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## REPORT FINDS THAT CANADA'S POLICIES ON HUMAN & ENVIRONMENT RIGHTS DEFENDERS ARE EFFECTIVELY MEANINGLESS

*A first-of-its-kind study shines the spotlight on how Canadian embassies prioritize business over human rights.*

**Toronto, Ottawa, December 11, 2022** | Even as Canada plays host to the world's biggest biodiversity conference at COP15 this month, a new report reveals that Canada still prioritizes mining interests at the expense of human rights and environment defenders.

Published on the anniversary of the Universal Declaration of Human Rights, [\*The Two Faces of Canadian Diplomacy: Undermining Human Rights and Environment Defenders to Support Canadian Mining\*](#), provides unique insight into how Canadian officials are failing to implement their own policies on the protection of defenders if Canadian mining interests are involved. Prepared by the [Justice and Corporate Accountability Project](#) (JCAP), this is the first study of its kind to evaluate Canadian diplomat actions against the *Voices at Risk: Canada's guidelines on supporting human rights defenders*. JCAP is a national law clinic based at York University and Thompson Rivers University (TRU).

As a result of their work, many defenders face criminalization, threats, attacks and even killings, and UN bodies have recognized that the scale of this problem globally is also reaching crisis proportions. This is a particularly Canadian issue in the conflict-ridden mining industry, given that Canada is a "home state" to over a thousand mining companies operating globally and plays a strategic role to facilitate their investments abroad.

"Human rights and environment defenders play a critical role around the world protecting biodiversity and seeking solutions to the global ecological crisis," says Charis Kamphuis, TRU law professor, report co-author and JCAP board member. "Yet there is overwhelming evidence that Canadian officials systematically ignore Canada's own policies when it comes to corporate accountability and the protection of defenders. These policies are effectively rendered meaningless."

Citing hundreds of pages of government records, the report documents how Canadian officials utterly failed to uphold their own Guidelines and take meaningful steps to support a Canadian

citizen and well-known defender Jen Moore, who continues to face blatant and public human rights violations in connection with the operations of Canadian Hudbay Minerals in Peru.

In April 2017, Moore was working for MiningWatch Canada and collaborating with documentary film maker John Dougherty and prominent Peruvian organizations including Human Rights Without Borders in Cusco to screen a documentary film among communities affected by Hudbay Minerals' Constancia mine. The film, [Flin Flon Flim Flam](#), includes critical community and expert testimony about Hudbay's operations across the Americas. In the midst of the screenings, Peruvian authorities subjected Moore and Dougherty to surveillance, detention without charges, a ban from re-entering the country, and ultimately a public statement labelling them a threat to national security. Peruvian courts have since repeatedly found that these actions constituted grave violations of Moore's rights.

Hudbay is infamous for its history of alleged human rights violations and environmental harms in multiple countries, and there are [ongoing civil lawsuits against the company in Canada](#). In particular, the Constancia mine in Peru has been [a constant source of local conflict](#). Concerns over social and environmental impacts, and unfulfilled agreements with communities have given rise to regular protests. JCAP identified at least a dozen major and widely reported protests related to Hudbay in Peru between 2014 and 2021, often numbering in the thousands. Demonstrators have often faced police repression and legal persecution at the hands of the Peruvian National Police, who have operated in the scope of a security services contract with Hudbay. Peru's Constitutional Court has [said](#) that such contracts must be strictly limited because they can contribute to increased social conflict and violence.

Canada's policies dictate, among other things, that Canadian officials should have responded to Jen Moore's requests for help, including by investigating the potential involvement of Hudbay in her criminalization and calling on Peruvian authorities to abide by court orders and cease the criminalization. But by its own admission, Canada has done absolutely nothing to meaningfully support Moore. Beyond simple neglect, the records show that Canadian public servants held political bias against Moore; refused to recognize her as a defender in spite of clear evidence and widespread expressions of civil society support for her work; and made statements to UN bodies that were false and misleading with respect to what they knew about Hudbay's potential involvement.

The records reveal that these failures were systemic, persisted over time, and involved dozens of Canadian officials at all levels, including then Minister of Foreign Affairs Chrystia Freeland. In light of these serious and systemic failings, this report makes recommendations that pertain specifically to Moore's case and the conflict around the Constancia mine, while underscoring the need for fundamental reforms to Canada's failed policy approach to defenders.

For her part, Jen Moore says, "This report illustrates how the Canadian government treats mining companies like Hudbay as its clients, creating a terrible conflict of interest. This is true in my case, and is also a problem for many other defenders struggling against Canadian-financed projects across Latin America, including community members being legally persecuted for

protesting Hudbay's Constanca mine. To respect its human rights commitments, Canadian economic diplomacy to the extractive industry needs to end."

Jamie Kneen of [MiningWatch Canada](#) says, "We're already seeing Canadian officials make important commitments regarding biodiversity protection during COP15. But this report makes clear that Canada does not follow its own policies when it comes to supporting the very people that dedicate their lives to protecting the environment at great personal risk."

Human Rights Without Borders ([DHSF](#))-CUSCO continues to work directly with Hudbay-affected communities in the area. In a statement, DHSF says, "The fact that Canadian officials are willing to ignore a Canadian defender who has loud support from international organizations and even UN bodies, demonstrates that local defenders impacted by Hudbay have no hope of invoking Canada's human rights policies."

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#### **Further background:**

In 2017, several UN bodies wrote to the Government of Canada requesting information with respect to Canada's support for Jen Moore and the potential involvement of Hudbay. Canada refused to provide meaningful answers to these UN bodies and failed to share what it knew about Hudbay's potential involvement.

On May 16, 2017, shortly after Jennifer Moore's departure from Peru, [several petitioners filed a habeas corpus application on her behalf](#). To date, the Peruvian courts have issued four decisions in the case.

In 2019, 2020, 2021, and 2022, Peruvian courts found that Peru's actions violated Moore's human rights and that the decision to bar Moore from Peru was arbitrary and illegal, lacking factual basis and authority. The courts also found that Peruvian police were biased against Moore in part because of their services contract with Hudbay, and that the officers involved should be investigated.

Notably, the treatment of Jennifer Moore in 2017 in Cusco Peru has further hampered civil society access to the region by contributing to a climate of fear for HRDs. The criminalization of Moore has potentially wider negative implications for the work of other journalists, filmmakers, researchers, students, and human rights workers.

[According to Natural Resources Canada](#), as of 2020, Peru is in the top five countries for Canadian mining assets abroad with 5.3%.

Peru has also repeatedly made the top ten of Global Witness' [annual list](#) of countries for assassinations of land and environment defenders. These reports do not capture the broader patterns of threats, attacks, criminalization, and other forms of harassment and intimidation faced by communities and organizations who organize to defend their rights.

Notably, in 2022, documents were leaked revealing that the Peruvian military has been monitoring civil society organizations, including Human Rights Without Borders-Cusco, a human rights collective of researchers and lawyers that provide research and legal support to Hudbay-affected communities.