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Disability Rights in Crisis: Arms Exports and Canada's Human Rights Obligations in Gaza

Submission to the United Nations Committee on the Rights of Persons with Disabilities on the Occasion of the Committee's Review of Canada's Combined 2nd and 3rd Periodic Reports

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I. INTRODUCTION

Canada frequently proclaims itself a global leader in promoting the rights of persons with disabilities. Yet in its foreign policy, Canada facilitates grave violations of the rights of persons with disabilities in Gaza, through continuing arms exports to Israel.

The reality of a globalized world is that the impacts of a state's actions often reverberate beyond its territorial boundaries. Accordingly, a state's international human rights obligations do not end at its borders either. A complete analysis of a state's record on disability rights must therefore be similarly transnational in scope.

One key element of a state's extraterritorial human rights record is its performance in regulating the extraterritorial conduct of its multinational corporations. In a global capitalist economy, transnational business activity is often a leading driver of serious transborder violations of human rights.

This submission illustrates how Canada's persistent shortcomings in this regard negatively impact people with disabilities abroad. Specifically, Canada's failure to adequately regulate the arms exports that help enable Israel's atrocities in Gaza contributes to serious violations of the rights of people with disabilities.

Israel's brutal campaign of attacks on the civilian population of Gaza – which both Amnesty International and Human Rights Watch recently concluded met the elements of the legal definition of a genocide – has drawn widespread condemnation from the international human rights community. For instance, in its statement of 20 October 2023, this Committee expressed grave concern over the “senseless killing and maiming of civilians, including many persons with disabilities” occurring in Gaza. The Committee highlighted the heightened risks faced by persons with disabilities, including abandonment, inability to evacuate from bombardment, and lack of access to essential health services and supports due to the destruction of medical infrastructure. The Committee emphasized that “all States parties and all actors [must] comply with international humanitarian law and international human rights law, and take all necessary measures to ensure the protection and safety of persons with disabilities in situations of armed conflict.” Further, in a communication to Israel on 9 October 2024, a group

of UN Special Rapporteurs expressed significant concern with the widespread violations against persons with disabilities, and the disproportionate harm they have faced.

However, responsibility for the atrocities being committed in Gaza extends far beyond Israel. Rather, it is shared by many international actors – including the various states that continue to make and provide the weapons that enable Israel's atrocities. Therefore, for the Committee and others calling for an end to these atrocities, it is essential to engage these actors on their human rights responsibilities as well.

Other international human rights bodies and experts have affirmed the responsibilities of states to suspend arms exports to Israel. For example, in a statement of 23 February 2024, a group of UN Special Rapporteurs and working groups warned that “any transfer of weapons or ammunition to Israel that would be used in Gaza is likely to violate international humanitarian law and must cease immediately.” Noting that “Israel has repeatedly failed to comply with international law,” they specifically called out Canada for its failure to cease military exports to Israel. More recently, the CEDAW Committee expressed concern about the role of Canadian military exports to Israel in facilitating violations of women's rights in Gaza, and urged it to do more to ensure its military exports do not facilitate violations of women's rights.

Canada claims to have stopped issuing new permits for military exports to Israel. However, it has not cancelled existing permits that have not been utilized. More importantly, Canada has done nothing to stem the much larger indirect flow of military exports to Israel through third countries like the United States of America (US), which is by far the largest supplier of arms to Israel, and continues to provide weapons to Israel freely despite its ongoing atrocities.

Canadian companies provide parts and components that go into many US-made military products that are known to have been used by Israeli forces in Gaza. In other transactions, the US government simply purchases weapons from Canada and sends them directly onwards to Israel. Because Canada does not require individual export permits for most military exports to the US, Canadian arms exports to Israel can continue uninterrupted as long as they are simply diverted through the US.

Partially discontinuing direct arms exports to Israel, while continuing to allow exports to Israel's primary arms supplier free of any oversight or control, is inadequate to discharge Canada's obligations under the CRPD. As a group of UN experts, including various Special Rapporteurs, Independent Experts and UN Working Groups, emphasized in a statement of 20 June 2024, the obligation to cease military exports to Israel extends to “indirect transfers through intermediary countries that could ultimately be used by Israeli forces, particularly in the ongoing attacks on Gaza.”

As such, the authors submit that Canada is in serious breach of its obligations under CRPD, including Articles 3, 5, 6, 7, 9, 10, 11, 18, 19, 20, 24, 25 and 32, and recommend that Canada take various measures to put itself back in compliance.

II. BACKGROUND

Key Historical Context

The current war on Gaza and violations of the rights of persons with disabilities must be contextualized and understood in relation to western settler colonialism and a long history of prior systematic human rights violations and denial of self-determination, occupation, and control by Israel, which have had a disproportionate impact on Palestinians with disabilities. Israel's violations of international law with respect to Palestine predate the current assault, tracing its roots back as far as the 1948 nakba - the mass displacement and dispossession of Palestinians during the establishment of an Israeli state. This history includes various violations of international law by Israel, including the ongoing occupation of the Gaza Strip and the West Bank (including East Jerusalem) following the Six-Day War of 1967. Despite multiple international rulings on the illegality of the prolonged occupation, settlement and annexation of the Palestinian territory in violation of the Palestinian people's right to self-determination, Israel has been intransigent in its contempt for the international rules-based order.

In 2024, the International Court of Justice (ICJ) released an Advisory Opinion finding that Israel's policies and practices towards the Occupied Palestinian Territories since 1967 violate the Fourth Geneva Convention and the Hague Regulations, along with the human rights treaties to which Israel is a party. Acts ruled illegal by the ICJ include the legalization, entrenchment, and integration of Israeli settlements in Palestinian territory, the confiscation of Palestinian land and private property, the exploitation and restriction of natural resources including water to the detriment of the Palestinian people, the replacement of local laws with Israeli military law, the displacement of the Palestinian population by forcible eviction and creation of conditions compelling their departure, Israel's failure to prevent and punish attacks against Palestinian civilians by settlers, and the systemic discrimination of Palestinians on the basis of race, religion or ethnic origin. The ICJ ruled that Israel must discontinue these acts and provide full reparation for all internationally wrongful acts. The ICJ also noted the legal obligation of other states to ensure Israel's compliance with international law.

Long before October 7, 2023 and the ICJ's 2024 Advisory Opinion, many human rights organizations and experts continuously raised serious concerns about the human rights situation in the Gaza Strip. Human Rights Watch reported that the 15-year lockdown of the territory beginning in 2007 effectively created "an open-air prison" for more than 2 million Palestinians. The border closures prevented the free movement of the population and severely restricted their access to goods, resulting in the violations of various guaranteed right and freedoms. Israel's military attacks on Gaza and the killings of civilians are also not new, with multiple assaults since Israel's military withdrawal in 2005, including: a 22-day military offensive in 2008 killing 1,400 Palestinians and 13 Israelis; a 7-week war in 2014 killing 2,100 Palestinians and 73 Israelis (including 67 soldiers); the killing of 170 Palestinians in 2018 as a result of several months of Palestinian protests; the killing of 260 people in Gaza and 13 in Israel in 2021; and the killing of 30 Palestinians by air attacks in 2022. Multiple rights groups have also categorized Israel's conduct in Palestine as a violation of the crime against humanity of apartheid.

These human rights reports and legal findings provide important context for the information presented in this report and demonstrate Israel's intentional creation of conditions resulting in the extreme vulnerability of the Palestinian people before the start of the current assault.

Overview of Persons with Disabilities in Gaza

Situation of Human Rights of Persons with Disabilities in Gaza Prior to October 7, 2023

Prior to October 7, 2023, 58,000 persons were officially identified in the Palestinian Central Bureau of Statistics (PCBS) database as having a disability. Of the persons identified in the database, approximately half were registered as having a walking disability. Other registered disabilities included disabilities related to seeing, hearing, communicating, and controlling behaviour.

Reports, however, indicate that the number of persons with disabilities prior to October 7, 2023, greatly exceeded the number of people officially registered in the PCBS database. For example, a recent report by Human Rights Watch estimates that prior to the current war, at least 98,000 Gazan children between the ages of 2 and 17 already had a disability. Many of the disabilities were acquired as a result of prior wars and violence inflicted against the civilian population in Gaza over the past 17 years.

The official estimates also appear to omit persons experiencing psychosocial disabilities, as PCBS itself notes that in 2023, more than two-thirds of Gaza's population experienced depression and at least 13% of children between the ages of 5 and 17 had anxiety. Other reports indicate that prior to October 7, 2023, approximately 22% of persons in Gaza were living with mental health conditions, including schizophrenia, bipolar disorder, and depression or anxiety, and at least one third of the population required regular psychological and social support. Palestinians with disabilities in Gaza have also been disproportionately impacted by Israeli restrictions on imports. Since 2010, Israeli authorities have restricted the importation of "dual use" items, or civilian items that could conceivably be used for military purposes. Israeli authorities, however, have not provided a specific list of prohibited "dual use" items, instead imposing restrictions on broad categories of items and subsequently relying

on the discretion of aid organizations and individual border agents to enforce these restrictions. These “dual-use” restrictions have prevented the entry of many key items into Gaza, such as assistive devices and medications that persons with disabilities need. These challenges contributed to potential violations under the CRPD even before October 7, 2023.

Human Rights Impacts on Persons with Disabilities in Gaza Post October 7, 2023

With the support of Canadian arms exports, the current war has had a grave impact on the fundamental rights of persons with disabilities in Gaza, affecting their access to essential services, autonomy and dignity. Since October 7, 2023, persons with disabilities in Gaza have suffered from a series of direct and indirect attacks on their persons and livelihoods. Israeli forces during the current war have also caused many more persons to acquire new disabilities, or significantly worsen preventable disabilities.

a) Direct Military Impact on Persons with Pre-existing Disabilities

According to UN experts, “[p]ersons with disabilities are being killed and injured by indiscriminate attacks despite posing no security threat.” Data from May 2024 suggests that out of the 79,562 persons who were recorded as injured during the first seven months of the war, at least 5,000 were persons with pre-existing disabilities.

Further, many persons with disabilities, including many children and adolescents, “have had existing disabilities worsened or acquired secondary or new disabilities.” For example, one doctor described seeing a patient who initially came in with an amputated foot but, because the foot kept getting infected, the doctor had to amputate all the way up to the patient’s mid-thigh over the course of several weeks.

b) Lack of Access to Adequate and Accessible Evacuation Procedures

The repeated forced evacuations since October 7, 2023 have disproportionately affected persons with disabilities.

(i) Increased Difficulties During Evacuations

Many persons with disabilities in Gaza face unique challenges when attempting to flee attacks or respond to evacuation orders due to their disability. These challenges are particularly acute for individuals who have been separated from their primary caregivers, as many persons with disabilities in Gaza depend on another person to carry them, guide them, or otherwise assist them during an evacuation.

Reports indicate that the general shortage of assistive devices in Gaza, combined with the destruction of existing assistive devices since October 7, 2023, has greatly reduced the ability of persons with disabilities to evacuate. Without access to assistive devices, such as hearing aids and wheelchairs, people with disabilities are at greater risk of being injured or killed during an attack. For example, a 19-year-old woman with a hearing disability and no assistive device reported being unable to hear the bombs going off when her shelter was bombed.

Persons with disabilities also face increased difficulty during evacuations due to the inaccessibility of many evacuation routes. For example, persons with visual and mobility disabilities have described the challenges of navigating the physical terrain during evacuations due to rubble, uneven ground, and frequent checkpoints with sand barriers.

These and other barriers have inhibited the ability of many persons with disabilities to comply with evacuation orders and escape attacks. For example, a man who had previously lost both of his legs, noted that he would “be dead” if the hospital where he was living was bombed, as he cannot move on his own. This has also led to extreme emotional distress, as many persons with disabilities believe that “they will be the first and the next to be killed.”

(ii) Inadequate Warnings and Evacuation Processes

According to public reports, Israeli authorities often do not provide general evacuation notices to civilians in advance of attacks. Even where provided, many “evacuation orders totally disregarded persons with disabilities.” Consequently, many individuals with disabilities have been killed or injured as a result of inadequate evacuation orders. For example, in December 2023, a disability rights advocate with a visual disability was killed in his home. This Committee noted that prior to his death, he “did not receive evacuation information in a timely or accessible format.”

Additionally, in November 2023, the UN Special Rapporteur on the rights of persons with disabilities noted that safe and accessible means of transportation and assistive tools for persons with disabilities were lacking during evacuations in Gaza. For example, Human Rights Watch documented how Israel’s October 13, 2023 evacuation order in northern Gaza “did not take into account the needs of people with disabilities, . . . exposed them to the dangers of war and did not ensure that they would be provided with proper accommodation and satisfactory conditions.”

Disruptions to internet and other communications networks in Gaza further reduce the ability of persons with disabilities to access critical information during evacuations and attacks, including when, where, and how to flee to safety. For example, human rights workers have noted how internet blackouts have impeded the ability of deaf persons to communicate via sign language on video calls. Without proper evacuation information, safe and effective evacuation for persons with disabilities is rendered impossible.

c) Destruction of Medical Infrastructure

Since October 7, 2023, much of Gaza’s medical infrastructure, including essential infrastructure that formerly served persons with disabilities, has been destroyed. Reports indicate that Israeli forces have carried out more than 500 attacks on healthcare facilities, resulting in damage to at least 110 health facilities and killing, injuring, or detaining high numbers of healthcare workers. There is further evidence that Israeli forces have committed attacks on medical transports, resulting in damage to at least 63 ambulances. Consequently, as of September 2024, 19 hospitals and 75 primary health centers in Gaza have been labeled “out of service,” leaving only 17 partially functional hospitals and 57 partially functional health centers in the entire Gaza strip.

(i) Destruction of Facilities Providing Long-term Medical Treatment to Persons with Disabilities

The destruction of Gaza’s health infrastructure has severely reduced the ability of persons with disabilities to receive ongoing treatment. As noted by this Committee, the damage and destruction of numerous health facilities and support services has “compound[ed] the situation for persons with disabilities in Gaza who require essential daily disability support and health care.”

There has been a steep reduction in services pertaining to mental health, rehabilitation, and treatment of chronic illnesses. For example, as of August 2024, there is only one, minimally operational, mental health center in the entire Gaza strip, as the five other mental health centers and psychiatric hospital that were operating prior to October 7, 2023, are no longer in service. The closure of these facilities, particularly the psychiatric hospital, has left many who need specialized psychiatric services without treatment.

The provision of rehabilitation services has also suffered since October 7, 2023. Facilities providing prosthetic limbs and rehabilitation services, such as the Sheikh Hamad bin Khalifa al-Thani Hospital for Rehabilitation and Prosthetics, have been severely damaged. The Hamad Hospital for Rehabilitation and Artificial Limbs was burned and severely damaged, resulting in the complete cessation of its services. The hospital provided medical rehabilitation, psychological and social support, and other services to approximately 8,000 persons with disabilities before it stopped functioning. A physical therapist who travelled to Gaza noted the lack of tools available for effective rehabilitation, such as weights, walking devices, and consistent sessions with trained physical therapists. People with disabilities also describe being unable to access regular rehabilitation services due to the hostilities.

The destruction of medical facilities has contributed to decreased access to consistent treatments for chronic illnesses. For example, the closure of al-Rantisi Pediatric Hospital prevented a 15-year-old boy with hemophilia from receiving his regular injections of Factor IX. Many doctors treating patients with exacerbated chronic illnesses attributed the severity of their patients' conditions to the inability of persons with chronic illnesses to access regular treatment during the conflict.

(ii) Insufficient Capacity to Treat New and Long-term Disabilities at Existing Facilities

Israel's destruction of Gaza's medical infrastructure has severely reduced the ability to treat persons with new and existing disabilities in Gaza. Medical facilities in Gaza that are still partially operational are overwhelmed with cases and are therefore unable to adequately treat every patient. Organizations and doctors report long wait times to receive treatment, lack of specialists to provide certain kinds of care, and insufficient space to perform certain procedures.

These interruptions of preventative care and early intervention treatments result in damaging consequences for persons with disabilities, as failure to provide adequate and timely care may increase the complexity of the person's disability in the long-term. For example, one doctor described treating a 9-day-old baby who was shot in the head, placing him at risk of seizures, cerebral palsy, and other cognitive impairments. The doctor noted that under a standard course of treatment, the child would be subjected to a series of diagnostic tests, a development assessment, and various occupational therapy sessions to ensure he developed properly, none of which were available in Gaza. Another doctor noted how the Gazan health system is no longer able to provide treatments for children with clubfoot, despite clubfoot being a treatable condition in children.

d) Lack of Access to Medical Supplies

The blockade and restrictions on humanitarian aid have severely limited access to critical medical supplies needed by persons with disabilities. These restrictions have disproportionately affected persons with disabilities, as they have created reduced access to items that persons with disabilities need for their wellbeing and survival.

Notably, although many of Israel's "dual use" restrictions were in place prior to October 2023, doctors and aid organizations have noted that the list of prohibited items has recently expanded. For example, doctors who travelled to Gaza during the second half of 2024 noted being unable to bring in products such as anesthesia, gauze, and soap. Reports also suggest an increase in arbitrary detentions and rejections of items at the border, including medical supplies needed by persons with disabilities. These new restrictions have further reduced the ability of persons with disabilities in Gaza to access life-saving medications, assistive devices, and other critical equipment.

Lack of Access to Medications

Since October 7, 2023, aid organizations, doctors, and persons with disabilities have reported being unable to access various medications that are required to manage disabilities. Aid organizations have repeatedly raised concerns about restrictions on medications required to treat chronic illnesses and other disabilities, especially in children.

Doctors who have travelled to Gaza to provide humanitarian assistance have also raised similar concerns. One doctor noted that despite the worsening mental health situation, "there were no readily available antipsychotic medications or antidepressants." She explained how she was unable to provide clot busting medication to stroke patients, epileptic medications for seizure patients, and higher strength pain medications for patients with nerve or other pain. Another doctor reported seeing patients suffering from hemorrhagic strokes because they were unable to access their regular hypertension medications. Several doctors also noted a lack of access to treatments such as insulin and dialysis, and the subsequent effects of these shortages on patients. One doctor described how one woman "would come in[to the hospital] every three or four days in diabetic ketoacidosis because she had type one diabetes and could not get insulin."

Persons with disabilities in Gaza have themselves described the inability to access their required medications and the subsequent negative consequences. These include Factor IX for hemophilia; pancreatic enzymes for cystic fibrosis; hormone therapy for breast cancer; anticonvulsant and anti-epileptic medications for cerebral palsy; hypertension medication for diabetes; Neurontin for nerve damage and pain relief; baclofen for muscle spasticity; and insulin for diabetes.

Lack of Access to Assistive Devices

Due to Israel's blockade and heavy bombardment of the Gaza Strip, there has been a sharp reduction in access to critical assistive devices which would typically be available. For example, aid organizations have noted shortages in ventilators, psychosocial support kits, crutches, prosthetics, hearing aids, and spare batteries for wheelchairs due to import restrictions. Doctors have also noted the lack of access to assistive devices such as blood sugar glucometers typically used by people with diabetes, and canes, walkers, or wheelchairs for physical therapy rehabilitation patients. As a result, many report needing certain assistive devices, but being unable to access them.

Other factors have often made these devices inoperable. For example, electricity shortages have interfered with the use of many assistive devices, such as elevators, food-grinding equipment, and mobility scooters. Additionally, the destruction of infrastructure prevents physical assistance devices, such as wheelchairs, from being used as intended. Many persons with disabilities who formerly owned assistive devices have also reported losing them, either due to the item being destroyed in a direct attack or having to leave the item behind while fleeing.

Lack of Access to Other Medical Supplies

Israeli restrictions on imports have also reduced access to general medical supplies which are required to effectively treat persons with disabilities in Gaza. For example, surgeons who have traveled to Gaza note that they lacked key operating equipment, such as anesthesia, gauze, and scalpels. One doctor recalled doing trauma amputations on patients in intense pain without anesthesia or proper scalpels, as both were banned as "dual use" items. Another doctor shared that at one point the hospital where she was working ran out of gauze, causing all operations to stop for multiple days.

Reports also indicate a lack of diagnostic equipment, such as x-rays, CT scanners, ultrasounds, and labs. Without these diagnostic tools, doctors describe having to guess what the proper diagnosis is.

Many doctors also noted how the restrictions on imports contributed to unsterile conditions at the hospital, which greatly increased the risk of infection among their patients, delaying healing and increasing the risk of permanent disabilities in the future.

e) Lack of Access to Food, Water, and Essential Services

The displacement of residents and the restrictions on humanitarian aid to Gaza have disproportionately affected persons with disabilities. The Special Rapporteur on the rights of persons with disabilities noted, "the denial of vital services such as electricity, water, and food exposes people with disabilities to heightened risks including the risk of loss of life."

(i) Increased Risk of Food Insecurity and Malnutrition

Since October 7, 2023, there has been a dramatic increase in levels of malnutrition. Persons with disabilities face a higher risk of malnutrition, worsening health conditions, and imminent death from food insecurity due to their disabilities.

Humanitarian aid organizations, doctors, and family members of persons with disabilities have specifically noted that Israeli restrictions on aid have prevented individuals with disabilities from receiving specialized food for their

diets. For example, in October 2023, OCHA reported that none of the food distributed by aid trucks met the needs of individuals with swallowing difficulties. Without access to necessary specialized food, persons with disabilities face heightened risks of suffering from acute malnutrition.

Many persons with disabilities in Gaza also face substantial barriers when attempting to secure food. For example, Gazans with mobility disabilities may experience physical barriers to get to distribution points or have no access to assistive devices or support.

(ii) Increased Susceptibility to the Consequences of Poor Water Quality and Sanitation Conditions

Reports indicate a steady deterioration in the water, sanitation, and hygiene conditions in Gaza since October 2023. This has increased the overall risk of serious infections and communicable diseases throughout Gaza. Persons with disabilities generally face increased difficulties accessing water, sanitation, and hygiene services. For example, one family noted how during an evacuation, the whole family fell ill due to unclean water but their 16-year-old son with cerebral palsy suffered from the most severe illness, remaining sick for more than 10 days with vomiting and a fever.

Persons with disabilities who suffer from compromised immune systems or other susceptibilities to illness are also disproportionately affected by the poor sanitation conditions, as they are more likely to develop a severe or life-threatening illness in response to non-sterile conditions.

(iii) Lack of Access to Safe and Accessible Shelters

Reports suggest that Gaza lacks sufficient shelter space for the 1.9 million who have been forcibly displaced, leading to overcrowding and unsafe conditions at the existing shelters. UN experts have noted that these shelters “are particularly unsafe and inaccessible to displaced Palestinians with disabilities,” as most shelters “are not equipped to meet the needs of displaced people with disabilities.” For example, many shelters use squat toilets, which are completely inaccessible to many people with physical disabilities.”

f) Lack of Access to Treatment Abroad

Given the limitations on disability services currently offered in Gaza, thousands require treatment and services for their new or existing disability that are only available outside of Gaza. Israel, however, controls “who can leave Gaza to get medical treatment for injuries sustained from the hostilities or for any chronic condition.” As a result, thousands of individuals with disabilities in Gaza have been unable to leave the territory to seek treatment abroad.

Per UN experts, “Israeli authorities have refused to establish a system for medical evacuations,” thereby preventing thousands of persons with disabilities from “obtain[ing] the assistance they desperately need.” In August 2024, the World Health Organization reported that “[m]edical evacuations of patients outside of Gaza remains extremely limited.” Data from August 2024 reveals that of the 13,880 requested medical evacuations since October 2023, only 4,916 patients, or 35%, have actually been evacuated for medical care. Reports, however, suggest that the number in need of medical evacuations is likely much higher. For example, in May 2024, the Ministry of Health reported that at least 25,000 people in Gaza were in need of medical treatment abroad.

g) Separation from Caregivers

Since October 7, 2023, many persons with disabilities have lost or otherwise been separated from their primary caregivers and support persons, subjecting them to heightened risk of neglect, injury, or death. These risks are especially acute for children with disabilities. As of August 2024, “at least 19,000 children in Gaza have been orphaned or otherwise found themselves alone.”

h) Imprisonment of Persons with Disabilities

Palestinians detained or imprisoned by Israeli forces endure inhumane conditions, ranging from overcrowded cells, inadequate medical care, and physical and mental abuse. Detainees are repeatedly mistreated during their arrest and transfer, including death threats, beatings, and sexual assaults. Such conditions not only violate human rights law, but also pose severe health risks, which can lead to the acquisition of new disabilities or compound existing ones.

Palestinians have historically been disproportionately targeted and detained by Israeli forces without reason. Many detainees remain in custody even after security screenings rule that they pose no threat. Detainees who are released report that they were never notified of reasons for their arrest. This pattern of mistreatment is worsened for Palestinians with disabilities, who faced additional discrimination even prior to October 7, 2023. Israeli forces have refused to recognize disabilities or provide necessary accommodations, such as making audiobooks available for prisoners with visual impairments, offering accessible visitation arrangements, or ensuring proper medical care. These failures have led to severe consequences, including permanent disabilities caused by denial of medical treatment and the prolonged use of solitary confinement for prisoners with psychosocial disabilities or mental illnesses.

Since October 7, 2023, the mistreatment of Palestinian prisoners has only worsened, with those who have been released reporting that their period of imprisonment following October 7th was unprecedented in terms of the circumstances and torture experienced. This has included starvation; confiscation of all belongings, including all electric devices; physical, sexual, and psychological violence and torture; and denial of family visits and regular lawyers' visits. Torture and denial of medical treatment have led to prisoners in Gaza acquiring new disabilities, with many amputations occurring inside prisons or detention centers due to shackling of hands and legs, which causes ulcers, infections, and other complications exacerbated by poor hygiene and lack of medical follow-up. Overcrowding in prisons has reached unprecedented levels, sometimes with ten people per cell, which has led to the spread of diseases like scabies. These inhumane conditions, compounded by isolation and starvation, suggest a high likelihood of prisoners developing both physical and mental disabilities, leading some to contemplate suicide.

Palestinians with existing disabilities have experienced the same violations as well as other forms of violence and discrimination:

One prisoner with two prosthetic limbs reports that Israeli forces refused to provide him with necessary medical care and forced him to leave one of his limbs behind during a prison transfer. He later lost so much weight that the other prosthetic limb no longer fit him, and he was forced to use a wheelchair because he could no longer walk.

In another case, a 17-year-old Palestinian boy with an intellectual disability was arrested by Israeli forces and placed in administrative detention. He was subjected to physical violence from the moment of his arrest to the point that he was unable to communicate with his lawyer during a visitation, except for repeatedly requesting that his lawyer "tell them to stop beating [him]" and asking for his mother. Israeli forces have also not commented on whether he is being provided access to his medication.

Following the bombing of a school in Northern Gaza that was being used as a shelter by civilians (including approximately 30 people with disabilities), Israeli forces arrested a number of those sheltering, including individuals with amputated legs and a 27-year-old man with a visual disability. This man reports Israeli forces stripping him, taking his glasses, and berating and beating him. When he was eventually released, he was detained again at an Israeli checkpoint, where they interrogated him for three days. During his detention, his glasses were taken from him again (with one Israeli soldier asking if he could see). He reports that Israeli soldiers then forced him into a vehicle, beat him, and broke his glasses.

These forms of systemic torture, mistreatment and neglect while detained underscore the broader discrimination and violence faced by Palestinians with disabilities.

i) Disruption to Other Disability Services

Persons with disabilities have also been negatively impacted by the cessation of services that formerly provided support to persons with disabilities and their families. Disability organizations play an important role in the Gaza Strip, as persons with disabilities rely heavily on these organizations in the absence of government services. There are an estimated 55 disability organizations in Gaza, the majority of which are located in Gaza City. These organizations consist of unions, union networks, rehabilitation institutions, and others, and provide a diverse range of supports including early intervention services, awareness and guidance, rehabilitation services, occupational therapy, assistive devices, empowerment, and protection. At least 52,322 persons with disabilities were receiving services from these organizations before the current war.

During the current war, and as a result of mass destruction of infrastructure and buildings, many of these organizations have been significantly impacted or forced to shut down, including the following:

Stars of Hope Society: Providing services to women with disabilities in Gaza, Stars of Hope significantly lost its ability to provide services following a bombing that destroyed 40% of its headquarters and most of the Society's property.

Baituna Association for Development: This organization provides physical and occupational therapy and psychosocial support services in North Gaza to approximately 30,000 beneficiaries each year. 70% of the Association's headquarters was destroyed in the current war.

Al-Hanan Centre for Special Education: Providing occupational therapy and other rehabilitation services to children with disabilities, the Al-Hanan Centre was fully burned down, along with all of its contents during the current war. As a result, the Centre stopped operating completely.

Palestine Avenir Childhood Foundation: The Foundation provided rehabilitation services, as well as educational services through the Palestine Avenir School, to over 2,000 beneficiaries. As result of the destruction of the Foundation's Cerebral Palsy Centre, including partial destruction of its building and complete destruction of the Centre's tools, devices, furniture, and other property, the Foundation has stopped working completely.

National Society for Rehabilitation: An organization seeking to improve the living conditions of persons with disabilities through rehabilitation, capacity building, research and training, advocacy and prevention and awareness, the National Society has had to significantly reduce its services. The displacement of both beneficiaries and the field team during the war combined with the absence of a telecommunication network has prevented the Society from reaching those in need of its services.

As of April 2024, at least 11,822 persons with disabilities in Gaza have completely lost access to services from disability organizations, and approximately 38,000 have partially lost access to services.

j) Acquisition of New Disabilities as a result of Israel's military conduct

Although it is difficult to obtain reliable data, it is clear that the number of persons with disabilities in Gaza has increased since October 7, 2023. In September 2024, the World Health Organization estimated that by July 2024 at least 22,500 people in Gaza had sustained "life-changing injuries" since October 2023. Similarly, in September 2024, the Gaza Health Ministry reported that over 95,500 Gazans had been injured since October 7, 2023, many of whom have acquired "long-lasting impairments" that will require "rehabilitation, assistive devices, psychosocial support and other services" for the rest of their lives. Reports also indicate the emergence of acquired disabilities that were formerly preventable, such as paralysis due to polio.

These general reports are supported by the personal accounts of doctors who have travelled to Gaza during the current war to volunteer. Many doctors have expressed alarm regarding the number of life-altering injuries they saw as a direct result of Israeli attacks. For example, doctors noted treating a large number of limb amputations, shrapnel injuries, and severe burn cases which resulted in substantial mobility impairments. Doctors also

expressed concerns regarding the high levels of psychological trauma, malnutrition, and infection rates in their patients, describing the connection between these phenomena and the corresponding risk of long-term and permanent disabilities.

Notably, many Gazans who have acquired new disabilities during this war are children. Within the first three months of the hostilities, UNICEF reported that “[m]ore than 9,000 children have been injured in the Gaza Strip, leaving many grappling with the loss of an arm or a leg.” By May 2024, the number of injured children was estimated to be upwards of 12,000, with injuries ranging from limb amputations to hearing impairments to developmental concerns. In October 2024, the UN Office of the Coordination of Humanitarian Efforts reported that “Gaza is home to the largest cohort of child amputees in modern history.” UNICEF also determined that “almost all of the 1.2 million children in Gaza are in need of mental health and psychosocial support,” more than double the rate before the current war. This increase in disabilities among children will have long-lasting impacts in Gaza in the future.

Canadian Arms Exports to Israel

The rights violations detailed above are directly enabled by the arms Israel receives from countries such as Canada. In Canada, military exports are governed by a permit-based regime. Generally, Canadian exporters are required to apply for and obtain a permit from the government to export arms.

In the months following 7 October 2023, as Israeli atrocities in Gaza escalated dramatically, so too did Canada’s military support to Israel through arms exports. In the three months between October and December 2023 alone, the Canadian government authorized new permits totaling at least C\$28.5 million (US\$20.8 million) of military exports to Israel. In contrast, the total value of such permits issued in all of the previous year amounted to just over C\$21 million (US\$15.3 million).

Following sustained public outcry and a non-binding motion in Parliament, the Canadian government agreed in March 2024 to stop issuing new permits for arms exports to Israel. However, the government did not cancel or suspend existing permits that had already been issued but not utilized. According to Canadian government data, as of July 2024 there remain active permits to export a total of approximately C\$94.5 million (US\$69 million) of arms to Israel.

Further, the government’s statement that it would suspend military exports to Israel – which it can reverse at any time – does not apply to indirect arms transfers through third countries such as the US.

The US is by far the biggest global supplier of arms to Israel, accounting for approximately 70% of Israel’s total arms imports. The US and Canada have a close military and trade relationship and Canadian suppliers are firmly integrated into the supply chain of the US military industry.

Pursuant to diplomatic agreements, Canada has implemented special regulations that exempt most military exports to the US from requiring individual permits as they otherwise would. Thus, the government’s cessation of new permits for direct arms exports to Israel does not affect indirect arms exports to Israel through the US, which mostly do not require an individual permit in the first place.

Further, Canada has no legal mechanism enabling it to control or restrict the reexport of Canadian military exports onward from the United States to third countries like Israel. In contrast, any reexport of US military exports to Canada onward to a third country requires prior approval of the US Directorate of Defense Trade Controls. Canada does not impose similar reexport controls reciprocally.

Although there is scant publicly available information on Canadian arms exports to Israel routed through the US, it is likely that they are far more significant than direct exports. For instance, in just one transaction announced August 13, 2024, the Secretary of State approved the sale to Israel of over 50,000 120mm high-explosive mortar cartridges worth US\$61.1 million, to be purchased from a Canadian manufacturer. The Israeli military has deployed 120 mm mortars during their operations in Gaza since 2009 and is using them in Gaza currently.

Reports suggest that the Canadian government reacted to this announcement by writing a letter to the Canadian manufacturer, to “request” that it “temporarily refrain” from exporting the items. However there is no indication that it made any move to affirmatively block the transaction, nor is it clear that it even has the power to, given as the goods in question do not require an individual permit for export to the US.

Similarly, there is evidence that Canadian-made parts and components have gone into some of the key US-supplied military equipment used by Israel to commit atrocities in Gaza. For instance:

The F-35 Joint Strike Fighter is a multirole fighter aircraft that Israeli forces have used in the ongoing bombardment of Gaza. Since the late 1990s, Canadian-based suppliers have been awarded contracts for the F-35 program valued in excess of US\$2.8 billion. A number of active F-35 production contracts include subawards to Canadian aerospace manufacturers or Canadian-based subsidiaries. An April 2018 study commissioned by Lockheed Martin stated that “there is \$2.3 million USD [approximately C\$3.1- million] worth of Canadian components on every F-35 jet manufactured.” In January 2023, the Canadian Minister of National Defense confirmed that every F-35 contains Canadian components. In June 2024, Israel announced an order for 25 more F-35s in a deal valued at US\$3-billion.

Canadian companies also provide aerospace parts for Boeing’s F-15 fighter, which Israeli has used to bombard Gaza. Canadian companies provide various components for its manufacture. The Biden administration has approved the sale of 50 F-15s to Israel for more than \$18 billion USD. for its manufacture. The Biden administration has approved the sale of 50 F-15s to Israel for more than US\$18 billion.

Boeing also manufactures the AH-64 Apache attack helicopter, which Israel has used in its air assault on Gaza. Canadian companies provide aerospace parts for the aircraft. Israel has requested 12 new AH-64 Apaches from the US, a request that has reportedly been “advanced and given priority.”

III. VIOLATIONS OF CRPD

With respect to occupied territory, both UN and regional treaty bodies have taken the position that the occupying State is obliged to observe its human rights obligations extraterritorially with respect to persons or territory over which it has effective control. Further, States have obligations under International Humanitarian Law (IHL) toward persons with disabilities. The CRPD specifically references the need for States to take all necessary measures to ensure the protection and safety of persons with disabilities during situations of risk and humanitarian emergencies. This obligation aligns with UN Security Council Resolution 2475, which calls on all parties to war and armed conflict to protect civilians with disabilities, facilitate inclusive humanitarian access, and provide accessible assistance.

Additionally, Article 32 emphasizes the role of international cooperation in supporting national efforts to fully realize the rights of persons with disabilities, and Articles 37 and 38 contain broader references to the importance of international cooperation in implementing the Convention’s objectives. These articles reinforce the need for States to ensure that their international policies do not undermine the rights of persons with disabilities in other jurisdictions and the broader objectives of the Convention.

Thus, in order to comply with its obligations under the Convention, Canada must regulate corporations under its jurisdiction that are exporting arms that contribute to the human rights violations of persons with disabilities in Gaza, and failure to do so makes Canada complicit in the CRPD violations discussed in this submission.

Violations of Articles 10 and 11

The CRPD explicitly addresses States’ obligations during situations of risk and humanitarian emergencies through Article 11, which requires them to take “all necessary measures” in accordance with IHL and international human rights law (IHRL) to protect persons with disabilities. Article 10, which guarantees the right to life, underscores the importance of these measures, obligating States to take proactive steps to protect lives during

emergencies.

IHL and IHRL coexist during wars, creating complementary obligations for States to protect civilians, including persons with disabilities. The Geneva Conventions require parties to war to distinguish between civilian and military targets (principle of distinction) and to take precautions to avoid excessive harm to civilians relative to the anticipated military advantage (principle of proportionality). These principles are particularly critical in densely populated areas like Gaza. Additionally, UN OHCHR has emphasized that States must uphold non-derogable rights, including the right to life, even during wars. IHL mandates that parties to wars provide special respect and protection to persons with disabilities, ensuring their inclusion and safeguarding during hostilities.

This Committee has warned that persons with disabilities are at heightened risk of harm during wars, particularly when critical infrastructure, such as healthcare facilities and shelters, is destroyed. UN Security Council Resolution 2475 (2019) specifically highlights the need to protect civilians with disabilities during wars and to facilitate inclusive humanitarian access. This resolution reiterates that ensuring the safety of persons with disabilities during wars is not only an IHL obligation but also integral to fulfilling CRPD Article 11.

There have been severe violations of both Article 11 and Article 10 in Gaza. The war on Gaza has resulted in injuries and deaths to persons with disabilities, and the failure to provide adequate and accessible evacuation procedures has placed persons with disabilities at significantly greater risk of harm during attacks and bombardments. Further, the deliberate destruction of critical medical infrastructure has limited the ability of persons with disabilities who require ongoing medical care to obtain these services. The lack of access to preventative care and early intervention treatments has led to further complications for persons with existing or newly acquired disabilities. Severe restrictions on who is able to access treatment abroad had disproportionately impacted the health outcomes of persons with disabilities.

Canada's arms exports to Israel exacerbate these violations by enabling military actions that foreseeably harm civilians, particularly persons with disabilities. By continuing these exports despite clear evidence of harm, Canada violates its obligations under Article 10 and 11 of the CRPD, IHL, and IHRL.

Violations of Articles 9, 18, 19, 20, 24, and 25

While Articles 11 and 10 address the immediate risks posed by situations of risk and humanitarian emergencies, the ongoing war has resulted in widespread violations of numerous other provisions of the CRPD. These violations, compounded by systemic barriers and the absence of disability-inclusive measures, highlight the compounded harm experienced by persons with disabilities in their daily lives and their inability to access essential rights and services in Gaza. This has led to a violation of the rights to accessibility (Article 9), liberty of movement (Article 18), living independently and being included in the community (Article 19), personal mobility (Article 20), inclusive education (Article 24), and access to healthcare (Article 25).

The significant barriers to evacuation and safety during airstrikes due to inaccessible transportation, shelters, and communication systems for persons with disabilities violates the principles of accessibility enshrined in Article 9.

The severe restrictions on liberty of movement for persons with disabilities, particularly through the blockade of Gaza and the destruction of infrastructure, have prevented individuals from moving within the OPT and accessing life-saving medical care outside the conflict zone. Such barriers constitute clear violations of Article 18, which guarantees the right to liberty of movement and prohibits discriminatory restrictions. They also violate Article 25, which obligates States to provide accessible and inclusive healthcare services, particularly during emergencies.

The destruction of assistive devices and mobility aids directly violates Article 20, which guarantees the right to personal mobility, and Article 19, which affirms the right of persons with disabilities to live independently and participate fully in their communities. The same applies to the separation or loss of caregivers that many persons with disabilities have experienced. Without access to assistive devices and support, many individuals are left isolated and unable to access even basic services.

There have also been severe deprivations of the right to health (Article 25), as persons with disabilities have been left without access to critical medical care, rehabilitation services, and mental health support. Hospitals and rehabilitation centers have been targeted, and the blockade has created chronic shortages of medication, assistive devices, and specialized care. Persons with disabilities requiring continuous care have been left without the services they need to manage their disabilities and to fully participate in society. The absence of mental health support further exacerbates the trauma experienced by children and adults with disabilities.

The food insecurity and deteriorated water, sanitation, and hygiene conditions, has disproportionately affected persons with disabilities and further violates Article 25 of the CRPD, as well as Article 28, which guarantees an adequate standard of living, and Article 9, which requires accessibility to essential services. Israeli restrictions on aid have prevented persons with disabilities from receiving specialized food required for their diets. Poor water quality and unsanitary conditions disproportionately harm persons with disabilities who can be immunocompromised or otherwise vulnerable to illness.

Violations of Articles 4, 6, and 7

This war has also resulted in significant violations of the rights to equality and non-discrimination (Article 5), the rights of women with disabilities to be free from multiple and intersecting forms of discrimination (Article 6), and the rights of children with disabilities to enjoy their rights on an equal basis with others (Article 7). These violations are compounded by systemic barriers, the breakdown of protective systems, and the absence of disability-inclusive measures.

Children with disabilities have been disproportionately impacted as the education system in Gaza has also been devastated. Schools that previously provided inclusive learning environments have been destroyed or repurposed as shelters, depriving thousands of children of their right to education. Children reliant on specialized services, such as sign language interpreters or accessible classrooms, have been left without access to critical educational supports. Children with disabilities have also been unable to access necessary medical supplies, healthcare, rehabilitation services and supports. One mother in Gaza reported that she has three children with disabilities who are struggling to have their needs met, including specific medicine that she has been unable to find for her son who acquired a disability during a 2021 Israeli attack, and mobility assistance for her other son who has hemiplegia who is unable to sleep on the floor and requires help getting up. These actions violate Article 24, which guarantees the right to inclusive education, and Article 7, which obligates States to take measures to ensure that children with disabilities enjoy their rights on an equal basis with others.

The systemic failure to provide inclusive, gender-sensitive protections violates the CRPD's mandate to ensure equality and non-discrimination under Article 6. The shortage of sanitary and medical supplies has compounded the negative impacts faced by women with disabilities. One woman with a disability who was displaced stated that she could not shower during or after her menstrual period due to limited space in the school bathroom. Another noted that due to the lack of sanitary supplies many women in Gaza were taking birth control pills – the use of which increases the possibility of developing health complications, especially for women with disabilities.

Persons with disabilities, particularly women and children, are more vulnerable to exploitation, and abuse in conflict zones due to law enforcement and breakdowns in social structures.

Violations of Article 3

The violations outlined above not only breach specific CRPD provisions but also undermine the foundational principles of dignity, autonomy, non-discrimination, inclusion, and equality of opportunity enshrined in Article 3. The examples provided above underscore the widespread violations of CRPD rights in Gaza.

The destruction of critical infrastructure, including healthcare facilities, assistive devices, and schools, strips persons with disabilities of their dignity and autonomy, leaving them excluded. Inaccessible evacuation procedures and discriminatory barriers to humanitarian aid violate the principles of equality and inclusion, disproportionately harming persons with disabilities. Women and children with disabilities face compounded risks

of exploitation and abuse, highlighting the systemic failure to respect difference and prevent discrimination.

Although violations of the Convention are being directly committed by Israeli forces in Gaza, Canada bears responsibility for said violations where its acts or omissions contribute to the human rights harms.

E. Canada's Violations of its Extraterritorial Obligations

Extraterritoriality under the CRPD

The obligations undertaken by states parties under the CRPD apply extraterritorially. When read together, Articles 4, 11, and 32 of the Convention establish that Canada's obligations under the Convention apply beyond its borders:

Article 4 affirms Canada's responsibility to adopt measures that align its laws, regulations, and practices with the Convention's objectives, including the prevention of discrimination against persons with disabilities. This obligation extends to refraining from conduct with foreseeable extraterritorial impacts.

Article 11 further compels Canada to protect the rights of persons with disabilities in situations of risk, such as wars or humanitarian crises, including in territories like Gaza, where Canadian actions or policies may indirectly or directly impact these rights.

Article 32 underscores the importance of international cooperation, obligating Canada to ensure its global engagements, including development programs and humanitarian aid, promote and respect the Convention's objectives.

Together, these provisions impose a duty on Canada to ensure that its actions, policies, and practices on military exports are consistent with the rights and principles enshrined in the Convention.

These obligations also align with Canada's own professed commitment to the Convention, as exemplified by the recent comments of the Minister of Diversity, Inclusion and Persons with Disabilities:

"Canada will continue to work with our domestic and international allies to break down barriers, build a more inclusive society both at home and around the world, and uphold Canada's obligations under the Convention on the Rights of Persons with Disabilities."

Other UN treaty bodies have also affirmed the extraterritorial obligations of states under international human rights law. The CEDAW Committee has noted that states parties to CEDAW "are responsible for all their actions affecting human rights, regardless of whether the affected persons are in their territory." The UN Human Rights Committee has concluded that jurisdiction in human rights law refers to the "relationship between the individual and the State in relation to a violation of any of the rights set forth in the Covenant, wherever they occurred."

Regional human rights bodies have also commented on situations where states may have extraterritorial obligations. For example, the Inter-American system takes an expansive and "impact-based" approach to jurisdiction in that a state may be responsible for human rights violations outside its territory where such violations are attributable to the state. The Inter-American Court of Human Rights stated in its Advisory Opinion on The Environment and Human Rights that "if there is a causal link between the action that occurred within [a State's] territory and the negative impact on human rights of persons outside its territory, the individuals whose rights have been violated come within the jurisdiction of that State."

This Committee has previously stated that States have a positive obligation to ensure they respect the rights conferred in the Convention, and further that states must respect international humanitarian law and international human rights law to protect persons with disabilities in situations wars and of armed conflict. By continuing to export arms and technology to Israel, Canada is directly contributing to the violation of the rights of persons with disabilities in Gaza.

2. The obligation to regulate corporate conduct

This Committee has also observed that States have a duty to actively prevent non-state actors and private persons, including businesses, from impeding persons with disabilities' ability to enjoy and exercise their human rights, including their right to legal capacity.

Other UN treaty bodies have further recognized that IHRL compels states to regulate the extraterritorial conduct of corporations within their jurisdiction. As the Human Rights Committee has stated (in a case involving Canada), "there are situations where a State party has an obligation to ensure that rights under the Covenant are not impaired by extraterritorial activities conducted by enterprises under its jurisdiction." The CEDAW Committee has similarly stated that Canada's obligations under CEDAW require it to protect women from discrimination by non-state actors, including corporations.

The Committee on Economic, Social, and Cultural Rights and the Committee on the Rights of the Child have also both recognized the responsibility of states to regulate the actions of corporations that may negatively impact human rights in any part of the world.

According to the UN Guiding Principles on Business and Human Rights, states can be held accountable for human rights violations committed by private sector entities when such violations can be attributed to the state or when the state fails to implement adequate measures to prevent and remedy violations.

The Inter-American Commission on Human Rights took a similar approach in its thematic report on Business and Human Rights: Inter-American Standards, explaining that when the State has knowledge of specific facts attributable to some business under its jurisdiction that threatens or violates human rights and the State tolerates or acquiesces to such conduct, this may result in the state's indirect responsibility for violations of human rights law.

Canada has consistently demonstrated inadequate oversight of its companies' international human rights impacts. Multiple UN monitoring bodies have expressed significant concerns about Canadian corporations' activities abroad and criticized Canada's lack of effective response. These include the CEDAW Committee, the CESCR, the CERD Committee, and the Committee on the Rights of the Child.

For example, in its 2017 concluding observations, the CERD Committee urged Canada to enhance the accountability mechanisms for corporations operating overseas to prevent human rights violations. Similarly, in its 2016 concluding observations, the CESCR recommended that Canada adopt a legal framework to hold corporations accountable for violations of economic, social, and cultural rights in their operations abroad.

Finally, numerous UN mandate holders have also highlighted Canada's ongoing regulatory deficiencies. As the Special Rapporteur on the rights of Indigenous Peoples has noted:

"The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate, and the State has extraterritorial obligations to take steps to prevent and redress infringements of these rights committed abroad by business entities over which it exercises control."

The Convention requires States to exercise due diligence in preventing and addressing violations by non-State actors against persons with disabilities. This requires Canada to implement appropriate measures to ensure that Canadian military exports are not being used to violate the rights of persons with disabilities.

Obligations with respect to indirect military exports to Israel

As the CERD Committee recently noted, states' "international obligations, in particular those arising from the [ICERD], the Convention on the Prevention and Punishment of the Crime of Genocide and common article 1 of the four Geneva Conventions" require them to "ceas[e] any military assistance [to Israel] if there is a clear risk that such assistance could be used in violation of international law."

Such military assistance could create a clear risk of international law violations whether it is direct or indirect. Thus, Canada's obligations under the Convention with respect to military exports apply regardless of whether such exports arrive at their ultimate destination directly or indirectly.

A number of other UN international human rights bodies have affirmed this. For example, in a statement of 20 June 2024, a group of several UN Special Rapporteurs, Independent Experts, and Working Groups, emphasized that the obligation to cease military exports to Israel extends to "indirect transfers through intermediary countries that could ultimately be used by Israeli forces, particularly in the ongoing attacks on Gaza."

Further, in its recent periodic review of Canada in October 2024, the CEDAW Committee seized on concerns raised by nearly 50 Canadian civil society organizations and questioned Canada about Canadian military exports to Israel. During the Constructive Dialogue, the Committee acknowledged Canada's assertion that it had stopped direct arms exports to Israel, but pressed Canada specifically on the issue of indirect exports. Noting that Canada "engages in the indirect flow of military exports to Israel through the USA," the Committee asked what steps Canada was taking "to ensure that arms sold to the US or other countries are not transferred to Israel and used in the violation of the rights of women and girls in Gaza."

Canada responded evasively by stating that all export permit applications are reviewed even if they are through the US, and an application is denied if the review reveals a substantial risk that the item could be used to commit or facilitate serious violations of international humanitarian law, international human rights law, or serious acts of gender-based violence or violence against women and children. While this is strictly true, it conceals the fact that most military exports from Canada to the US do not require an export permit application in the first place.

In its Concluding Observations, the CEDAW Committee expressed concern over "direct or indirect arms transfers by the State party or by private companies under its jurisdiction to third countries, including Israel, for use in conflict zones where they may facilitate violations of women's and girls' human rights as well as of international humanitarian law, notably in Gaza." It urged Canada to implement a transparent accountability mechanism to assess such transfers.

V. RECOMMENDATIONS

The authors commend Canada for the limited steps already taken to stop some of the flow of arms exports to Israel, in recognition of the serious risk of international humanitarian law and international human rights law.

However, given the gravity of the situation, additional measures are urgently needed. Thus, the authors respectfully request that the Committee issue the following recommendations to Canada:

Ensure compliance with its obligations under the Convention and other international human rights law by:

Continuing the current suspension of new permits for arms exports directly to Israel;

Canceling or suspending all active existing permits to export arms to Israel that have been issued but not yet utilized;

Closing the current loophole for indirect arms exports to Israel by imposing export controls for all military exports to all countries, or, alternatively, controls on the reexport of Canadian military exports to a third country;

Enhancing transparency by publicly communicating information about risk assessments in export permit approval decisions;

Introducing mandatory human rights due diligence (HRDD) legislation for the arms sector;

Conducting a review of laws, regulations, and policies for Canadian arms exports to prohibit the transfer of arms to all other places where they may be used to commit human rights violations against persons with disabilities.

Engage in international cooperation to provide disability-inclusive humanitarian aid to Gaza, ensuring that persons with disabilities have equal access to emergency relief, assistive devices, medical care, and accessible communication systems, in accordance with CRPD principles and Canada's stated commitment to disability inclusion.

Engage in international efforts to rebuild Gaza's health systems and infrastructure in compliance with its obligations under the CRPD. These efforts should prioritize the reconstruction of accessible healthcare facilities, including specialized centers for rehabilitation, assistive technology, and mental health services tailored to the needs of persons with disabilities. Canada should also advocate for and fund the rebuilding of schools and community infrastructure using universal design principles to ensure full accessibility for all.

Call for an immediate and permanent ceasefire in Gaza and compliance with the International Court of Justice Advisory Opinion of 19 July 2024 on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem.

APPENDIX A

Source: Stars of Hope Society and Al-Marsad - Arab Human Rights Centre

APPENDIX B

See PDF attachment for Affidavit of Judy Korecky

APPENDIX C

CEDAW Review of Canada - Transcript of Country Dialogue (Excerpt)

89th Session, Committee on the Elimination of Discrimination against Women (CEDAW)

Full video available here: <https://webtv.un.org/en/asset/k10/k10pecn9gn>

Article 12

Rangita Da Silva de Alwis (Sri Lanka):

42:00: In closing, your Excellencies, I want to go back to where I started, with the Women, Peace, and Security Agenda and the CEDAW's GR 30. Minister Joly has made the primacy of reproductive rights and health her priority, and Canada's moral leadership on global women's rights makes a difference in the world. We bear witness to conflict-related reproductive rights violations in many conflict-affected regions. This needs Canada's urgent attention. Pregnant women face food insecurity and other essential objects indispensable for women's survival. In 2019, UN Security Council Resolution 2467 embraced a survivor-centric approach, and you have spoken about that in terms of your work in Canada. How would you include psycho-social support for survivors according to 2417 on food insecurity, 2475 on disability and conflict and access to essential services.

*note: this question was not addressed in the immediate follow-up by the state party

Ms. Genoveva Tisheva (Bulgaria):

51:14: Thank you very much, Madam Chair. I would like to go further of the question of Mrs. Da Silva de Alwis and also to congratulate first the state party, the Government of Canada, for the progress made on this issue, for the example that it set, and also for the contribution to international law and justice concerning women's rights. My questions will be in light of the principles and objectives of the CEDAW convention, which are from the very beginning strengthening international peace and security, cooperation between states, but also general and complete disarmament, in particular nuclear disarmament and the strict and effective international control. And also it is affirmed as we all know by the Beijing Platform for Action section E, but also Beijing Declaration, which

is a resolution. So in that respect, I would like that in parallel of the successes, of the achievements, that there is extensive information on the role of the state party for acts affecting human rights of women in Gaza, specifically their health and reproductive rights as a result of the arms trade and support of Canada to Israeli military forces since the end of 2023. Such actions include, in addition to random killing of pregnant women, but also violations of their reproductive rights, maternal, obstetric, and neonatal care they have the right to. Also attacks and displacement of pregnant women, destruction of infrastructure and health facilities, malnutrition of women and the newborn, lack of access to healthcare, violations of pregnant women's rights at all stages, including giving birth, neonatal care, premature birth, and also deaths of newborns. So my questions are how does Canada regulate corporations in its jurisdiction which contribute to human rights violation of women in Gaza through the arms trade, which makes the state party complicit to what has happened, to the actions that are made in Gaza to women? And also what are the steps for the country to refrain from continuing providing arms to the Israeli forces in the immediate future?

Government of Canada (Jennifer Keeling, Deputy Director, Human Rights and Freedoms Division, International Security and Political Affairs Branch, Global Affairs Canada):

1:03:08: Thank you very much. So you've mentioned the feminist foreign policy and the feminist international assistance policy a few times, so I'll kind of skip over that, but to note that regarding sexual and reproductive health and rights, in June of 2019, Canada made a 10 year commitment to global health and rights. And this commitment was announced by the Prime Minister at the Women Deliver Conference which Canada hosted in Vancouver, BC. Through that 10-year commitment, Canada is providing an average of \$1.4 billion annually to support women's, children's, and adolescent's health around the world, of which \$700 million is allocated to comprehensive sexual and reproductive health and rights. Canada's sexual and reproductive health and right investment make a comprehensive approach with a specific focus on five key neglected or underfunded areas including family planning and contraception, safe abortion services and post abortion care, comprehensive sexuality education, advocacy, and the prevention and response to sexual and gender-based violence.

With respect to humanitarian assistance in conflict situations, in 2022 and 2023, Canada provided \$1.3 billion Canadian dollars in humanitarian assistance in line with Canada's gender equality and humanitarian action sub-policy. And gender equality considerations were integrated into approximately 99% of these humanitarian assistance projects, with the exception of funding for humanitarian logistics operations. This level of gender equality integration continues to be a priority for Canada in 2024. Under Foundations for Peace, Canada's National Action Plan on Women, Peace and Security - 2023 to 2029, the Government of Canada is committed to promoting and supporting women's participation in decision making and ensuring that women are meaningfully included throughout humanitarian action.

1:05:03: I'll turn quickly to the points about Israel and Gaza. And so Canada has one of the strongest export control systems in the world. And the respect for human rights is enshrined in our legislation and it is a cornerstone of Canada's export controls regime. All export permits application for controlled items are reviewed on a case-by-case basis under Canada's robust risk assessment framework, including against the Arms Trade Treaty criteria, which are enshrined in Canada's Export and Import Permits Act. The Minister of Foreign Affairs will deny export permit applications if she determines that there is a substantial risk that the item could be used to commit or facilitate serious violations of international humanitarian law, international human rights law, or serious acts of gender-based violence or violence against women and children. Since January 8, 2024, the Government of Canada has not approved new export arms permits to Israel and this remains the government's approach. Taking into account the rapidly evolving situation on the ground, Canada suspended a number of export permits for military items destined to Israel during the summer.

Article 13

Marion Bethel (Bahamas):

1:11:51: And finally, I want to just look at two extraterritorial obligations of Canada that have been briefly mentioned. One is in regard to the deep sea bed mining and ask how does Canada hold deep sea bed mining companies accountable for environmental damage to oceans, marine life, which inevitably impacts negatively the lives and livelihoods of women in the Pacific region and violates their human rights under the Convention? And the issue of Gaza has already been mentioned and what I'd like to put forward here is that alternate reports indicate that Canada engages in the indirect flow of military exports to Israel through the USA, even though it has suspended many of the permits and licenses to do so. But there is an indirect flow of military exports. What measures is Canada taking to ensure that arms sold to the US or other countries are not transferred to Israel and used in the violation of the rights of women and girls in Gaza?

Government of Canada (GAC - Daniel Loutfi, First Secretary, Permanent Mission of Canada to the United Nations, Geneva):

1:25:02: Thank you. So with respect to responsible business practice, I believe the question was specific to one sector, but I'm going to answer more generally because these issues arise in a number of sectors and Canada's approach is not sector specific, but takes a broader approach. Canada takes a balanced approach to responsible business conduct, which includes preventative measures, legislation in select areas, and access to remedy in the form of non-judicial dispute settlement mechanisms. Canada's approach to dispute resolution is founded on two mechanisms that reflect the objectives of both the UN Guiding Principles on Business and Human Rights and also the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct. Canada's approach aims in part at reducing barriers and providing victims of alleged business-related abuses, include women and historically marginalized groups, access to remedy mechanisms to address grievances. Canada has two non-judicial dispute resolution mechanisms. We have a National Contact Point for Responsible Business Conduct and there's an Ombudsperson for Responsible Enterprise. So briefly the National Contact Point offers dispute resolution for a wide range of issues covered by the OECD Guidelines that includes employment-industrial relations, human rights, environment and bribery and the national contact point can facilitate dialogue or mediation to help resolve complaints involving multinational enterprises either operating in or from Canada. And that's in any sector. The Ombudsperson for Responsible Enterprises is mandated to review complaints regarding alleged human rights abuses arising from a Canadian company's operation abroad. And this is more specific to sector, so this is in the garment, mining, and oil and gas sectors. The Ombudsperson can also undertake a review on their own initiative.

Canadian companies who are involved in a dispute resolution process are expected to participate in good faith. If a company has not acted in good faith, the National Contact Point or the Ombudsperson can recommend implementing trade measures. And so these can include recommending the withdrawal of certain forms of trade promotion support that are otherwise offered by the Government of Canada, as well as the denial of future support from trade entities, such as Export and Development Canada, so that involves specific support that supports Canadian companies with exports abroad.

1:27:18: With respect um to the follow-up question on Israel, um, you know, there uh... the... I believe that the... the aspects of our response that emphasized that no new arms export permits to Israel um have been um... focused on. I also want to reiterate that wherever the export permits are happen- ... wherever the exports are happening, even if they are through the US, all export permit applications of controlled items are reviewed on a case-by-case basis, including against Arms Trade Treaty criteria, which are enshrined in Canadian legislation. And again I'll just reiterate that the Minister of Foreign Affairs will deny export permit applications if she determines that there is a substantial risk that the item could be used to commit or facilitate serious violations of international humanitarian law, international human rights law, or serious acts of gender-based violence or violence against women and children.