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Ottawa falling short on key provision of free-trade deal

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By Kim Mackrael

The federal government is falling short on a landmark pledge to document how a free-trade deal with Colombia is affecting human rights in the South American country, non-governmental organizations say.

Ottawa agreed in 2010 to produce an annual report on human rights, in part to assuage fears that abuses might go unchecked as bilateral trade and investment increased. But more than two years after the free-trade agreement came into effect, critics say the government has failed to produce a substantive assessment of the human-rights situation in Colombia.

Canada's first report concluded that it was too soon to analyze the human-rights situation in Colombia and promised a more detailed assessment in 2013. A second report was produced last year but concluded it was not possible to make a direct link between Canadian trade and human rights. It did not assess the potential impact of Canadian investments on human rights in Colombia.

Canadian NGOs say there are few indications that this year's report will be much of an improvement.

An online consultation process that concluded this week gave NGOs just six working days to submit feedback on the country's human rights record, with no advance notice about how the process would work, according to Stacey Gomez, a co-ordinator at the Canadian Council for International Co-operation, which represents Canadian NGOs.

"I think that this [consultation process], taken with the previous years' empty reports, emphasizes a lack of willingness on the part of the Canadian government to live up to the spirit of this requirement," Ms. Gomez said. Some organizations opted to boycott the process entirely, saying they would not be able to complete their submissions in time.

A spokesman for the Department of Foreign Affairs said promoting and protecting human rights is an "integral part" of Canadian foreign policy, citing Canadian support for human rights, security, and justice-related projects in Colombia.

Claude Rochon said the government is committed to fulfilling its human rights reporting obligation and that this year's report would reflect input from a "broad range of stakeholders."

University of British Columbia Professor James Rochlin, who researches the impact of trade and investment on the human rights situation in Colombia, said the government's past analyses should have included a look at Canadian investments in Colombia, including investments by Canadian mining companies.

"Really it comes down, I think, to political will," Prof. Rochlin said. "I'd like to believe that the Canadian government would like to do that and that this kind of a mechanism can be really important to do so. The evidence so far has not been great, but there's room for improvement."

The human-rights reporting mechanism was included in Canada's free-trade deal with Colombia at the insistence of the Liberals, who held more sway in Prime Minister Stephen Harper's minority government, before the 2011 election. A source with knowledge of the matter said the reporting mechanism was never intended as a template and was only included in the free-trade agreement to ensure that legislation to implement it passed in Parliament.

Last month, Amnesty International Canada brought Colombian deputy justice Federico Guzman Duque and an indigenous activist from Colombia to Ottawa to raise concerns about human rights reporting with Canadian Parliamentarians.

The activists said Canada is ignoring the provisions of the agreement by not reporting on known human-rights abuses, some of which allegedly involve Canadian mining companies. They point to findings by the Colombian constitutional court that human rights abuses have been going on against indigenous communities in areas where Canadian companies are working.

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