

Sheri Meyerhoffer
Office of the Canadian Ombudsperson for Responsible Enterprise
SENT VIA EMAIL

February 14, 2020

Public letter: Canadian civil society questions and concerns regarding upcoming CORE visit to South America

Dear Ms. Meyerhoffer,

Thank you for letting us know that you will be visiting Colombia and possibly Brazil during the week of February 24th 2020.

We understand that in Colombia you plan to meet with the Canadian embassy, Trade Commissioner Service and the company Gran Tierra Energy. You have indicated to several Canadian civil society representatives an interest in receiving suggestions for additional people and organizations with whom you should meet during your trip.

In order to adequately respond to this request, we have asked for further information from your staff about your visit, but have yet to receive a response.

In particular, we would like to know:

- What are the objectives of the visit and which countries will you be visiting?
- What is the specific rationale for the visit at this time?
- Who will be participating in the visit?
- With whom will you be meeting and in what regions of these countries will / could you be travelling for meetings?
- What are the expected results at the end of the visit?
- Will a public report of the trip be produced? Will you be making public statements to the Canadian or Colombian/Brazilian media during/at the end of the visit about your findings?
- What mitigation measures have been taken to ensure that the visit does not exacerbate the risks that vulnerable communities and individuals already face in Colombia and Brazil? What steps have been taken to ensure compliance with the Canadian government's Voices at Risk guidelines?

With regards to the last point, we feel the need to highlight the grave security context in both countries and some of the associated risks this kind of engagement might have for persons and communities already under threat. Note that these points are not intended to be comprehensive:

Colombia

- According to the most recent report by Front Line Defenders, Colombia is the single most dangerous country in the world to be a human rights defender. In 2019, approximately 35% of global assassinations registered by the organization took place in Colombia (106 assassinations). Last month the Office of the UN High Commissioner for Human Rights (OHCHR) raised profound concern about this situation, affirming that human rights defenders who advocate on behalf of community-based and ethnic groups such as indigenous peoples and Afro-Colombians represent the single most targeted group. According to the OHCHR, the number of women human rights defenders killed in Colombia increased by almost 50 per cent in 2019 compared to 2018. For more on this see: <https://news.un.org/en/story/2020/01/105527>). Disturbingly, the pattern of targeted assassinations of Colombian community leaders dramatically escalated in January 2020.
- Particularly vulnerable communities include:
 - Indigenous peoples: In 2014, the OHCHR reported that approximately 40 indigenous groups were at risk of disappearing as a consequence of increased mining activity in the country: <https://www.mining.com/mining-may-cause-extinction-of-most-colombian-indigenous-peoples-un-70351/>
 - Workers: According to the International Trade Union Confederation's 2019 report *Colombia: Peace at Risk*, violence against trade unionists is legion. The report documents that 34 trade unionists were murdered in Colombia in 2018 and notes that 60% of this violence is concentrated in three sectors: education, agriculture and mining. It also finds that the "overall level of impunity surrounding crimes linked to serious violations of trade unionists' human rights is 95%" and that widespread violence against trade unionists over the past decade is an "indicator of the continued climate of anti-union violence that is keeping Colombia at the top of the list of the world's worst countries for labour, trade union and human rights." https://www.ituc-csi.org/IMG/pdf/colombia_peace_at_risk_en.pdf
 - Afro-Colombian women: A 2019 report to the UN Committee on the Elimination of Discrimination Against Women documents the serious risks faced by Afro-Colombian human rights defenders. It explains that the Colombian government's failure to consult Afro-descendant women and their communities about large-scale mining projects within their territories leads to forced displacement, threats and forced disappearances. <https://www.wola.org/wp-content/uploads/2019/03/Report-english.pdf>

Brazil

- [Front Line Defenders ranks Brazil as fourth in the world for the total number of human rights defenders murdered in 2019.](https://news.mongabay.com/2019/12/murders-of-indigenous-leaders-in-brazil-amazon-hit-highest-level-in-two-decades/) The incidence of violence towards indigenous peoples, peasants' movements and environmentalists has reached its highest level in two decades. Murders and conflicts are especially prevalent in areas where mining, logging and large infrastructure projects (including dams) take place: (<https://news.mongabay.com/2019/12/murders-of-indigenous-leaders-in-brazil-amazon-hit-highest-level-in-two-decades/>).

Canadian investments have generated conflict with local communities, including indigenous people, in both Colombia and Brazil. In both countries, local residents who oppose Canadian corporate activity (and other commercial activity financed by the Canadian government through Export Development Canada) have been threatened, harassed and in some cases, killed.

Because you represent the office of the CORE, your very presence in these countries will have an impact on the security of vulnerable peoples. The timing of the visit; the areas visited; the officials, company representatives, project sites, organizations, individuals and communities visited; along with the publicly stated purpose and any statements you make in-country, will all affect - for better or for worse - the people whose rights your office is intended to protect.

Any perceived endorsement by you of Canadian companies' activities in Colombia or Brazil - or merely your silence regarding community grievances concerning Canadian companies - could heighten the risks faced by community members.

Given these high stakes, we are very concerned that it would appear that your office has not had the necessary prior engagement with key stakeholders in Canada, Colombia and Brazil to determine how your visit may harm those communities, and the circumstances and considerations necessary for such a visit to help advance Canada's international human rights obligations and protect impacted communities from further harm as is the stated purpose of your office.

From our surveys, it appears that in the making of these plans, no members of either the Canadian Network on Corporate Accountability or CCIC's Americas Policy Group - both highly engaged with communities in Latin America affected by Canadian business activity - were consulted, nor were key affected communities, workers or local human rights organizations that are involved in business and human rights issues.

We strongly recommend that you develop protocols for this kind of visit that include at minimum that you consult with key civil society stakeholders, particularly in-country as well as in Canada, in the planning of any visit to countries affected by Canadian corporate activity, to determine (among other necessary considerations):

- The circumstances under which such a visit could be helpful to protect and promote the human rights of affected communities, workers and organizations at risk;

- Whether there are factors in such a visit - such as timing and purpose - that could increase the risk to vulnerable people and peoples, and whether they could be mitigated;
- The degree of transparency or confidentiality necessary to protect the human rights of vulnerable people, for instance with respect to where you travel, the stated purpose, who you will meet;
- Whether within such a tour, a visit to a specific community or project site would or would not be helpful, including securing prior consent if the purpose is to seek information from communities.

Best regards,



Emily Dwyer
Coordinator, Canadian Network on Corporate Accountability

On behalf of CNCA member organizations who work in partnership with Colombian and Brazilian organizations, unions and peoples