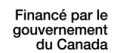




# SDG 16 PEACE, JUSTICE AND STRONG INSTITUTIONS: CONTRIBUTIONS OF CANADIAN LAW, POLICY AND GOVERNANCE

A Toolkit of Legal & Institutional Practices







# SDG 16 Peace, Justice and Strong Institutions: Contributions of Canadian Law, Policy and Governance

## A Toolkit of Legal & Institutional Practices

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Social Sciences and Humanities Research Council of Canada  
Conseil de recherches en sciences humaines du Canada

Funded by the  
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Financé par le  
gouvernement  
du Canada

**Canada** 

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## About the Toolkit

CISDL, in cooperation with the Dalhousie Schulich School of Law, Balsillie School of International Affairs/University of Waterloo, McGill University Faculty of Law/ Faculté de droit Université de Montréal, University of Victoria Peter A. Allard School of Law, and a consortium of institutional partners, held a hybrid online and multisite symposium on February 14, 2020, convening legal experts across Canada to discuss areas of opportunity to inform Canada's 2030 agenda. This toolkit is part of a series which builds upon legal research conducted in collaboration with UN Environment. The by-projects of this research which look at legal measures for achievement of the SDGs in Canada are intended to inform policy-making moving forward.

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# List of Abbreviations and Acronyms

CBD	<i>Convention on Biological Diversity</i>
CEDAW	<i>Convention on the Elimination of all Forms of Discrimination Against Women</i>
CERD	<i>Convention on the Elimination of All Forms of Racial Discrimination</i>
CRPD	<i>Convention on the Rights of Persons with Disabilities</i>
ICCPR	<i>International Covenant on Civil and Political Rights</i>
ICESCR	<i>International Covenant on Economic, Social and Cultural Rights</i>
ILO	International Labor Organization
IUCN	International Union for Conservation of Nature
MDG	Millennium Development Goals
NWT	Northwest Territories
PEI	Prince Edward Island
SDG	Sustainable Development Goals
UDHR	<i>Universal Declaration on Human Rights</i>
UNCCD	<i>United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa</i>
UNCRC	<i>United Nations Convention on the Rights of the Child</i>
UNEP	United Nations Environment
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	<i>United Nations Framework Convention on Climate Change</i>
UNICEF	<i>United Nations Children's Emergency Fund</i>

# I. Introduction

## SDG 16: An Opportunity to Promote Peaceful and Inclusive Societies for Sustainable Development, Provide Access to Justice for All and Build Effective, Accountable and Inclusive Institutions at All Levels

The Sustainable Development Goal to promote peaceful and inclusive societies, provide access to justice, and build effective institutions (SDG 16 Peace, Justice and Strong Institutions) represents an ambitious and important commitment to foster safe and inclusive societies that are grounded in just and accountable institutions. It is seen as a critical cross-cutting issue that fosters functional institutions which provide for peaceful societies that provide the cornerstone for success in all other facets of the SDGs. Notably, SDG 16 has equal relevance in developing and developed countries. At the same time, it aims to improve the global community and enhance the ability of jurisdictions to achieve their developmental priorities under the SDGs, requiring that significant attention be placed on operationalizing the central pillars of SDG 16.

This Toolkit focuses on SDG 16 and seeks to advance implementation by highlighting the range of legal measures which are already in practice in Canada.

### Structure of the Toolkit

The Toolkit provides a cursory survey of principal national and international law, policy and governance measures that have the potential to contribute to realizing SDG 16. It considers options for legal and policy preparedness, notes the potential for mainstreaming and more integrated implementation at the international and national levels, and offers recommendations to address these issues.




The Toolkit is separated into four sections and additional reference materials:

- **Introduction** offers brief background on the issues, the structure of the toolkit, and an overview of the intended audience.
- **Legal Innovations & Practices from Across Canada to Achieve SDG 16** provides an initial survey of federal, provincial, and territorial approaches which support achievement of specific targets under the SDG.
- **International Legal Dimensions of SDG 16** highlights legal obligations under international instruments related to education.
- **Legal Preparedness for Achieving SDG 16 with Canadians** summarizes findings and provides mechanisms for enhancing efforts across all levels of government.
- **Recommended Resources** provides a brief list of resources that could supplement information provided.
- **Annex I: Domestic Legal Instruments: Overview Table** provides a single reference table that includes all of the domestic laws identified and separated by SDG target.
- **Annex II: About the Project** summarizes the project, key partners, and goals.

The analysis suggests that SDG 16 and associated targets are supported by international governance systems and legal measures, as well as Canadian domestic instruments and institutions which provide

pre-existing pathways to support national implementation. While law and governance mechanisms which support achievement of SDG 16 have been identified, there remain significant areas of opportunity to promote greater policy cohesion, refinement, scaling up of ambition, and engagement with civil society actors. This project, in collaboration with Economic and Social Development Canada (ESDC), as well as law schools and research networks across the country, identifies current pathways that provide for the achievement of SDG 16 in Canada.

## Reference Guide

- |   |                     |   |
|---|---------------------|---|
|  | <b>Key Aspects</b>  | Summarizes principal takeaways from the legislation. Emphasizes the elements exemplified by the approach. |
|  | <b>SDG Targets</b>  | Identifies the SDG targets which the legislative approach may be used to implement.                       |
|  | <b>Jurisdiction</b> | Indicates the jurisdiction of the legislation.  |

The above icons are used throughout the report to highlight aspects and legislative approaches that align with the specific needs of users of this toolkit.

## Target Audience

Sustainable development as a crosscutting policy goal requires engagement of law and governance authorities at all levels. This Toolkit has a target audience of law and governance professionals at the federal, provincial, and territorial levels, as well as Aboriginal communities, and local and municipal authorities who seek to engage in and influence debate. In addition, the Toolkit acts as a valuable resource for non-governmental organizations (NGOs) and other members of civil society who are seeking to understand and identify options to inform decision makers within their constituencies. Lastly, the Toolkit aims to support legal professionals, members of the judiciary, law professors, and students seeking to gain insights into the role played by law and governance institutions in supporting the achievement of SDG 16.

## SDG 16: Catalyzing action on Justice.

**SDG 16 Peace, Justice and Strong Institutions – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels**

- 16.1** Significantly reduce all forms of violence and related death rates everywhere
- 16.2** End abuse, exploitation, trafficking and all forms of violence against and torture of children
- 16.3** Promote the rule of law at the national and international levels and ensure equal access to justice for all
- 16.4** By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime
- 16.5** Substantially reduce corruption and bribery in all their forms
- 16.6** Develop effective, accountable and transparent institutions at all levels
- 16.7** Ensure responsive, inclusive, participatory and representative decision-making at all levels
- 16.8** Broaden and strengthen the participation of developing countries in the institutions of global governance
- 16.9** By 2030, provide legal identity for all, including birth registration
- 16.10** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements
- 16.A** Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime
- 16.B** Promote and enforce non-discriminatory laws and policies for sustainable development



## II. Legal Innovations & Practices from Across Canada to Achieve SDG 16

Although the SDGs are not binding treaty obligations or necessarily reflective of international customary law, States are required to consider them as a commitment made by the international community in good faith. Moreover, the SDGs can be considered as providing the normative context for treaty implementation.<sup>1</sup> While in some cases the SDGs require legal refinement in the domestic context, SDG 16 benefits from a broad groundwork of legal and policy measures which have evolved over the years and provide a framework for achievement. This section will explore approaches to achieving SDG 16 at the federal, provincial and territorial level in Canada.

### Federal

#### *Criminal Code*



**Comprehensive framework governing criminal acts**

Canada's Criminal Code codifies most criminal offences in the country, outlining the prohibited acts that are considered crimes and the potential sentences for these acts. There are a number of applicable Criminal Code provisions which aim to advance a peaceful society including through the protection of children from violence and abuse,<sup>2</sup> ensuring that public officers carry out their duties in accordance with the rule of law and in a transparent manner,<sup>3</sup> an absolute prohibition on human trafficking and/or trafficking of minors,<sup>4</sup> restrictions on bribery of public officials,<sup>5</sup> and criminalizing hate speech that often leads to discrimination,<sup>6</sup> as well as a host of other laws and rules which seeks to ensure that Canada is free from violence, corruption and intimidation of Canadians.

The Criminal Code is a comprehensive entity through which the rule of law is entrenched in the national legal and regulatory system governing criminal conduct. By providing comprehensive substantive and procedural measures relating to criminal acts, interpreted and applied by an independent judiciary, the Criminal Code allows a majority of the elements under SDG 16 to be operationalized and advanced. Through criminalization of violent crime, and inclusion of measures to foster a peaceful society, the Criminal Code supports achievement of SDG 16.1, 16.2, 16.3, 16.4, 16.5, 16.6, and 16.b.



**SDG 16.1, SDG 16.2, SDG 16.3, SDG 16.4, SDG 16.5, SDG 16.6, SDG 16.b.**



**Federal**

<sup>1</sup> Miller-Dawkins, May, *Global goals and international agreements. Lessons for the design of the Sustainable Development Goals*, ODI Working Paper 402, Overseas Development Institute, November 2014, available at <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9295.pdf>.

<sup>2</sup> Criminal Code, RSC 1985, c C-46, s. 155(2). [Criminal Code]

<sup>3</sup> *Ibid*, Criminal Code s. 25.1.2.

<sup>4</sup> *Ibid*, Criminal Code s. 279.01, 279.011.

<sup>5</sup> *Ibid*, Criminal Code s. 120.

<sup>6</sup> *Ibid*, Criminal Code s. 318.

## ***Firearms Act***



### **Application and background check process for gun licences**

The Firearms Act establishes a system of licences and authorizations for the possession of firearms and associated accessories that would otherwise be prohibited under the Canadian Criminal Code.<sup>7</sup> To determine the eligibility of an individual to hold a firearms licence, and thus to possess a firearm in Canada, several criteria are established by the Act, notably the risk posed by the individual to the safety of the community, past criminal convictions, current or past history of mental illness and history of violence.<sup>8</sup> In addition to these evaluation criteria, it is mandatory that an applicant for a firearms license successfully complete a firearm safety course.<sup>9</sup> Through those requirements, the Act aims at reducing gun-related violence and ensuring public safety. An additional purpose of the Act is to provide for a prohibition on use of unregistered firearms. Illicit financial flows which support the illegal supply of firearms are also regulated under this legislation.

Through the establishment of an application process in conjunction with a robust review procedure prior to issuance of a firearm licence and efforts to combat unregistered firearms and illicit financial flows associated with them, the Firearms Act aims to minimize criminal activity and gun-related violence in support of SDG 16.1, 16.3, 16.4.



**SDG 16.1, SDG 16.3, SDG 16.4.**



**Federal**

## ***Youth Criminal Justice Act***



### **Alternative framework for consideration and processing of youth crimes**

Under the Youth Criminal Justice Act, which governs Canada's youth justice system, those who are at least 12 years of age but under 18 years of age and are alleged to have committed criminal offences are subject to specific jurisdiction and rules. The Act creates a separate criminal justice system for young people and they therefore do not fall under the Criminal Code, allowing youth crime to be addressed in a way that is more conducive to considerations regarding age and earlier stage of development. Some of the Act's most important objectives are to prevent crime by addressing the circumstances underlying a young person's offending behaviour, to rehabilitate youth who commit offences and reintegrate them into society rather than placing them in the cycle of the adult criminal system, and to ensure that a young person is subject to meaningful consequences for his or her offence in order to promote the long-term protection of the public.<sup>10</sup>

Through the establishment of alternative measures for young offenders that are focused on rehabilitation and reintegration of youth rather than punitive or retributive sentences, the Youth Criminal Justice Act seeks to ensure that potential criminal tendencies are constructively addressed early in order to foster socially conducive behaviour in the long-term in support of SDG 16.1, 16.2, and 16.3. The Youth Criminal Justice Act also balances the needs of youth involved in the

<sup>7</sup> Firearms Act, SC 1995, c 39, s. 4. [Firearms Act]

<sup>8</sup> *Ibid*, Firearms Act s. 5.

<sup>9</sup> *Ibid*, Firearms Act s. 7.

<sup>10</sup> Youth Criminal Justice Act, SC 2002, c. 1, s. 3.

justice system with the needs of larger Canadian society in furtherance of SDGs 16.1, 16.2 and 16.3.

 SDG 16.1, SDG 16.2, SDG 16.3.

 Federal

### ***National Crime Prevention Strategy***



**Strategic approach to development and funding of crime prevention initiatives**

The National Crime Prevention Strategy (NCPS) is a federal framework for crime prevention initiatives in Canada. The NCPS provides funding to selected projects that contribute to preventing and reducing crime in Canada and increasing knowledge regarding crime prevention.<sup>11</sup> The funds focus on supporting initiatives across Canada, some at the local level, including security infrastructure investment, action to address youth crime and gang prevention, as well as crime prevention in northern and Aboriginal communities.

Through a coordinated approach coupled with supplementary funding for policies, programs, and initiatives, the NCPS facilitates comprehensive action to mobilize preventative measures to address crime in support of SDG 16.1, 16.2, and 16.3. Further, through the integration of various stakeholders in these initiatives, the NCPS fosters strong institutions and inclusive decision making at all levels, advancing SDG 16.6, 16.7, and 16.10.

 SDG 16.1, SDG 16.2, SDG 16.3, SDG 16.6, SDG 16.7, SDG 16.10.

 Federal

### ***Access to Information Act***



**Procedures for access to information**

The purpose of the Access to Information Act is to provide a right of access to information in records under the control of a government institution. The terms of the Act are based on the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific, and that decisions on the disclosure of government information should be reviewed independently of government. Under the terms of the Act, records may be acquired by any Canadian citizen or permanent resident by providing a request for information subject to some limitations for sensitive or otherwise potentially compromising data and information.<sup>12</sup>

By providing a clear and effective way to access information, the Act allows for greater accountability and transparency of institutions as well as encouraging informed and inclusive decision-making procedures in accordance with SDG 16.6, 16.7, and 16.10.

 SDG 16.6, SDG 16.7, SDG 16.10.

 Federal

<sup>11</sup> Public Safety Canada, National Crime Prevention Strategy, available at: <[www.publicsafety.gc.ca/cnt/cntrng-crm/crm-prvntn/strtg-en.aspx](http://www.publicsafety.gc.ca/cnt/cntrng-crm/crm-prvntn/strtg-en.aspx)>.

<sup>12</sup> Access to Information Act, RSC 1985, c A-1, s. 4-6.

### ***An Act to amend the Canadian Human Rights Act and the Criminal Code***



**Inclusion of gender in prohibited grounds for discrimination**

The Act to amend the Canadian Human Rights Act and the Criminal Code adds gender identity and gender expression to the list of prohibited grounds for discrimination at the national level and concomitant punishments for discrimination. It also amends the Criminal Code to protect against hate propaganda regarding gender identity or expression and, where there is evidence that an offence was motivated by gender identity or expression, this is an aggravating circumstance that a court must take into consideration when imposing a sentence.<sup>13</sup> The Act makes sure that discrimination and harassment based on gender identity and expression are prohibited forms of conduct across a spectrum of situations and actors.

Through inclusion of gender identity as part of the list of prohibited categories for discrimination, the Act seeks to ensure greater inclusivity as an essential element of Canadian society and that freedom of expression in Canada is promoted in accordance with SDG 16.3, 16.7, and 16.b.



**SDG 16.3, SDG 16.7, SDG 16.b.**



**Federal**

### ***Federal Accountability Act***



**Public official to disclose conflicts of interests and associated transparency measures**

The Federal Accountability Act provides for conflict of interest rules, restrictions on election financing, and measures respecting administrative transparency, oversight and accountability for national governmental actors and activities.<sup>14</sup> Under the terms of the Act, where a potential conflict of interest could occur the official must recuse himself from the debate and decision-making in order to avoid even the potential for impropriety.<sup>15</sup> Holders of public office must disclose all assets, liabilities, and philanthropic activities, as well as any gifts in excess of \$200 in value received while in office, and must divest, either through sale or placement in a blind trust, any assets that could cause a direct or indirect conflict with the duties of office they have undertaken.<sup>16</sup>

By providing clear guidelines and procedures for avoidance of conflicts of interest, including disclosure and arms length divestment, the Act encourages transparency and reinforces confidence in public institutions in accordance with SDG 16.6, 16.7, and 16.10.



**SDG 16.6, SDG 16.7, SDG 16.10.**



**Federal**

<sup>13</sup> An Act to amend the Canadian Human Rights Act and the Criminal Code, SC 2017, c 13.

<sup>14</sup> Federal Accountability Act, SC 2006, c 9, s.3-18. [Federal Accountability Act]

<sup>15</sup> *Ibid*, Federal Accountability Act, s. 21.

<sup>16</sup> *Ibid*, Federal Accountability Act, s. 22 - 27

## ***Canadian Environmental Protection Act***



### **Access to information provisions in the environmental context**

Part 2 of the Canadian Environmental Protection Act addresses public participation. Specifically, the Act mandates the creation and maintenance of an environmental registry to facilitate access to documents related to matters concerning or impacting on environmental protection.<sup>17</sup> The Act also outlines citizen rights to request the addition of a substance to the Priority Substance List (a list of toxic substances which pose a risk to the environment), the right to file a notice of objection, and the right to request that a board of review be established.<sup>18</sup> Additionally, citizens may apply for investigation of any alleged offence under the Act and may bring an environmental action to a designated regulatory or juridical body for allegations of violations under the terms of the Act.<sup>19</sup>

Through the integration of mechanisms which support citizen participation in environmental matters, allowing for public access to information, and providing ways to challenge decisions which have environmental impacts, the Act provides strong pathways for the achievement of SDG 16.6, 16.7, and 16.10 in the environmental context.



**SDG 16.6, SDG 16.7, SDG 16.10.**



**Federal**

## ***Impact Assessment Act***



### **Public participation in the environmental assessment process**

The Impact Assessment Act calls for public participation in the environmental assessment process.<sup>20</sup> Specifically, the public must be provided an opportunity to meaningfully participate in the consultation process based on sufficient notice. Participation in this context includes the provision of comments and inputs to the design of projects based on the perspective of members of the public, especially those who will be directly impacted by a proposed project or activity.<sup>21</sup> Projects may only be approved if, among other factors, the public indeed received a reasonable opportunity to participate and was able to participate in these discussions and dialogues.<sup>22</sup> This participation extends to meetings of the Committee established under the Act for consideration of any strategic assessments.<sup>23</sup>

Through the inclusion of obligations ensuring meaningful public participation in the impact assessment process, the Act supports accountability and transparency in the legislative approval process in line SDG 16.6, 16.7, and 16.10.



**SDG 16.6, SDG 16.7, SDG 16.10.**



**Federal**

<sup>17</sup> Canadian Environmental Protection Act, SC 1999, c 33, s. 12. [Canadian Environmental Protection Act]

<sup>18</sup> *Ibid*, Canadian Environmental Protection Act, s. 15.

<sup>19</sup> *Ibid*, Canadian Environmental Protection Act, s. 17, 22.

<sup>20</sup> Impact Assessment Act, SC 2019, c 28, s 1, s. 6(h). [Impact Assessment Act]

<sup>21</sup> *Ibid*, Impact Assessment Act, s. 11, 18, 27.

<sup>22</sup> *Ibid*, Impact Assessment Act, s. 33(e).

<sup>23</sup> *Ibid*, Impact Assessment Act, s. 99.



## *Fund for Africa Act*



### **Funding mechanism to support African development priorities**

The Fund for Africa Act establishes the Canada Fund for Africa to advance developmental objectives under the African Union's development arm, the New Partnership for Africa's Development.<sup>24</sup> The Fund was launched in 2002 with an initial budget of five hundred million CAD and functioned until 2010. Support focused on advancing: (i) natural resource governance and food security, (ii) regional integration, infrastructure and trade, (iii) Industrialisation, Science, Technology and Innovation, and (iv) Human Capital Development.<sup>25</sup>

Through the establishment of funding mechanisms to collaborate with international organizations to support developmental priorities, the Fund for Africa Act provides an example of modalities which convey the central challenges underpinning SDG 16 to be addressed, with a focus on SDG 16.8 and 16.a.



**SDG 16.8, SDG 16.a.**



**Federal**

## *Federal Sustainable Development Act*



### **Framework approach to fostering sustainable development**

The Government of Canada formalized its commitment to sustainable development through the 2008 Federal Sustainable Development Act (FSDA). Under the FSDA, the Government of Canada is required to develop a Federal Sustainable Development Strategy (FSDS). The FSDS is a whole-of-government approach to environmental sustainability, which improves transparency and accountability. The current FSDS focuses on environmental sustainability under four themes: Addressing Climate Change and Air Quality; Maintaining Water Quality and Availability; Protecting Nature; and Shrinking the Environmental Footprint. Under the FSDA, the national Sustainable Development Advisory Council is established with one representative from each province and territory, as well as three representatives from constituencies including Aboriginal organizations, environmental NGOs, business organizations, and labour organizations.<sup>26</sup>

In June 2016, the House of Commons Standing Committee on Environment and Sustainable Development introduced a report with 13 recommendations to amend the FSDA. In support of the Committee's report, the Government introduced Bill C-57, an Act to Amend the Federal Sustainable Development Act in June 2017. The amendments received royal assent in February 2019. The amendments are expected to result in a stronger FSDS, and will build on past FSDS progress related to goals such as: (i) effective action on climate change; (ii) low-carbon government; (iii) clean energy; (iv) healthy coasts and oceans; (v) sustainably managed lands and forests; (vi) connecting Canadians with nature; and (vii) safe and healthy communities.<sup>27</sup>

Through the utilization of a framework approach to prioritize initiatives, and the creation of a multi-stakeholder body to leverage expertise and enhance dialogue, the FSDA provides an institutional structure to advance the SDGs broadly and SDG 16 in particular with a focus on safe and healthy

<sup>24</sup> Canada Fund for Africa Act, SC 2002, c 9, s 45, s. 3(1-2).

<sup>25</sup> New Partnership for Africa's Development, "Our Focus," available at: <[www.nepad.org/our-focus](http://www.nepad.org/our-focus)>.

<sup>26</sup> Canada's Federal Sustainable Development Act, SC 2008, c. 33, s. 8.

<sup>27</sup> Government of Canada, "Achieving a Sustainable Future: A Federal Sustainable Development Strategy for Canada" (2020) Government of Canada, available at: <[www.fsds-sfdd.ca/index.html#/en/goals/](http://www.fsds-sfdd.ca/index.html#/en/goals/)>.

communities and the promotion of sustainable development throughout the decision-making process.



**SDG 16.1, SDG 16.3, SDG 16.6, SDG 16.b.**



**Federal**

## Provincial and Territorial Laws

Canada maintains a rich legal framework for the advancement of justice, creation of transparent and accountable institutions, and fostering of a society grounded in good governance. Providing for sound legal institutions as a critical cross-cutting component of advancing achievement of the SDGs is central to moving forward a peaceful society.

While the division of powers used in the Canadian context does centralize authority at the federal level for particular aspects, provincial and territorial powers play an important role in actualizing critical aspects of the SDGs. The following are legal innovations at the provincial and territorial level which support achievement of SDG 16.

### *16.1 Significantly reduce all forms of violence and related death rates everywhere*

#### ***Victims of Crime Act***



#### **Protections and a fund for victims of crime**

The Alberta Victims of Crime Act outlines the rights of victims throughout the judicial process, such as the right to be given information on the criminal justice system, to be provided with information on the status of an investigation and to have the opportunity to give the court a victim impact statement.<sup>28</sup> Under the Act, a dedicated committee is established to evaluate applications for grants relating to programs intended to benefit victims of crime.<sup>29</sup> Surcharges which are applied to fines for criminal conduct issued within the jurisdiction are paid into the Victims of Crime Fund and may be used for programs related to counselling, costs of review by the committee, and payment of death benefits of victims.<sup>30</sup> Similar systems are found in other Canadian jurisdictions as well.<sup>31</sup>

Through the inclusion of protections for victims of crimes as well as the creation of a fund to support counselling or other support services, the Act assists in mitigating long-term impacts of crime in accordance with SDG 16.1, 16.2, and 16.3.



**SDG 16.1, SDG 16.2, SDG 16.3.**



**Alberta**

<sup>28</sup> Victims of Crime Act, V-3 RSA 2000, s. 2. [Victims of Crime Act]

<sup>29</sup> *Ibid*, Victims of Crime Act, s. 6.

<sup>30</sup> *Ibid*, Victims of Crime Act, s. 8-10.

<sup>31</sup> Victims of Crime Act, RSBC 1996, c 478.

***Safe Schools Regulations*****Code of Conduct to limit violence in schools and promote safe learning environments**

The purpose of the Safe Schools Regulations, establish the Territorial School Code of Conduct, is to promote a positive learning environment in the Northwest Territories.<sup>32</sup> According to the requirements of the School Code of Conduct, students, parents, elders, school staff and all members of the school community have the shared responsibility to establish an effective education system in a safe, respectful and caring atmosphere.<sup>33</sup> Objectives include refraining from discrimination against others, including on the basis of race, color, ancestry, nationality, ethnic origin, place of origin, creed, religion, age, disability, sex, sexual orientation, gender identity, family status, family affiliation, political belief, political association or social standing.<sup>34</sup> Furthermore, no conduct is allowed which would threaten or disrupt individual rights, the ability to learn, or violate the physical safety of students or staff.

Through the development of guidelines and codes of conduct for educational institutions which foster safe learning environments, minimize discrimination, and reduce violence, the Northwest Territories' School Code of Conduct is critical to the achievement of SDG 16.1.

**SDG 16.1, SDG 16.2.****Northwest Territories**

***16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children***

***Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act*****Guidelines, procedure and duties to report for child sexual abuse**

The Saskatchewan Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act sets out guidelines and procedures and establishes duties to report for child sexual abuse. Any person who has reasonable grounds to believe that child sexual abuse has occurred or is likely to occur has an obligation to inform a child protection officer.<sup>35</sup> Emergency protective orders may be established, and a justice within the Province may subpoena any person who has evidence relating to a potential offence falling under the ambit of the Act.<sup>36</sup> Reflecting concerns for the need to respect the privacy of child sexual abuse and exploitation victims, the Act ensures that the confidentiality of victims is to be legally recognized and respected.<sup>37</sup> Those who have reasonable

<sup>32</sup> Safe Schools Regulations, NWT Reg 010/2016, s. 1. [Safe Schools Regulations]

<sup>33</sup> *Ibid*, Safe Schools Regulations, s. 2.

<sup>34</sup> *Ibid*, Safe Schools Regulations, Schedule.

<sup>35</sup> The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act, 2002, E-8.2, s 3-4, 18-19. [Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act]

<sup>36</sup> *Ibid*, Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act, s. 17-18.

<sup>37</sup> *Ibid*, Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act, s. 20 - 21.

grounds to believe harmful interactions have occurred yet do not make the requisite notification of the appropriate authorities can be subject to a fine of up to \$25,000 and imprisonment of up to 24 months.<sup>38</sup>

Through the integration of procedural obligations for notification, protective measures, and protections for victims of child sexual abuse and exploitation, the Act provides pathways for achievement of SDG 16.1 and 16.2.



**SDG 16.1, SDG 16.2.**



**Saskatchewan**

### ***Youth Protection Act***



### **Protective measures for youth victims**

The Quebec Youth Protection Act establishes a special regime to protect children's rights and prevent abuse within the province. The Act prevents the placement of children in correctional facilities<sup>39</sup> and establishes the Province-wide position of director of youth protection with the power to receive reports regarding children, evaluate their situation, decide whether the child's security is in danger and take appropriate measures.<sup>40</sup> The security of the child is considered legally in danger under the terms of the Act when he or she is abandoned, neglected or subjected to psychological, sexual or physical abuse.<sup>41</sup> In order to assist the child, the director of youth protection can remove him from his present environment and entrust him to an institution.<sup>42</sup> Those protections are aimed at preventing and stopping child abuse of any sort.

By establishing specialized modalities, protections, and procedures for youth victims, the Act creates a legal and regulatory system in which SDG 16.2 can be more readily realized.



**SDG 16.2.**



**Quebec**

***16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all***

***16.4 By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime***

<sup>38</sup> *Ibid*, Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act, s. 24.

<sup>39</sup> Youth Protection Act, CQLR c P-34.1, s. 11. [Youth Protection Act]

<sup>40</sup> *Ibid*, Youth Protection Act, s. 32.

<sup>41</sup> *Ibid*, Youth Protection Act, s. 38.

<sup>42</sup> *Ibid*, Youth Protection Act, s. 46.

## ***Child and Family Services Regulations***



**Mechanisms for children to receive foster care in cases of abuse or neglect**

Saskatchewan's child protection laws, and the Child and Family Services Regulations, are intended to promote the well-being of children in the Province. In instances where children are removed from a home due to abuse and neglect, they may be placed with a foster parent based on an assessment by a case worker of fitness.<sup>43</sup> Foster parents sign an agreement to provide care to the child, offer a safe environment, and provide for the best interests of the child.<sup>44</sup> The law provides for applications for child protection, child protection hearings, interim orders, telephone applications for protective hearings, voluntary committal, and issuance of protective intervention orders.<sup>45</sup>

Through the development of procedures to escalate cases of child neglect and ensure children can be placed in safe and healthy environments, the Saskatchewan laws and Regulations ensure that children are provided an opportunity to receive the care they need to grow into stable adults in accordance with SDG 16.2, and 16.3.



**SDG 16.2, SDG 16.3.**



**Saskatchewan**

## ***The Ombudsman Act***



**Process for independent investigation of misconduct by government departments or individuals**

The Manitoba Ombudsman Act provides a mechanism for investigation of complaints from individuals of misconduct carried out by a government department or agency, or any respective officers or employees by a neutral Ombudsman.<sup>46</sup> Following an investigation, the Ombudsman must provide a report regarding whether an act or omission was contrary to the law, unreasonable, unjust, oppressive, discriminatory, grounded in a mistake of fact or law, or exercised for an improper or irrelevant purpose, along with recommendations to remedy the situation where applicable.<sup>47</sup>

Through the inclusion of a mechanism for independent investigation and evaluation of cases of misconduct by government officials and officers, the Act seeks to instill trust in the governance process and foster a culture of transparency and accountability in accordance with SDG 16.3, 16.5, 16.6, and 16.7.



**SDG 16.3, SDG 16.5, SDG 16.6, SDG 16.7.**



**Manitoba**

<sup>43</sup> The Child and Family Services Regulations, 1990, C-7.2 Reg 1, s. 2-3. [Child and Family Services Regulations]

<sup>44</sup> *Ibid*, Child and Family Services Regulations, s. 4.

<sup>45</sup> *Ibid*, Child and Family Services Regulations, s. 6 - 8, 10 - 17.

<sup>46</sup> The Ombudsman Act, C.C.S.M. c. O45, s. 15. [The Ombudsman Act]

<sup>47</sup> *Ibid*, The Ombudsman Act, s. 36.



***Courts of Justice Act*****Framework for administration of justice within the province**

The Ontario Courts of Justice Act establishes and operationalizes the judicial system in the province. Without this Act, courts in the province would have no legal authority to act in the name of access to justice. The Act creates the Ontario Court of Appeal, Superior Court of Justice, Ontario Provincial Court, Divisional Court, Family Court, Small Claims Court, and the associated court proceedings.<sup>48</sup> It is the central legal document regarding court systems and structures in the Province, as well as how these systems and structures are to be implemented to support the interests of justice and the protection of Ontarians.

Through the establishment of clear and transparent procedures for the administration of justice, the Act provides for fair, impartial and consistent application of the law in accordance with SDG 16.3 and 16.6.



SDG 16.1, SDG 16.3, SDG 16.6.



Ontario

***Organized Crime Agency of British Columbia Regulation*****Specialized body for investigation of organized crime**

The Organized Crime Agency of British Columbia Regulation provides for the creation of the Organized Crime Agency to investigate illicit activities conducted in an organized manner or structure throughout the province.<sup>49</sup> An annual report must be made each year on the implementation of programs and strategies to achieve the priorities, goals and objectives established for the Organized Crime Agency of British Columbia in consultation with the chief officer.<sup>50</sup>

Through the creation of a specialized body to investigate illicit activities conducted by organized groups within the province, the Regulation assists in reducing the finance flows from such conduct in accordance with SDG 16.3, and 16.4.



SDG 16.3, SDG 16.4.



British Columbia

***16.5 Substantially reduce corruption and bribery in all their forms***

***16.6 Develop effective, accountable and transparent institutions at all levels***

<sup>48</sup> Courts of Justice Act, RSO 1990, c C.43, s. 11, 18, 21.1, 22, 34, 65 - 70.1.

<sup>49</sup> Organized Crime Agency of British Columbia Regulation, BC Reg 69/99, s 1. [Organized Crime Agency of British Columbia Regulation]

<sup>50</sup> *Ibid*, Organized Crime Agency of British Columbia Regulation, s. 2.

## ***Anti-Corruption Act***

### Institutional approach to address corruption

The Quebec Anti-Corruption Act seeks to strengthen actions to prevent and fight corruption in the public sector.<sup>51</sup> Following a number of corruption scandals at the municipal and provincial level, the Act creates the Anti-Corruption Commissioner, who is tasked with the role of coordinating actions to prevent and fight corruption across the province and its political sub-units under the aegis of the Unité permanente anticorruption.<sup>52</sup> The Act also establishes a procedure to disclose wrongdoing to the appropriate entity and a committee for oversight of the Unité permanente anticorruption.<sup>53</sup>

Through the development and implementation of an institutional approach to coordinate anti-corruption efforts, the Act provides a systematic approach to advancement of good governance principles in line with the United Nations Convention against Corruption,<sup>54</sup> as well as SDG 16.5, and 16.6.

 SDG 16.5, SDG 16.6.

 Quebec

## ***The Community Development Bonds Act***

### Disclosure obligation as a component of fiduciary obligations

The Manitoba Community Development Bonds Act imposes an obligation that directors of eligible businesses not disclose any confidential information received in the course of acting as a director, with the expectation that it be shared with the board of directors or shareholders of the corporation or face liability for breach of this obligation.<sup>55</sup> By linking liability in the role to breaches of fiduciary obligations, whereby if confidential information is shared with others, the director can be held financially liable for wrongdoing, this approach reduces cases potential for corruption, conflict of interest, and enhances transparency.

By linking liability to fiduciary obligations, good governance principles are embedded in the operational mandate of organizations under the terms of the Act, advancing SDG 16.5, 16.6, 16.7, and 16.10.

 SDG 16.5, SDG 16.6, SDG 16.7, SDG 16.10.

 Manitoba

<sup>51</sup> Anti-Corruption Act, CQLR c L-6.1, s. 1. [Anti-Corruption Act]

<sup>52</sup> *Ibid*, Anti-Corruption Act, s. 4.

<sup>53</sup> *Ibid*, Anti-Corruption Act, s. 35.2.

<sup>54</sup> Martine Valois, "L'intégrité dans les contrats publics: de nouveaux outils dans la lutte contre la corruption au Québec," (2018) 50 :3 *Revue juridique Thémis* 751.

<sup>55</sup> The Community Development Bonds Act, C.C.S.M. c. C160, 7(2).

***Status of Women Council Act*****Development of representative body for gender issues**

Under the Northwest Territories Status of Women Council Act, a dedicated Council is created to: (a) develop public awareness of issues affecting the status of women, and (b) promote a change in attitudes within the community in order that women may enjoy equality of opportunity. The Council may receive and hear submissions and suggestions from individuals and groups concerning the status of women, conduct research into matters relating to the status of women, and suggest research areas in relation to the status of women that may be studied by any interested person.<sup>56</sup> This is in line with national equality and non-discrimination policies.

Through the creation of representative bodies for the advancement of gender issues, development of research and programming to support disenfranchised groups, the Act is an important pathway for inclusive and effective governance in line with SDG 16.6, and 16.7.

**SDG 16.6, SDG 16.7.****Northwest Territories**

***16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels***

***16.8 Broaden and strengthen the participation of developing countries in the institutions of global governance***

***Environment Act and Environmental Assessment Regulation*****Public consultation process for environmental approval**

The Nova Scotia Environmental Assessment Regulations, as part of Nova Scotia's Environment Act, set out the process for environmental assessment in the Province.<sup>57</sup> Specifically, the Regulations mandate public consultation for and notice of environmental assessment proceedings and reports.<sup>58</sup> In addition, the Regulations mandate that the designated Minister must consider concerns expressed by the public and particularly by Aboriginal Peoples regarding the real or potential adverse effects or environmental impacts of the proposed undertaking and the steps taken to address these concerns.<sup>59</sup>

Through the integration of measures which provide pathways for inclusion of impacted stakeholders and Aboriginal Peoples into the decision-making process, the Regulations support achievement of SDG 16.6, and 16.7.

**SDG 16.6, SDG 16.7.****Nova Scotia**

<sup>56</sup> Status of Women Council Act, RSNWT 1988, c 55 (Supp), s. 1-3.

<sup>57</sup> Environment Act. SNS 1994-95, c 1.

<sup>58</sup> Environmental Assessment Regulations, OIC 2018-329, NS Reg. 221/2018, s. 23. [Environmental Assessment Regulations]

<sup>59</sup> *Ibid*, Environmental Assessment Regulations, s. 12.

## *Human Rights Act*



### **Institutional approach for the protection of human rights**

The Northwest Territories Human Rights Act creates a Human Rights Commission to protect the rights of those living in territory.<sup>60</sup> This is in line with national human rights laws and policies as well as those found in the legal and regulatory system of the territory. The Human Rights Commission has many core goals and functions, including two key aspects: promoting a climate of understanding and mutual respect where all are equal in dignity and rights, and promoting the requirement that the dignity and worth of every individual must be recognized and equal rights and opportunities must be provided without illegal discrimination.<sup>61</sup> The Act further creates the Director of Human Rights, who is empowered to collect and consider complaints filed.<sup>62</sup>

Through the creation of an institutional approach for protection of human rights, the Act supports accountability and inclusive and participatory decision making in accordance with SDG 16.6 and 16.7.



**SDG 16.6, SDG 16.7.**



**Northwest Territories**

## *Act Respecting Administrative Justice*



### **Review procedure for decisions of the provincial government**

The Quebec Act Respecting Administrative Justice establishes the procedural regime for administrative justice, ensuring its quality, promptness and accessibility as a way to safeguard the fundamental rights of citizens.<sup>63</sup> The designated president of the administrative tribunal must develop an annual plan, including management objectives, to ensure its continued accessibility and functioning.<sup>64</sup> It achieves accessibility of justice systems in the province by ensuring a quick and simple process to review governmental decisions and determine whether these comply with applicable legal and regulatory systems.

Through the provisions of review for governmental decisions, the Act enhances accountability, transparency and trust in governance while ensuring responsive and inclusive decision-making in accordance with SDG 16.6., 16.7, and 16.10.



**SDG 16.6, SDG 16.7, SDG 16.10.**



**Quebec**

<sup>60</sup> Human Rights Act, RSNWT 2002, c 18, s. 16. [Human Rights Act]

<sup>61</sup> *Ibid*, Human Rights Act, s. 20.

<sup>62</sup> *Ibid*, Human Rights Act, s. 23, 27.

<sup>63</sup> Act Respecting Administrative Justice, CQLR c J-3, s. 1. [Act Respecting Administrative Justice]

<sup>64</sup> *Ibid*, Act Respecting Administrative Justice, s. 78.

**16.9** *By 2030, provide legal identity for all, including birth registration*

**16.10** *Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements*

### ***The Vital Statistics Act***



**Central administration procedures for birth, death, and marriage registration**

The Manitoba Vital Statistics Act provides for the legal registration of all births, stillbirths, deaths, marriages, adoptions, and changes of name within the Province.<sup>65</sup> The Act also allows for alterations and corrections to the records, issuance of burial permits, registration of births or deaths on the high seas, certificates, copies, and searches of records and compilation of a statistical report.<sup>66</sup> Through the central administration of birth, marriage, death, adoption and name records at the provincial level, the Act provides a consolidated procedure for registration, alteration and access to information in accordance with SDG 16.9, and 16.10.



**SDG 16.9**



**Manitoba**

### ***Freedom of Information and Protection of Privacy Act***



**Access to information procedures**

The Ontario Freedom of Information and Protection of Privacy Act serves to regulate the availability of information under the control of public institutions while protecting the privacy of individuals whose information is held by public institutions.<sup>67</sup> Rights to access are established under the Act and procedures are put in place to request information, including classification of what types of information may be published, balancing protections of individual privacy with the interests of the public in the collection and release process.<sup>68</sup> Similar procedures of this nature can be identified in multiple jurisdictions throughout Canada as well.<sup>69</sup>

The Act serves a central and increasingly important role in keeping public institutions accountable with regard to citizen privacy. Importantly, the Act contains provisions which generate clear procedures for accessing information to support informed decision-making and enhance transparency in the governmental process. Taken together, the terms of the Act and the procedures it creates advance SDG 16.6, 16.7, and 16.10.



**SDG 16.10.**



**Ontario**

<sup>65</sup> The Vital Statistics Act, C.C.S.M. c. V60, s.1 - 3, 9 - 14, 21. [The Vital Statistics Act]

<sup>66</sup> *Ibid.*, The Vital Statistics Act, s. 19 - 23.

<sup>67</sup> Freedom of Information and Protection of Privacy Act, RSO 1990, c F.31, s. 1. [Freedom of Information and Protection of Privacy Act]

<sup>68</sup> *Ibid.*, Freedom of Information and Protection of Privacy Act, s. 10 - 11, 24 - 30, 31 - 36, 38 - 43.

<sup>69</sup> Freedom of Information and Protection of Privacy Regulations, NS Reg 185/2015; Access to Information and Protection of Privacy Act, 2015, SNL 2015, c A-12; Freedom of Information and Protection of Privacy Act, RSPEI 1988, c F-15.01; Right to Information and Protection of Privacy Act, SNB 2009, c R-10.6; Access to Information and Protection of Privacy Act, RSNWT 1994, c 20; Act respecting Access to documents held by public bodies and the Protection of personal information, CQLR c A-2.1.



## *Public Inquiries Act*



### **Public inquiry procedures for misconduct involving public security**

As affirmed in the Northwest Territories Public Inquiries Act, the public is entitled to have knowledge about the criminal activities occurring within the Province and within their communities.

Where the designated Minister considers it a matter of public interest, in particular where it involves conduct related to public business or a matter of public concern, he/she may make the inquiry a matter of public record.<sup>70</sup> In such a case, a board is established to conduct the inquiry and granted powers to summon witnesses, accept evidence, and require production of documents, with all matters involving public security subject to mandatory disclosure.<sup>71</sup> In the context of matters arising under the Act, court hearings are also to be open to the public.

Through the inclusion of modalities for public inquiry into misconduct, which impacts the public's perception of governance, the Act generates an important pathway for the maintenance of trust, accountability and transparency, and provides objective modalities for access to information in accordance with SDG 16.6, 16.7, and 16.10.



**SDG 16.10.**



**Northwest Territories**

*16.a Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.*

*16.b Promote and enforce non-discriminatory laws and policies for sustainable development*

## ***Charter of Human Rights and Freedoms*** **Protections for fundamental freedoms**

The Quebec Charter of Human Rights and Freedoms recognizes the fundamental rights and freedoms of every human being in the Province, including the rights to life, personal security, inviolability and freedom, freedom of conscience and freedom of expression. The scope of those rights and the limit to their exercise can be fixed by law to ensure democratic values, state laicity and public order.<sup>72</sup> The Charter also prohibits discrimination and harassment based on race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.<sup>73</sup>

<sup>70</sup> Consolidation of Public Inquiries Act, RSNWT (NU) 1988, c P14, s. 2. [Consolidation of Public Inquiries Act]

<sup>71</sup> *Ibid*, Consolidation of Public Inquiries Act, s. 3-6.

<sup>72</sup> Charter of Human Rights and Freedoms, CQLR c C-12, s. 9.1. [Charter of Human Rights and Freedoms]

<sup>73</sup> *Ibid*, Charter of Human Rights and Freedoms, s. 10-10.1.

By providing protections for fundamental freedoms, as well as promotion of non-discriminatory laws as central pillars, the Quebec Charter facilitates the advancement of SDG 16 broadly, and SDG 16.10, and 16.b specifically.



SDG 16.10, SDG 16.b.



Quebec

## III. International Legal Dimensions of SDG 16

Ongoing implementation and review are central to ensuring a culture of justice, realizing transparent and inclusive institutions, and minimizing violence and access to the means for it within Canada. SDG 16 is grounded in decades of effort by the international community to develop institutional capacity and instill good governance principles to bring about peaceful societies.

Throughout the decades of experience and lessons learned, institutional and governance arrangements have evolved policies on justice as unifying pillars of the global community. For the purpose of this Toolkit, focus is placed on how international agreements and frameworks provide a primary trigger to further strengthen governance, law and policy in support of SDG 16.

**Table 1: Relevant International Agreements**

United Nations Charter
Universal Declaration on Human Rights (UDHR)
International Covenant on Economic, Social and Cultural Rights (ICESCR)
International Covenant on Civil and Political Rights (ICCPR)
United Nations Convention on the Rights of the Child (CRC), including optional protocols
United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
Convention on the Rights of Persons with Disabilities (CRPD)
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
United Nations Convention Against Corruption (UNCAC)
United Nations Convention on Transnational Organized Crime & protocols

## United Nations Charter



Foundational agreement to foster a culture of peace and justice

As the foundational document of the United Nations, the UN Charter acts as a bedrock for international peace and security. SDG 16 finds its roots in the UN Charter, which affirms the fostering of a culture of peace at the international level, upholding human rights, establishing conditions of justice that can be maintained, and promoting social progress, liberty, and a higher standard of life as fundamental goals.<sup>74</sup> Along the same lines, the UN itself was created through the Charter and vested with the purpose of maintaining international peace and security, bringing about peaceful resolutions to conflicts in accordance with the principles of justice, developing peaceful relations among states based on respect for equal rights and self-determination, achieving international cooperation, and harmonizing actions across nations towards common ends.<sup>75</sup>

### Relevance for Canada

Since the adoption of the UN Charter, the development of the international order and a domestic governance system which incorporates it has flourished. While progress to actualize international peace and security remains a challenge in some regions, the pillars established by the UN Charter underpin the whole of SDG 16 and remain the foundational institutional standard, and the exemplar for Canadian society. This includes an emphasis on development of institutions, promotion of human rights, and support for multilateral organizations and international development initiatives.



SDG 16.1, SDG 16.2, SDG 16.3, SDG 16.6, SDG 16.7, SDG 16.8, SDG 16.9, SDG 16.10, SDG 16.a, SDG 16.b.



International Agreement. Canada is a Party.

## Universal Declaration on Human Rights (UDHR)



Early recognition of an essential right to a just society

The Universal Declaration on Human Rights (UDHR), which forms the foundation of modern international human rights law, provides for the universal and effective recognition and observance of various human rights, including several that relate directly to the contents of SDG 16. Some examples include the recognition of inherent freedom and dignity,<sup>76</sup> freedom from discrimination,<sup>77</sup> right to life, liberty and security of person,<sup>78</sup> equal recognition under the law,<sup>79</sup> fair and equal public hearing,<sup>80</sup> right of nationality,<sup>81</sup> and the right to exercise their economic, social and cultural

<sup>74</sup> United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI, preamble. [UN Charter]

<sup>75</sup> *Ibid*, UN Charter, Art. 1.

<sup>76</sup> UDHR, GA Res. 217A (III), UN Doc. A/810 at 71 (1948), Art. 1.

<sup>77</sup> *Ibid*, UDHR, Art. 2, 23.

<sup>78</sup> *Ibid*, UDHR, Art. 3.

<sup>79</sup> *Ibid*, UDHR, Art. 6 - 7.

<sup>80</sup> *Ibid*, UDHR, Art. 10.

<sup>81</sup> *Ibid*, UDHR, Art. 15.

rights.<sup>82</sup> These rights, among others enshrined in the UDHR, provide the basis for SDG 16 as well as many other SDGs.<sup>83</sup>

### Relevance for Canada

Since the adoption of the UDHR, Canada has continued to develop a framework for the preservation of human rights, culminating most in the passage of the Canadian Charter of Rights and Freedoms in 1982. Progress in actualizing the provisions of UDHR has proven more difficult, in particular rights relating to food, housing, health care, and security in rural areas and Indigenous communities.



SDG 16.1, SDG 16.2, SDG 16.3, SDG 16.5, SDG 16.6, SDG 16.7, SDG 16.8, SDG 16.9, SDG 16.10, SDG 16.a, SDG 16.b.



United Nations Declaration. Canada supported.

### *International Covenant on Economic, Social and Cultural Rights (ICESCR)*



Framework agreement on economic, social and cultural rights

The International Covenant on Economic, Social and Cultural Rights (ICESCR), together with the International Covenant on Civil and Political Rights, form the quintessential international human rights regimes of the modern period.<sup>84</sup> The ICESCR speaks to the need for self-determination and equal rights and addresses issues raised by the SDG 16 in several distinct ways.

For example, the ICESCR requires State Parties to take steps to reduce discrimination, protect human rights, and provide equal rights.<sup>85</sup> In this context, State Parties “undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”<sup>86</sup> In addition to these provisions that specifically reflect the text of the SDG 16, there are a number of other provisions in the ICESCR that support a society which fosters strong institutions, such as those relating to labour rights and cultural rights preservation.<sup>87</sup> Additionally, the terms of the ICESCR and its Optional Protocol establish reporting requirements for States and establish the jurisdiction of the Committee on Economic, Social and Cultural Rights to hear complaints regarding non-compliance with ICESCR’s terms.<sup>88</sup> This fosters the ability of State institutions to be kept transparent by allowing international inquiries into official activities and policies.

### Relevance for Canada

Canada has long pursued human rights law implementation at the national and international levels, for example by acceding to the ICESCR in 1976. Canada provided its Sixth Periodic Report to the UN Committee on Economic, Social and Cultural Rights in 2012, receiving a list of issues to be further addressed in 2015, and participating in a meeting with the Committee in which federal

<sup>82</sup> *Ibid*, UDHR, Art. 22.

<sup>83</sup> See for example, UDHR Arts. 23 (Right to work), 25 (Right to an adequate standard of living), and 26 (Right to Education).

<sup>84</sup> International Covenant of Economic, Social and Cultural Rights, 16 December 1966, UNTS vol 993, p.3.

<sup>85</sup> ICESCR, Art. 2 - 3.

<sup>86</sup> ICESCR at art. 2 (2).

<sup>87</sup> See for example ICESCR, Arts. 6 and 7 (Right to Work), Art. 11 (Right to an Adequate Standard of Living), Art. 12 (Right to physical and mental health), Art. 13 (Right to Education), and Art. 15 (Right to Take Part in Culture and Enjoy the Benefits of Scientific Progress).

<sup>88</sup> ICESCR at pt. IV; ICESCR Opt. Protocol.

and provincial leadership answered questions relating to domestic implementation.<sup>89</sup> While domestic progress was noted, further efforts support rural and indigenous communities were identified as significant. Some areas of continued work include minimizing violence against Aboriginal women, continued detention of persons with mental disabilities and illnesses, and human rights issues related to matrimonial real property for Aboriginal women.



SDG 16.3, SDG 16.10, SDG 16.a, SDG 16.b.



International Agreement. Canada is a Party.

### *International Covenant on Civil and Political Rights (ICCPR)* Framework agreement on civil and political rights

The International Covenant on Civil and Political Rights (ICCPR), together with the International Covenant on Economic, Social and Cultural Rights, form the quintessential international human rights regimes of the modern period. Both the ICCPR and the ICESCR use the same language to bar discrimination, namely that State Parties “undertake[] to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”<sup>90</sup> Additionally, the ICCPR creates obligations for State Parties having significant minority groups within their territory by providing that “persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”<sup>91</sup>

Central to SDG 16, the ICCPR recognizes the right of equality in front of an independent judiciary, providing that “[a]ll persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.”<sup>92</sup> Other critical rights include freedom from slavery and torture,<sup>93</sup> security of the person,<sup>94</sup> freedom from discrimination and to enjoy ability to acquire nationality,<sup>95</sup> and equal protection under the law without discrimination.<sup>96</sup> Imperative to forming a society based on transparent and accountable institutions and grounded in fair application of justice, the ICCPR provides the basis for the formulation of central elements which support achievement of SDG 16.

Further, the ICCPR requires that State Parties provide legal guarantees to ensure that citizens are able to participate in public life and contribute to it in many ways, including “(a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to

<sup>89</sup> Canada, Sixth Periodic Report on the implementation of the provisions of the International Covenant on Civil and Political Rights, (2012) CCPR/C/CAN/6; UNHR, “Human Rights Committee discusses the report of Canada” (8 July 2015), available at: <[www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16215&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16215&LangID=E)>; Economic and Social Council, Concluding observations on the sixth periodic report of Canada, (23 March 2016) E/C.12/CAN/CO/6.

<sup>90</sup> ICCPR at art 2(2).

<sup>91</sup> ICCPR at art 27.

<sup>92</sup> UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, Art. 14. [ICCPR]

<sup>93</sup> *Ibid*, ICCPR, Art. 7 - 8.

<sup>94</sup> *Ibid*, ICCPR, Art. 9.

<sup>95</sup> *Ibid*, ICCPR, Art. 24.

<sup>96</sup> *Ibid*, ICCPR, Art. 26.

be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; and (c) To have access, on general terms of equality, to public service in his country.”<sup>97</sup> Additionally, the terms of the ICCPR establish reporting requirements for State Parties and establish the jurisdiction of the Committee Civil and Political Rights to hear complaints regarding non-compliance with ICCPR’s terms.<sup>98</sup> This fosters the ability of State Party institutions to be kept transparent by allowing international inquiries into official activities and policies.

### Relevance for Canada

Canada has worked to advance civil and political rights by embedding them in the constitutional framework and ongoing refinement at all levels. In 2013, Canada submitted its Sixth Report to the ICCPR Committee, covering the 2005-2009 period.<sup>99</sup> While domestic progress was noted, further efforts to support rural and indigenous communities were identified as necessary. Areas of continued work include addressing the prevalence of violence towards Aboriginal women, the frequency of males employed as frontline workers in female penal facilities, and non-disclosure of information in anti-terrorism proceedings.



SDG 16.2, SDG 16.3, SDG 16.6, SDG 16.9, SDG 16.10, SDG 16.b.



International Agreement. Canada is a Party.

### *United Nations Convention on the Rights of the Child (CRC)* Framework for recognition of essential rights of young people

The United Nations Convention on the Rights of the Child (CRC) came into effect in 1990 and has become one of the most uniformly ratified international agreements in existence, with near universal membership.<sup>100</sup> The CRC defines children subject to its terms as beings from birth to age 18 unless the law of a particular State sets a lower standard.<sup>101</sup> As a means of recognizing the inherent rights of the child and the need for the State to protect the life of the child, including from violence and other harms, the CRC explicitly provides that the child “has the inherent right to life”<sup>102</sup> and that “State Parties States Parties shall ensure to the maximum extent possible the survival and development of the child.”<sup>103</sup>

In terms of inclusion in decision-making processes, particularly where these decisions relate to family law or juvenile justice matters that have a direct impact on the child as an individual, the CRC is explicit that children are to be increasingly heard as they progress throughout childhood and adolescence in accordance with their evolving capacities to participate and be heard.<sup>104</sup> In this way, the CRC can be seen as fostering a situation in which SDG 16.6 and 16.7 are extended to

<sup>97</sup> ICCPR at art. 25.

<sup>98</sup> ICESCR at pt. IV; ICESCR Opt. Protocol.

<sup>99</sup> Canada, International Covenant on Civil and Political Rights, Sixth Report of Canada (January 2005–December 2009), (2013) available at: <[www.canada.ca/content/dam/pch/documents/services/canada-United-nations-system/reports-United-nations-treaties/intnl\\_civil\\_politique-intnl\\_civil\\_political-eng.pdf](http://www.canada.ca/content/dam/pch/documents/services/canada-United-nations-system/reports-United-nations-treaties/intnl_civil_politique-intnl_civil_political-eng.pdf)>.

<sup>100</sup> Convention on the Rights of the Child, UNTS 1577, p.3; OHCHR, Status of Ratification, available at: <<https://indicators.ohchr.org/>>.

<sup>101</sup> CRC at art. 1.

<sup>102</sup> CRC at art. 6(1).

<sup>103</sup> CRC at art. 6(2).

<sup>104</sup> CRC at art. 12.



children. Further, the CRC requires that children have the right and ability to be registered at birth, including the right to a name and to a nationality, including in instances where the inability to register a child for a procedural reason would result in that child being rendered stateless as a matter of law.<sup>105</sup> This directly accords with SDG 16.9 regarding registration of the birth of a child.

Children are in a position to suffer potentially serious violence and abuse with little legal recourse. To address this, the CRC provides that “State Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”<sup>106</sup> As a further means to implement this, the CRC stipulates that States should create a holistic set of remedies and resources for the short and long-term impacts of mental and physical abuse and neglect.<sup>107</sup> Since the CRC’s enactment, it has been subject to two Optional Protocols, both of which are of relevance to SDG 16. In 2000, the Optional Protocol on the involvement of children in armed conflict (Optional Protocol – AC) came into effect in order to address the rising issue of child soldiering and associated violence against children in armed conflict and hostilities.<sup>108</sup> The terms and intent of Optional Protocol – AC furthers the SDGs, particularly 16.2, as it seeks to protect children from significant forms of violence as well as the physical and mental impacts of child soldiering and involvement in conflict. Additionally, Optional Protocol – AC ties to the terms of SDG 16.1, “significantly reduce all forms of violence and related death rates everywhere,” and indicator 16.1.2, which establishes “conflict-related deaths per 100,000 population, by sex, age and cause” as a measurement for achievement of SDG 16.

In 2002, the Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol – SC) entered into force as a matter of international law.<sup>109</sup> Optional Protocol – SC expressly provides that States “shall prohibit the sale of children, child prostitution and child pornography.”<sup>110</sup> To accomplish this, States are required to enact legislation and regulatory systems which criminalize these actions and activities connected with them, including making these types of crimes extraditable offenses due to their gravity.<sup>111</sup> Together, the terms and requirements of Optional Protocol – SC support and directly relate to SDG 16.2.

### Relevance for Canada

Canada has been a State Party to the CRC since 1991.<sup>112</sup> In 2001, it ratified the Optional Protocol on the involvement of children in armed conflict and, later, in 2005, it ratified the Optional Protocol on the sale of children, child prostitution and child pornography.<sup>113</sup>



**SDG 16.1, SDG 16.2, SDG 16.9.**



**International Convention. Canada is a Party.**

<sup>105</sup> CRC at art. 7.

<sup>106</sup> CRC at art. 19(1).

<sup>107</sup> CRC at art 19(2)

<sup>108</sup> Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, General Assembly Resolution A/RES/54/263 of 25 May 2000.

<sup>109</sup> Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, General Assembly resolution A/RES/54/263 of 25 May 2000.

<sup>110</sup> Optional Protocol on the sale of children, child prostitution and child pornography at art. 1.

<sup>111</sup> Optional Protocol on the sale of children, child prostitution and child pornography at arts 3-5.

<sup>112</sup> <https://indicators.ohchr.org/>

<sup>113</sup> <https://indicators.ohchr.org/>

***United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)***  Early recognition of an essential right to a just society

In 1979, the international community adopted the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) as a broad-based legal tool aimed at facilitating gender equality and non-discrimination.<sup>114</sup> CEDAW uses a broad definition of discrimination against women, namely “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”<sup>115</sup> In order to remedy and address these forms of discrimination, CEDAW requires States to enact laws, rules and governance mechanisms to counter them, including changes to the constitution of a State itself where that is appropriate.<sup>116</sup> In this way, CEDAW supports SDGs 16.3 and 16.b directly, as well as 16.7.

Under CEDAW article 6, “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”<sup>117</sup> Additionally, CEDAW requires States to ensure that women have equal voting rights and public participation capacities, including the ability “participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; and to participate in non-governmental organizations and associations concerned with the public and political life of the country.”<sup>118</sup> Through these provisions, CEDAW supports 16.6 and 16.7.

Further, CEDAW takes note of the particular place of rural women in society and the need to ensure their inclusion in the overall governance and lawmaking process. It requires States to “take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.”<sup>119</sup>

This includes incorporation of the views and expertise of rural women in planning and other decision-making processes, as well as in organizing for community welfare.<sup>120</sup> Through these provisions as well, CEDAW supports 16.6 and 16.7.

### **Relevance for Canada**

Canada formally ratified CEDAW in 1981 and has been a long supporter of women’s rights. In 2016, Canada submitted its 9th report to the CEDAW with observations provided which

<sup>114</sup> <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

<sup>115</sup> CEDAW at art. 1.

<sup>116</sup> CEDAW at art. 2.

<sup>117</sup> CEDAW at art. 6.

<sup>118</sup> CEDAW at art. 7.

<sup>119</sup> CEDAW at art. 14(1).

<sup>120</sup> CEDAW at art. 14.

emphasized the need to advance gender mainstreaming. In response, Canada established the Department for Women and Gender Equality, made gender a priority across government (both federal and provincial), and introduced a new Gender Results Framework to monitor progress.<sup>121</sup>



SDG 16.6, SDG 16.7, SDG 16.b.



International Convention. Canada is a Party.

## ***Convention on the Rights of Persons with Disabilities (CRPD)*** Recognition of rights for the disabled

The Convention on the Rights of Persons with Disabilities (CRPD) was adopted in 2006.<sup>122</sup> Included in the preamble of the CRPD is a specific acknowledgement “emphasizing the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development”<sup>123</sup> and “considering that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them.”<sup>124</sup> This includes the requirement that States provide for equality of access to and participation in political and public life for persons with disabilities, including public and political life at all levels of governance and society.<sup>125</sup> In this way, the CRPD supports and promotes SDGs 16.3, 16.6, 16.7 and 16.B.

Further, the CRPD is founded on the understanding that those with all forms of disability face the threat of violence, abuse and exploitation, particularly women and children with disabilities.<sup>126</sup> To give this intent legal substance, the CRPD provides a number of protections which are to be afforded to persons with disabilities in order to ensure that they are free from violence, abuse and exploitation, including targeting based on their disability status, gender, or status within a family structure.<sup>127</sup> These protections from abuse extend to those who are providing medical or other care to the person with a disability, as this relationship can readily give rise to exploitation and neglect without a method of redress.<sup>128</sup> Where persons with disabilities are victimized, the State is further required to provide legal, medical and societal means for their treatment and restoration to the community.<sup>129</sup> In this way, the CRPD supports and promotes SDGs 16.1, 16.2 and 16.B.

As in the CRC, the CRPD provides explicit requirements that States ensure the ability of disabled children, as well as disabled women, to participate fully and meaningfully in legal and regulatory matters which affect them.<sup>130</sup> Regardless their age or gender, all persons with disabilities are to be afforded equal access to justice, including reasonable accommodation and assistance to participate in judicial, administrative and other relevant proceedings.<sup>131</sup> In this way, the CRPD supports and promotes SDGs 16.3, 16.6, 16.7 and 16.B.

### **Relevance for Canada**

<sup>121</sup> CEDAW, Concluding observations on the combined eighth and ninth periodic reports of Canada: Information provided by Canada in follow-up to the concluding observations (2019) CEDAW/C/CAN/CO/8-9/Add.1, available at: <<https://undocs.org/en/CEDAW/C/CAN/CO/8-9/Add.1>>.

<sup>122</sup> Convention on the Rights of Persons with Disabilities, 13 December 2006, A/RES/61/106, Annex I.

<sup>123</sup> CRPD at preamble (g).

<sup>124</sup> CRPD at preamble (o).

<sup>125</sup> CRPD at art. 29.

<sup>126</sup> CRPD at preamble (p) – (s).

<sup>127</sup> CRPD at art. 16.

<sup>128</sup> CRPD at art. 17.

<sup>129</sup> CRPD at art. 17(4).

<sup>130</sup> CRPD at arts. 5 – 6.

<sup>131</sup> CRPD at art. 13.

In 2010, Canada ratified and became bound by the CRPD.<sup>132</sup> Following submission of its report in 2017, it was noted by the Committee that Canada had further work to do on combating issues of discrimination regarding the disabled, with the deprivation of legal capacity of persons with disabilities noted as a point of contention.<sup>133</sup>



**SDG 16.3, SDG 16.6, SDG 16.7, SDG 16.b.**



**International Convention. Canada is a Party.**

### ***International Convention on the Elimination of All Forms of Racial Discrimination (CERD)***



**Framework to combat and eliminate racial discrimination**

The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) entered into effect in 1965.<sup>134</sup> The intent of the CERD is to address and eliminate racial discrimination as a matter of law and societal practice, including a broad-based definition of racial discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”<sup>135</sup> In this way, the CRPD supports and promotes SDGs 16.3, 16.6, 16.7 and 16.b.

Under the terms of the CERD, States are required to ensure that legal and regulatory systems address, rather than promote, racial discrimination, while at the same time combatting inherent discrimination and bias by governmental actors and society at large.<sup>136</sup> This includes ensuring that courts, tribunals and governmental institutions are open and accessible to all citizens of a State Party, regardless their race or ethnicity.<sup>137</sup> In this way, the CRPD supports and promotes SDGs 16.3, 16.6, 16.7 and 16.b.

#### **Relevance for Canada**

Formally ratified by Canada in 1970, the CERD continues to influence domestic policy priorities. In 2017, Canada received comments on the combined 21st to 23rd report under the Convention which noted positive advancements, as well as areas that needed further attention. This can include implementation of the national action plan to combat racism, disproportionate incarceration of minorities and broader systemic Indigenous-rights issues.<sup>138</sup>



**SDG 16.3, SDG 16.6, SDG 16.7, SDG 16.b.**



**International Convention. Canada is a Party.**

<sup>132</sup> Council of Canadians with Disabilities, “Canada and the CRPD,” available at: <[www.ccdonline.ca/en/international/un/canada](http://www.ccdonline.ca/en/international/un/canada)>.

<sup>133</sup> CRPD, Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Canada, (2017), CRPD/C/CAN/CO/1.

<sup>134</sup> International Convention on the Elimination of All Forms of Racial Discrimination, General Assembly resolution 2106 (XX) of 21 December 1965.

<sup>135</sup> CERD at art. 1(1).

<sup>136</sup> CERD at art. 2.

<sup>137</sup> CERD at art. 6.

<sup>138</sup> CERD, Concluding observations on the combined twenty-first to twenty-third periodic reports of Canada, (2017) CERD/C/CAN/CO/21-23.

## ***United Nations Convention Against Corruption (UNCAC)*** **Measures to reduce corruption and promote an independent judiciary**

The United Nations Convention Against Corruption (UNCAC) recognizes that justice must be free from corruption and bribery and that society needs a governance and justice system which is regarded as legitimate and non-corrupt.<sup>139</sup> Against this backdrop, the UNCAC aims to prevent and combat corruption, support national and international cooperation between institutions and actors in order to address gaps and prevent corruption, and promote integrity, accountability and proper management of public affairs.<sup>140</sup> Each State Party is encouraged to enact and implement preventative measures for corruption at all levels, develop appropriate oversight bodies to ensure that corruption is addressed and that laws and rules are put into place, ground governance practice in accountability and transparency, develop codes of conduct for public officials, and ensure the independence of the judiciary.<sup>141</sup>

Further, the UNCAC's provisions promote the participation of civil society in ensuring the viability of anti-corruption efforts at the national level, including through access to information regarding issues such as public procurement and planning.<sup>142</sup> In addition, measures are to be taken to restrict bribery of public officials or foreign officials, including those associated with international organizations, in an effort to ensure that national actors do not seek to behave in a corrupt manner overseas.<sup>143</sup> Collectively, the UNCAC provides the bedrock for independent institutions and promotion of justice.

### **Relevance for Canada**

Canada has made significant advancements in combating corruption and maintains a robust and independent judiciary. In 2015, Canada provided the First Report to the Convention, highlighting efforts taken to implement the obligations under the UNCAC and the rich body of domestic law in place. While successful efforts were noted regarding addressing bribery, money-laundering, obstruction of justice, liability of legal persons, and prosecution adjudication/law enforcement, there are areas of continued work noted relating to engagement with civil society and fostering further cooperation to advance compliance.<sup>144</sup>



**SDG 16.5, SDG 16.6, SDG 16.7, SDG 16.10, SDG 16.b.**



**International Agreement. Canada is a Party.**

<sup>139</sup> UN General Assembly, United Nations Convention Against Corruption, 31 October 2003, A/58/422, preamble. [UN Convention Against Corruption]

<sup>140</sup> *Ibid.*, UN Convention Against Corruption, Art. 1.

<sup>141</sup> *Ibid.*, UN Convention Against Corruption, Art. 5 - 8, 11.

<sup>142</sup> *Ibid.*, UN Convention Against Corruption, Art. 13.

<sup>143</sup> *Ibid.*, UN Convention Against Corruption, Art. 15 - 16.

<sup>144</sup> UNODC, Country Review Report of Canada, (2015) available at:

<[www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015\\_08\\_07\\_Canada\\_Final\\_Country\\_Report.pdf](http://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_08_07_Canada_Final_Country_Report.pdf)>.

## ***United Nations Convention Against Transnational Organized Crime*** **Measures to address the prevalence of organized crime**

The United Nations Convention Against Transnational Organized Crime was adopted in 2000 under the auspices of the United Nations General Assembly and the United Nations Office of Drugs and Crime.<sup>145</sup> The Convention addresses a wide variety of crimes and criminal activities that constitute or further transnational organized crime, requiring State Parties to make these activities illegal as a matter of law.<sup>146</sup> This includes the criminalization of corruption by those defined as public officials<sup>147</sup> as well as the requirement to take affirmative measures to prevent and prosecute corruption.<sup>148</sup> Additionally, the Convention requires that States coordinate with each other in order to address the transnational aspects of organized crime and to enforce mutual cooperation agreements, such as extradition.<sup>149</sup> Through the terms it contains and the methods of their implementation, the Convention supports SDG 16.4, as well as SDGs 16.1 and 16.2.

Subsequent to the 2000 adoption of the Convention, the State Parties adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime.<sup>150</sup> As suggested in the title, the Protocol relates to the punishment and prevention of trafficking, as well as cooperation between States regarding human trafficking and facilitation of assistance for victims of trafficking.<sup>151</sup> The Protocol directly supports SDG 16.2. Additionally, the State Parties enacted the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention Against Transnational Organized Crime in order to address the threats posed to individuals and to larger societies by arms trafficking.<sup>152</sup> As with the Trafficking Protocol, the Firearms Protocol includes not only prohibitions but also provisions relating to State cooperation and collaboration in these fields.<sup>153</sup> The Protocol directly supports SDG 16.4.

### **Relevance for Canada**

Canada ratified both the United Nations Convention Against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime in 2002.<sup>154</sup> It has signed the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention Against Transnational Organized Crime, although it has not ratified the Protocol to date.<sup>155</sup>

<sup>145</sup> United Nations Convention against Transnational Organized Crime, General Assembly resolution, A/RES/55/25.

<sup>146</sup> United Nations Convention Against Transnational Organized Crime.

<sup>147</sup> United Nations Convention Against Transnational Organized Crime at art. 8.

<sup>148</sup> United Nations Convention Against Transnational Organized Crime at art. 9.

<sup>149</sup> See generally United Nations Convention Against Transnational Organized Crime.

<sup>150</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime.

<sup>151</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime at art. 2.

<sup>152</sup> Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention Against Transnational Organized Crime.

<sup>153</sup> Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention Against Transnational Organized Crime at art. 2.

<sup>154</sup> [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12&chapter=18&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&clang=_en) ;

[https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-a&chapter=18&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=_en)

<sup>155</sup> [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-c&chapter=18&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-c&chapter=18&clang=_en)





SDG 16.1, SDG 16.2, SDG 16.4.



International Agreement. Canada is a Party.

**Table 2: International Agreements and the SDGs**

<i>Agreement</i>	<i>Focus</i>	<i>Link to SDG and target</i>
United Nations Charter	Foundational agreement to foster a culture of peace and justice	<b>Goal 16, targets 16.1, 16.2, 16.3, 16.6, 16.7, 16.8, 16.9, 16.10, 16.a, 16.b.</b>
Universal Declaration on Human Rights (UDHR)	Early recognition of essential right to a just society	<b>Goal 16, targets 16.1, 16.2, 16.3, 16.5, 16.6, 16.7, 16.8, 16.9, 16.10, 16.a, 16.b</b>
Civil and Political Rights (ICCPR)	Framework agreement on civil and political rights	<b>Goal 16, targets 16.3, 16.10, 16.a, 16.b</b>
Economic, Social and Cultural Rights (ICESCR)	Framework agreement on economic, social and cultural rights	<b>Goal 16, targets 16.2, 16.3, 16.6, 16.9, 16.10, 16.b</b>
United Nations Convention on the Rights of the Child (CRC)	Framework for recognition of essential rights of young people	<b>Goal 16, targets 16.1, 16.2, 16.9</b>
United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	Early recognition of an essential right to a just society	<b>Goal 16, targets 16.6, 16.7, 16.b</b>
Convention on the Rights of Persons with Disabilities (CRPD)	Recognition of rights for the disabled	<b>Goal 16, targets 16.3, 16.6, 16.7, 16.b</b>
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	Framework to combat and eliminate racial discrimination	<b>Goal 16, targets 16.3, 16.6, 16.7, 16.b</b>
United Nations Convention Against Corruption (UNCAC)	Measures to reduce corruption and promote an independent judiciary	<b>Goal 16, targets 16.5, 16.6, 16.7, 16.8, 16.9, 16.10, 16.b</b>
United Nations Convention Against Transnational Organized Crime	Measures to address the prevalence of organized crime	<b>Goal 16, targets 16.1, 16.2, 16.4</b>

## IV. Legal Preparedness for Achieving SDG 16 with Canadians

SDG 16 on Peace, Justice and Strong Institutions is a critical cross-cutting SDG which informs achievement of the 2030 agenda as a whole. Canada has made significant advancements on core aspects of SDG 16 through strong domestic implementation of legal regimes related to crime, independence of institutions, accountability of officials, and fostering of respect for human rights. Multiple international instruments – such as the UN Charter, UDHR, ICESCR, ICCPR, and UNCAC – form the basis for advancement of SDG 16, providing for harmonized development of legal preparedness initiatives.

To strengthen and secure the success of such efforts, a human rights-based approach must be applied to the implementation of SDG 16. Such an approach must encompass the principles of equality, participation, transparency and accountability in all actions taken, and ensure that progress is spread across all members of society so that no one is left behind. At the same time, it must be recognized that a variety of other international, national and local legal and policy areas are implicated in the application and achievement of SDG 16 and associated targets.

Integration of the SDGs into policy planning is beneficial at all levels of government. Legal preparedness for achieving SDG 16 follows a stepwise approach of adoption, consultation, implementation, and refinement.

1. **Policy formulation and outline:** Begin by adopting SDG 16 and the relevant targets and establishing a commitment for development, implementation, and refinement based on a clear timeline and metrics. This often consists of a policy statement and high-level targets such as a designated percentage of protected areas by 2030.
2. **Legal preparedness assessment:** Take stock of law and governance instruments in place within and/or applicable to the jurisdiction and identify those that support the designated objective.
3. **Prioritize policy initiatives and reforms:** Engage with relevant stakeholders – governmental, civil society, and Aboriginal – to consult on prioritization of relevant programs, initiatives, and reforms. Through consultations the relevant aspects of the SDG target may be contextualized and informed by local stakeholder considerations.
4. **Legal action plan:** Identified priorities should be outlined in a formal action plan with established milestones and metrics, as well as appropriate financial resources to support the initiatives.
5. **Monitoring and refinement:** Legal and policy reform would benefit from a learning-by-doing model informed by iterative reporting and refinement. Established reporting requirements should continue to inform fine-tuning of initiative to broaden implementation.

Canada provides a critical example of a State in which many laws and regulatory frameworks supporting the terms and requirements of SDG 16 are already in existence. These laws and rules reflect the unique cultural heritage of Canada and Canadians by providing for social support schemes, inclusion of social status into non-discrimination legislation, and creation of institutions for justice and inclusion at all levels. The importance of SDG 16 as both a cross-cutting issue and as an explicit goal is undeniable. All areas of law, governance and policy, drawing on mechanisms found in many different international human rights and other treaties, can contribute towards and benefit from its implementation.

## V. Recommended Resources

### Books:

Sumudu Atapattu, ed., *Human Rights Approaches to Climate Change: Challenges and Opportunities* (Cambridge: Cambridge University Press, 2016).

Marie-Claire Cordonier Segger, HE C.G. Weeramantry, eds., *Sustainable Development in International Courts and Tribunals* (London: Routledge, 2017).

Marie-Claire Cordonier Segger, Frédéric Perron-Welch, Christine Frison eds., *Legal Aspects of Implementing the Cartagena Protocol on Biosafety* (Cambridge: Cambridge University Press, 2013).

Marie-Claire Cordonier Segger, Markus Gehring and A. Newcombe, eds., *Sustainable Development in World Investment Law* (The Hague: Kluwer Law International, 2010).

Marie-Claire Cordonier Segger and Ashfaq Khalfan, *Sustainable Development Law: Principles, Practices and Prospects* (Oxford: Oxford University Press, 2004).

Marie-Claire Cordonier Segger and Judge C.G. Weeramantry, eds., *Sustainable Justice: Integrating Environmental, Social and Economic Law* (Leiden: Martinus Nijhoff, 2004).

Claire Fenton-Glynn, ed., *Children's Rights and Sustainable Development: Interpreting the UNCRC for Future Generations* (Cambridge: Cambridge University Press, 2019).

Alexandra Harrington, *International Organizations and the Law* (London: Routledge, 2018).

Hoi Kong, L. Kinvin Wroth, eds. *NAFTA and Sustainable Development: The History, Experience and Prospects For Implementation* (Cambridge: Cambridge University Press, 2015).

Armand L.C. de Mestral, P. Paul Fitzgerald & Tanveer Ahmad, eds., *Sustainable Development, International Aviation, and Treaty Implementation* (Cambridge: Cambridge University Press, 2018).

Michel Morin, Marie-Claire Cordonier Segger, Fabien Gelin, and, Markus Gehring, *Responsibility, Fraternity and Sustainability in Law: In Memory of the Hon Charles Doherty Gonthier* (Chicago: LexisNexis, 2012).

Chidi Oguamanam ed., *Genetic Resources, Justice and Reconciliation: Canada and Global Access and Benefit Sharing* (Cambridge: Cambridge University Press, 2018).

Stavros Tasiopoulos, *Climate Change & International Energy Law: Renewable energy as a necessary legal instrument* (Oxford: Oxford University Press, 2018).

### Articles and Reports:

Sumudu Atapattu & Sean S. Fraser, "SDG 1 on Ending Poverty in all its Forms: Contributions of International Law, Policy and Governance," Issue Brief 2016 (CISDL-UNEP).

Stuart Bruce & Sean Stephenson, "SDG 7 on Sustainable Energy for All: Contributions of International Law, Policy and Governance," Issue Brief 2016 (CISDL-UNEP).

Jorge Cabrera, Frédéric Perron-Welch & Balakrishna Pisupati, “SDG 15 on Terrestrial Ecosystems and Biodiversity: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Marie-Claire Cordonier Segger, “Advancing the Paris Agreement on Climate Change for Sustainable Development,” *Cambridge Journal of International and Comparative Law* 2016 Vol 5:2, 38.

Marie-Claire Cordonier Segger, “Sustainable Development through the 2015 Paris Agreement,” *Canadian International Lawyer* 2017 Vol 11:2, 155.

Marie-Claire Cordonier Segger, Freedom-Kai Phillips, “Indigenous Traditional Knowledge for Sustainable Development: The Biodiversity Convention and Plant Treaty Regimes,” *Journal of Forest Research* (2015) 20:5, 430.

Claire Fenton-Glynn & Pamela Sambo, “SDG 4 on Ensuring Inclusive and Equitable Quality Education: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

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### Web Resources:

Centre for International Sustainable Development Law (CISDL), online: <[www.cisd.org](http://www.cisd.org)>.

International Law Association (ISA), online: <<http://www.ila-hq.org/>>.

International Law Association Canada (ISA Canada), online: <<http://ila-canada.ca/>>.

Sustainable Development Solutions Network (SDSN), online: <<http://unsdsn.org/>>.

World Commission on Environmental Law (IUCN-WECL), online: <[www.iucn.org/commissions/world-commission-environmental-law](http://www.iucn.org/commissions/world-commission-environmental-law)>.

IUCN Academy of Environmental Law (IUCN-AEL), online: <[www.iucnael.org/en/](http://www.iucnael.org/en/)>.

# Annex I: Domestic Legal Instruments: Overview Table

## Federal

*Criminal Code, RSC 1985, c C-46*

*Firearms Act, SC 1995, c 39, s. 4*

*Youth Criminal Justice Act, SC 2002, c. 1, s. 3*

*Public Safety Canada, National Crime Prevention Strategy*

*Access to Information Act, RSC 1985, c A-1*

*An Act to amend the Canadian Human Rights Act and the Criminal Code, SC 2017, c 13*

*Federal Accountability Act, SC 2006, c 9*

*Canadian Environmental Protection Act, SC 1999, c 33*

*Impact Assessment Act, SC 2019, c 28, s 1*

*Canada Fund for Africa Act, SC 2002, c 9, s 45*

*Canada's Federal Sustainable Development Act, SC 2008, c. 33, s. 8*

## Provincial / Territorial

### **SDG 16.1**

*Victims of Crime Act, V-3 RSA 2000*

*Safe Schools Regulations, NWT Reg 010/2016*

### **SDG 16.2**

*The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act, 2002, E-8.2*

*Youth Protection Act, CQLR c P-34.1*

### **SDG 16.3 / SDG 16.4**

*The Child and Family Services Regulations, 1990, C-7.2 Reg 1*

*The Ombudsman Act, C.C.S.M. c. O45*



*Courts of Justice Act*, RSO 1990, c C.43

*Organized Crime Agency of British Columbia Regulation*, BC Reg 69/99

***SDG 16.5 / SDG 16.6***

*Anti-Corruption Act*, CQLR c L-6.1

*The Community Development Bonds Act*, C.C.S.M. c. C160

*Status of Women Council Act*, RSNWT 1988, c 55 (Supp)

***SDG 16.7 / SDG 16.8***

*Environment Act*, SNS 1994-95, c 1

*Environmental Assessment Regulations*, OIC 2018-329, NS Reg. 221/2018

*Human Rights Act*, RSNWT 2002, c 18

*Act Respecting Administrative Justice*, CQLR c J-3

***SDG 16.9 / SDG 16.10***

*The Vital Statistics Act*, C.C.S.M. c. V60

*Freedom of Information and Protection of Privacy Act*, RSO 1990, c F.31

*Consolidation of Public Inquiries Act*, RSNWT (NU) 1988, c P14

***SDG 16.a / SDG 16.b***

*Charter of Human Rights and Freedoms*, CQLR c C-12

# Annex II: About the Project

The Sustainable Development Goals (SDGs) offer Canada a unique opportunity to assess the many areas of policy innovation in which it is already excelling at the national and provincial levels, as well as to craft new, durable implementation mechanisms that will benefit Canadians and the international community now and in the future. As Canada embarks on the development of its National Strategy on the SDGs, this is a critical moment for analysis of existing laws and dialogue regarding new legal and societal avenues reflecting the SDGs.

Through “The Sustainable Development Goals for Canada: What’s Law Got to Do with It?” conference, the Centre for International Sustainable Development Law (CISDL) and its partners, along with the Sustainable Development Goals Unit at Employment and Social Development Canada and Justice Canada, engaged in a vital dialogue on the SDGs broadly, and specifically SDGs 1 (poverty), 6 (water), 14 (life below water), and 16 (peace, justice and strong institutions). Overall, the SDGs are an indivisible construct of Agenda 2030, however these particular SDGs were chosen for focus at this conference because they relate to climate change, biodiversity, education and institution building, which together form the foundation of systems and issues that must be analyzed and established in order to meaningfully achieve the SDGs in Canada. This event convened local, regional and national stakeholders, academics, policy makers, lawyers and legal experts located at four sites around the country – Waterloo, Montreal, Halifax and Victoria – through a virtual meeting platform. Additionally, governmental officials and other experts not present were able to join through the virtual meeting system, allowing for further diversity in perspectives and insights.

The findings of the conference and research conducted in conjunction with it also serve as the basis for a series of new modules on the SDGs that will be offered as part of the CISDL’s Continuing Legal Education (CLE) course for members of bars across Canada. In the approximately 2 months since these new modules were announced, registrations for the CLE course has more than quintupled, indicating a strong interest in these topics among those in the legal and policy fields throughout Canada.

As noted in the conference keynote address by Ms. Janet McIntyre, Deputy Director General, Intergovernmental and External Relations Division, Justice Canada, “when Canada submitted its National Voluntary Review last year before the United Nations, Canada recognized that the 2030 Agenda for Sustainable Development is among the defining global frameworks of our time. And further, the Government of Canada strongly supports the overarching principle of the 2030 Agenda, to leave no one behind. Canada is a staunch supporter of SDG 16 and its inclusion in the 2030 Agenda marked a milestone.” These words highlight the importance of the SDGs to Canada and the need to understand the place they currently occupy in existing Canadian national and provincial law as well as the areas in which Canada can create new laws and policies that will ensure an inclusive Canada.

Special thanks are due to Ms. Janet McIntyre (Justice Canada), Mr. Ugo Therien and Ms. Tina Cobb (ESDC), along with the Social Sciences Humanities Research Council, and the New Frontiers Research Fund for supporting the evolution of this project.





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