



JUST ATONEMENT INC.

justice
hope peace unity equal opportunity
golden age
progress sustainability democracy freedom
human rights harmony civilization

Just Atonement Inc.

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Just Atonement Inc. is a legal non profit that trains new human rights defenders to address threats to human rights, a livable planet, and the international rule of law.

JAI was founded in the United States of America in 2017.

JAI was founded to address the challenges arising from the intersection of climate change, global peace, and threats to the rule of law and the habitability of the planet.

JAI submits this written submission with respect to the Universal Periodic Review of Canada.

SUMMARY OF CONCLUSIONS

1. **Canada continues to provide inadequate protections for the rights of its Indigenous Peoples.** Canada has expressed recent commitments to enshrining Indigenous rights, but its repeated authorization of extraction projects on Indigenous land is emblematic of a persistent reluctance to honour free, prior, and informed consent, as well as the fundamental right to self-determination of Indigenous Peoples. Indigenous Peoples face additional injustices through their disproportionate exposure to police violence, barriers to water access, and threats to food security.
2. **Canadian extraction companies are responsible for a substantial volume of overseas human rights abuses.** Canada has introduced laudable measures to promote corporate accountability since the previous UPR cycle. However, its efforts must go further than its current approach, which emphasizes voluntary or non-binding recommendations to rectify human rights violations. Canada should strive to be a global leader in defending human rights, by strictly holding its companies to account while operating abroad.
3. **As a major fossil fuel producer, Canada must adopt ambitious reforms to combat the climate crisis and its widespread effects on human rights.** Canada often occupies a dual position on the global stage, regarded simultaneously as a leading collaborator on climate issues and an outsized contributor to climate change. To truly merit its reputation as the former, it must take meaningful steps to address its responsibility for the latter. We strongly urge and implore Canada to significantly escalate its emissions reductions and end its reliance on the oil and gas sector.



HUMAN RIGHTS

Rights of Indigenous Peoples

4. **Canada has yet to fully adopt the requirements of free, prior, and informed consent (FPIC) and treat Indigenous Peoples as partners in decisions affecting their rights.** We commend Canada for passing Bill C-15 in 2021, requiring it to align federal laws with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and its stipulation for obtaining FPIC. Notwithstanding this pledge, we raise concern with the fact that Canada has continued to authorize major projects on Indigenous land despite vocal protests—such as the Site C Dam, the Trans Mountain Pipeline Expansion, and the Coastal GasLink Pipeline—since announcing its support for UNDRIP in 2016.ⁱ We urge Canada to report on its efforts to consult with Indigenous groups and place provisional injunctions on projects without Indigenous approval, until and unless consent is obtained through good-faith negotiations.
5. **Indigenous Peoples risk arrest, criminalization, and exposure to violence for exercising their right to protest.** In particular, the Royal Canadian Mounted Police deploys a special policing unit, the Community-Industry Response Group (C-IRG), to defend extraction using force.ⁱⁱ The C-IRG is known to surveil, threaten, arrest, and detain lawful Indigenous activists in violation of Articles 9 (protection from arbitrary detention) and 21 (right to assembly) of the International Covenant on Civil and Political Rights (ICCPR). We urge Canada to publicly report on all C-IRG operations and eliminate its use against civilians to comply with its international legal obligations under the ICCPR.
6. **Resource extraction projects continue to proceed on Indigenous territory in violation of treaty rights and human rights obligations.** This continued violence toward Indigenous Peoples contravenes Canada’s obligations under the ICCPR, specifically Articles 1 (right to self-determination), 17 (protection from interference with privacy, family, and home), 26 (protection from racial discrimination), and 27 (right to culture).
7. **Indigenous Peoples face an ongoing clean water crisis, with 33 long-term drinking water advisories in effect across 29 First Nations communities as of January 2023.**ⁱⁱⁱ In 2022, Canada added 7 new drinking water advisories in First Nations communities and lifted 11, marking a net change of only 4 advisories lifted during the year. Canada must significantly expedite its efforts to provide clean water and meet its obligations to Indigenous Peoples’ rights.
8. **Indigenous and northern communities face climate change-induced threats to food security.** Traditional food sources are increasingly threatened by rising waters, permafrost thaw, and wildlife loss. Moreover, food delivered to northern regions is typically imported from southern Canada and sold at unaffordable prices due to climbing fuel costs. This has implications for the right to food, the right of Indigenous Peoples to their own means of subsistence, and the right to self-determination.



Human Rights Abuses by Canadian Extraction Companies

9. **Canadian mining, oil, and gas companies are responsible for a substantial volume of human rights violations abroad.** More than half of the world's mining companies are headquartered in Canada, operating across almost 100 countries. Research on mining operations from 2000 to 2015 in Latin America alone identified violent incidents involving 28 Canadian companies, including 44 deaths (30 classified as targeted killings) and 403 injuries (363 classified as during protests or confrontations).^{iv} Other researchers have estimated that cases involving Canadian firms represent roughly one third of known human rights abuses and unlawful practices in global mining.^v
10. **Foreign human rights abuses have grave implications for Canada's human rights obligations.** Although these incidents take place outside Canadian territory, they may give rise to extraterritorial obligations due to their nature and severity. Reports of extrajudicial activist killings and forced labour conditions are particularly alarming, as well as widely condemned by customary international law and peremptory norms.
11. **Canada is well positioned to increase accountability for human rights violations committed by its companies overseas.** We commend Canada for acting upon calls to establish an independent officer to investigate overseas human rights abuses involving Canadian companies, by appointing the first Canadian Ombudsperson for Responsible Enterprise (CORE) in 2019. While this institutional framework—along with its much-needed complaint and investigative procedures—represents a notable stride toward accountability, Canada must take further steps to ensure the CORE becomes more than a symbolic or voluntary approach to human rights.
12. **Canada should enable the CORE to subpoena or compel witnesses, documents, and other sources of evidence as part of its human rights investigations.** A critical limitation of the CORE's mandate is that its investigations must rely on information provided wilfully by potential human rights abusers.^{vi} This creates opportunities for infringing corporations to evade detection and accountability, given a lack of positive incentives to disclose abuses and significant deterrents to doing so.
13. **Canada should empower the CORE to place binding mandates or sanctions upon companies that violate human rights overseas.** Assuming corporations had interests in collaborating with investigations voluntarily, the CORE also cannot enforce remedies. Its powers are limited to issuing non-binding recommendations to infringing companies (such as compensating or apologizing to those whose rights were violated) or to the Canadian government (such as reducing financial support to infringing companies).^{vii}
14. **Canada should expand legal remedies for victims of overseas human rights abuses committed by Canadian corporations.** As part of its obligations under Article 2(3) of the ICCPR, Canada must ensure that any person whose rights are violated has access to an effective judicial remedy. Moreover, the Supreme Court of Canada's 2020 decision in *Nevsun Resources Ltd. v. Araya* held that human rights violations in Eritrea, committed



by a Canadian mining firm, could give rise to civil suits in Canadian courts due to their prohibition under customary international law. In recognition of its treaty and customary duties to redress human rights violations globally, Canada should adopt legislation that codifies private causes of action for any individuals abused by Canadian companies.

15. **Canadian lawmakers are currently presented with the opportunity to adopt meaningful accountability measures.** In March 2022, Members of Parliament tabled two bills, Bill C-262 and Bill C-263, which could introduce many of these reforms if eventually passed into law.

CLIMATE CHANGE

Contribution to Carbon Emissions

16. **Canada is a significant contributor to climate change as the world's 10th largest greenhouse gas (GHG) emitter.** Although ranked 10th in the world for total emissions, Canada has the highest per capita emissions rate among all top 10 emitting countries, surpassing the United States, Russia, and China.^{viii}
17. **Canada's high GHG emissions are substantially driven by its oil and gas sector.** In 2020, the oil and gas sector represented the largest source of Canada's GHG emissions (27%), while transportation represented the second-largest source (24%).^{ix} Canada should take aggressive and direct action to cap emissions in these sectors, such as refraining from approving new oil and gas megaprojects and investing in clean alternatives.
18. **Canada has adopted a promising framework for accountability and transparency on emissions.** We commend Canada for passing Bill C-12, the Canadian Net-Zero Emissions Accountability Act, in 2021 to establish a 2050 net zero commitment, five-year targets, and reporting to assess the efficacy of its emissions reduction plans. It also reaffirms Canada's national commitment under the Paris Agreement to reduce emissions to 40 to 45% below 2005 levels by 2030.
19. **Canada should pursue more ambitious strategies to reduce emissions across sectors, especially among large industrial emitters.** We commend Canada for its announcement to raise carbon prices from \$65/tonne in 2023 to \$170/tonne by 2030, among other updates to its carbon pricing system. Notwithstanding these commitments, we urge Canada to address criticisms that its carbon pricing does not sufficiently incentivize large producers due to relatively lenient and provincially inconsistent standards that leave significant industrial emissions uncovered by raised prices.^x

Fossil Fuel Production

20. **Canada exhibits a stark disparity between its domestic commitments to clean energy and its international trade priorities.** While we commend Canada's electricity use internally, with two-thirds coming from renewable sources due to investment in hydroelectric power, Canada's economy continues to rely on the global export of fossil



fuels.

21. **In 2021, Canada was the world's 4th largest producer and 4th largest exporter of oil.**^{xi} Canada's continued exploitation of the Alberta oil sands, constituting the 3rd largest proven oil reserve, threatens its pledges to mitigate the effects of climate change and transition to a net zero economy.
22. **Canadian companies are reportedly set to expand annual oil and gas production by nearly 30% from 2020 to 2030, corresponding with a 25% rise in yearly emissions.**^{xii} Canada has continued to facilitate fossil fuel expansion by granting authorization for major projects, such as the Bay du Nord oil project approved in 2022. Although the approval stipulated a requirement for net zero emissions by 2050, this condition only concerned drilling operations and not emissions from the 300 million barrels of oil produced over the project's 30-year lifespan.^{xiii} Canada should halt new fossil fuel production and ensure that the full externalities of downstream emissions are factored into project decisions.
23. **Public subsidies for oil and gas have not produced meaningful efforts toward decarbonization.** The Canadian government must phase out and end its financial support to fossil fuel companies to meet its emissions reduction pledges. Continued government support undercuts private incentives to aid the clean energy transition.

IMPLICATIONS OF CLIMATE CHANGE FOR HUMAN RIGHTS

24. **Due to rising average temperatures, Canada will face more recurrent and extreme weather events.** Since the previous UPR review, Canada has experienced major coastal flooding, earlier wildfire seasons, and more frequent heat waves. British Columbia's heat dome in June 2021 resulted in 619 deaths, predominantly among older and disabled Canadians.^{xiv} Health Canada estimates that air pollution contributes to 15,300 premature deaths per year, especially among Canadians with underlying medical conditions.^{xv}
25. **Climate change threatens access to housing, food, and economic livelihoods.** Rising water levels and ice melt displace Canadians living along coastlines and exacerbate wildlife loss. Canadian industries such as agriculture, fishing, and forestry may become less economically viable due to the impact of dehydration and drought.
26. **Climate change represents an intergenerational threat.** Accordingly, Canada has faced legal challenges, such as an ongoing appeal in *La Rose v. Her Majesty the Queen*, alleging the potential breach of its obligations under Article 6 of the Convention on the Rights of the Child to protect children's lives, survival, and development.
27. **Climate change disproportionately affects marginalized groups.** The landmark decision in *Daniel Billy et al. vs. Australia* from the UN Human Rights Committee held that government inaction to implement climate adaptation measures could constitute violations of fundamental rights under the ICCPR. The petitioners, as Indigenous Peoples facing heightened climate-induced risks, alleged breaches of Articles 6 (right to life), 17



(protection from arbitrary interference), 24 (protection of children), and 27 (right to culture), as interpreted within the framework of Article 1 of the ICCPR, protecting the right to self-determination. Should it fail to implement sufficient climate adaptation measures, Canada could be held responsible and face international legal consequences based on similar arguments (e.g., violations of the ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination, or alleged breaches of the *erga omnes* norm to protect the self-determination of peoples.

RECOMMENDATIONS

28. **Fully adopt the requirements of FPIC for projects that materially affect the rights or territory of Indigenous Peoples.** In compliance with FPIC, Canada should withhold project approval until Indigenous Peoples can freely grant their consent without fear of duress or retaliation.
29. **Improve weaknesses in current food and water distribution systems.** Canada should expedite its response to the clean water crisis in Indigenous communities and subsidize methods of reducing food prices in remote areas.
30. **Introduce binding accountability measures for overseas human rights violations by Canadian companies.** Canada should empower its ombudsperson to compel evidence for investigations and issue stronger mandates for human rights compliance.
31. **Protect foreign plaintiffs suing for human rights and environmental abuses in Canadian courts.** Canada should follow in the lead of its highest court and its customary obligations by officially codifying and expanding opportunities for civil litigation against infringing multinational companies.
32. **Adopt more ambitious policies for reducing emissions and fossil fuel dependence.** These may include setting greater emissions reduction targets, adopting more significant and equitable carbon pricing policies, and withdrawing financial support for the oil and gas sector.

Acknowledgements

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