



### Quick facts

On average, Canadian rivers flow almost 9% of the planet's renewable freshwater resources, while the country is home to less than 1% of the world's population. Water occupies a large part of the territory, more than in any other country. Great Lakes shared with the United States, represent the largest area of fresh water throughout the world. Lake Winnipeg in the province of Manitoba, is the tenth of the world's fresh water tank. In Canada, it is the federal, provincial, municipal governments as well as Aboriginal governments having a self-government agreement that share water management. Currently, there is no national policy specific to the water protection in Canada.

Water is a prerequisite to all life and, in this capacity, recognition of the right to water and sanitation is a "prerequisite for the realization of other human rights." We wish to insist on the urgency for Canada to take concrete actions in order to respect, protect and implement that human right.

### Background and UPR 2013

Although the *Canadian Charter of Rights and Freedoms* does not guarantee the human right to water and sanitation *explicitly*, and the Supreme Court of Canada has not recognized this right, it is possible to consider its implicit guarantee by the following articles: 7 (guarantees the right to life, liberty and security); 15 (guarantees equality rights) and 36(1) (c) (concerning equalization and providing essential public services of reasonable quality to all Canadians).

In 2002, the Committee on Economic, Social and Cultural Rights, recognizes in its General Observation n° 15, that the right to water is implicitly included in articles 11 (the right of everyone to an adequate standard of living) and 12 (the right of everyone to the enjoyment of the highest attainable standard of physical and mental health) of the *International Covenant on Economic, Social and Cultural Rights*, a covenant to which Canada is a party.

On July 28, 2010, through the resolution 64/292, the General Assembly of the United Nations recognized the fundamental right to water and sanitation "as a human right that is essential for the full enjoyment of life and all human rights." On September 30, 2010, during its 15th session, the Human Rights Council adopted by consensus a resolution that "affirms that the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity". *The United Nations Declaration on the Rights of Indigenous Peoples*, adopted by the United Nations General Assembly in 2007 and officially endorsed by Canada in November 2010, also recognizes the First Nation's rights related to drinking water and sanitation.

During the United Nations Conference on Sustainable Development, in June 2012, the Canadian government recognized the existence of the human right to water and sanitation. During its second evaluation, as part of the Universal Periodic Review (April 26, 2013), Norway, Spain, Germany and Ecuador formulated some recommendations to the Canadian government about the human right to water and sanitation. They recommended particularly to recognize this right in a national legislation; to reduce the inequalities in the access to water faced by indigenous communities; to develop a national plan to guarantee it, in consultation with indigenous peoples; and to allocate sufficient funding to ensure the implementation of that right. Canada accepted those recommendations.

### Recommendations

1. Elaborate and implements, in collaboration with the provinces, a national policy for all Canadians, that fulfills Canada's international obligations in virtue of the right to water and sanitation;
2. Guarantee, in collaboration with the provinces, the provision of drinking water to all citizens, including the First Nations, among others, by funding programs that promote the conservation, the preservation and the restoration of freshwater sources and other water sources;
3. Adopt and promotes, in collaboration with the provinces, strategies of citizen participation, regarding the human right to water, that are inclusive, non-discriminatory and egalitarian;
4. Re-establish national environmental mechanisms of protection and regulation, that affects all the Canadian ponds and stretches of water;
5. Regulate the activities of the extractive industries and implements effectively these regulations;
6. Elaborate, applies and enforces coherent environmental standards in the sanitary, agricultural, fishery and industrial fields;
7. Involve, consult and work together with the First Nations on the environmental issues that concern them, and guarantees the implementation of the chosen solutions;
8. Guarantee, in collaboration with the provinces, that water is and remains a public and free good, belonging to all citizens and implement the means to protect its free provision;
9. Establish and adopts legislation at the federal and provincial levels in order to guarantee to all Canadians full access to clean water and sanitation services; and that these laws guarantee a sustainable management of water resources, in accordance with the Canadian government's commitment to fulfill the objectives of sustainable development.



Challenges	Impacts
<p><b><i>Metal Mining Effluent Regulations</i> contains a list of 27 water stretches (lakes, ponds and streams) in which the companies are allowed to dump their mine wastes</b></p>	<p>Impact on the quality and the access to water in Canada. Pollution of large territories, construction of dams, devastation of water resources, flooding of arable lands, obstruction to fishing and agriculture, environmental disasters and the lack of rehabilitation of contaminated lands result in the perturbation of ecosystems and economic and social activities and threaten health and public security. Furthermore, the extractive industry often benefits from access to water resources at little or no cost.</p>
<p><b>The modifications legislatives to the <i>Fisheries Act</i>, the <i>Navigable Waters Protection Act</i>, and the <i>Canadian Environmental Assessment Act</i>, represent a step back when it comes to the protection of water resources in Canada</b></p>	<p><i>Navigable Waters Protection Plan</i> now protects only 97 lakes and 62 rivers (as well as oceans) on the millions that were previously protected. Therefore, that act does not protect 99% of water stretches. Thus, it is now possible, in virtue of the <i>Navigable Waters Protection Plan</i>, to do work on the lake and rivers not included in the schedule, without the Federal Minister of Transport's authorization.</p> <p>Regarding the <i>Fisheries Act</i>, the modifications provided by bill C-38 ensure that from November 25, 2013, only the fish useful for fishing (commercial, traditional or recreational) are protected. Furthermore, the act only protects the fish against "serious harm" that they might endure. Moreover, considering that the previous version of the act extended the protection of this one to the "fish habitat", and not only to the fish as such, it is possible to consider that the modification of the act represents a step back when it comes to the protection of the environment.</p> <p>Since June 29, 2012, the new <i>Canadian Environmental Assessment Act</i> provides for the obligation to conduct environmental assessments only for projects designated through an act, a regulation or a ruling from the Minister of the Environment, thereby reducing the number of projects submitted to an environmental assessment in virtue of the previous <i>Canadian Environmental Assessment Act</i> from 1992.</p> <p>Moreover, the new Act reduces the possibility of the public's participation by restraining the definition of "interested party" to the people <u>directly</u> affected by the project or having, in the eyes of the authorities, relevant information or expertise. In 2014, The Commissioner of the Environment also concluded that some practices related to the participation of the public and the First Nations presented gaps, particularly in terms of the short timeframes allowed and the funding programs that do not cover all participants' costs.</p>
<p><b>First Nations access to drinking water and sanitation is not guaranteed in the facts by federal authorities, endangering the health of the people who live there.</b></p>	<p>Despite efforts and investments made by Canada, some First Nations communities still have no access to drinking water and sanitation services. In 2017, 167 warnings on the quality of drinking water had been issued with the First Nations. Dated March 2018, there were 34 reviews of boiling of water in effect in Aboriginal communities. Some have been on water restrictions for 20 years. In Ontario, Wayne Moonias, Chief of Neskantaga, says "water is even unsafe for bathing. Our children and our elders are sick. Extra solutions are no longer sufficient, and our people have to walk through Siberian temperatures in winter to fetch Water."</p> <p>In the spring of 2017, a process of engagement for First Nations drinking water safety act was launched to determine the way forward for the protection of safe drinking water for residents of the First Nations communities. The Act was repealed by the Assembly of First Nations, before being voted on in Parliament.</p> <p>First Nations have expressed interest to work directly with the Government to determine together how to follow appropriate procedures in partnership with them, to obtain positive results for the provision of safe drinking water, which requires to establish funds for all of the communities of First Nations during the implementation of a new legislative framework.</p>

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