



CCC

Canadian Commercial Corporation  
Corporation Commerciale Canadienne

## Human Rights Due Diligence Guidelines Defence and Security

The following questions provide guidelines for the completion of human rights due diligence for a CCC transaction in addition to the responses provided by the exporter pursuant to the Due Diligence Questionnaire (DDQ):

The questions are based on requirements of the UN Guiding Principles and the UN Arms Trade Treaty.

### **Triggers for further assessment**

- 1) What is the product and how is it used?
  - Does the product involve defence or security goods or technology?
- 2) Who is the buyer/end-user?
  - Is the buyer/end-user the military, police, security or armed forces?
  - Does the mandate of the buyer raise any human rights concerns in relation to surveillance or privacy?

### **Product Risk**

1. What is the intended end use of the product?
2. What are the possible end uses of the product?
3. Is the product(s) a weapon or controlled good or technology? Is an export permit required for any portion of the transaction in Canada or any other jurisdiction?
4. Do the intended or possible uses of the product pose a substantial risk to life, liberty, security, or privacy, particularly of civilian populations?
5. Can the product be modified post-delivery to pose a substantial risk to life, liberty, security, or privacy, particularly of civilian populations?

### **Buyer/End-user Risk**

6. Does the legal mandate of the buyer/end-user include security-related responsibilities?
7. If the buyer/end-user is the military, police, security or armed forces:
  - a. Do civilian authorities maintain adequate control and oversight?
  - b. Does the buyer/end-user provide training in human rights and international humanitarian law to its personnel?
8. Have there been accusations of human rights abuses against the buyer/end-user? If yes, do they:
  - a. indicate an isolated event,
  - b. or a pattern of conduct?
  - c. and have they been resolved?
9. Is there a risk of diversion of the product?
  - a. Does the buyer/end-user have the means or measures in place, to prevent diversion of the product to end uses other than that stated?
  - b. Has the buyer/end-user been accused of diverting goods/technology in the past?
10. Are the goods/technology, including the type, quality and quantity, commensurate with the operational requirements and capacities of the end user?

### **Recipient Country Risk**

Examine publically available good governance indicators such as:

- World Bank Rule of Law: <http://info.worldbank.org/governance/wgi/#home>
- Transparency International Corruption Index: [https://www.transparency.org/news/feature/corruption\\_perceptions\\_index\\_2017](https://www.transparency.org/news/feature/corruption_perceptions_index_2017)
- World Press Freedom Index: <https://rsf.org/en/ranking>
- UN Human Development Index: <http://hdr.undp.org/en/composite/HDI>

10. Is the country a party to international human rights instruments and has taken steps to implement them into national legislation? For example:
- a. Geneva Conventions
  - b. International covenants on civil and political rights and economic, social and cultural rights.
  - c. United Nations Arms Trade Treaty
  - d. Rome Statute of International Criminal Court
11. Is the rule of law upheld? For example:
- a. Does the government enjoy democratic legitimacy through free and fair elections?
  - b. Is the judiciary independent and trusted?
  - c. Is the Government subject to written or customary constitutional norms?
  - d. Do prosecutors, police, and investigation agencies enjoy political independence?
  - e. Is the country's media free (see World Press Freedom Index)?
12. Is the country in an internal or international conflict, or at heightened risk of being in an internal or international conflict?
13. Are there specific flashpoints of political or civil unrest, including humanitarian crises?
14. Does the country have a record of protecting human rights including those in vulnerable groups ie. women, children, national, ethnic, and religious minorities, refugees, migrant workers, LGBTI persons?
15. Are there mechanisms that provide for investigations into alleged human rights abuses committed by state actors?
16. Does the country have a history of granting impunity to public or private violators of human rights?
17. Are human rights defenders protected or vulnerable?

## **Risk Mitigation Measures**

18. Will there be end use statements in the export permit, the foreign contract or elsewhere and is the buyer/end-user willing to make end user commitments to respect human rights and international humanitarian law?
19. Will there be in-country work or deliveries such that monitoring of the end user can take place by either the exporter or CCC?
20. Are there reporting requirements or follow-up measures/monitoring if a potential diversion of the export has been detected by CCC, exporter or elsewhere?
21. Are there reporting requirements or follow-up measures/monitoring if potential human rights violations has been detected by CCC, exporter or elsewhere?
22. How strong is CCC's ability to influence/exercise leverage on the buyer/end-user
  - a. prior to contract execution? (low/medium/high)
  - b. after product delivery? (low/medium/high)
23. Do any measures exist to mitigate human rights concerns at bilateral level between the Canadian and foreign government, and with the end user specifically?
24. Is the recipient country open to dialogue and/or willing to engage on human rights concerns?

## **Overall Risk.**

The responses to the above and the exporter due diligence responses are to be taken into account to produce an overall human rights risk rating for the transaction and to guide the recommendation of next steps.

## Document History

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