

# Closing the Credibility Gap: Strengthening Canada's Bid for a Seat on the UN Human Rights Council

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## Issue

Canada's desire to join the UN Human Rights Council is laudable and can become a reality, but to realize this goal, more direct action needs to be taken for the protection of women and 2SLGBTIQ+ individuals.

## Background

The current multilateral, rules-based international system is being increasingly subjected to great power dynamics, which are slowly altering the way in which international relations are conducted and human rights are protected. In the face of this relative return to realpolitik, Canada has a chance to step forward, championing the legitimacy of multilateral institutions and reasserting itself as a key player in the realm of human rights.

Countries around the world are experiencing attacks against human rights norms and laws, and in particular, women's and 2SLGBTIQ+ rights and autonomy are being challenged. The global backlash against women's rights is evident: the right to abortion was overturned in the United States (Supreme Court of the United States 2022); in Afghanistan, women and girls are now banned from receiving education, moving and working freely (Barr 2024); South Korea's new government is looking to abolish the Ministry of Gender Equality and Family (Lee 2024); transgender people constitute one of the most discriminated groups within the United Kingdom (Mijatović 2022); and women's activists, feminist organizations and champions for women and

gender-diverse individuals are increasingly surveilled and targeted by states and labelled as potential threats.

Women's and 2SLGBTIQ+ rights are canaries in the mine shaft. Human rights in general are increasingly losing their legitimacy. Rising rates of nationalism and populism are fostering a turn towards conservative and narrow values, generating a backlash and resistance to the progressive inclusivity of human rights. This resistance can manifest in the form of regressive policies, discriminatory rhetoric or even violence (See Appendix A and B).

## Canada's Credibility Problem and Bid for a Seat on the Human Rights Council

As Canada has long considered itself to be a champion of women's rights, 2SLGBTIQ+ rights and human rights in general (Trudeau 2024), its position within the realm of international human rights is vital to advancing the creation of more egalitarian and inclusive societies in which rights are respected and protected. Unfortunately, Canada's reputation is experiencing a decline on the international stage. Various Canadian actions and policies of late, such as arms sales, mining operations abroad and systemic violations of Indigenous rights on Canadian soil are all strikes against Canada and its international standing.

These policies and actions fail to protect or promote human rights and lead to a discrediting of Canada's role in the human rights system. In short, Canada has a credibility problem. Thankfully, the damage is not irreparable. Canada should seize this opportunity to step forward as a leader

in the rules-based international system, reinforcing the legitimacy of multilateral institutions by increasing their functionality. The Trudeau government's announcement that Canada will be running for a seat on the Human Rights Council from 2028 to 2030 is a welcome first step, and a key opportunity to show leadership as part of the international community's most important human rights body.

### Canada's Human Rights Priorities

Already, Canada has outlined six priorities upon which their candidacy for the Human Rights Council is based (Global Affairs Canada [GAC] 2023a):

1. seeking justice and accountability for those on the front lines of defending human rights;
2. striving for an inclusive future by championing anti-racism, freedom of religion or belief;
3. advancing the rights of Indigenous peoples and reconciliation;
4. advancing gender equality, including the rights of women and girls, 2SLGBTQI+ rights and sexual health and reproductive rights;
5. protecting and defending human rights online; and
6. responding justly to climate change.

Priority number four is an important area where Canada can focus and have an impact and has already been making dedicated efforts towards the protection of women's and 2SLGBTQI+ rights. Canada facilitated the creation of the Group of Seven Gender Equality Advisory Council in 2018 (Government of Canada 2023), executed targeted sanctions on individuals and entities in Iran, Myanmar and Russia, that are complicit in human rights abuses (Human Rights Watch n.d.), implemented a domestic ban on conversion therapy (Government of Canada 2021), and created the Canadian Feminist International Assistance Policy (FIAP). It is through the FIAP that Canada's brand as a feminist country has manifested, with the most important action area in the policy being achieving gender equality and the empowerment of women and girls. Peace and security — one of FIAP's specific action areas — is vital to creating spaces with human dignity, inclusive governance, growth, development and the environment, demonstrating how important gender equality and empowering women and girls is to Canada.

The new Indo-Pacific Strategy (IPS) can help position Canada not only higher in the Feminist Foreign Policy

Index, but also its partners. China, India, Indonesia, Pakistan, South Korea and others are rated on the lowest half of the feminist foreign policy performance, but one of the main objectives of the IPS is to “strengthen dedicated Canadian funding and advocacy to support human rights across the Indo-Pacific, including for women and girls, religious minorities, 2SLGBTQI+ persons and persons with disabilities” (Government of Canada n.d., para 91). This intersectional approach in the region is innovative and necessary for the creation of democratic societies with economic prosperity, respect for international law, public health, protecting the environment, and the rights of women, girls and human rights (ibid.).

With a record of prioritizing and defending women's and 2SLGBTQI+ rights, and as one of the few countries in the world that recognizes women as a vulnerable group (Papagiotti 2023), Canada now needs to prioritize action and the enforcement of these rights both domestically and on an international scale, leading the international community to do the same.

### Canada is Falling Short

Despite all of Canada's efforts and policies in the support of women's and 2SLGBTQI+ rights, it is in this very same area of rights that Canada has been garnering a reputation for inactivity. The following are some of the areas where Canada is falling short on the active protection and enforcement of women's and 2SLGBTQI+ rights:

- **Corporate accountability:** While Canada's mining projects contribute to the regional development of different parts of the world, they also contribute to the displacement of Indigenous communities and violations of women's rights. Canada has signed and ratified international legal frameworks for the protection of women, such as the Convention on the Elimination of All Forms of Discrimination against Women and the International Labour Organization's Violence and Harassment Convention, to work on the elimination of violence and harassment in the workplace, and while this demonstrates involvement and leadership on the protection of women's rights, it is imperative for Canada to actively ensure the international projects of Canadian corporations do not exacerbate existing inequalities or violate human rights laws. While the 2019 creation of the Canadian Ombudsperson for Responsible Enterprise (CORE) was a significant move towards the protection of impacted populations, it has been widely acknowledged that the position lacks the authority to compel the cooperation required

for its investigations, conduct investigations quickly and efficiently, and enforce meaningful changes when violations are uncovered (Grant 2023; Robertson 2024; Wisner and Pellerin 2023). It is often the most vulnerable groups, including women, that are impacted by these international corporations (Ravon and Warren 2022), and as such, Canada has a responsibility to ensure its corporations are abiding by domestic and international human rights standards.

- **Domestic limitations of gender-affirming care:** While Canada has taken steps to support the rights of 2SLGBTIQ+ persons, such as federally banning conversion therapy in 2022 (Government of Canada 2021), regressions to gender-affirming care in provinces such as Alberta are inhibiting Canadian's fundamental freedom and right to make choices about their personal health (Canadian Medical Association 2024).
- **Rights and protections for Indigenous women, girls and Two-Spirit persons in Canada:** Despite the National Action Plan created to address the *Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls and the Métis Perspectives of Missing and Murdered Indigenous Women, Girls and LGBTQ2S+ People*, the Native Women's Association of Canada (NWAC) has reported 2023 as another year without meaningful action to address violence against Indigenous women, girls and 2SLGBTIQ+ persons (NWAC 2023). Indigenous women and girls remain six times more likely to be murdered than other groups in Canada (Burczycka and Cotter 2023).
- **Arms and military exports:** Despite the Export and Import Permits Act (EIPA) that denies the export of military goods and technology, if there is a substantial risk of those items being used to facilitate violations of international humanitarian and human rights laws, including acts of gender-based violence (Global Affairs Canada 2023b), Canada has a record of exporting military technology and light armoured vehicles to known conflict sites of Colombia, Israel and Saudi Arabia (ibid. 2023b; Gallagher 2024). While there have been attempts to halt these arms exports in the case of Israel, the motion that was passed only prevents future authorization of export permits but does not revoke any existing or pending permits (ibid.). While the approved motion might appear satisfactory on the surface, its limited application highlights the credibility gap for which Canada is increasingly known. The continuation of these exports supports the continuation of conflict and considering civilians, especially women

and children, face increased risk of harm during conflicts (Amnesty International n.d.), these exports are in direct opposition to FIAP, negatively impacting the lives of the vulnerable groups Canada purports to protect.

These gaps in Canadian policy and practice demonstrate that although Canada might be known for its interest in human rights, it has reached a point where its inaction and inconsistencies are being noticed.

## Potential Resolutions for Canada as a Member of the Council

While winning a seat on the Human Rights Council will not solve multilateralism, it would provide an opportunity for Canada to demonstrate that not only is Canada still an active, relevant participant in and supporter of multilateral institutions, but that Canada is reclaiming its title of defender of human rights, establishing a new era of concrete action in pursuit of those rights and reestablishing its own credibility. With a dedication to promoting the rights of women and 2SLGBTIQ+ persons, Canada would bring a unique, targeted perspective and skillset to the Human Rights Council that recognizes the distinctive and vulnerable role of women, girls and 2SLGBTIQ+ persons. However, winning this seat is not guaranteed. With two previous failed attempts to win a seat on the Security Council, it is important for Canada to highlight the unique strengths and expertise it will bring to the Human Rights Council.

Canada's approach to women's and 2SLGBTIQ+ rights differs from countries already part of the Council or interested in being part of it, such as Greece (who has also announced its bid for a seat). Canada has an assistance policy focused on international solidarity with an intersectional, human rights-based and climate-sensitive perspective.

Winning a seat on the Human Rights Council will provide Canada with the opportunity to be a global leader in the fight for human rights, and more specifically, women's and 2SLGBTIQ+ rights. By bringing Canada's unique skills and perspective to the table, it will not only improve global perceptions of Canada, but also increase the legitimacy of multilateral institutions and their capacity to make a difference. Because if international human rights continue to fall by the wayside, if Canada and like-minded countries are not prepared to invest in multilateralism, the world of political rivalry that will follow will not be beneficial for Canada or its place in the international community. Canada needs to reassert itself to help secure the rules-based international order, and Canada's place within it.

## Recommendations

**Provide greater protection for female migrant workers and ensure the Canadian mining industry abroad protects human and labour rights, specifically concerning violence against women.** Global Affairs Canada should focus on increasing the power and authority available to CORE in an effort to ensure Canadian corporations are held accountable, and victims are able to easily and securely raise complaints. A first priority should be for CORE to have the power to compel documents and testimony from companies being investigated. As an already existing mechanism, empowering CORE and improving its legal capabilities can support gender equality and the elimination of violence against women, strengthening collaborative work without diminishing the work of other international human rights missions.

**Lead on the recognition and defence of sexual orientation and gender identity (SOGI) rights globally, including championing a global ban on conversion therapy.** Canada should move beyond its domestic accomplishments and head the international charge for a global ban on conversion therapy. Such a campaign would demonstrate a deeper commitment to SOGI rights and affirm Canada as a key progressive player in the international human rights field. Through diplomatic efforts and advocacy at global forums, Canada can take explicit, visible action in the support of SOGI rights and its own proclaimed values.

**Improve domestic protection for Indigenous women, girls and Two-Spirit persons.** Canada should prioritize working more closely with NWAC and other Indigenous groups to understand the needs and priorities of Indigenous peoples, and to prioritize the protection of these vulnerable groups and the investigation of the crimes committed against them. Canada should recommit to implementing the National Inquiry into Missing and Murdered Indigenous Women and Girls' 231 Calls for Justice, and focus on moving beyond simply funding commitments to prioritize tangible actions with accountability mechanisms. This would improve Canada's reputation and solidify Canada as a country of action that is willing to acknowledge its own shortcomings.

**Look beyond FIAP and leverage the Indo-Pacific strategy to advance women's and 2SLGBTIQ+ rights.** Research indicates that FIAP has an average performance on the ratification of International Labour Organization conventions on freedom of association, collective bargaining, violence and harassment in the world of work, migrant integration and domestic workers protection

policies, commitments to gender-sensitive climate justice, women's representation in party delegations, policies with a feminist vision of global economic justice, and funding for women's rights organizations and movements and government institutions (Papagiotti 2023). This indicates that there is room for Canada to improve its performance and with Global Affairs Canada already recognizing the Indo-Pacific strategy as a priority, there is an opportunity to leverage that strategy to prioritize Canada's focus on the protection women's and 2SLGBTIQ+ rights, demonstrating that these are priorities in all of Canada's international work and strengthening Canada's portfolio of action.

**Follow through on the EIPA and cease exporting arms and military technology to countries where their usage has proven to violate international humanitarian laws.** The cessation of arms and military exports would not only provide immediate relief to those living in conflict zones but would also demonstrate Canada's commitment to and prioritization of the protection of human rights. Canada should explicitly enforce EIPA to all previous, pending and submitted export permits, halting all exports of arms and military technology to conflict zones with known humanitarian law violations and thereby fulfilling Canada's commitment to the protection of women's and 2SLGBTIQ+ rights. This recommendation does not contravene the Arms Trade Treaty, signed and ratified by Canada, because while the international legal system recognizes the right to self-defence in conflict, proportionality is a core principle of International Humanitarian Law, as is the prohibition of targeting civilians. This is why prioritizing adherence to the EIPA, which focuses on halting arms exports only to countries where their usage has proven to violate International Humanitarian Laws, and not on completely banning arms trade, is a logical step for protecting human rights.

## About the Authors

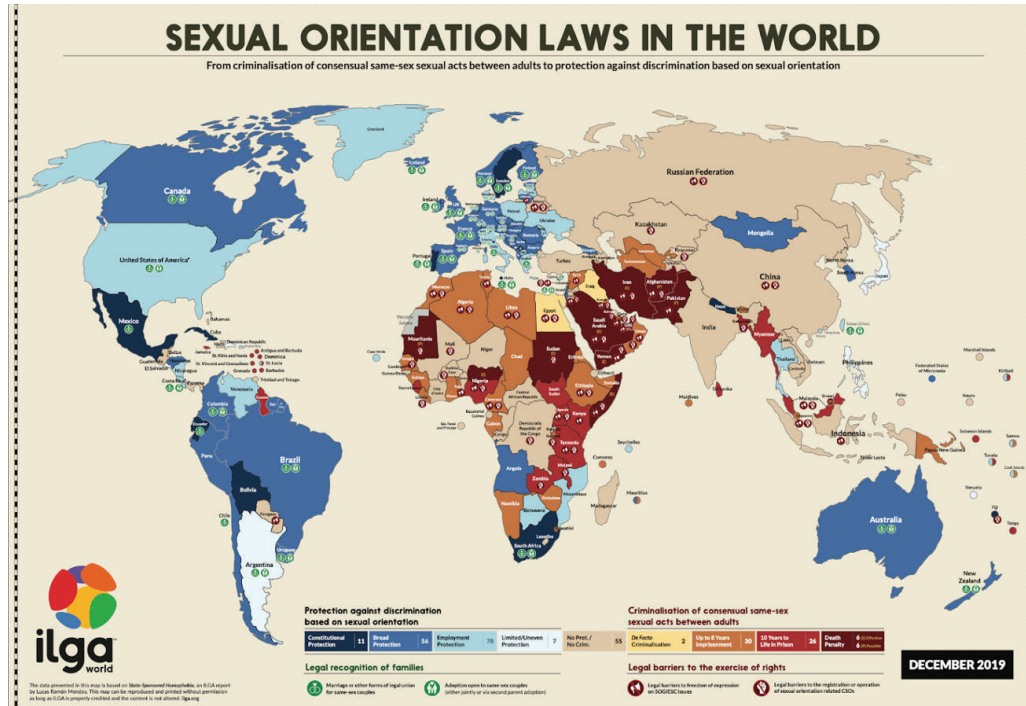
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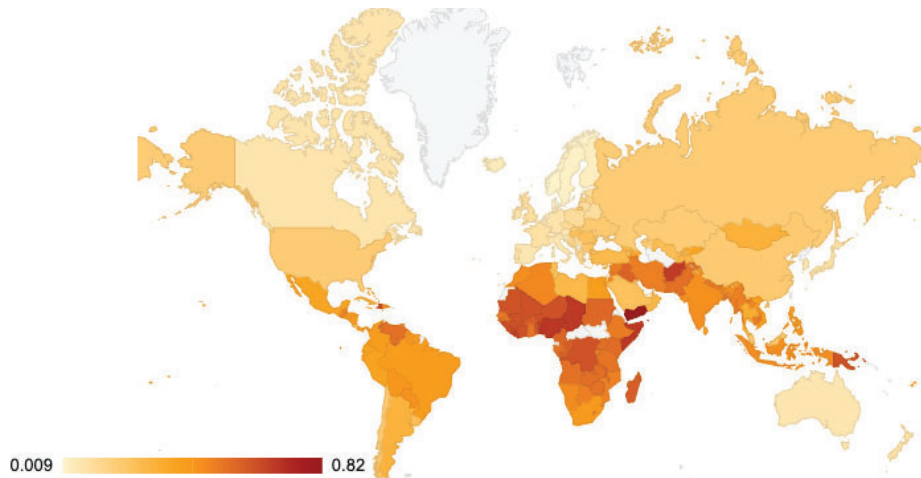
## Appendix A



Source: International Lesbian, Gay, Bisexual, Trans, and Intersex Association (2019).

## Appendix B: Gender Inequality Index

This index covers three dimensions: reproductive health, empowerment and economic status. Scores are between 0-1 and higher values indicate higher inequalities.



Source: Our World in Data (2024).

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