

## **More than four hundred harmed in violence linked to Canadian mining projects in the last fifteen years**

*New report, “The Canada Brand” suggests widespread violence is just part of doing business for many Canadian mining companies in Latin America*

October 24, 2016. (Toronto) In El Salvador, five community members opposed to the Pacific Rim mine were killed between 2008-2011. One was eight-months pregnant at the time of her murder. In Guatemala, 11 women allege they were gang raped by security forces during a forced relocation to make way for a Skye Resources mine. In 2008 in Mexico, two Blackfire employees in uniform beat a prominent community member opposed to a mine. A year later he was assassinated.

The Justice and Corporate Accountability Project (JCAP), a legal-aid group run out of Osgoode Hall Law School, has released a report on violence related to Canadian mining projects in Latin America. The report, “*The Canada Brand*”, tracks twenty-eight Canadian companies in thirteen countries from 2000 to 2015. It is the first report to document specific incidents, name the companies involved, and ask for responses from the companies.

“We know that this report is only the tip of the iceberg”, said Shin Imai, the Osgoode Law Professor who is a director of JCAP, “Because of the extensive resources required to document these incidents, we were not able to include death threats; deliberate burning of crops and property destruction, forced displacement of Indigenous people, reported assassination attempts without reported injury, illness from environmental contamination or psychological trauma from any of the violence.”

The JCAP report does not come to conclusions on whether there is any wrong doing by any company in any specific instance, but rather shows that the magnitude of the harms and the proximity of the incidents to Canadian mining companies raises overarching concerns. The report recommends that Canada establish a new mechanism to investigate and to determine whether remedies to victims and sanctions to companies are necessary in specific cases.

Copies of the report are available here:

<https://justice-project.org/the-canada-brand-violence-and-canadian-mining-companies-in-latin-america/>

### **Key Findings:**

Between 2000-2015, in communities affected by Canadian projects

- At least 44 people have been killed, and 30 of those were “targeted” killings
- Over 400 people injured (outside of workplace injuries)
- Over 700 people “criminalized”, including arrests and detentions

Separate statistics show that Canadian companies who are listed on the Toronto Stock Exchange do not include reports of violence as part of their mandatory reports on company performance. Between 2000-2015:

- Only 24.2% of the deaths and 12.3% of the injuries associated with their operations appear in their formal filings with the securities commissions

**For more information about the report, contact:**

Shin Imai (English, Spanish)  
Justice and Corporate Accountability Project  
[simai@justice-project.org](mailto:simai@justice-project.org) tel 647 524 2312

**For general comment about the issue, contact:**

Professor Penelope Simons ([Penelope.Simons@uottawa.ca](mailto:Penelope.Simons@uottawa.ca)) (English)  
(University of Ottawa, expert on corporate social responsibility)  
tel: 613-614-0749

Jackie McVicar ([jmcvicar@gmail.com](mailto:jmcvicar@gmail.com)) (English, Spanish, French)  
(Has provided human rights accompaniment in communities affected by mining, currently in Canada)  
tel: 902-324-2584

Katya Salazar ([ksalazar@dplf.org](mailto:ksalazar@dplf.org)) (English, Spanish)  
Daniel Cerqueira ([dcerqueira@dplf.org](mailto:dcerqueira@dplf.org)) (English, Spanish, Portuguese)  
(Due Process of Law Foundation, Washington DC, experts on human rights in Latin America)  
tel: (202) 462-7701

Tara Scurr ([TScurr@amnesty.ca](mailto:TScurr@amnesty.ca))  
(Amnesty International Canada, Business and Human Rights, research and campaigning on impacts of mining conflict on land defenders in Guatemala, shareholder engagement )  
tel: [250-703-1141](tel:250-703-1141)

## BACKGROUND

### *The world is taking notice of Canadian companies – for the wrong reasons*

Canada has been criticized at the international level for its lack of responsibility for Canadian mining companies. Canada is singled out because more large mining companies are domiciled in Canada than in other country, and 41% of the large companies present in Latin America are Canadian.

- Four United Nations bodies have called on Canada to hold Canadian companies accountable for their operations overseas and the Inter-American Commission on Human Rights has had three hearings on the subject and called on Canada to take action
- In June 2016, 180 organizations from Latin America sent a letter to Prime Minister Trudeau demanding action on promises for a mechanism for state and corporate accountability

### *Existing Canadian government policies are not addressing the problem*

The government promotes the “Canada Brand” by relying on voluntary, non-enforceable Corporate Social Responsibility (CSR) codes. The two main government offices responsible are the Extractive Sector Corporate Social Responsibility Counsellor (CSR Counsellor) and the National Contact Point under the Organization of Economic Cooperation and Development (NCP). Neither office conducts investigations, nor do they have the power to sanction companies directly, nor compensate victims. Their only power is to recommend the withdrawal of Canadian government economic and embassy support.

There is no indication that there is any ongoing review of company behavior, nor any publicly available information to indicate that the current CSR Counsellor has responded to reports of violence or considered withdrawing Canadian embassy support.

### *There is no evidence that the government does not have the capacity to handle more complaints*

Among the demands of the international community is for a more robust accountability mechanism, but opponents in government and industry claim that the government does not have the capacity to handle the claims. There is no evidence that either the current CSR Counsellor or the NCP have too many cases to handle.

- The CSR Counsellor was established in 2009 and handled only six complaints
- The current CSR Counsellor’s website shows no indication of any investigations, disputes, dialogues or any engagement with specific conflicts
- The current CSR Counsellor has no Annual Report and the “Publications” on the website only lists news reports of six speeches made by the CSR Counsellor
- The NC has only dealt with one case in 2015 and five cases in total since 2011.

### ***What is significant about this study?***

This report on violence and criminalization associated with the mining industry is the first report to:

- name the companies involved and seek company comments on the incidents
- provide details of the allegations and the sources, so that any other researcher to reproduce our results

### ***Methodology***

This report was researched over the last three years by volunteer law students. They used a recognized methodology for documenting human rights abuses, which included looking for at least two independent sources for each incident. The web links have been preserved using Harvard Law School's Permacc service.

### ***About the Justice and Corporate Accountability Project ([justice-project.org](http://justice-project.org))***

JCAP is a volunteer lawyer's organization that provides legal support for communities in Latin America. This report was prepared with the support of students from a number of law schools, including Osgoode Hall, McGill and Harvard.