement to provide light armoured vehicles (LAVs) to Saudi Arabia has been a source of controversy and protest within Canada.

The deal was brokered by the Canadian Commercial Corporation (CCC)— which is a Crown corporation— for an undisclosed number of light armoured vehicles to be manufactured by General Dynamics Land Systems (GDLS). It is the largest military exports contract in Canadian history, valued at CAD \$14.8 billion, and was awarded during the 2013-2014 fiscal year. Despite its size, many aspects of the contract have not been disclosed. It was brokered under the previous Conservative government but approved under Canada's current Liberal government, which took power in 2015. Since the beginning, human rights organisations, academics, and arms control advocates have raised concerns about the deal given Saudi Arabia's human rights record. In 2016, video footage showed light armoured vehicles being used against civilians in Saudi Arabia's Eastern Province.

In November 2018 the government suspended approvals of new arms export permits for Saudi Arabia following the murder of Saudi journalist Jamal Khashoggi at the Saudi consulate in Istanbul and initiated a review of all export permits to the country. The review assessed if there was a "substantial risk" that Canadian exports of military goods and technology would result in any of the six negative consequences referred to in subsection 7.3(1) of the Exports and Imports Permit Act.

The review found that "based on current conditions in [Kingdom of Saudi Arabia] KSA and KSA's actions in the conflict in Yemen as assessed in the context of this review, there is a substantial risk that Canadian exports of certain types of military goods and technology (e.g. air-to-surface missiles, bomber aircraft) for use in the conflict in Yemen would be used to commit or facilitate violations of IHL. This conclusion takes into account the Minister [of Foreign Affairs]'s obligation to consider whether any available mitigation measures could reduce the risk to below the substantial risk threshold. As Canada cannot enforce its export controls legislation extraterritorially, many of the mitigation measures listed in paragraph 17 may require consent or cooperation from the government of KSA, and therefore may not be feasible in the current context of the bilateral relationship. Should risk mitigation options become more readily available, this could impact the Department's assessment of substantial risk related to these types of goods and technologies. Of note, there are currently no export permits or permit applications ready for issuance that would fall into this category."

The report continues to state that "As regards other military items – including light armoured vehicles – the Department concludes that there is no substantial risk that these items would be used for any of the negative consequences specified in subsection 7.3(1) of the EIPA." This conclusion was reached even though there has been evidence of use by Saudi Arabia of light armoured vehicles in human rights violations, as illustrated later in the text.

On 9 April 2020, Canada announced that its light armoured vehicles' deal with Saudi Arabia would continue under "improved" terms; namely, that the Canadian government would have greater ability to share publicly certain (but not all) of its terms.

Canada has been outspoken about Saudi Arabia's human rights record; in fact, tweets from then-Canadian Foreign Affairs Minister Chrystia Freeland urging Saudi authorities to release civil and women's rights activists in August 2018, following the detention of Samar Badawi prompted Saudi Arabia to recall its ambassador in Ottawa, and gave the Canadian Ambassador in Riyadh 24 hours to leave, while freezing trade and investment, among other moves.

At the time, Freeland responded by stating that "Canada will always stand up for the protection of human rights, very much including women's rights, and freedom of expression around the world. Our government will never hesitate to promote these values and believes that this dialogue is critical to international diplomacy."

The continued provision of light armoured vehicles to Saudi Arabia contradicts and undermines that and similar statements.

Saudi Arabia sent light armoured vehicles to quell peaceful civilian protests in Bahrain in March 2011. Video evidence from 2012 and 2015 have shown Saudi authorities using light armoured vehicles (from other sources) against Shia dissidents in the Eastern Province of Saudi Arabia, which raised questions about the country's tendency to use such items against its own population.

#### Use of Canadian weapons in the Yemen conflict

While it was believed for a long time that the Canadian light armoured vehicles were not being used by Saudi Arabia or its coalition partners in the context of the war in Yemen, apart from Saudi border guards, new evidence has shown this to be false.

Canadian light armoured vehicles have been spotted six times in the border provinces of Hajjah and Saada, as part of convoys. Researchers have noted that at least twice it appeared that the letter "N" (referring to the Saudi National Guard) had been erased on the exterior of the vehicles and replaced by the letter C, in reference to the Saudi-led coalition. Moreover, photographic evidence has emerged of Canadian sniper rifles being used by Yemeni militias that are aligned with the Saudi-led coalition. These would have been diverted, either intentionally or otherwise, such as through looting.

The conflict in Yemen has had, and continues to have, extremely devastating impacts on the rights of children. In its review of Yemen in 2014, the CRC expressed its deep concerns about the impact of the conflict on children's right to life, survival and development.

While grave violations of human rights and international humanitarian law (IHL) are perpetrated by all parties to the conflict, WILPF illustrates the impact of the Saudi-led coalition on children's rights in Yemen.

In his 2019 report on children and armed conflict, the UN Secretary-General (UNSG) confirms that a total of 43 per cent (729 children) of child casualties verified by the United Nations in 2018 were attributed to the Saudi-led coalition. The UNSG condemned "the increasing number of child casualties, which are often a result of attacks in densely populated areas and against civilian objects, including schools and hospitals." He also noted as increasingly worrying "the rise in the number of child casualties attributed to the Government Forces and the Coalition."

In 2018, the UN verified 44 attacks against 28 schools and 16 hospitals, an increase compared with 2017, 84 per cent of which caused the partial or complete destruction of the facilities. Twelve attacks on schools, and three attacks on hospitals were attributed to the Coalition.

Further, the UN verified 275 incidents of denial of humanitarian access, including restrictions of movement (177), interference in the implementation of humanitarian assistance (49), violence against humanitarian personnel, assets and facilities (44) and attacks on humanitarian water facilities (5). In 41 incidents, the Coalition was responsible for the denial of humanitarian access.

The 2019 Report of the detailed findings of the UN Group of Eminent International and Regional Experts (GEE) on Yemen exposes the direct and indirect impacts of the armed conflict on children. The GGE finds that the armed conflict has exacerbated underlying inequalities, and that parties to the conflict are exploiting gender norms, at the detriment of children's rights. Men and boys are increasingly expected to behave violently, and to be involved in the war. The report finds that the reinstatement of discriminatory customs, and the exacerbation of toxic masculinities, amongst other factors, "has increased the risk of men using domestic violence to maintain control within families to compensate for their economic disempowerment and changing gender roles". The GGE further argues that "The social-normative pressure to remain reliant on male guardians already raises the risk of women and girls remaining in abusive and exploitative relationships, and their increased vulnerability due to the war is likely to raise this further. These factors, particularly displacement and associated vulnerabilities, have placed significant socio-economic burdens upon women and girls." The GGE also found increasing reliance on negative coping strategies, including sexual exploitation, child labour, and child marriage.

The GGE notes that of the 3.3 million people currently displaced, 83 per cent are women and children, with around 53 per cent women and girls. As a result, most households are now female-led, "with 21 percent of households led by girls under 18, who, given endemic inequality and lack of economic empowerment, are more isolated and vulnerable to poverty."

Canada's 2018-19 review of its arms transfers to Saudi Arabia makes a specific assessment of "Violence against Children in the Context of the Conflict in Yemen". While it found "no credible evidence that the Saudi government is directly engaged in the recruitment and use of child soldiers or is supplying Canadian-made military goods or technology to armed groups in Yemen who may use such goods or technology in the recruitment or supply of child soldiers," the report outlines, and reinforces, the negative impact of the war in Yemen on children. For instance, citing the same 2019 report of the UNSG, the Canadian report notes that from 2013 to 2018, the UN has verified almost 12,000 grave violations against children committed in Yemen. These include recruitment of child soldiers, deprivation of liberty for alleged association with armed forces or armed groups, killing and maiming, rape and other forms of sexual violence, attacks on schools and hospitals, abduction and denial of humanitarian access." The Canadian report acknowledges that the UNSG "has listed members of the Coalition as a party to the conflict that perpetrate grave violations affecting children in situations of armed conflict, specifically with regards to the killing and maiming of children, resulting from airstrikes on schools and hospitals."

As such, the growing body of evidence that Canadian light armoured vehicles are being used in Yemen to perpetuate a conflict that enables the above harms and violations to occur is incompatible with Canada's own stated position on human rights with respect to Saudi Arabia; its concerns about the humanitarian and human rights situation within Yemen; and its legal commitments under the CRC as well as the Arms Trade Treaty.

## Nigeria

WILPF is also concerned about the loopholes and exemptions that exist with respect to Canadian transfers of military equipment to the United States. Such transfers are not only exempt from the risk assessment and public reporting policies and procedures that Canada applies to other states but there is also no assessment of how Canadian-made items are further transferred or used, as this case study on Nigeria highlights.

Arms transfers from the US to Nigeria were halted under former US president Barack Obama on grounds of human rights concerns; however, they have proceeded under the US' current president Donald Trump. The announcement to resume transfers to Nigeria was made shortly after the Nigerian air force killed at least 112 people and injured another 150, including children, during an air attack on a refugee camp in 2017, in which the military mistook the camp as belonging to Boko Haram, its intended target.

The 2017 agreement between Nigeria and the United States includes a dozen A-29 Super Tucano warplanes. These warplanes are equipped with engines manufactured by Pratt & Whitney Canada, which is based in Longueuil, Quebec. The Pratt & Whitney engines are supplied to a Colorado-based company, Sierra Nevada Corp., which is the prime contractor for the Super Tucano sale to Nigeria. The warplanes are scheduled to be

delivered to Nigeria by 2021.

The transfer of engines was not subject to review by the Canadian government or parliament because of various loopholes in federal regulations. First, permits are not required by US-based recipients for many of the items included on Canadian control lists that apply to other countries. Without a permit requirement, there is no assessment of the potential negative impact of the item's use. Parts and components, which is what an aircraft engine is, do not need any permit. Second, the Canadian government did not, until recently, report publicly on transfers of any items to the United States or about permits granted to US-based recipients which makes it difficult for the Canadian public or other stakeholders to raise questions or concerns. Third, most military items that are supplied to the United States by Canada, such as these engines, are not subject to any further export control or risk assessment by the Canadian government unless the item is being transited through the United States to its destination. The assumption is that the item will remain there, and not be incorporated into a larger weapon system and re-exported.

As Project Ploughshares has noted, "This is a significant loophole that basically undercuts Canada's ability to know where its military equipment ends up. We've documented many instances when, if a company had applied to export directly to a particular country, it would have been denied."

With Canada's accession to the Arms Trade Treaty in 2019 the Canadian government has imposed a new permit requirement for the export to the United States of any of the items listed within article 2 of the ATT. Canada also began reporting on the number of permits granted to US-based recipients and their category or type, as part of this change.

While this is an improvement, engines, which is considered as a "part or component", are not included because they are not listed within ATT article 2, but rather considered in a separate article of the Treaty.

In addition, two Canadian-owned companies with operations in other countries (STREIT Group and INKAS), have provided armoured vehicles to the Nigerian armed forces. The STREIT armoured personnel carriers for Nigeria are manufactured at a STREIT-owned production facility in the United Arab Emirates. The INKAS light armoured patrol vehicles were produced at their facilities in Nigeria. The sale of the armoured vehicles from Canadian-owned firms raises questions about how Canadian companies operating abroad can circumnavigate regulation in ways that enable them to profit and provide military items to recipients that would have potentially been denied had they been subject to formal governmental oversight. It is worth noting that in September 2015, STREIT USA was fined US \$3.5 million for illegal export of armoured vehicles to Afghanistan, Iraq, and Nigeria without required licenses from the United States Commerce Department. The Royal Canadian Mounted Police opened an investigation about possible sanctions violations in STREIT Group's sale of 30 Typhoon armoured trucks to Sudan, and the company has been named in reports of UN panels investigating arms embargo violations on Libya and South Sudan.

While Boko Haram is one of the main perpetrators of human rights violations against children, WILPF highlights the actions of the Nigerian Security Forces (NSF) which are using warplanes, soon to be equipped with Canadian engines, and Canadian-produced armoured vehicles, as elaborated above. In 2017, beyond the air attack on a refugee camp cited earlier which also killed children, the NSF killed at least an additional 235 children through aerial bombardment. The UN further verified four attacks on schools and one attack on a hospital in Nigeria attributed to Boko Haram (4) and NSF (1). At the time of writing, 14 schools continued to be used for military purposes by NSF in Nigeria, 10 in Borno State and 4 in Yobe State. In light of Canada's transfer of warplane engines, the deadly impact of aerial bombardment on children, and attacks on schools and hospitals are particularly worrisome. WILPF illustrated in submissions to the Committee on Economic, Social and Cultural Rights (CESCR) how aerial bombardment or the use of explosive weapons in populated areas cause high levels of lethal and non-lethal harm to individuals, communities, and infrastructure. Destruction of infrastructure vital to the civilian population, including water and sanitation, housing, schools, and hospitals, will likely prevent enjoyment of the right to health, education, and adequate housing. Victims and survivors of explosive weapons can face long-term challenges of disability, psychological harm, and social and economic exclusion.

In the UN Secretary-General's 2019 report on children in armed conflict, the UN verified sixteen children having been killed by the NSF, occurring during the course of their response to Boko Haram offensives. Moreover, in 2018, the UN attributed three cases of rape and other forms of sexual violence against girls to the NSF. The UN also verified one attack on either a school or hospital, perpetrated by the NSF. In addition, the NSF used four schools in north-east Nigeria for military purposes.

The number of denials of humanitarian access, taking place in areas where the humanitarian needs of children was dire, increased from five in 2017 to 33 in 2018, with most cases (23), attributed to the NSF.

### The Philippines

In 2018, the Canadian Commercial Corporation brokered a deal to sell 16 combat helicopters from Bell Helicopter Canada to the Philippines, following an earlier sale in 2015. This prompted outcry from Canadian human rights groups and even some politicians within Canada on the basis of the domestic human rights situation within the Philippines.

At the time, Global Affairs Canada had stated that the helicopters were meant for "disaster relief, search and rescue, passenger transport, and utility transport." Shortly afterwards, the Philippines' military chief of plans told journalists, "The helicopters will be used for the military's internal security operations." adding that they can be used in a secondary role for search and rescue and disaster relief." Rodrigo Duterte, President of the Philippines, said he wanted to use the helicopters to "finish off" those who pose threats to his leadership.

Moreover, the Philippine military announced in 2018 that it would use the Canadian helicopters to strengthen its capabilities in its fight against "Communist insurgent groups" and Islamic extremists, using Canadian helicopters to transport and supply troops. In 2017, the Philippine air force used its older utility helicopters during fighting in the city of Marawi which was occupied by Islamist extremists. The five months of heavy bombings caused more than 1,000 deaths and vast destruction of the city's infrastructure.

This prompted the Canadian government to put the deal under review, which, following comments from Canadian Prime Minister Trudeau about the human rights context in the Philippines, prompted the Philippines government to revoke the deal in late 2018. It was reported that Bell Helicopter Canada later sought ways to revive the deal. A representative of The Rideau Institute, a Canadian organisation, noted that a possible loophole for Bell could have been shipping portions of the helicopters to US facilities for assembly and eventual sale, not unlike the example of Nigeria.

The UNSG notes in his 2019 report on children and armed conflict that military operations against Islamic State-affiliated groups continued in 2018. Conflict-related incidents intensified between the Communist Party New People's Army (NPA) and the Philippines Armed Forces, supported by pro-government paramilitary groups, after Duterte declared the NPA a terrorist organisation. Those operations resulted in the displacement of over 212,000 people, half of whom were children. In its recent concluding observations, the Committee on the Rights of Persons with Disabilities also expressed concern at a report about the impact of the Battle of Marawi on children, amongst other groups, who "were left in the centre of gunfire and chaos, causing massive internal displacement." A 2020 report by the Office of the High Commissioner for Human Rights (OHCHR) on the situation of human rights in the Philippines reminds of the fact that in May 2017, martial law was declared across Mindanao, the Philippine's second largest island, when Marawi city was under siege. Martial law was extended by Congress three times, until the last extension expired in December 2019. The report also notes alarming reports of violations of international humanitarian law, including in the continued conduct of aerial bombing targeting the NPA.

Moreover, according to the 2019 UNSG report, the UN could verify the Armed Forces' recruitment of one boy to provide support in a military camp, and verified the killing and maiming of eight children by the same. As well, the report confirms that 18 attacks on schools and protected personnel were committed by the Armed Forces of the Philippines.

While it is commendable that the government of Canada moved to put the deal under review when it was publicly asserted that the helicopters could be used for a different purpose than initial end, it is questionable that the deal was approved in the first place, given the pre-existing and very solid body of evidence of serious human rights abuse within the country.

#### Appendix II: CRC and other human rights mechanisms on the link between arms and human rights

Many human rights mechanisms have recognised the strong link between the impact of the international arms trade, and the availability of weapons on human rights. These include, in addition to the CRC, the Human Rights Council (HRC), and investigative mechanisms created by the HRC, as well as human rights treaty bodies such as the Committee on Economic, Social and Cultural Rights (CESCR), the Committee on the Elimination of Discrimination against Women (the CEDAW Committee), and the Human Rights Committee. Recommendations relating to the arms trade have increasingly been made in the context of the Universal Periodic Review (UPR).

#### The CRC on the impact of arms on children's rights

In many of its concluding observations, the CRC has detailed the impact of arms availability on different categories of human rights. Next to the link between arms transfers and the recruitment of child soldiers, the CRC has expressed deep concern about the availability of arms and their impacts on children, and the right to life, survival, and development. It noted in its concluding observations on Guinea, for instance, concern about "the number of small arms and light weapons remaining in the possession of civilians, which continue to pose a threat to the safety of children." Similarly, in its concluding observations on El Salvador, the CRC recommended to "urgently step up its efforts to eliminate the availability of arms, including small arms."

In its review of El Salvador, the CRC also noted the "overwhelming impact of violence on children's access to education," because schools are located in communities where armed groups are active and/ or schools are in areas where weapons are present, amongst other factors. The CRC has also noted the disproportionate impact of armed conflict on children with disabilities.

The CRC has also underscored the grave impacts of armed conflict on children's health and their access to health care services. It has expressed concern about the disproportionate impact of armed conflict on children with disabilities and their access to health care. In its concluding observations on Syria, the CRC expressed its deep concern about the thousands of children killed and injured with the use of indiscriminate or unlawful weapons and about the negative effect that armed attacks have on children's psychological well-being. The CRC further underscored the link between armed conflict and the availability of arms, and sexual and gender-based violence, including rape and sexual slavery, against children.

The CRC has highlighted negative strategies to cope with insecurities and deprivation caused by armed violence and conflict, including child marriage and child labour.

Importantly, the CRC has recognised the "damage to the environment generated and exacerbated by weapons-related contamination, damage to critical infrastructure, including water treatment facilities and sewage systems, and the breakdown of the environmental services in the context of the armed conflict and its immediate and long-term risks to children's health, and the long-term environmental consequences."