

**Analysis of the Canadian Government's First
Human Rights Report on the Canada-Colombia FTA**

Many hoped that the Canada-Colombia Free Trade Agreement human rights impact report would be a tool for ensuring human rights accountability in trade with Colombia. However, the government's first report, tabled on May 15th 2012, has some serious shortcomings. These need to be addressed in subsequent years if the report is to be a meaningful tool and not just a public relations exercise. The main areas of concern are:

- 1. Lack of acknowledgement of the human rights situation in Colombia:** While it provides a substantive overview of the economic relationship between the two countries, the document lacks any note of the human rights situation in Colombia. The closest it comes is one sentence that acknowledges that the "human rights situations in Canada and Colombia are different". However, this does not do justice to the gravity of the situation in Colombia, which is the most dangerous place on earth for trade union organizers and has the highest rates of internal displacement in the world. The introduction does not acknowledge the potential for a free trade agreement to exacerbate existing human rights abuses in Colombia -- the very reason that this human rights report was mandated in the first place. The opening paragraph simply reasserts claims of the potential synergies between trade and human rights, noting that "economic growth through liberalized rule-based trade and investment [...] may help solidify efforts by governments to create more prosperous democracies and to reduce poverty". Such a statement should arguably only be in the conclusion of an objective and evidenced-based assessment.
- 2. Vague Methodology:** The government has had a long time to prepare and produce a substantive report with a clear and defined methodology. In early 2011, it convened a multidisciplinary and international group of experts on human rights and Human Rights Impact Assessments (HRIAs). Yet, the report's 8 step methodology is very simplistic and leaves out key details about how and when these steps will take place. Well-respected methodological guidelines for HRIAs do exist: experts such as UN Special Rapporteur for the Right to Food Olivier De Schutter and University of Warwick professor James Harrison, have documented how such assessments should be carried out. De Schutter developed UN Guiding Principles on Human Rights Impact Assessments for Trade and Investment Agreements. However, the government's report makes no reference to these guidelines.
- 3. Inadequate consultation:** The report specifies that an important component of human rights reporting process is to "consult with stakeholders about the report and its methodology". However, this recommendation has not been heeded so far

and the process has lacked transparency and involvement from civil society. It has been virtually impossible to get information despite repeated contact with DFAIT and embassy officials. Moreover, consultation on the methodology is not enough: international guidelines specify that communities affected by the trade agreement should also play an active role in analyzing its impacts. There are many credible civil society and human rights groups in Colombia, and their perspectives must be included in the process.

- 4. Too little too late:** The human rights crisis in Colombia is serious enough to warrant discussion now, not in mid-2013. The question of whether Canada is contributing to or benefiting from this crisis should not be postponed. Best practice, confirmed in recent UN level guidelines, is to carry out an assessment of potential impacts even before the deal comes into effect and take any necessary corrective measures right at the outset. This is why the Standing Committee on International Trade and numerous civil society organizations called for a human rights impact assessment prior to signing the agreement.

At the very least, the government had time to collect baseline human rights data on areas of potential impact. The absence of such data in the report is a significant gap and will make future reporting on impacts more challenging. The plan to produce baseline data in the subsequent report is not acceptable and suggests that the government merely wants to postpone the discussion of human rights.

- 5. No definition of human rights:** In order for a human rights impact assessment to fulfil its stated goal, it needs be based on an explicit evaluation of the impact of trade law obligations on relevant, codified human rights obligations. Otherwise, there is a danger that the assessment will be meaningless or based on a subjective definition of human rights. Yet, the report contains only throwaway references to human rights with no mention of Canada or Colombia's specific human rights treaty obligations.

The need for independent human rights reporting is clear. The government should commit to the inclusion of independent analysis in future reports . The government of Canada has missed an important opportunity for due diligence to comply with international norms and ensure that its trade and investment policy does not undermine human rights. With another controversial FTA (Canada-Honduras) coming up for ratification, Canada must demonstrate that it is truly committed to human rights and that its interest trade with Latin America is not based purely on profit – no matter the human cost.