

CISDL



ENGAGING LAW AND GOVERNANCE PARTNERSHIPS AND AWARENESS FOR THE SDGS IN CANADA II

Symposium Report



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SYMPOSIUM REPORT

Engaging Law and Governance Partnerships and Awareness for the SDGs in Canada II

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About the Report

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 multisite symposium on February 14, 2020 convening legal experts across Canada to discuss areas of opportunity to inform Canada's 2030 agenda. This Report builds upon legal research conducted in collaboration with UN Environment. The by-projects of this research looking at legal measures for achievement of the SDGs in Canada is intended to inform policy-making moving forward

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Executive Summary

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 concretizing its draft National Strategy on the SDGs prior to implementation, this is an essential time for analysis of existing laws, rules and policy plans informing new legal, regulatory and societal avenues reflecting the SDGs.

Through “The Sustainable Development Goals for Canada II: 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 Unit of the Canadian Government and Justice Canada, engaged in a vital dialogue on the SDGs broadly, and specifically SDGs 1 (poverty), 6 (water and sanitation), 14 (life below water) and 16 (peace, justice and strong institutions). These SDGs were selected for focus because they relate to core human rights concerns, current and future climate change impacts, biodiversity, and governance systems, which together form the foundation of systems and issues that must be analyzed to meaningfully achieve the SDGs in Canada.

This event convened local, regional and national stakeholders, academics, policy makers, lawyers, legal experts and graduate students located at four nodes across Canada – Waterloo (Balsillie School of International Affairs/University of Waterloo), Montreal (McGill University/Universite de Montreal), Halifax (Dalhousie University) and Victoria (University of British Columbia) – through a virtual meeting platform. Additional remote participation by government representatives and outside experts unable to attend in person to join through the virtual meeting system, allowing for further diversity of perspectives and insights.

In addition to the conference, a set of 4 SDG focused Toolkits are being published by the CISDL and are being shared across a number of national and international networks in order to reach a large audience of stakeholders and interested members of the public. The 2020 SDG Toolkits work in conjunction with the 4 SDG focused Toolkits released by the CISDL in 2019 and addressing SDGs 4, 7, 13 and 15. The findings of the conference and its parallel research outputs also serve as the basis for a series of new modules on the SDGs offered as part of the CISDL’s Continuing Legal Education (CLE) course for members of bars across Canada.

As noted in the conference keynote address by Ms. Janet McIntyre, Deputy Director General, Intergovernmental and External Relations Division, Justice Canada, “Canada has 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.” This message highlights the importance of the SDGs to

Canada at the national and sub-national levels. It also emphasizes the need to understand the areas in which Canada can create new laws and policies, or build on existing laws and policies, that will ensure the inclusion of Canadians and serve as an example to the international community.

The conference generated a number of examples of Canadian national and provincial laws and regulations that support and incorporate the SDGs. For example, key laws and regulations for SDG 4.1 include the national *Poverty Reduction Act*, Manitoba's *Poverty Reduction Strategy Act*, New Brunswick's *Economic and Social Inclusion Act*, the *Ontario Works Act*, the *Prince Edward Island Social Assistance Act* and Quebec's *Act to Combat Poverty and Social Exclusion*. Key laws and regulations for SDG 1.3 include the national *Old Age Security Act* and the *Income Tax Act*, *Canada Child Benefit*, British Columbia's *Human Rights Code*, Quebec's *Act Respecting Labour Standards* and Alberta's *Workers' Compensation Act*.

Key laws and regulations for SDG 6.1 at the national level include the *Clean Water Act*, *Safe Drinking Water for First Nations Act*, *Federal Sustainable Development Act* and associated *Federal Sustainable Development Strategy*. At the provincial and territorial levels, key laws and regulations include Quebec's *Act to affirm the collective nature of water resources and to promote better governance of water associated environments*, Ontario's *Safe Drinking Water Act* and Manitoba's *Water Supply Systems Regulations*. Key laws and regulations for SDGs 6.4 and 6.5 include the *Canadian Marine Conservation Areas Act*, Quebec's *Environmental Quality Act* and associated *Water Withdrawal and Protection Regulation*, British Columbia's *Water Sustainability Act and Regulations*, Ontario's *Water Resources Act* and Manitoba's *Peatlands Stewardship Act*.

Key laws and regulations for SDG 14.1 include the national *Oceans Act*, *Arctic Waters Pollution Prevention Act*, *Oil and Gas Operations Act* and *Fisheries Act*, as well as Alberta's *Timber Management Regulation*, Nunavut's *Consolidation of Water Resources Act* and Ontario's *Environmental Bill of Rights*. Key laws and regulations for SDGs 14.3 and 14.4 include Nova Scotia's *Fisheries and Coastal Resources Act*, *Fisheries and Coastal Resources Act* and *Aquaculture Management Regulations*, British Columbia's *Fisheries Act*, Quebec's *Act respecting the conservation and development of wildlife* and Northwest Territories' *Freshwater Fish Marketing Act*.

Key laws and regulations for SDG 16.1 include the national *Criminal Code*, *National Crime Prevention Strategy* and *Youth Criminal Justice Act* and Saskatchewan's *Territorial School Code of Conduct*. Key laws and regulations for SDGs 16.5 and 16.6 include the national *Federal Accountability Act*, Quebec's *Anti-Corruption Act*, Manitoba's *Community Development Bonds Act* and the Northwest Territories' *Status of Women Council Act*. Key laws and regulations for SDG 16.10 include the national *Access to Information Act*, Ontario's *Freedom of Information and Protection of Privacy Act* and the Northwest Territories' *Public Inquiries Act*.

The lessons of this conference and report are intended as a starting point for conceptualizing new sustainable pathways by overviewing existing laws and policies

in Canada. As evidenced by this study of 4 SDGs, and those studied by the CISDL and its partners in 2019, legally focused research into the areas in which Canadian national and provincial laws support and implement the terms of the SDGs, as well as the areas in which there are gaps in implementation, is critical for the legal community and those involved in government, civil society, practitioners, academics, and interested members of the public. Indeed, implementation of the SDGs in Canada is an exciting and rich field with which many Canadians continue to lack familiarity, although educational efforts are increasing at all levels.

To follow up on this initial work, in the coming 3 years, the CISDL, along with its network of partners, proposes to deepen the analysis of the SDGs, pilot the 4 new SDG bi-lingual Toolkits and refine the online CLE courses with the help and engagement of Canadians. This process will be conducted for the SDGs that were the subject of this project, and extended to address the other 9 SDGs which have not yet been the focus of events and publications. These insights will highlight that the SDGs can build on a strong foundation in Canada to become further entrenched as a matter of law and policy.

1. Background and Programme

On February 14, 2020, the Centre for International Sustainable Development Law (CISDL), in partnership with the Government of Canada, Sustainable Development Unit, International Law Association and International Law Association Canada, Sustainable Development Solutions Network Canada, Global Compact Network Canada, McGill University Faculty of Law and East Coast Environmental Law, convened a multi-nodal conference event, “The Sustainable Development Goals for Canada II: What’s Law Got to Do with It?,” to address key areas of convergence and gaps between existing Canadian national and provincial law and the Sustainable Development Goals (SDGs). In particular, the conference focused on SDG 1 on poverty, SDG 6 on water and sanitation, SDG 14 on life below water and SDG 16 on peace, justice and strong institutions. This conference was the second installment of a series begun in March 2019, which focused on SDGs 4, 7, 13 and 15 at the national and provincial level throughout Canada.

The event convened leading legal experts and researchers from across Canada and around the world at four node locations – the Balsillie School of International Affairs and the School of Environment, Enterprise and Development, University of Waterloo, McGill University Faculty of Law in Montreal, in conjunction with the Université de Montreal, Dalhousie University and East Coast Environmental Law in Halifax, and the Peter A Allard School of Law, University of British Columbia in Victoria. These node sites were linked together through a virtual meeting platform, which allowed for participation by those who could not attend any of the node locations in person, generating greater exposure and participation.

The programme featured a keynote address by Ms. Janet McIntyre, Deputy Director General, Intergovernmental and External Relations Division, Justice Canada. Deputy

Director General McIntyre highlighted the importance of the SDGs in Canada and specifically focused on the function of SDG 16 in linking the other 16 SDGs together to craft lasting and universal solutions to the issues faced by international and national law and society. To that end, she brought attention to Canada's role as a leading promoter of SDG 16 at the international level, through forums such as the United Nations High Level Political Forum on the SDGs, as well as at the national level.

Deputy Director McIntyre emphasized that "Canada has 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." In particular, Deputy Director McIntyre stressed the importance of private legal avenues and matters in the accomplishment of SDG 16, noting that while there tends to be a focus on the public process, such as criminal proceedings, private matters are equally important in achieving justice.

In conjunction with providing insights into the ways in which the SDGs are incorporated throughout the Canadian national government, Deputy Director General McIntyre added key insights into the ways in which provinces and localities to embrace the terms of the SDGs – explicitly or implicitly – and apply them to Canadian society at its foundational levels. A central theme of these discussions was the interrelationship between Canada's national, provincial, and local governments, and the ability to benefit Canadian law and society as a whole while also furthering Canada's international commitments to the SDGs.

During the course of the conference, international and national experts shared critical insights, as did researchers who provided summaries of existing Canadian and provincial laws touching on the SDGs. The conference served as the continuation of an in-depth dialogue between the CISDL and partners that continues to support and guide the generation of legal and policy recommendations for the SDGs in Canada. It set the foundations for a short and long-term research agenda that will assist in facilitating understanding of how to make Canada a world leader in the implementation and achievement of the SDGs.

2. Key Findings for Sustainable Development Goal 1

Sustainable Development Goal 1 enshrines the essential elements necessary to end poverty in all forms everywhere. It is intended to function as a durable set of targets and accomplishments allowing for the entrenchment of systems which address poverty in the short and long-term. Throughout the research conducted for this project, a number of points of convergence between Canadian national and provincial laws and SDG 1 have been identified. These laws vary in terms of strength and direct correlation from which to begin the discussion of the Canadian SDG strategy in terms of anti-poverty law and policy.

Target 1.1 and Target 1.2

Under the terms of SDG 1.1, the target is to “eradicate extreme poverty for all people everywhere” by 2030.¹ Although the SDG uses a global measure and definition of poverty as those individuals living on under \$1.25 per day, and Canada sets a higher minimum wage requirement as a matter of law, there are still national provisions which connect to SDG 1.1. These laws and rules function together with those related to SDG 1.2, under which States agree to halve the amount of all members of society – men, women and children – who are living under the nationally defined poverty standard by 2030.²

To address poverty rates and reduction within Canada overall, particularly with a view to achieving significant decreases in poverty by 2030, the national *Poverty Reduction Act* establishes a baseline poverty rate.³ To establish this rate, the *Act* requires the use of measures for purchasing and/or obtaining essential elements for survival, such as food, housing and transportation to and from work and other critical activities.⁴ The *Act* then sets the targets for poverty level reductions throughout Canada relative to the baseline rate, seeking a 20% reduction from 2015 rates by 2020 and a 50% reduction by 2030.⁵ To oversee the implementation, a National Advisory Council on Poverty is established, including a member specifically tasked with a portfolio relating to children in poverty.⁶

At the provincial and territorial level, there is a focus on using employment assistance and social assistance measures to achieve durable reductions in poverty. Manitoba’s *Poverty Reduction Strategy Act* uses the national *Poverty Reduction Act* as a springboard and creates a provincial Committee on Poverty Reduction and Social Inclusion to oversee its implementation.⁷ The Committee is charged with assisting in drafting the provincial *Poverty Reduction Strategy*, providing advice on its application, and generating indicators to assess the success of poverty reduction activities and targets.⁸ The *Poverty Reduction Strategy* takes into account the need for economic support and job training as well as the importance of accessible housing, community safety and support for families overall.⁹ To ensure transparency, reports on the *Poverty Reduction Strategy* are published annually.¹⁰

New Brunswick’s *Economic and Social Inclusion Act* sets the target of reductions to basic poverty rates in the province by 25% and reductions to the direct poverty rates by 50%.¹¹ These are ambitious targets and the *Act* recognizes that meeting them will require commitments from beyond the governmental sector. With this in mind, the

¹ SDG 1.1.

² SDG 1.2.

³ Canada, *Poverty Reduction Act*, SC 2019, c. 29, s. 315.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

⁷ Manitoba, *The Poverty Reduction Strategy Act*, C.C.S.M. c. P94.7.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ New Brunswick, *Economic and Social Inclusion Act*, SNB 2010, c E-1.105.

Act facilitates mechanisms for coordination and cooperation between the province, business sector, private sector and charitable entities to foster anti-poverty planning and implementation.¹² Further, under the terms of the *Act*, ministerial approval is given for the creation of a New Brunswick-based plan to combat poverty and foster economic and social inclusion.¹³ To operationalize the provincial plan, the New Brunswick Social Inclusion Corporation is created, endowed with funds and tasked with implementing, coordinating and managing community outreach.¹⁴ The Corporation is governed by a board comprised of public officials and private representatives who represent the province's business sector, non-profit sector and those living in poverty.

Nova Scotia's *Employment Support and Income Assistance Act* contains provisions for income assistance to those qualifying for it throughout the province as well as for job and skills training and development as a means of assisting in the transition out of poverty.¹⁵ The goal in providing training and development assistance is to ensure that a person in the province is able to escape poverty in the short-term and remain above the poverty rate in the long-term.¹⁶ To accomplish this, the *Act* requires addressing the structural drivers of poverty within the province's communities, as well as at the individual and household level.¹⁷

Further, the *Ontario Works Act* represents a framework that promotes employment in general and specifically provides financial and other assistance for those who are seeking employment so that they may find and keep jobs.¹⁸ Within the *Act*, there are special provisions governing assistance to those with disabilities or families who are seeking employment.¹⁹ These means of assistance include employment-related training as well as guarantees of basic goods and services, such as food and housing, that are often strained during periods of unemployment or underemployment.²⁰ Similarly, the *Prince Edward Island Social Assistance Act* provides immediate, short-term and/or long-term support to individuals and households in economic need throughout the province.²¹ These means of support are intended to address poverty and its root causes, provide training and development opportunities to individuals and prevent child abuse and neglect.²² From a governance perspective, the *Act* creates a space for the provincial authorities to establish public or public-private entities to assist in implementing its terms.²³

Quebec's *Act to Combat Poverty and Social Exclusion* is focused on highlighting gender issues associated with poverty and how best to counteract them.²⁴ A key

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ Nova Scotia, *Employment Support and Income Assistance Act*, SNS 2000, c 27,

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ Ontario, *Ontario Works Act*, SO 1997, c. 25, Sched. A.

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ Prince Edward Island, *Social Assistance Act*, RSPEI 1988, c S-4.3,

²² *Ibid.*

²³ *Ibid.*

²⁴ Quebec, *An Act to Combat Poverty and Social Exclusion*, SQ 2002, c 6.

element of the *Act* is the requirement that the province create a strategy which studies and addresses the causes and drivers of poverty throughout the province along with the impacts of living in poverty on a spectrum of actors.²⁵

Target 1.3

At the national level, the *Old Age Security Act* creates a pension system through which qualifying recipients receive monthly payments based on the duration of their working life, incomes while employed and cost of living adjustments.²⁶ Those qualified to draw payments under the *Act* are individuals at least 65 years old and those with certain disabilities which prevent them from working.²⁷ Additionally, where the amount of pension payment drawn by an elderly individual is considered inadequate to prevent poverty, there are options for further payment supplements.²⁸

In order to assist families with children and to ensure that children are kept out of poverty, the *Income Tax Act, Canada Child Benefit* provides monthly support payments from the federal government to families with children based on household income, number of children and other factors.²⁹ The total amount of benefit payments allowed per year is capped based on the age of the child (or children) in the household, with the benefit decreasing as the child ages.³⁰

At the provincial level, the British Columbia *Human Rights Code* provides for non-discrimination on a number of bases, including a prohibition on poverty-based discrimination.³¹ One of the underlying purposes for these protections in the *Human Rights Code* is the elimination of inequality throughout the province, which ties directly to concerns regarding poverty alleviation and protections for the most vulnerable.³² In addition to articulating rights and grounds for complaint based on discriminatory conduct, the *Human Rights Code* creates the provincial Office of the Human Rights Commission in order to implement and oversee the Code's terms and requirements.³³

While access to work and employment opportunities tends to be regarded as a positive for poverty reduction, it is essential that working conditions are safe and labour rights are protected. With this in mind, the Quebec *Act Respecting Labour Standards* provides a set of minimum thresholds governing working conditions across a range of industry sectors and issues.³⁴ Included in these are special protections for those seeking maternity and paternity leave in the province.³⁵

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ Canada, *Old Age Security Act*, RSC 1985, c O-9,

²⁸ *Ibid.*

²⁹ Canada, *Income Tax Act*, RSC 1985, c 1 (5th Supp).

³⁰ *Ibid.*

³¹ British Columbia, *Human Rights Code*, RSBC 1996, c 210

³² *Ibid.*

³³ *Ibid.*

³⁴ Quebec, *Act respecting labour standards*, CQLR c N-1.1.

³⁵ *Ibid.*

In order to assist workers who are injured and unable to continue in their positions either in the immediate or long-term, the Alberta *Workers' Compensation Act* creates a system of compensation.³⁶ Assessed compensation comes from a mechanism into which the employer must pay to offset the costs.³⁷ Under the terms of the *Act*, a Workers' Compensation Board is established and tasked with reviewing claims of work-related injuries to determine their veracity, severity and impact on job function.³⁸ Where a qualifying injury is deemed to have occurred, the Workers' Compensation Board ensures that adequate compensation is paid throughout the term of disability along with provision of healthcare and other required care.³⁹ Where a worker is killed on the job or dies as the result of a workplace injury, the *Act* provides compensation for the worker's family.⁴⁰

Target 1.4

At the provincial level, the Quebec *Charter of Human Rights and Freedoms* includes many protections from discrimination and establishes a number of proactive rights for those in the province.⁴¹ Key among these from a poverty eradication perspective include the right to equal pay for equal work, the right to be free from discrimination in hiring practices and the right to equal access to employment regardless of past criminal convictions/history.⁴²

Target 1.5

At the provincial and territorial levels, a number of laws have been crafted to address vulnerable communities, particularly those facing vulnerability due to climate, economic and other forms of disaster. In the Northwest Territories' *Emergency Management Act*, a new governance entity, the Emergency Management Organization, is created and vested with authority to address threats to life, injury, property, socio-economic disruption or environmental degradation.⁴³ The Emergency Management Organization is empowered to support management of an emergency through a wide range of functions. These include the promotion of public awareness, establishment of policies and programs, conduct of exercises and training, review of local management plans, procurement and stocking of commonly needed items (such as food, fuel, water and medicine), provision of advice to local governments, and commissioning of reports to allow for a better understanding of the issues involved in leading emergency responses within the Territory.⁴⁴ At the same time, in recognition of the multilayered realities of disaster response in the short and long-term, the Emergency Management Organization is required to work with and

³⁶ Alberta *Workers Compensation Act*, W-15 RSA 2000.

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ Quebec, *Charter of Human Rights and Freedoms*, CQLR c C-12

⁴² *Ibid.*

⁴³ Northwest Territories, *Emergency Management Act*, SNWT 2018, c.17.

⁴⁴ *Ibid.*

coordinate local authorities, including for matters relating to poverty and access to basic resources.⁴⁵

3. Key Findings for Sustainable Development Goal 6

Sustainable Development Goal 6 enshrines the need to ensure availability and sustainable management of water and sanitation for all.⁴⁶ In this way, it is intended to function as a durable set of targets and accomplishments that promote the health of communities as well as the sustainable management of water as a natural resource. Throughout the research conducted for this project, a number of points of convergence between Canadian national and provincial laws and SDG 6 have been identified. These laws vary in terms of strength and direct correlation to the full implementation of the intent of the SDG, however they offer a strong platform from which to begin discussion of Canadian water policy and sanitation requirements.

Target 6.1

Federally, access to and governance of water and associated resources falls under the aegis of the *Clean Water Act*.⁴⁷ The *Act* establishes a multi-layered system of national, provincial and local governments, committees and similar structures toward ensuring water access as envisioned under SDG 6.1.⁴⁸ The *Clean Water Act* works in tandem with the *Safe Drinking Water for First Nations Act* to provide vulnerable communities in Canada with the ability to benefit from robust national regulatory frameworks which seek to promote water safety and prevent pollution of water resources on First Nations territory.⁴⁹

Additionally, at the federal level, Canada has adopted the *Federal Sustainable Development Act* and associated *Federal Sustainable Development Strategy* which, together, give legal import to nearly all aspects of SDG 6.⁵⁰ This is particularly notable in terms of SDG 6.1 in that the *FSDA* and *FSDS* provide a host of mechanisms designed to ensure universal access to safe water resources in Canada.⁵¹ These mechanisms include ensuring that all communities and constituencies, especially First Nations communities, are represented in governmental systems impacting water.⁵²

At the provincial and territorial level, the *Quebec Act to affirm the collective nature of water resources and to promote better governance of water associated environments* enshrines the universal right to safe drinking water and safe water

⁴⁵ *Ibid.*

⁴⁶ SDG 6.

⁴⁷ Canada, *Canada Water Act*, RSC 1985, c C-11.

⁴⁸ *Ibid.*

⁴⁹ Canada, *Safe Drinking Water for First Nations Act*, SC 2013, c 21.

⁵⁰ Canada, *Federal Sustainable Development Act*, SC 2008, c. 33; Government of Canada, "Achieving a Sustainable Future: A Federal Sustainable Development Strategy for Canada" (2020).

⁵¹ *Ibid.*

⁵² *Ibid.*

resources for hygiene and cooking purposes.⁵³ Under Manitoba's *Water Protection Act*, the provincial Lieutenant Governor is tasked with creating water standards and guidelines for the protection of water quality, as well as the ecosystems which depend on these water resources.⁵⁴

In Ontario, the *Safe Drinking Water Act* provides a governance and licensing system for the provision of drinking water to municipalities and other governmental units throughout the province.⁵⁵ This includes strict water quality testing requirements, which are to be facilitated only through laboratories on a list of approved testing installations.⁵⁶ Further, the *Act* establishes duties for the owners and operators of a variety of water facilities in order to ensure compliance with testing and safety requirements.⁵⁷ Manitoba's *Water Supply Systems Regulations* provide an extensive regulatory framework for ensuring the safety of drinking water in rural areas, especially where there are several homes sharing a common water source.⁵⁸

Target 6.2

As noted above, the Canadian *Clean Water Act* provides extensive legal and regulatory systems for water and water resources throughout the nation.⁵⁹ This includes a prohibition on dumping of wastes and waste-products into water resources without prior governmental authorization.⁶⁰ Nationally, the *Wastewater Systems Effluent Regulations* provide limits on the amount of effluent permitted to be discharged from wastewater systems across the nation and impose strict monitoring and oversight in situations where restricted discharges are allowed.⁶¹

At the provincial and territorial levels, there is an emphasis on ensuring proper handling of wastes and sewage and on transparency and accountability for public and private actors involved in this industry. In the Newfoundland and Labrador *Sanitation Regulations*, a system of governance for sanitation and the safe disposal of wastes is implemented throughout the province.⁶² This includes procedures for installing and operating sewage and waste disposal systems and ensuring that these operations do not cause contamination of marine or terrestrial resources.⁶³ In addition to commercial operators of sewage and waste systems, individuals and households are charged with responsibilities to ensure that contamination and inappropriate discharges do not occur on their lands.⁶⁴

⁵³ Quebec, *Act to affirm the collective nature of water resources and to promote better governance of water and associated environments*, CQLR c C-6.2.

⁵⁴ Manitoba, *The Water Protection Act*, C.C.S.M. c. W65.

⁵⁵ Ontario, *Safe Drinking Water Act*, SO 2002, c. 32.

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ Manitoba, *Water Supply System Regulation*, R 108/2009.

⁵⁹ *Canada Water Act*, *supra* note 47.

⁶⁰ *Ibid.*

⁶¹ Canada, *Wastewater Systems Effluent Regulations* SOR/2012-139.

⁶² Newfoundland and Labrador, *Sanitation Regulations*, CNLR 803/96.

⁶³ *Ibid.*

⁶⁴ *Ibid.*

Under the terms of the Alberta *Sustainable Water and Sewage Systems Act*, there are requirements for transparency in the operation and pricing of sewage and waste disposal systems throughout the province.⁶⁵ Similar provisions exist under the Northwest Territories *General Sanitation Regulations*, which also place an emphasis on the roles of municipalities in governing the safety and functioning of sewage systems.⁶⁶

Target 6.3

At the national level in Canada there are several legal and regulatory regimes that address water pollution and the dumping of hazardous chemicals and wastes into water resources. The Canadian *Environmental Protection Act* uses a broad definition of water pollution, including the condition of water which, directly or indirectly, endangers human health, interferes with the normal enjoyment of life or property, endangers animals, causes damage to plants or property, or has a deleterious effect on ecosystems.⁶⁷ To regulate water pollution, the designated minister is tasked with developing and implementing rules and regulations for Canada and, where appropriate, seeking to create dialogue to end transboundary water pollution and dumping of chemicals and hazardous wastes.⁶⁸ The powers of the national minister include the ability consult with local and municipal governmental entities in the development and implementation of water-related plans and policies.⁶⁹

At the provincial and territorial levels, laws and regulations highlight the need for a combination of methods to ensure that pollution and associated dumping activities are curtailed. Under the Nova Scotia *Water and Wastewater Facilities and Public Drinking Water Supplies Regulations*, safety requirements are established for water treatment facilities and water distribution facilities throughout the province.⁷⁰ In British Columbia, there is particular focus on the prevention of pollution of water resources by all forms of chemicals and other pollutants, including flood waters. With this in mind, the province has enacted the *Groundwater Protection Regulations*, a significant mechanism for ensuring that commercial and residential activities which could introduce pollutants into water resources are regulated and subject to oversight.⁷¹

In Ontario, there is a heavy emphasis on controlling and regulating discharge and runoff from agricultural practices in relation to groundwater and other water resources. As a result, the *Nutrient Management Act* creates a framework of best practices that includes storage of chemicals and other agricultural products, the use of these products, the transportation of chemicals and related agricultural products, and the oversight of their use.⁷² Further, it establishes a system of regulation and

⁶⁵ Alberta, *Sustainable Water and Sewage Systems Act*, SO 2002, c. 29 - Bill 175

⁶⁶ Northwest Territories, *General Sanitation Regulations*, RRNWT 1990, c P-16.

⁶⁷ Canada, *Canadian Environmental Protection Act*, SC 1999, c 33.

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

⁷⁰ Nova Scotia, *Water and Wastewater Facilities and Public Drinking Water Supplies Regulations*, NS Reg 186/2005.

⁷¹ British Columbia, *Groundwater Protection Regulations*, B.C. Reg. 152/2016.

⁷² Ontario, *Nutrient Management Act*, SO 2002.

inspection for agricultural installations throughout the province as a compliance measure.⁷³

Target 6.4 and target 6.5

At the national level, the Canadian *Clean Water Act* provides for a diverse set of planning coordination for water resource management, including provincial and local governmental entities and practices.⁷⁴ In terms of establishing a comprehensive system for water resources management and facilitating efficient and sustainable use of water resources, the *Federal Sustainable Development Act* and *Federal Sustainable Development Strategy* fulfill multiple conservation, planning and protection functions.⁷⁵ These include the establishment of an Advisory Council, as noted above, and the incorporation of issues related to climate change and healthy oceans and coasts into future policy and law.⁷⁶

Additionally, the Canadian *Marine Conservation Areas Act* vests the Minister of Canadian Heritage with the ability to establish national marine conservation areas in which the goal to preserve and protect aquatic environments for current and future generations.⁷⁷ The rationale for these protections is to foster the benefits, forms of education and enjoyment that can be obtained from marine resources.⁷⁸ Under the terms of the *Act*, the Minister is empowered to create a regulatory system which protects living and non-living marine resources in these designated areas, including the use of resource management reporting.⁷⁹ Where there are violations of the laws and regulations surrounding the marine conservation areas, the rules may provide for monetary penalties.⁸⁰

At the provincial and territorial levels, there is an emphasis on ensuring that uses of natural resources containing and/or surrounding water resources do not result in water pollution or degradation of the water resources. Under the Quebec *Environmental Quality Act* and associated *Water Withdrawal and Protection Regulation*, water resources in the province are protected and conserved through regulations governing the allowed withdrawals of water resources across designated locations and time periods.⁸¹ Included in the *Regulations* are requirements governing the practice of oil and gas extraction and extractive fracturing in particular.⁸² This is essential since fracturing requires a significant amount of water resources to complete.⁸³ Where there are questions regarding the impact of these forms of uses on water quality and quantity, the *Regulations* impose requirements relating to financial support for the municipalities conducting impact analysis.⁸⁴

⁷³ *Ibid.*

⁷⁴ *Canada Water Act*, *supra* note 47.

⁷⁵ *Federal Sustainable Development Act*, *supra* note 50; *Federal Sustainable Development Strategy*, *supra* note 50.

⁷⁶ *Ibid.*

⁷⁷ Canada, *National Marine Conservation Areas Act*, SC 2002, c 18.

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

⁸¹ Quebec, *Water Withdrawal and Protection Regulation*, CQLR c Q-2, r 35.2.

⁸² *Ibid.*

⁸³ *Ibid.*

⁸⁴ *Ibid.*

British Columbia's *Water Sustainability Act and Regulations* provide a system for the implementation of rules for sustainable water quality, quantity and ecosystems.⁸⁵ This includes a requirement that localities throughout the province establish sustainable water access and management systems in conjunction with provincial authorities.⁸⁶ Similar terms and requirements can be found in the Ontario *Water Resources Act*, which places an emphasis on the sustainable use and management of water resources – above and below ground – throughout the province.⁸⁷

In recognition of the vital role that peatlands play in preserving and protecting water resources, Manitoba's *Peatlands Stewardship Act* regulates the use and development of peatlands in the province to ensure this is done in a sustainable manner.⁸⁸ This includes an extensive conservation requirement as well as a permitting system designed to oversee development of peatlands and provide avenues for their preservation in development planning and project implementation.⁸⁹

Target 6.6

As noted above, through the Canadian *Marine Conservation Areas Act*,⁹⁰ the Canadian *Environmental Protection Act*⁹¹ and the Canadian *Federal Sustainable Development Act* and *Federal Sustainable Development Strategy*,⁹² there is a strong core of national legal and regulatory protection for water and related marine resources.

Under Quebec's *Natural Heritage Conservation Act*, priority is placed on protecting natural resources, including water resources, for current and future generations within the province.⁹³ This is achieved, *inter alia*, through the creation of a series of natural habitat reserve and protected areas, including those which seek to conserve water and marine resources.⁹⁴ One of the notable elements of this *Act* is its setting a target of zero reductions in wetlands throughout the province. Further, the *Act* requires impact and other assessments, with input from First Nations communities where applicable, when development projects impact sites of natural heritage such as water resources.⁹⁵ Similarly, Quebec's *Act respecting compensation measures for the carrying out of projects affecting wetlands or bodies of water* contains preservation and use regulations for wetlands and associated water resources,⁹⁶ as does

⁸⁵ British Columbia, *Water Sustainability Act*, SBC 2014, c 15,

⁸⁶ *Ibid.*

⁸⁷ Ontario *Water Resources Act*, RSO 1990, c. O.40, s. 01.

⁸⁸ Manitoba, *The Peatlands Stewardship Act*, C.C.S.M, c. P31.

⁸⁹ *Ibid.*

⁹⁰ Canada, *National Marine Conservation Areas Act*, SC 2002, c 18

⁹¹ Canada, *Canadian Environmental Protection Act*, SC 1999, c 33.

⁹² Canada, *Federal Sustainable Development Act*, SC 2008, c. 33; Government of Canada, "Achieving a Sustainable Future: A Federal Sustainable Development Strategy for Canada" (2020).

⁹³ Quebec, *Natural Heritage Conservation Act*, CQLR c C-61.0.

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

⁹⁶ Quebec, *An Act respecting compensation measures for the carrying out of projects affecting wetlands or bodies of water*, SQ 2012, c 14.

Manitoba's *Sustainable Watersheds Act*.⁹⁷ Protections for water as a means of nature conservation can also be found in New Brunswick's *Clean Environment Act*.⁹⁸

In British Columbia, the *Riparian Protection Act* and associated *Regulations* provide for localized riparian resources protections and planning systems under the auspices of encouraged legal and regulatory frameworks at the local and municipal government levels.⁹⁹ These measures include systems to address the use of resource protections and permitting within designated riparian areas.¹⁰⁰

4. Key Findings for Sustainable Development Goal 14

Sustainable Development Goal 14 enshrines the essential elements necessary to conserve and sustainably use the oceans, seas and marine resources for sustainable development. In this way, it is intended to function as a durable set of targets and accomplishments that meet the needs of the population and environment at present while crafting sustainable methods of preserving marine and oceans resources for the future. As a nation bounded by three oceans and dependent on numerous marine resources, Canada has taken significant steps to enshrine protection of these resources in law and policy. Throughout the research conducted for this project, a number of points of convergence between Canadian national and provincial laws and SDG 14 have been identified. These laws vary in terms of strength and direct correlation to the full implementation of the intent of the SDG, however they offer a strong platform from which to begin discussion of Canadian efforts to preserve marine and oceans resources.

Target 14.1

The main driver of oceans policy in Canada is the federal *Oceans Act*, which provides protections of oceans and associated resources as well as legal recognition of the maritime exclusive economic zone existing in Canadian waters.¹⁰¹ As discussed below, the *Oceans Act* is a multifaceted entity that, in relevant parts, seeks to prevent and prosecute acts of pollution.¹⁰² Recognizing the unique resource that is Canada's Arctic, the *Arctic Waters Pollution Prevention Act* regulates conduct in the Arctic, particularly wastewaters and potential sources of pollution and creates a regulatory system for the area.¹⁰³ This includes planning coordination requirements for the implementation of projects in the region and the empowerment of governmental actors to investigate alleged violations of laws and rules relating to pollution in the Arctic.¹⁰⁴

⁹⁷ Manitoba, *The Sustainable Watersheds Act*, SM 2018.

⁹⁸ New Brunswick, *Clean Environment Act*, RSNB 1973, c C-6.

⁹⁹ British Columbia, *Riparian Areas Protection Act*, SBC 1997, c 21.

¹⁰⁰ *Ibid.*

¹⁰¹ Canada, *Oceans Act*, SC 1996, c 31.

¹⁰² *Ibid.*

¹⁰³ Canada, *Arctic Waters Pollution Prevention Act*, RSC 1985, c A-12.

¹⁰⁴ *Ibid.*

In recognition of the potential for pollution of oceans and marine resources stemming from oil and gas exploration and drilling, the federal *Oil and Gas Operations Act* establishes regulations and restrictions for these sectors and strict requirements for how potential pollutants are to be managed in this context.¹⁰⁵ Similarly, the *Fisheries Act* recognizes the potential of the fishing industry to cause pollution to Canadian ocean and marine resources and seeks to regulate accordingly.¹⁰⁶

At the provincial and territorial levels, there is an emphasis on the need to ensure that certain economic sectors and activities are regulated and do not contribute to the pollution of oceans and marine resources. Alberta's *Timber Management Regulation* recognizes the necessity of timber removal in the province, including for the maintenance of healthy ecosystems, yet notes this must be balanced against the potential pollution of marine resources caused by runoff from timber clearing operations.¹⁰⁷ General pollution and runoff issues from a variety of sources into marine resources in Nunavut are governed by the *Consolidation of Water Resources Act*.¹⁰⁸ The *Act* includes provisions relating to individual activities as well as corporate activities in recognition of the many potential sources of marine pollution in the province.¹⁰⁹

In Ontario, an essential element of the *Environmental Bill of Rights* relates to the protection of marine resources from pollution and degradation.¹¹⁰ Yukon has enacted the *Spills Regulations* in order to set thresholds for acceptable and unacceptable spills into the marine environment.¹¹¹ These thresholds are heavily dependent on the type and quantity of material spilled and, regardless whether the threshold for unacceptable spillage has been triggered, there is a reporting requirement in the *Regulations* as well.¹¹²

Target 14.2

Federally, the *Oceans Act* requires the creation and implementation of a national strategy for the protection of oceans and marine resources that is founded on sustainable development, particularly the precautionary approach, and includes First Nations communities as well as provincial, municipal and local actors.¹¹³ Additionally, the *Canada National Marine Conservation Area Act* establishes a mechanism for the entrenchment of sustainable management practices in designated protected areas of importance for marine conservation.¹¹⁴

At the provincial and territorial levels, creation of mechanisms to implement sustainable management of oceans and marine resources has been the focus of much

¹⁰⁵ Canada, *Oil and Gas Operations Act*, R.S.C., 1985, c. O-7.

¹⁰⁶ Canada, *Fisheries Act*, RSC 1985, c F14.

¹⁰⁷ Alberta, *Timber Management Regulation*, Alta Reg 60/1973.

¹⁰⁸ Nunavut, *Consolidation of Water Resources Agreements Act*, RSNWT (NU) 1988, c 17.

¹⁰⁹ *Ibid.*

¹¹⁰ Ontario, *Environmental Bill of Rights*, SO 1993, c 28.

¹¹¹ Yukon, *Spills Regulations*, YOIC 1996/193.

¹¹² *Ibid.*

¹¹³ *Oceans Act*, *supra* note 101.

¹¹⁴ Canada, *Canada National Marine Conservation Areas Act*, SC 2002, c 18.

legislation and regulation. In Manitoba, the *Habitat Heritage Act* includes a significant regulatory and governance system for the conservation, restoration and enhancement of fish and wildlife habitats throughout the province, including regulation of fish stocks themselves.¹¹⁵ As part of the statutory powers granted to the governance bodies created through the *Act*, it is possible for them to initiate habitat restoration projects and undertake cooperative actions, including public-private partnerships, to increase the sustainability of habitats.¹¹⁶ Similarly, the Nova Scotia *Coastal Protection Act* recognizes the critical role that oceans and marine resources play for the province's current and future generations, restricting the ability of development to cause damage to these resources.¹¹⁷ In the context of the *Act*, development can be for commercial or household purposes.¹¹⁸

At the specific marine resource level, Quebec's *Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin* provides a framework which balances the need for sustainable use of marine resources with the potential benefits of accessing and using these resources.¹¹⁹

Target 14.3 and target 14.4

At the national level, the *Fisheries Act* provides for a focus on sustainable fishing and fisheries practices that are balanced to address Canadians' economic interests, dietary and associated social and cultural needs, and environmental protection and sustainable development priorities.¹²⁰ It allows for the designation of areas in which fish habitats are under threat and in need of targeted assistance, while at the same time ensuring the traditional fishing rights enjoyed by First Nations communities.¹²¹

At the provincial and territorial levels, there are several areas of focus within larger efforts to ensure a balance between environmental and sustainability concerns regarding fishing and economic and societal benefits from fishing activities. Nova Scotia's *Fisheries and Coastal Resources Act* intends to promote the protection and conservation of sustainable and viable fisheries and aquaculture while also supporting sustainable growth in aquaculture, sharing of skills and knowledge regarding the fisheries industry and engagement of communities throughout the province in coastal management of marine and fishery resources.¹²² To promote the creation of sustainable fisheries and aquaculture in Nova Scotia, the *Act* also creates a dedicated board which provides financing and other incentives to relevant businesses.¹²³ Further, the *Fisheries and Coastal Resources Act* works in conjunction with the *Aquaculture Management Regulations* to provide for environmental and

¹¹⁵ Manitoba, *The Manitoba Habitat Heritage Act*, C.C.S.M. c. H3.

¹¹⁶ *Ibid.*

¹¹⁷ Nova Scotia, *Coastal Protection Act*, SNS 2019, c 3.

¹¹⁸ *Ibid.*

¹¹⁹ Quebec, *Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin*, CQLR c Q-2, r 5.1.

¹²⁰ *Fisheries Act*, *supra* note 106.

¹²¹ *Ibid.*

¹²² Nova Scotia, *Fisheries and Coastal Resources Act*, SNS 1996, c 25.

¹²³ *Ibid.*

ecological monitoring of pollution of and conditions in fisheries and aquaculture sites.¹²⁴

British Columbia's *Fisheries Act* provides an extensive licensing and regulatory system for fishing and associated activities in the province.¹²⁵ The *Act* also creates a system for the restocking of previously depleted fish species in British Columbia's waters.¹²⁶ In a similar vein, the Quebec *Act respecting the conservation and development of wildlife* creates a framework for fishing in the province, including requirements for designated governmental entities to implement management plans for handling fish and other species resources.¹²⁷ Additionally, the Prince Edward Island *Fisheries Act* focuses on protection for the fisheries industry and fish populations along with the promotion of sustainability concerns.¹²⁸

In the Northwest Territories, the *Freshwater Fish Marketing Act* and the regulations which implement it create a mechanism for financing and support of local and Indigenous communities which fish in a sustainable manner.¹²⁹ To ensure the functioning of a sustainable market for fish throughout the province, the *Act* creates and operationalizes the Freshwater Fish Marketing Corporation.¹³⁰

Target 14.5 and 14.6

As discussed above, the control of many aspects of fishing and conservation at the federal level falls under the Canadian *Oceans Act*¹³¹ and *Fisheries Act*.¹³² At the provincial and territorial levels, there is a focus on addressing the needs of conservation and management in the oceans and marine resources context through both hard law and soft law instruments.

In order to assist in the conservation of marine resources throughout the province, Quebec enacted the *Natural Heritage Conservation Act* in order to designate certain areas as protected zones.¹³³ Although not having the force of binding law, the *Fisheries and Oceans Canada Maritimes Region, Maritimes Regional Ocean Plan* is geared toward ensuring a risk-based and sustainability focused Plan for the Maritime Region in Canada.¹³⁴ This *Plan* includes the creation of a number of protected conservation areas throughout the Region, along with the implementation of environmental preparedness systems that accommodate climate change and other threats.¹³⁵

¹²⁴ Nova Scotia, *Aquaculture Management Regulations*, N.S. Reg. 348/2015.

¹²⁵ British Columbia, *Fisheries Act*, RSBC 1979, c 137.

¹²⁶ *Ibid.*

¹²⁷ Quebec, *Act respecting the conservation and development of wildlife*, CQLR c C-61.1.

¹²⁸ Prince Edward Island, *Fisheries Act*, RSPEI 1998, c F-13.01.

¹²⁹ NWT, *Freshwater Fish Marketing Act*, R.S.N.W.T. 1988, c.F-11.

¹³⁰ *Ibid.*

¹³¹ *Oceans Act*, *supra* note 101.

¹³² *Fisheries Act*, *supra* note 106.

¹³³ *Natural Heritage Conservation Act*, *supra* note 93.

¹³⁴ Fisheries and Oceans Canada, "Maritimes Region, Maritimes Regional Ocean Plan - Scotian Shelf, Atlantic Coast, Bay of Fundy, Implementation Priorities: 2014-2017" (2014).

¹³⁵ *Ibid.*

5. Key Findings for Sustainable Development Goal 16

Sustainable Development Goal 16 enshrines the essential elements necessary 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. In this way, it is intended to function as a durable set of targets and accomplishments that recognize the many forms of legal, regulatory and policy elements which are involved in the accomplishment of peace, justice and inclusive societies. Throughout the research conducted for this project, a number of points of convergence between Canadian national and provincial laws and SDG 16 have been identified. These laws vary in terms of strength and direct correlation to the full implementation of the intent of the SDG, however they offer a strong platform from which to begin discussion of the Canadian SDG strategy for promoting peace, justice and inclusive institutions.

Target 16.1

At the national level, Canada's *Criminal Code* creates a unified system of justice for major crimes, from violent crimes to white collar crimes, and operationalizes sentences for when an individual is found guilty.¹³⁶ In this way, the *Criminal Code* provides a stable structure intended both to punish crime as well as to deter it by demonstrating the functionality of the justice system.¹³⁷ This works in conjunction with the *National Crime Prevention Strategy*, which provides increased support to police and local communities for crime prevention and deterrence, including for education on crime and alternatives for at-risk youth.¹³⁸

Relatedly, the national *Youth Criminal Justice Act* provides a way of ensuring that juveniles and young adults who become involved with the criminal justice system are given special protections and support, and that their age and circumstances are taken into account in sentencing and other decisions.¹³⁹ The *Act* attempts to strike a balance between the interests of society in ensuring punishment for criminal conduct and the interests of youth in being properly represented in the criminal justice system.¹⁴⁰

At the provincial and territorial levels, the Northwest Territories *Territorial School Code of Conduct* addresses the issue of violence in the school system by creating a shared responsibility for all members of the community – including elders and those without direct ties to schools – to foster safe and respectful learning environments.¹⁴¹ This includes education on non-discrimination as well as the development and

¹³⁶ Canada, *Criminal Code*, RSC 1985, c C-46.

¹³⁷ *Ibid.*

¹³⁸ Public Safety Canada, *National Crime Prevention Strategy*.

¹³⁹ Canada, *Youth Criminal Justice Act*, SC 2002, c. 1.

¹⁴⁰ *Ibid.*

¹⁴¹ Northwest Territories, *Safe Schools Regulations*, NWT Reg 010/2016.

implementation of policies which prevent and punish discriminatory and violent conduct in school settings.¹⁴²

Target 16.2

At the national level, concerns for the rights of children and young adults involved in the criminal justice system and in government custody are addressed in the *Youth Criminal Justice Act*.¹⁴³ This *Act* ensures that children and young adults who are in custodial situations are still guaranteed their fundamental rights and are to be free from abuse, exploitation and neglect by those charged with providing them care and supervision.¹⁴⁴

Across the provinces and territories, issues of abuse, exploitation and trafficking of children are subject to specialized criminal charges as well as efforts to better inform society about causes and signs.

Under Saskatchewan's *Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act*, a set of guidelines is established for reporting suspected incidences of child sexual abuse and exploitation.¹⁴⁵ Indeed, the *Act* creates an affirmative duty for a person who has a reasonable suspicion that child sexual abuse is occurring to report it to appropriate authorities.¹⁴⁶ This includes the potential for a significant monetary fine and up to 2 years in prison for failure to report.¹⁴⁷ In this context, the territorial justice system is tasked with and empowered to undertake rapid response and is required to preserve the confidentiality of the alleged victim.¹⁴⁸ General protections against abuse and neglect of children, especially those who are in governmental custody, are contained in the Quebec *Youth Protection Act*¹⁴⁹ and Saskatchewan's *Child and Family Services Regulations*.¹⁵⁰

Target 16.3

A fundamental aspect of the rule of law in any system and level of government is the existence of a functioning court system to hear disputes and issue findings of law in civil and criminal matters. With this in mind, the laws such as Ontario's *Courts of Justice Act* establishing judicial powers and court structures in the provinces and territories are critical.¹⁵¹

As a method of promoting the rule of law, as well as furthering transparency in government, Manitoba has enacted the *Ombudsman Act*.¹⁵² Under the terms of the

¹⁴² *Ibid.*

¹⁴³ *Youth Criminal Justice Act*, *supra* note 139.

¹⁴⁴ *Ibid.*

¹⁴⁵ Saskatchewan, *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act*, 2002, E-8.2.

¹⁴⁶ *Ibid.*

¹⁴⁷ *Ibid.*

¹⁴⁸ *Ibid.*

¹⁴⁹ Quebec *Youth Protection Act*, CQLR c P-34.1.

¹⁵⁰ Saskatchewan, *The Child and Family Services Regulations*, 1990, C-7.2 Reg 1.

¹⁵¹ Ontario, *Courts of Justice Act*, RSO 1990, c C.43.

¹⁵² Manitoba, *The Ombudsman Act*, C.C.S.M. c. O45.

Act, individuals may submit complaints regarding governmental actors in the province to the Ombudsman, which will then investigate and determine whether a violation has occurred.¹⁵³ If there is a finding of a violation on the part of a governmental actor, the Ombudsman will recommend a remedy or countermeasure as appropriate.¹⁵⁴

Target 16.4

At the national level, issues relating to firearms use, sale and control are governed by the *Firearms Act*.¹⁵⁵ Under the terms of the *Act*, a licensing system is established in order for those seeking to own a firearm in Canada to be vetted in advance of purchase.¹⁵⁶ By providing a method to allow for firearms ownership under certain circumstances and with clearance from the Canadian government, the *Act* facilitates legitimate and regulated firearms sales and undermines the illicit flow of weapons.¹⁵⁷

While many of the issues raised under the terms of SDG 16.4 are addressed at the federal level in Canada there are still important examples from the provincial and territorial levels as well. A key instrument in this regard is the *Organized Crime Agency of British Columbia Regulation*, which mandates the creation and operationalization of an Organized Crime Agency that investigates forms of complex crimes across the province.¹⁵⁸ In addition to the Agency's law enforcement functions, it is also required to provide annual reports on its operations so as to foster transparency and guide public awareness of organized crime issues and countermeasures.¹⁵⁹

Target 16.5 and 16.6

Nationally, the Canadian *Federal Accountability Act* provides conflict of interest rules, restrictions on election financing, and measures respecting administrative transparency, oversight and accountability for national governmental actors and activities.¹⁶⁰ In the event of a potential conflict of interest, a public actor is required to recuse himself in order to remove the chance of a real or perceived impropriety in the decision-making process.¹⁶¹ This includes a disclosure requirement for potential conflicts of interest and also for any payments or other benefits received by a public actor outside the scope of their public employment.¹⁶²

Under Quebec's *Anti-Corruption Act*, a legal framework for addressing public corruption is established.¹⁶³ A key element of the *Act* is the creation of the office of the Anti-Corruption Commissioner, who is vested with authority to review

¹⁵³ *Ibid.*

¹⁵⁴ *Ibid.*

¹⁵⁵ Canada, *Firearms Act*, SC 1995, c 39.

¹⁵⁶ *Ibid.*

¹⁵⁷ *Ibid.*

¹⁵⁸ British Columbia, *Organized Crime Agency of British Columbia Regulation*, BC Reg 69/99.

¹⁵⁹ *Ibid.*

¹⁶⁰ Canada, *Federal Accountability Act*, SC 2006, c 9.

¹⁶¹ *Ibid.*

¹⁶² *Ibid.*

¹⁶³ Quebec, *Anti-Corruption Act*, CQLR c L-6.1.

governmental and public activities at the provincial and local levels.¹⁶⁴ Further, the *Act* establishes the procedure for whistleblowers to use when making a report of alleged corruption, and codifies protections for these individuals against retaliatory measures.¹⁶⁵ In the context of public and public-private contracting and development, the Manitoba *Community Development Bonds Act* establishes obligations on certain directors to disclose confidential information they receive in the course of their duties when this could cause a conflict of interest.¹⁶⁶

To ensure the accountability of governments to historically marginalized populations, the Northwest Territories enacted the *Status of Women Council Act*.¹⁶⁷ The *Act* creates a specific Council dedicated to the promotion of women's rights and status within the province and changing public perceptions of women.¹⁶⁸ Additionally, the Council has the ability to engage in research regarding women's issues and to suggest areas in which other governmental bodies should undertake research and review practices with gender in mind.¹⁶⁹

Target 16.7

At the national level, one of the foundational frameworks for public participation and inclusion is the *Impact Assessment Act*, which establishes the system necessary for completing an impact assessment across a range of potential projects and activities.¹⁷⁰ A key element of the *Act* is the requirement for the public to meaningfully participate throughout the process, including comments and critiques.¹⁷¹ This is particularly important in the context of projects that have the potential to impact First Nations communities explicitly or implicitly.¹⁷²

In order to address the responsive elements of target 16.7 at the governance and decision-making levels, the inclusion of human rights concerns is important. With this in mind, the Northwest Territories *Human Rights Act* enshrines human rights protections as a matter of law and also creates a dedicated Human Rights Commission tasked with overseeing the application of human rights laws throughout the territory.¹⁷³ There are two essential elements to the review function of the Human Rights Commission – the promotion of universal human rights and human dignity, including mutual respect, and anti-discrimination laws and practices across all aspects of life.¹⁷⁴ In addition, the Human Rights Commission serves a complaint review function, allowing it to render opinions where there are claims of human rights law violations.¹⁷⁵

¹⁶⁴ *Ibid.*

¹⁶⁵ *Ibid.*

¹⁶⁶ Manitoba, *The Community Development Bonds Act*, C.C.S.M. c. C160.

¹⁶⁷ Northwest Territories, *Status of Women Council Act*, RSNWT 1988, c 55 (Supp).

¹⁶⁸ *Ibid.*

¹⁶⁹ *Ibid.*

¹⁷⁰ Canada, *Impact Assessment Act*, SC 2019, c 28, s 1.

¹⁷¹ *Ibid.*

¹⁷² *Ibid.*

¹⁷³ Northwest Territories *Human Rights Act*, RSNWT 2002, c 18.

¹⁷⁴ *Ibid.*

¹⁷⁵ *Ibid.*

An essential element of ensuring inclusive, responsive, participatory and representative governance systems is the use of environmental impact assessments and associated regulatory processes. Under the terms of the Nova Scotia *Environment Act* and associated *Environmental Assessment Regulations*, a system for implementing environmental assessments throughout the province is established.¹⁷⁶ The *Regulations* include elements such as periods for public review and public consultation, as well as the publication of assessment reports once completed.¹⁷⁷ There is also a specific requirement that decision-making authorities must give particular weight to the views and statements of First Nations communities throughout the environmental assessment process, even where the impacts raised are speculative in nature for the proposed project or action.¹⁷⁸

Target 16.9

Although the registration of children with governmental authorities is not as controversial in Canada as in many other jurisdictions around the globe, it should be highlighted that the provinces establish birth registration systems. For example, the Manitoba *Vital Statistics Act* authorizes the registration of births in the province and the provision of birth certificates for those validly registered.¹⁷⁹

Target 16.10

At the national level, the Canadian *Access to Information Act* provides a right of public access to information contained in records under control of a government institution.¹⁸⁰ The terms of the *Act* are intended to function as a method of oversight on the federal government while also ensuring that the fundamental rights guaranteed to Canadians as a matter of law are respected.¹⁸¹

The protection of personal information held by the government and the ability of the public to access information generated by the government are two ends of the freedom of information spectrum which are both subject to provincial and territorial legal regimes. Ontario's *Freedom of Information and Protection of Privacy Act* addresses both issues, balancing individuals' expectations of and rights to privacy of certain information with societal interests in accessing information controlled by the government.¹⁸² The *Act* contains the necessary procedures which must be followed to request information as a matter of the freedom of information law as well as the limited ways in which private information may be released.¹⁸³ A variant on freedom of information laws is the Northwest Territories' *Public Inquiries Act*, which provides the public with the right to know information on criminal activities and statistics for

¹⁷⁶ Nova Scotia, *Environment Act*. SNS 1994-95, c 1; Nova Scotia, *Environmental Assessment Regulations*, OIC 2018-329, NS Reg. 221/2018.

¹⁷⁷ *Ibid.*

¹⁷⁸ *Ibid.*

¹⁷⁹ Manitoba, *The Vital Statistics Act*, C.C.S.M. c. V60.

¹⁸⁰ Canadian *Access to Information Act*, RSC 1985, c A-1.

¹⁸¹ *Ibid.*

¹⁸² Ontario, *Freedom of Information and Protection of Privacy Act*, RSO 1990, c F.31.

¹⁸³ *Ibid.*

the community.¹⁸⁴ This includes the opening of court and related proceedings to the public.¹⁸⁵

6. Summary

Canada has a significant legal and policy system in place to address many of the fundamental tenets of SDGs 1, 6, 14 and 16, as well as the other 13 goals which comprise the SDGs overall. This is reinforced at the national and provincial levels, and cuts across provinces that appear otherwise quite different in terms of societal and environmental composition and issues. Together with the research generated for the 2019 CISDL SDGs conference, report and Toolkits on SDGs 4, 7, 13 and 15, the findings of this report demonstrate the value of analyzing the inherent correlations between existing laws and rules in Canada and the SDGs. Two years of such research confirms the soundness of the methodology used and outcomes generated, which will be continued for analysis of the remaining 9 SDGs in the coming years.

The above summary of research indicates a number of areas of overlap and suggests the SDGs to be already entrenched in the Canadian legal system. At the same time, comparing the above findings to the SDGs and their targets demonstrates areas in which links could be generated or strengthened at the national and international levels. Rather than being seen as a challenge, this should be understood as providing a moment of opportunity for growth and development within Canada.

¹⁸⁴ Northwest Territories, *Consolidation of Public Inquiries Act*, RSNWT (NU) 1988, c P14.

¹⁸⁵ *Ibid.*



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