



# EXPORTING VIOLENCE: CANADA'S ARMS TRANSFERS AND THE DEVASTATION OF CIVIL AND POLITICAL RIGHTS IN GAZA

**Submission to the United Nations Human Rights Committee's 145<sup>th</sup>  
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Canada**

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**Prepared By:**

International Human Rights Program, University of Toronto Faculty of Law  
Canadian Lawyers for International Human Rights  
Global Human Rights Clinic, University of Chicago Law School

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International Justice & Human Rights  
Clinic, Peter A. Allard School of Law,  
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## TABLE OF CONTENTS

<b>I. INTRODUCTION</b> .....	<b>3</b>
<b>II. KEY HISTORICAL CONTEXT</b> .....	<b>4</b>
<b>III. ICCPR VIOLATIONS IN GAZA</b> .....	<b>5</b>
A. Violations of the Right to Self-Determination (Article 1).....	5
B. Violations of the Right to Life (Article 6).....	6
a) The Disproportionate and Indiscriminate Killing of Civilians in Gaza .....	7
b) Limits on Access to Food and Healthcare .....	8
C. Violations of the Right to Equality (Article 26).....	8
a) Race and National Origin.....	9
b) Other Grounds of Inequality and Discrimination—Women, Children, Persons with Disabilities	10
i) Women.....	10
ii) Children.....	11
iii) Persons with Disabilities.....	11
D. Violations of the Right to Movement (Article 12) .....	12
E. Right to Be Free from Arbitrary Arrest and Detention (Article 9).....	13
<b>IV. CANADA’S FAILURE TO COMPLY WITH THE COVENANT</b> .....	<b>15</b>
A. Canada’s Arms Exports to Israel.....	15
a) Direct Military Exports to Israel .....	15
b) The ‘US Loophole’ and Indirect Arms Exports to Israel.....	16
c) Canada’s Shifting Position.....	19
B. Canada’s Extraterritorial Obligations under the ICCPR .....	20
C. The Obligation to Regulate Corporate Conduct.....	22
D. Obligations with Respect to Indirect Military Exports to Israel.....	23
<b>V. RECOMMENDATIONS</b> .....	<b>25</b>
<b>VI. APPENDIX A</b> .....	
<b>VII. APPENDIX B</b> .....	
<b>VIII. APPENDIX C</b> .....	

## I. INTRODUCTION

While Canada positions itself as a global advocate for international human rights, its foreign policy and export practices contradict this image by contributing to serious, ongoing violations of international human rights abroad—in particular, violations of civil and political rights in the Gaza Strip. Canada’s continued direct and indirect arms exports to Israel, including through the United States of America (US), have enabled grave human rights abuses.

This submission illustrates how Canada’s failure to adequately regulate the arms exports that enable Israel’s continued atrocities in Gaza contributes to repeated and serious violations of the International Covenant on Civil and Political Rights (ICCPR or “the Covenant”), despite numerous warnings by United Nations (UN) bodies and Courts. Israel's bombardment of Gaza, which has been [categorized](#) by the UN Independent Commission of Inquiry on the Occupied Palestinian Territory (hereinafter “Commission of Inquiry”) as genocide, includes killing tens of thousands of Palestinians, imposing a total siege, blocking humanitarian aid leading to starvation, systematically destroying healthcare and education systems in Gaza, and directly targeting women and children.

However, responsibility for the atrocities being committed in Gaza extends far beyond Israel. It is shared by many international actors—including the [various states](#) that continue to produce and provide the weapons that enable Israel’s atrocities. Therefore, it is essential to engage these actors on their human rights responsibilities as well.

Other international human rights bodies and experts have also affirmed the responsibilities of states to suspend arms exports to Israel:

- In a [statement](#) of 23 February 2024, a group of UN Special Rapporteurs and working groups warned that “any transfer of weapons or ammunition to Israel that would be used in Gaza is likely to violate international humanitarian law and must cease immediately.” In noting that “Israel has repeatedly failed to comply with international law,” they specifically called out Canada for not ceasing military exports to Israel.
- In April 2024, the Human Rights Council adopted a [resolution](#) calling on States “to cease the sale, transfer and diversion of arms, munitions and other military equipment to Israel,” due to concerns of human rights violations in Gaza.
- In October 2024, the Committee on the Elimination of Discrimination Against Women (CEDAW Committee) expressed concern about the role of Canadian military exports

to Israel in facilitating violations of women’s rights in Gaza and urged it to do more to ensure its military exports do not facilitate violations of women’s rights.

- In March 2025, the Committee on the Rights of Persons with Disabilities (CRPD Committee) [condemned loopholes](#) in Canada’s arms export regime that allow military parts and components to be exported to the United States—where they are integrated into weapons systems and re-exported to other countries, such as Israel.
- More recently, in May 2025, the Committee on the Elimination of Racial Discrimination (CERD Committee) [expressed](#) concern about “significant gaps in Canada’s legal framework” that allow for the indirect export of Canadian arms to Israel via the US, which are used to facilitate violations of international human rights and international humanitarian law.

As such, the authors submit that, in exporting violence through its arms sales and transfers, Canada is in serious breach of its obligations under the ICCPR, including Articles 1, 6, 26, 12, and 9, and recommend that it take urgent measures to comply with the fundamental rights enshrined in the Covenant.

## II. KEY HISTORICAL CONTEXT

While the focus of this report is on the war in Gaza since October 7, 2023, violations of the international human rights of Palestinians must be contextualized and understood in relation to a long history of prior systematic human rights violations and denial of self-determination, occupation, and control by Israel on the territory. Israel’s violations of international law with respect to Palestine predate the current assault, [tracing](#) its roots back as far as the 1948 Nakba—the mass displacement and dispossession of Palestinians during the establishment of an Israeli state, involving the settlement and annexation of the Palestinian territory. Despite formal withdrawal of its military presence in Gaza in 2005, the International Court of Justice (ICJ) has [noted](#) that “Israel remained capable of exercising, and continued to exercise, certain key elements of authority over the Gaza Strip, including control of the land, sea and air borders, restrictions on movement of people and goods, collection of import and export taxes, and military control over the buffer zone.” The Court further observed that this exercise of significant control “is even more so since October 7, 2023.”

Further, long before October 7, 2023, many human rights organizations and experts continuously raised serious concerns about the human rights situation in the Gaza Strip. Human Rights Watch (HRW) [reported](#) that the 15-year lockdown of the territory beginning in 2007

effectively created “an open-air prison” for more than 2 million Palestinians. HRW reported that border closures prevented the free movement of the population and severely restricted their access to goods, resulting in the violations of various guaranteed rights and freedoms. Israel’s military attacks on Gaza and the killings of civilians are also not new, with multiple assaults occurring since Israel’s military withdrawal in 2005, [including](#) a 22-day military offensive in 2008.

Thus, the violations alleged in this report must be considered against the backdrop of longstanding violations of civil and political rights in Gaza over multiple decades.

### III. ICCPR VIOLATIONS IN GAZA

With respect to occupied territory, both the UN and regional treaty bodies have taken the [position](#) that the occupying state is obligated to observe its human rights obligations extraterritorially with respect to persons or territory over which it has effective control. The Committee has applied this principle to obligations under the ICCPR and, in the case of the Occupied Palestinian Territories (OPT), has [found](#) that Israel is responsible for all conduct by its authorities and agents in those territories that affects the enjoyment of rights under the Covenant.

That said, third-party states such as Canada have obligations under the Covenant with respect to the situation in Gaza as well, as “[every State Party has a legal interest in the performance of every other State Party of its obligations.](#)”

#### *A. Violations of the Right to Self-Determination (Article 1)*

The right to self-determination, contained in Article 1(3) of the Covenant, [imposes](#) a positive obligation on States Parties to practically realize and respect the rights of peoples to self-determination. This Committee has previously [called](#) on Israel to recognize the self-determination of Palestinians in the OPT. This obligation, however, does not end with Israel, and is instead an obligation that all States Parties must uphold, including Canada.

Canada [recognized](#) the State of Palestine on September 21, 2025. This positive step in affirming Palestinian self-determination is not solely political or symbolic; it also carries with it fundamental legal consequences and responsibilities that must be respected. By expressly recognizing Palestinian statehood, Canada legally accepts the rights and duties determined for Palestine by international law. As articulated in an October 2025 [Report](#) of the Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967,

this responsibility includes respecting the principles of non-interference, territorial integrity, political independence, and self-defense.

Canada also [recognized](#) the right to self-determination of the Palestinian peoples, in line with Article 1 of the Covenant. While this recognition of the right to self-determination fulfils part of Canada's obligation, Article 1(3) requires that States Parties "[promote the realization of the right](#)." As articulated in *General Comment No.12*, the promotion of realizing the right to self-determination includes taking positive action and practical steps to "[facilitate realization of and respect for the right of peoples to self-determination](#)."

As such, Canada has a legal responsibility to halt intervention in the internal or external affairs of Palestine, as well as refrain from actions that adversely affect the Palestinian right to self-determination. This necessarily includes taking practical measures to support the end of an Israeli occupation in Palestine, including the export of arms used to violate, suppress, and abuse the right to self-determination.

#### ***B. Violations of the Right to Life (Article 6)***

The right to life is "the supreme right from which no derogation is permitted," and a person cannot be arbitrarily deprived of their right to life "[even in situations of armed conflict](#)." In particular, the Human Rights Committee notes in *General Comment 36* that:

"Practices inconsistent with international humanitarian law, entailing a risk to the lives of civilians and other persons protected by international humanitarian law, including the targeting of civilians, civilian objects and objects indispensable to the survival of the civilian population, indiscriminate attacks, failure to apply the principles of precaution and proportionality, and the use of human shields would also violate article 6 of the Covenant."

Further, "[States parties must take appropriate measures to protect individuals against deprivation of life by other States](#)." This [includes](#) exercising due diligence to protect the life of persons from violations by persons or entities whose conduct is not attributable to the State. This applies particularly to "States parties engaged in the deployment, use, sale or purchase of existing weapons," as they "[must always consider their impact on the right to life](#)." Providing arms to Israel—despite [calls](#) by the UN Human Rights Council (HRC), and multiple [UN Special Procedures](#) to end arms transfers—significantly risks violating the right to life of persons living in Gaza.

As is further explained below, Canada violates the right to life under Article 6 by continuing to supply Israel, directly and indirectly, with weapons that amplify the indiscriminate killing of civilians, limit access to food and healthcare, and aid in the destruction of infrastructure.

a) The Disproportionate and Indiscriminate Killing of Civilians in Gaza

As of January 14, 2026, the [reported](#) number of Palestinians in Gaza killed since October 07, 2023, reached 71,439 people, at least 20,179 of whom are children. In May 2025, of the 59,000 violence-related reported deaths, an [estimated 83%](#) were civilians. While these figures are limited to confirmed reported killings, a [study](#) published in The Lancet in July 2024 estimated that the number of deaths could have reached as high as 186,000 at that time. This [estimate](#) considered not only direct fatalities, but also deaths resulting from the compounded effects of the war, disease, the destruction of health-care infrastructure, and the severe shortage of food. Since October 2023, an [additional](#) 171,324 people have been wounded. One quarter of these cases are considered “[life-changing injuries](#).” The number of injuries continues to rise, with 13,500 injuries [reported](#) in July 2025 alone.

These attacks against Palestinian civilians have been described by healthcare workers as indiscriminate, particularly against children. One doctor interviewed by the Global Human Rights Clinic at the University of Chicago Law School (GHRC) reported about “four children that came in with gunshot wounds [...] one who was fifteen-years-old with a gunshot to the head,” an eight-year-old, and another twelve-year-old, all reportedly targeted by high velocity munitions.<sup>1</sup> During a three-week period, the same doctor documented fifteen cases of children who were shot in the head or neck, a fraction of the total cases involving children that she encountered.<sup>2</sup>

As [concluded](#) by the Office of the High Commissioner of Human Rights, Israel’s use of Canadian-supplied munitions has “systematically violated the principles of distinction, proportionality, and precautions in attack—fundamental principles of international humanitarian law on the conduct of hostilities.” And, [citing](#) Israel’s use of unguided weapons and high-impact munitions that produce excessive civilian deaths, the Commission of Inquiry concluded that Israel has “[intentionally killed Palestinian civilians in Gaza](#).”

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<sup>1</sup> University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza.

<sup>2</sup> University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza.

## b) Limits on Access to Food and Healthcare

Canadian-supplied arms are also [likely](#) to be used by Israel to maintain conditions that make it difficult to survive in Gaza, in violation of the right to life. Currently, “[more than half a million people in Gaza are trapped in famine, marked by widespread starvation, destitution and preventable deaths](#),” with UNICEF [approximating](#) that 640,000 civilians in Gaza are facing catastrophic levels of food insecurity. These conditions are [classified](#) by the Integrated Security Phase Classification as phase 5—the most severe designation of food insecurity. In [August 2025](#) alone, at least 185 persons died of malnutrition. This [famine](#) is man-made: Israel has destroyed Gaza’s domestic food systems, limited imports, and displaced populations away from available food sources and production systems.

Furthermore, aid sites have been used to exacerbate the killing of Palestinians. The Gaza Humanitarian Foundation (GHF), set up to replace UN aid distribution systems, is [accused](#) of the deaths of 1,400 people and the injury of 4,000 others. On July 19, 2025, one doctor cataloged a mass casualty where over 100 patients came into the emergency room with gunshot wounds after attempting to collect food and aid from GHF. Another round of mass casualties came in later that day, similarly, all with gunshot wounds, and after attempting to receive aid from GHF. On August 13, 2025, the doctor reported another mass casualty incident related to food distribution, where he treated over twenty patients in one day. Seventeen of the patients he treated suffered from gunshot wounds, five of whom were dead on arrival.<sup>3</sup>

Israel’s attacks on civilian infrastructure and Palestinians attempting to access aid, with the assistance of arms exports from Canada, are in direct [violation](#) of Article 6’s obligation to refrain from the destruction of “[civilian objects and objects indispensable to the survival of the civilian population](#).” Over 80% of the infrastructure in certain areas has been [destroyed](#), with several [reported](#) drone strikes on residential blocks. Between 18 March and 9 April 2025, there were 224 Israeli strikes on residential areas. For 36 of those strikes, the only fatalities [recorded](#) were women and children. Reports have shown that Israeli forces “[extensively and systematically](#)” destroyed homes and civilian infrastructure “[indispensable for \[...\] survival](#).”

### ***C. Violations of the Right to Equality (Article 26)***

The right to equality is one that is significant to many international human rights treaties and the international human rights system as a whole. The Covenant upholds the right to equality

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<sup>3</sup> University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza.

in [Articles](#) 2, 3, and 26, which, among other things, guarantees equality with respect to race, religion, national origin, and sex. There is no requirement to show a discriminatory intent under international human rights [law](#); what matters is whether one has been discriminated against in effect.

States have an [obligation](#) to both respect the right to equality, which requires refraining from discriminatory action and ensuring that laws comply with this principle, and to protect the right to equality, which [requires](#) that states positively act to prevent discrimination by non-state actors. States also have an obligation to promote, guarantee, and secure equality through taking “[proactive steps to eliminate structural patterns of disadvantage and to further social inclusion](#)”.

#### a) Race and National Origin

Palestinians [are](#) a distinct national, ethnic, racial, or religious group who have been subject to severe discrimination in violation of Articles 2 and 26 of the Covenant. This has been confirmed by the International Court of Justice, which [found](#) that Israel responsible for apartheid through measures that physically and legally discriminate against Palestinians under its jurisdiction, and by the Commission of Inquiry, which [found](#) that Israel has committed genocide against Palestinians in the Gaza Strip with the specific intent to destroy the Palestinian group in Gaza. Israel has perpetuated this discrimination through practices of killings, arbitrary detentions, torture of detainees, imposition of conditions inimical to human life, and the prevention of births evidenced by Israel’s attacks on reproductive facilities, which the Commission of Inquiry [found](#) demonstrated Israel’s intent to impose measures that would fundamentally alter families and prevent births within the Palestinian population.

This Committee, the CERD Committee, and the Committee on Economic, Social, and Cultural Rights (ESCR Committee) have continuously [recognized](#) Israel’s failure to ensure equal treatment of non-Jewish people within its territory and under its jurisdiction, even before the start of the war in Gaza. However, the war in Gaza has only exacerbated this inequality of treatment towards the Palestinian people.

While not the focus of this report, Canada has contributed to the discrimination against Palestinian peoples not only through the supply of arms to Israel, but also through the suppression of Palestinian protestors and human rights defenders advocating for the rights of Palestinians in its own territory. Irene Khan, the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion, noted in a [report](#) to the United Nations General Assembly that Canada was amongst many countries arbitrarily detaining and

using excessive force by the police against pro-Palestinian demonstrators. The British Columbia Civil Liberties Association filed [complaints](#) against the Vancouver Police Department in response to the use of excessive force against pro-Palestinian demonstrators through military-grade pepper spray, standing on the backs of handcuffed individuals, and strangling. Canadian civil society organizations have also [called on](#) Canada to end discriminatory practices such as criminalization, professional discipline, and censure against academics and demonstrators who support Palestine, which an open letter signed by over 650 lawyers, law students, and professors across Canada warned was contributing to a "[chilling effect](#)" on freedom of expression.

b) Other Grounds of Inequality and Discrimination—Women, Children, Persons with Disabilities

While discrimination against Palestinians on the basis of race and nationality is a defining feature of the war in Gaza, its effects are inherently intersectional, producing particularly severe and disproportionate harms for women, children, and persons with disabilities.

i) *Women*

The unique needs and circumstances of women and girls are resulting in serious gendered harms and rights violations. More than 700,000 menstruating women and adolescent girls in Gaza are [suffering](#) from insufficient access to feminine hygiene products and inadequate sanitation facilities, including the necessary privacy to maintain their personal dignity. Women in Gaza have [reported](#) using unhygienic cloth, rags, and mattress scraps to manage their periods. The lack of adequate facilities has also impacted pregnant women. Humanitarian organization CARE reported that women in Gaza had experienced "[a 300% increase in miscarriage due to the lack of neonatal and maternal health care in the region.](#)" Health workers have also [reported](#) an increase in premature births and excessive bleeding during pregnancies.

Sexual and gender-based violence has increased since the beginning of the conflict, with ongoing [reports](#) of sexual assault and violence against Palestinian women and girls by Israeli forces. Those held in detention are especially at risk, with [reports](#) of rape, strip searches conducted by male soldiers, and repeated threats of sexual violence. Israeli soldiers have [taken](#) degrading photos of female Palestinian detainees and posted them on social media. Given the cultural and religious norms within Palestinian communities, these experiences are especially harmful to the women and their families, which increases the likelihood that instances of sexual violence go unreported.

### *ii) Children*

The conflict in Gaza has disproportionately impacted children, with severe consequences for their lives and health. The approximate [number](#) of children killed during the hostilities has surpassed 20,000, with at least 1,009 of these children being under the age of one. The Commission of Inquiry [found](#) evidence that Israel was directly targeting children, given the number of reports of head and chest gunshot wounds, likely only possible through intentional targeting. Further, the Commission [concluded](#) that the direct targeting of children by Israeli forces provided evidence of Israel's genocidal intent to destroy the future existence of the Palestinian people. As of April 2024, the war had left [an estimated](#) 19,000 children orphaned, with an additional 17,000 unaccompanied. Children fleeing crisis, especially those who are unaccompanied, are at heightened [risk](#) of exploitation, including child labor, abuse, and trafficking.

The health crisis in Gaza is also severe, with famine [affecting](#) thousands of children and health concerns, such as diarrhea, impetigo, and even polio, spreading rapidly due to deteriorated living conditions and restricted humanitarian aid. Cases of non-bloody diarrhea among children under five years old have risen 33-fold, while for children aged five and older, cases have increased 98-fold compared to 2022. Bloody diarrhea has surged 22-fold, pediculosis cases have grown eightfold, and impetigo cases have quadrupled compared to the same period in 2022.

### *iii) Persons with Disabilities*

Palestinians with disabilities have also been disproportionately impacted by Israel's military activities in Gaza. Palestinians with disabilities in Gaza often face unique challenges when attempting to flee attacks or respond to evacuation orders, placing them at heightened [risk](#) of being left behind or subjected to attacks. These [challenges](#) are particularly acute for individuals who have been separated from their primary caregivers, lack access to assistive devices, or have not received adequate and accessible warnings or evacuation support. Israel's destruction of Gaza's medical infrastructure has also severely diminished the ability of persons with both new and existing disabilities to access necessary treatment and services. In February 2025, over 70 organizations [asked](#) the CRPD Committee to review the impacts of Canadian arms exports on the rights of Palestinians with disabilities.

#### *D. Violations of the Right to Movement (Article 12)*

Israel's widespread displacement campaign in Gaza, enabled by Canada's arms transfers, breaches Article 12 of the Covenant by unlawfully restricting the freedom of movement of Palestinians, by forcing repeated mass relocation, and cannot be justified under the limited exceptions permitted by the Covenant.

Article 12 of the Covenant [guarantees every](#) person lawfully within a State's territory the right to move freely and choose their residence without discrimination of any kind. A State [must not](#) forcibly displace individuals or compel them to relocate. Any restrictions on the right to movement [must use](#) the least intrusive means, [be proportionate](#), be necessary, and be consistent with other rights in the [Covenant](#). This is not the case with respect to Israel's military campaign in Gaza.

From October 2023 to June 2025, the Israeli [military displaced](#) 90% of Gaza's population, more than 1.9 million people. [This displacement](#) is recurring, with Palestinians being forced to relocate an average of 3–10 times since October 2023, as evacuation zones continue to shift.

One doctor interviewed by the GHRC recounted that many civilians she met were uprooted nearly once per week repeatedly for five or six weeks in a row, with some enduring displacement up to twelve times since October of 2023.<sup>4</sup> She noted that, "everyone is living in tents... the entire population has been displaced." The Commission of Inquiry [found](#) that the mass displacement of Palestinian people in Gaza amounted to war crimes related to cruel and inhumane treatment.

In [many cases](#), Israeli attacks began either before civilians received evacuation orders or just hours afterwards, denying Palestinians a meaningful opportunity to flee. Sick, disabled, and elderly people faced a [high](#) risk of abandonment because they did not receive evacuation orders in an accessible way or simply could not physically [evacuate](#) in time. A disability rights activist with a visual impairment was killed in his home because he "[did not receive evacuation information in a timely or accessible format](#)." Additionally, evacuation orders [often threatened](#) to label anyone who remained in evacuation zones as terrorist accomplices, even though many sick, disabled, and elderly people simply could [not leave](#).

Israel's forced displacement of Palestinians in Gaza cannot be justified under any of the Article 12(3) exceptions. Israel [maintains](#) that displacement and movement restrictions are necessary

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<sup>4</sup> University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza.

military measures against Hamas. Officials [claim](#) evacuation directives intend to move civilians away from combat zones, framing them as proportionate responses. Under international humanitarian law (IHL), which applies in conflict and where relevant, is used as the *lex specialis* for interpretation, [Geneva Convention IV](#) and [customary IHL](#) prohibit individual or mass forcible transfers except where required for the security of the civilian population or for imperative military reasons. Even then, evacuations [must be](#) temporary and in satisfactory conditions of hygiene, health, safety, and family unity. [Civilians who](#) remain in place or decline to follow evacuation orders during armed conflict retain their protected civilian status.

In practice, Israel's systematic mass displacement operation, enforced using arms supplied by Canada, [fails both](#) the IHL criteria and Covenant standards for necessity, proportionality, and minimal intrusiveness. Israel's displacement orders repeatedly [contained](#) errors and did not give people enough time to reasonably flee.<sup>5</sup> The orders were often issued via text and [social media](#), despite Israel's active [destruction](#) of Gaza's telecommunication [network](#). Israel even released some evacuation orders only in English, [despite](#) many of Gaza's population speaking Arabic. According to HRW's [analysis](#) of 184 Israeli military evacuation orders and many satellite images, Israeli forces often designated specific routes or areas as "safe zones" for evacuation, only to later strike those very locations. Israel's designated safe zones also lacked basic human necessities, such as [food, running water, bathrooms, and shelter](#).

These facts undermine Israel's claims of civilian protection and demonstrate that these displacements are indiscriminate and punitive, rather than narrowly tailored to legitimate security aims, as [required](#) under international law.

#### ***E. Right to Be Free from Arbitrary Arrest and Detention (Article 9)***

Israel's use of security detention, particularly against children, civilians, and those exercising protected rights, constitutes a violation of Article 9 of the Covenant, which is facilitated in part by Canadian weapon exports.

Article 9 of the [Covenant](#) protects individuals from arbitrary arrest and detention, guarantees the right to challenge the lawfulness of deprivation of liberty, and affirms the fundamental right

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<sup>5</sup> Human Rights Watch, "Hopeless Starving, and Besieged" (2024) ("Aside from the twenty-four-hour period provided to the UN on October 12, the longest time window identified by Human Rights Watch was given overnight on November 5, with 10 hours 25 minutes, and the shortest time window was 2 hours and 53 minutes, issued after the evacuation window had already begun on November 13. Of the 47 evacuation orders analyzed, 26 orders were posted online after the evacuation window had already begun.").

of liberty and security of a person. Detention [must be](#) reasonable, necessary, and proportionate in all circumstances. Security detention, often referred to as administrative detention, [refers to detaining](#) a person without a criminal charge on the premise that they may commit an offense in the future. Security detention is permissible [only in](#) the most exceptional cases, where strictly necessary to prevent a concrete and imminent threat, is limited in duration, and subject to effective judicial control. The State bears the [burden](#) of proving individualized necessity and secrecy of evidence. Incommunicado detention inherently [renders](#) detention arbitrary. Detention for the [legitimate exercise](#) of rights such as freedom of expression, association, or assembly is arbitrary per se.

Following October 7, 2023, Israel conducted mass administrative arrests and enforced disappearances using capabilities bolstered by arms supplied by Canada. This widespread use of administrative detention, particularly against children, reflects a systemic pattern of arbitrary deprivation of liberty in violation of Article 9. As of June 2025, the Israeli Prison Service (“IPS”) held 10,550 detainees and prisoners on “[security grounds](#),” a broad category under IPS Ordinance 04.05.00 that encompasses any offense alleged to have a connection to state security, which is almost [exclusively applied](#) to Palestinians. These detainees are held without charge or trial and often based on undisclosed “[secret evidence](#),” preventing detainees or their counsel from knowing or contesting the grounds for detention, [in direct violation](#) of Article 9(2)–(4) of the Covenant and the right to judicial review. At the end of September 2025, at least 350 Palestinian children were [detained](#) in Israeli prisons under administrative detention without charge or trial. This use of administrative detention against children, absent individualized necessity and judicial safeguards, fails the necessity and proportionality obligations of [Article 9](#), constituting arbitrary detention. Furthermore, many Palestinians were [detained](#) and interrogated *en masse* without legal representation for screening purposes and intelligence collection about hostages and tunnel locations. Several former detainees [said](#) they were held for remaining in areas under IDF evacuation orders.

Most detainees in Gaza are [denied](#) access to their families, effective legal representation, and judicial protection, while their relatives receive no information about their status or whereabouts. Palestinian women and children [report](#) that the IDF seized their husbands, fathers, and siblings from various parts of Gaza, leaving them with no information on their fate for weeks, months, or even longer. Contrary to international law, Israeli courts [held](#) that authorities are not required to disclose such information, a position that leaves no practical remedy to Palestinians in Gaza who do not even know if their loved ones are alive.

Israel, in violation of Article 9, relies on arrest and detention as tools to silence protected civic activity. Two healthcare workers interviewed by GHRC shared stories from Gazan colleagues about Al-Shifa Hospital staff members who were detained simply for being healthcare workers.<sup>6</sup> These scrub technicians, nurses, and physicians were tortured, beaten, and cut off from their families, including one nurse who was tortured for 53 days before being released.<sup>7</sup> [Journalists](#), doctors and medical [personnel](#), [humanitarian workers](#), and human rights [defenders](#) legally present in Israel continue to be arrested and detained as punishment for the legitimate exercise of their rights to freedom of opinion, expression, assembly, association, and privacy.

Israel's use of the [Incarceration of Unlawful Combatants Law](#) as a basis for mass preventative detention operates outside the limits of lawful security detention under Article 9. Israel maintains that the Law [authorizes](#) the detention of individuals from Gaza to prevent security threats, arguing that such detention is preventative rather than punitive. However, such domestic laws are only permissible under the [Covenant](#) if their execution results in detention that is not arbitrary, which is not the case with respect to Israel's detention practices. Detention is imposed broadly and [indefinitely](#), without individualized necessity or imminent [threat](#). Proceedings rely on secret or undisclosed material [inaccessible to](#) detainees or counsel, and judicial [review is perfunctory](#), based on ex parte security assessments.

Through its ongoing provision of arms, Canada is complicit in Israel's use of security detention against thousands of Palestinians, including civilians, humanitarian workers, medical staff, and children, converting what should be a narrowly tailored preventative measure into a system of arbitrary, punitive detention in violation of [Article 9](#).

#### IV. CANADA'S FAILURE TO COMPLY WITH THE COVENANT

##### *A. Canada's Arms Exports to Israel*

In Canada, military exports are governed by a permit-based regime. Generally, Canadian exporters are [required](#) to apply for and obtain a permit from the government to export arms.

##### a) Direct Military Exports to Israel

In the months following October 7, 2023, as Israeli atrocities in Gaza escalated dramatically, so too did Canada's military support to Israel through arms exports. In the three months

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<sup>6</sup> University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (UC 0018, 0001).

<sup>7</sup> *Ibid.*

between October and December 2023 alone, the Canadian government [authorized](#) new permits totaling at least C\$28.5 million (US\$20.8 million) of military exports to Israel. In contrast, the total value of such permits issued in all of the [previous year](#) amounted to just over C\$21 million (US\$15.3 million).

Later, in March 2024, the Canadian government announced that it had stopped issuing new permits for arms exports to Israel since January 8, 2024. Canada was still maintaining this assertion a year later in March 2025, when it told the CRPD Committee during Canada's review that it had "suspended new permits for military items destined to Israel to allow for further review."<sup>8</sup> This assertion was later revealed to be false; documents obtained by the media [showed](#) that just the previous month, in February 2025, Canada issued two new permits for military exports to Israel worth a combined total of C\$37.2 million (US\$26.4 million). Canada later revealed that these permits relate to items for Israel's '[Iron Dome](#)' missile system, which defends both civilian and military targets inside Israel, and generally acts as a shield for its attacks on Gaza. It is unknown if there are any other new permits for military exports to Israel that have been issued since January 8, 2024.

Further, existing permits that had already been issued before January 8, 2024, have largely [remained](#) in effect. In September 2024, the Minister of Foreign Affairs announced that Canada suspended about 30 existing permits for weapons exports to Israel—but this represented only a fraction of existing active permits (approximately 200), and the government [gave no](#) information about what permits were allowed to remain active and why. It also chose to suspend the 30 permits rather than cancel them, which means they can be reactivated at any time, and without any notice to the public.

Actual shipping data confirms that arms exports from Canada to Israel continue, regardless of how they are being authorized. Researchers analyzing publicly available data from shipping documents and tax records [identified](#) hundreds of shipments of military-related equipment from Canada to Israel between October 2023 and July 2025.

#### b) The 'US Loophole' and Indirect Arms Exports to Israel

While these direct exports to Israel are a serious cause for concern, Canada's indirect military exports to Israel pose a potentially far greater problem. This is because a massive loophole in Canada's military exports regime allows permit-free movement of almost all military items to

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<sup>8</sup> UN Web TV, [769th Meeting, 32nd Session, CRPD](#) (11 March 2025), *See statement of Deputy Permanent Representative Patricia McCullagh at around 35:15.*

the United States, which is Israel's largest arms supplier. This means that military exports that would otherwise be denied a permit for export directly to Israel can simply be exported to a buyer in the US and then re-exported onward to Israel from there. There is mounting evidence that a substantial volume of Canadian military exports has, in fact, followed this route to Israel throughout the most recent war in Gaza, a problem that Canada has done nothing to address.

Pursuant to diplomatic agreements, Canada has implemented [special regulations](#) that exempt most military exports to the US from requiring individual permits as they otherwise would. The US [receives](#) nearly half of all Canadian military exports and [supplies approximately](#) 70% of Israel's total arms imports.

Further, Canada has no legal mechanism enabling it to control or restrict the re-export of Canadian military exports onward from the United States to third countries like Israel. In contrast, any reexport of permit-free US military exports to Canada onward to a third country [requires](#) prior approval of the US Directorate of Defense Trade Controls. Canada does not impose similar reexport controls reciprocally.

Although there is scant publicly available information on Canadian arms exports to Israel routed through the US, they are likely far more significant than direct exports. For instance, in just [one transaction](#) announced on August 13, 2024, the Secretary of State approved the sale to Israel of over 50,000 120mm high-explosive mortar cartridges worth US\$61.1 million, to be purchased from a Canadian manufacturer. The Israeli military has deployed 120mm mortars during its operations in Gaza since 2009, including during the most [recent war](#).

According to [media reports](#), the Canadian government reacted to this announcement by writing a letter to the Canadian manufacturer, to "request" that it "temporarily refrain" from exporting the items. However, there is no indication that it made any move to affirmatively block the transaction.

Canada does review some military exports to the US for approval. Even in these instances, it continues to allow military exports to the US that are ultimately destined for Israel. For example, all [major military sales](#) to the US Department of Defense go through the Canadian Commercial Corporation (CCC), a government agency. The CCC [purports](#) to explicitly incorporate human rights commitments into all its operations. Nevertheless, in March 2025, the CCC [approved a sale](#) of 155mm artillery shells to the US intended for onward reexport to Israel, despite [identifying](#) incidents and allegations of Israeli abuses with this type of munition.

Canada is also an integral part of the US military industry's supply chain and provides many key parts and components for US-made weapons. There is evidence that Canadian-made parts and components have gone into some of the key US-supplied military equipment used by Israel to commit atrocities in Gaza. For instance:

- The [F-35 Joint Strike Fighter](#) is a multirole fighter aircraft that Israeli forces have used in the ongoing bombardment of Gaza. An April 2018 study commissioned by manufacturer Lockheed Martin stated that "[there is \\$2.3 million USD \[approximately C\\$3.2 million\] worth of Canadian components on every F-35 jet manufactured.](#)" In January 2023, the Canadian Minister of National Defense [confirmed](#) that every F-35 contains Canadian components. In June 2024, Israel announced an order for 25 more F-35s in a deal valued at US\$3 billion.

Parts and components are important not only in building new aircraft but also in maintaining current ones, which represent roughly [70% of the total cost](#) of an aircraft. Military expert Josh Paul notes that "modern fighter jets rely on immense amounts of continuous maintenance," estimating that for every one hour of flying, a fighter jet requires three hours of maintenance. "[If you cut off the supply of spare parts, particularly on something like the F-35s, which relies on a global just-in-time delivery chain, it would very quickly become unflyable.](#)" The F-35 Program's head of logistics and sustainment, Major General Donald Carpenter, [confirmed](#) in April 2024 that Israel's fleet was being supported by shipments of replacement parts from partner nations.

- Canadian companies also [provide](#) aerospace parts for Boeing's F-15 fighter, which Israel has used to [bombard Gaza](#). Canadian companies [provide various components](#) for its manufacture. In April 2024, the [US approved](#) the sale of 50 F-15s to Israel for more than \$18 billion USD.
- Boeing also manufactures the AH-64 Apache attack helicopter, which [Israel has used](#) in its air assault on Gaza. Canadian companies [provide](#) various parts for the aircraft. Israel has requested 12 new AH-64 Apaches from the US, a request that has reportedly been "[advanced and given priority.](#)"

Tracking data appears to confirm that significant quantities of arms have moved from Canada to Israel through the US during the most recent war. A recent report tracked 34 shipments from Canadian suppliers to US F-35 manufacturer Lockheed Martin between April 2024 and August 2025, each with corresponding shipments with identical or similar shipping labels going from

Lockheed Martin to Israel just days later. The [report](#) further tracked 433 shipments of explosives moving through Canada from the Polish state-owned giant Nitro-Chem to US Army Ammunition Plants. Nitro-Chem's TNT shipments to the US have been [linked](#) to US-made munitions used by Israel in Gaza.

### c) Canada's Shifting Position

There is a great deal that is still unknown about precisely what Canadian military exports have been going to Israel since the most recent war started. Canada's policy and practices regarding military exports to Israel remain shrouded in secrecy, further obfuscated by government statements that are frequently contradictory, confusing, misleading, and occasionally downright false.

For example, in December 2023, Canada [stated](#) that it had not issued any military export permits to Israel since 7 October 2023. As noted above, the reality was that military export permits were being issued at accelerating rates. When this came out, the government shifted to [asserting](#) that only "non-lethal" military exports were being approved—even though this has no legal significance under either Canadian or international law, as non-lethal military items can still facilitate lethal acts. In March 2024, Canada announced that it had ceased issuing new arms export permits to Israel since January 8, 2024. It maintained this assertion for a while, even as at least two new permits were issued in February 2025. When information of the new permits came out, the government then shifted to claiming that permits were not being issued for items that "[could be used in the current conflict in Gaza](#)"—without specifying whether such items could instead be used outside of Gaza to facilitate the commission of international human rights violations inside Gaza—to say nothing of the escalating state violence in the West Bank or the military strikes against Lebanon and Iran.

Canada has shown the same evasiveness to UN treaty bodies as it has to the public. In Canada's October 2024 review by the CEDAW Committee, the Committee pressed Canada specifically on the issue of indirect military exports to Israel. Noting that Canada "engages in the indirect flow of military exports to Israel through the USA," the Committee asked what steps Canada was taking "to ensure that arms sold to the US or other countries are not transferred to Israel and used in the violation of the rights of women and girls in Gaza."<sup>9</sup> Canada responded evasively by stating that all export permit applications are reviewed under human rights

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<sup>9</sup> UN Web TV, [2103rd Meeting, 89th Session, CEDAW](#) (16 October 2024). See *Marion Bethel at around 1:11:51*.

standards, even if they are to the US. It did not mention the fact that most military exports from Canada to the US do not require an export permit application in the first place.<sup>10</sup>

The evasive answers continued in Canada’s March 2025 review by the CRPD Committee. Aside from falsely stating that Canada had suspended new arms export permits to Israel, Canada also replied to a query about indirect arms exports to Israel through the US by stating that “goods exported from Canada transiting through the United States to a third country—so we’re talking about transit or transshipment here—require a Canadian export permit for the third country.”<sup>11</sup> However, mere transit or transshipment through the US is different from goods being exported to the US and then reexported from the US to a third country, such as Israel—often as a component of a larger weapons system. Committee members expressed frustration with Canada’s evasiveness. “Your answer appears a little deceptive [Spanish: ‘tramposa’],” remarked one Committee member.<sup>12</sup> “There seems to be one major loophole in your answer,” echoed another.<sup>13</sup>

### ***B. Canada’s Extraterritorial Obligations under the ICCPR***

The ICJ has consistently [held](#) that Israel has extraterritorial obligations to uphold the Covenant in Gaza, due to its legal status as an occupying power. This extraterritorial application of the Covenant is clearly articulated in the Committee’s [General Comment No. 31](#), and has also been endorsed in leading jurisprudence, including [Al-Skeini v the United Kingdom](#).

Canada, as a State Party to the Covenant, also has extraterritorial obligations where its conduct contributes to human rights violations abroad. Significant [academic commentary](#) points to the need for states to be held accountable for extraterritorial complicity of human rights violations, and as an enabler of Israel’s systematic attacks on civilians in Gaza through continued arms exports, Canada has played an implicit role in facilitating catastrophic human rights violations beyond its state borders.

In *Munaf v Romania*, this Committee held that states may be held responsible for violations of the Covenant beyond their borders “if they are a link in the causal chain” that enables these

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<sup>10</sup> A transcript of the relevant portions of the dialogue from the CEDAW Committee session is attached as Appendix B.

<sup>11</sup> UN Web TV, [769th Meeting, 32nd Session, CRPD](#) (11 March 2025), See Patricia McCullagh at around 57:20.

<sup>12</sup> UN Web TV, [769th Meeting, 32nd Session, CRPD](#) (11 March 2025), See Amalia Gamio at around 51:30. Translated as “I wasn’t convinced by the answer you gave.”

<sup>13</sup> UN Web TV, [769th Meeting, 32nd Session, CRPD](#) (11 March 2025), See Markus Schefer at around 47:49. A transcript of the relevant portions of the dialogue from the CRPD Committee’s session is attached as Appendix C.

violations, and when the risk of violations is a “[necessary and foreseeable](#)” result of their conduct. Violations must also be judged by the knowledge the State Party had at the time. Canada had extensive knowledge through media coverage, repeated warnings by the UN, and humanitarian reports that arms were being used to facilitate a genocide in Gaza. Despite this knowledge, Canada continued to export arms—both directly and indirectly—acting as a causal link to enable foreseeable deprivations of civil and political rights in Gaza.

Canada’s extraterritorial obligations with respect to arms exports have also been reiterated by the UN Human Rights Council, including in their 2025 report, which stated that “states must take a variety of legal, institutional, and practical measures to effectively govern arms transfers and activities related to them,” and drew attention to complicity norms in [relation](#) to the Covenant, whereby states have [responsibilities](#) as accessories to the commission of a violation by a third state or non-state actor.

Canada’s conduct also raises serious concerns regarding its obligation to prevent genocide under the *Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention)* and customary international law. As a *jus cogens* norm and *erga omnes* obligation, the duty to prevent genocide arises when a state knows of, or should have known of, the existence of a serious risk of genocide. In *Bosnia and Herzegovina v. Serbia and Montenegro*, the ICJ held that possession of “information, voicing serious concern” was sufficient to establish knowledge of the risk of genocide, therefore triggering the duty to prevent.

Leading NGOs, genocide scholars, and UN bodies have issued repeated warnings since October 2023 of atrocities in Gaza. These warnings of war crimes quickly became warnings of impending genocide—with civilians in Gaza broadcasting the horrific conditions, targeted attacks, and grievous violations of international human rights law on social media. In an October 2025 Report, Francesca Albanese described the ongoing genocide in Palestine as a “live-streamed atrocity” and “[a collective crime, sustained by the complicity of influential Third States that have enabled longstanding systemic violations of international law by Israel.](#)”

In November 2024, the UN Special Committee to Investigate Israeli Practices Affecting the Human Rights of Palestinian People stated that “Israel’s warfare in Gaza is consistent with the characteristics of genocide,” and urged member states to “[uphold their legal obligations to prevent and stop Israel’s violations of international law and hold it accountable.](#)” This clear risk of genocide triggered a duty by States, including Canada, to prevent it.

Taken together, these alarm bells from various international bodies and civil society reflect the urgent concern that the risk of genocide in Gaza was apparent, urgent, and in plain sight, and that Canada knew, or should have known, of such risks and immediately halted the flow of arms to Israel. Canada has unfortunately failed to do so.

### ***C. The Obligation to Regulate Corporate Conduct***

As this Committee has stated in *Basem Ahmed Issa Yassin et al. v. Canada*, “[there are situations where a State party has an obligation to ensure that rights under the Covenant are not impaired by extraterritorial activities conducted by enterprises under its jurisdiction.](#)” While the extent of these obligations was not determined in the case, the Committee stated that extraterritorial obligations could be extended in circumstances where alleged violations were as serious as those cited in the [case](#), namely restricting freedom of movement (Article 12), subsection to torture (Article 7), or denying minority cultural rights (Article 27).

Other UN treaty bodies have also recognized the obligation of states to regulate corporations to prevent human rights violations. The CRPD Committee has [observed](#) that States have a duty to actively prevent non-state actors and private persons, including businesses, from impeding persons with disabilities’ ability to enjoy and exercise their human rights. The CEDAW Committee has similarly [stated](#) that Canada’s obligations under CEDAW require it to protect women from discrimination by non-state actors, including corporations. The [ESCR](#) Committee and the Committee on the Rights of the Child ([CRC Committee](#)) have also both recognized the responsibility of States to regulate the actions of corporations that may negatively impact human rights in any part of the world.

The Inter-American Commission on Human Rights took a similar approach in its thematic report, [Business and Human Rights: Inter-American Standards](#), explaining that when the State has knowledge of specific facts attributable to some business under its jurisdiction that threatens or violates human rights and the State tolerates or acquiesces to such conduct, this may result in the State’s indirect responsibility for violations of human rights law.

Canada has consistently demonstrated inadequate oversight of its companies' international human rights impacts. Multiple UN monitoring bodies have expressed significant concerns about Canadian corporations' activities abroad and criticized Canada's lack of effective response. These include the [CEDAW Committee](#), the [ESCR Committee](#), [the CERD Committee](#), and the [CRC Committee](#).

For example, in its 2017 concluding observations, the CERD Committee [urged](#) Canada to enhance the accountability mechanisms for corporations operating overseas to prevent human rights violations. Similarly, in its 2016 concluding observations, the ESCR Committee [recommended](#) that Canada adopt a legal framework to hold corporations accountable for violations of economic, social, and cultural rights in their operations abroad.

UN mandate holders have also highlighted Canada's ongoing regulatory deficiencies.<sup>14</sup> As the Special Rapporteur on the Rights of Indigenous Peoples has noted:

“The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate, and the State has extraterritorial obligations to take steps to prevent and redress infringements of these rights committed abroad by business entities over which it exercises control.”<sup>15</sup>

#### ***D. Obligations with Respect to Indirect Military Exports to Israel***

In the case at bar, Canada’s duty to regulate corporate conduct [requires](#) Canada to cease arms transfers to Israel, whether it is direct or indirect. Arms transfers create a clear risk of international law violations, including the prohibition of genocide, which means that States Parties’ obligations under the Covenant and *Genocide Convention* with respect to military exports may apply regardless of whether such exports arrive at their ultimate destination directly or indirectly.

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<sup>14</sup> Mandates of Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on obligations relating to enjoyment of a safe, clean, healthy, sustainable environment, and the Special Rapporteur of the rights of indigenous peoples, [AL CAN 7/2021](#) (November 2021); Mandates of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the right to development; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the right to food; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the rights of indigenous peoples and the Special Rapporteur on the human rights to safe drinking water and sanitation, [AL CAN 5/2020](#), (July 2020); Mandates of the Special Rapporteur on the rights of indigenous peoples; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, [AL CAN 1/2022](#) (June 2022).

<sup>15</sup> Mandates of the Special Rapporteur on the rights of indigenous peoples; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, [AL CAN 1/2022](#) (June 2022).

A number of other UN international human rights bodies have affirmed this. For example, in a statement of 20 June 2024, a group of several UN Special Rapporteurs, Independent Experts, and Working Groups, emphasized that the obligation to cease military exports to Israel extends to [“indirect transfers through intermediary countries that could ultimately be used by Israeli forces, particularly in the ongoing attacks on Gaza.”](#)

Canada recently underwent its periodic reviews under the CEDAW and CRPD in October 2024 and March 2025, respectively, during which both Committees raised concerns regarding the State’s continued direct and indirect transfer of arms to Israel.

In its Concluding Observations, the CEDAW Committee expressed concern over [“direct or indirect arms transfers by the State party or by private companies under its jurisdiction to third countries, including Israel, for use in conflict zones where they may facilitate violations of women’s and girls’ human rights as well as of international humanitarian law, notably in Gaza.”](#) It urged Canada to implement a transparent accountability mechanism to assess such transfers.

More recently, in its March 2025 Concluding Observations on the combined second and third periodic reports of Canada, the CRPD Committee [remained “concerned](#) that despite assurances by [Canada] that its arms exports and control regime policies are compliant with international and humanitarian law, the exemption of certain export permits for items, parts and components shipped to the United States of America to integrate into larger weapons systems, which are then exported to other countries, may facilitate the violation of the rights of persons with disabilities and jeopardize their access to humanitarian assistance.” The Committee [recommended](#) that Canada conduct a comprehensive analysis to identify and cease its “export of items to other countries, including to the United States, for their integration into larger weapons systems, indirect exports or re-exports” used to facilitate or commit grave human rights violations against persons with disabilities.

Similarly, under its early warning and urgent action procedure, the CERD Committee in May 2025 sent a letter to Canada raising concerns about [“significant gaps in Canada’s legal framework”](#) that allow for the indirect export of Canadian arms to Israel via the US. The Committee noted that such indirect arms exports “would amount to breaches of the State party’s obligations under the ICERD,” and [requested](#) that Canada provide a response, including information on measures Canada has adopted to prevent direct or indirect arms transfers to

Israel by Canada or by private companies under Canadian jurisdiction. There is no evidence that Canada has taken any such steps.

Leaked internal [documents](#) suggest that Canada fears that addressing the gaps in its arms exports regime would upset its US counterparts, but this does not excuse its failure to uphold its international human rights obligations. Given the findings of the Commission of Inquiry regarding genocide committed by Israel against Palestinians in Gaza, coupled with substantial evidence of international human rights violations, Canada has obligations as a third state to prevent arms transfers, whether directly or indirectly, to Israel. This military assistance through arms transfers is proven to be ongoing and violates Canada's international human rights legal obligations, including under the ICCPR.

## V. RECOMMENDATIONS

In light of the foregoing, the authors request that the Committee issue the following recommendations to Canada:

- A. Ensure compliance with its obligations under the Covenant and other international human rights law, including the *Genocide Convention*, by:
  - Suspending the issuance of all new permits for arms exports directly to Israel;
  - Closing the current loophole for indirect arms exports to Israel by imposing export controls for all military exports to all countries, or, alternatively, controls on the re-export of Canadian military exports to a third country;
  - Enhancing transparency by publicly communicating information about risk assessments in export permit approval decisions;
  - Introducing mandatory human rights due diligence (HRDD) legislation for the arms sector;
  - Conducting a review of laws, regulations, and policies for arms exports to prohibit the transfer of arms to all other places where they may be used to commit international human rights violations.
- B. Call for the respect of the ceasefire in Gaza, and compliance with the International Court of Justice Advisory Opinion of 19 July 2024 on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem.

- C. Ensure immediate, impartial, and independent investigations into violations of all allegations of civil and political rights in Gaza, including the role of third-party states in contributing to these violations.

**VI. APPENDIX A**

Affidavit of Judy Korecky, sworn 20 August 2024, enclosed in PDF version.

## VII. APPENDIX B

### CEDAW Review of Canada - Transcript of Country Dialogue (Excerpt)

89th Session, Committee on the Elimination of Discrimination against Women  
(CEDAW)

Full video available here: <https://webtv.un.org/en/asset/k10/k10pecn9gn>

#### Article 12

Rangita Da Silva de Alwis (Sri Lanka):

42:00: In closing, your Excellencies, I want to go back to where I started, with the Women, Peace, and Security Agenda and the [CEDAW's GR 30](#). Minister Joly has made the primacy of reproductive rights and health her priority, and Canada's moral leadership on global women's rights makes a difference in the world. We bear witness to conflict-related reproductive rights violations in many conflict-affected regions. This needs Canada's urgent attention. Pregnant women face food insecurity and other essential objects indispensable for women's survival. In 2019, [UN Security Council Resolution 2467](#) embraced a survivor-centric approach, and you have spoken about that in terms of your work in Canada. How would you include psycho-social support for survivors according to [2417 on food insecurity](#), [2475 on disability and conflict](#) and access to essential services.

\*note: this question was not addressed in the immediate follow-up by the state party

Ms. Genoveva Tisheva (Bulgaria):

51:14: Thank you very much, Madam Chair. I would like to go further of the question of Mrs. Da Silva de Alwis and also to congratulate first the state party, the Government of Canada, for the progress made on this issue, for the example that it set, and also for the contribution to international law and justice concerning women's rights. My questions will be in light of the principles and objectives of the CEDAW convention, which are from the very beginning strengthening international peace and security, cooperation between states, but also general and complete disarmament, in particular nuclear disarmament and the strict and effective international control. And also it is affirmed as we all know by the [Beijing Platform for Action](#) section E, but also [Beijing Declaration](#), which is a resolution. So in that respect, **I would like that in parallel of the successes, of the achievements, that there is extensive information on the role of the state party for acts affecting human rights of women in Gaza, specifically their health and reproductive rights as a result of the arm trade and support of Canada to Israeli military forces since the end of 2023. Such actions include, in addition to random killing of pregnant women, but also violations of their reproductive rights, maternal, obstetric, and neonatal care they have the right to. Also attacks and displacement of pregnant women, destruction of infrastructure and health facilities, malnutrition of women and the newborn, lack of access to healthcare, violations of pregnant women's rights at all stages, including giving birth, neonatal care, premature birth, and also deaths of newborns. So my questions are how does Canada regulate corporations in its jurisdiction which contribute to human rights violation of women in Gaza**

**through the arms trade, which makes the state party complicit to what has happened, to the actions that are made in Gaza to women? And also what are the steps for the country to refrain from continuing providing arms to the Israeli forces in the immediate future?**

Government of Canada (Jennifer Keeling, Deputy Director, Human Rights and Freedoms Division, International Security and Political Affairs Branch, Global Affairs Canada):

**1:03:08:** Thank you very much. So you've mentioned the feminist foreign policy and the feminist international assistance policy a few times, so I'll kind of skip over that, but to note that regarding sexual and reproductive health and rights, in June of 2019, Canada made a 10 year commitment to global health and rights. And this commitment was announced by the Prime Minister at the [Women Deliver Conference](#) which Canada hosted in Vancouver, BC. Through that 10-year commitment, Canada is providing an average of \$1.4 billion annually to support women's, children's, and adolescent's health around the world, of which \$700 million is allocated to comprehensive sexual and reproductive health and rights. Canada's sexual and reproductive health and right investment make a comprehensive approach with a specific focus on five key neglected or underfunded areas including family planning and contraception, safe abortion services and post abortion care, comprehensive sexuality education, advocacy, and the prevention and response to sexual and gender-based violence.

With respect to humanitarian assistance in conflict situations, in 2022 and 2023, Canada provided \$1.3 billion Canadian dollars in humanitarian assistance in line with Canada's gender equality and humanitarian action sub-policy. And gender equality considerations were integrated into approximately 99% of these humanitarian assistance projects, with the exception of funding for humanitarian logistics operations. This level of gender equality integration continues to be a priority for Canada in 2024. Under [Foundations for Peace, Canada's National Action Plan on Women, Peace and Security - 2023 to 2029](#), the Government of Canada is committed to promoting and supporting women's participation in decision making and ensuring that women are meaningfully included throughout humanitarian action.

**1:05:03:** I'll turn quickly to the points about Israel and Gaza. And so **Canada has one of the strongest export control systems in the world. And the respect for human rights is enshrined in our legislation and it is a cornerstone of Canada's export controls regime. All export permits application for controlled items are reviewed on a case-by-case basis under Canada's robust risk assessment framework, including against the Arms Trade Treaty criteria, which are enshrined in Canada's Export and Import Permits Act. The Minister of Foreign Affairs will deny export permit applications if she determines that there is a substantial risk that the item could be used to commit or facilitate serious violations of international humanitarian law, international human rights law, or serious acts of gender-based violence or violence against women and children. Since January 8, 2024, the Government of Canada has not approved new export arms permits to Israel and this remains the government's approach. Taking into account the rapidly evolving situation on the ground, Canada suspended a number of export permits for military items destined to Israel during the summer.**

**Article 13**

Marion Bethel (Bahamas):

[1:11:51](#): And finally, I want to just look at two extraterritorial obligations of Canada that have been briefly mentioned. One is in regard to the deep sea bed mining and ask how does Canada hold deep sea bed mining companies accountable for environmental damage to oceans, marine life, which inevitably impacts negatively the lives and livelihoods of women in the Pacific region and violates their human rights under the Convention? And the issue of Gaza has already been mentioned and what I'd like to put forward here is that **alternate reports indicate that Canada engages in the indirect flow of military exports to Israel through the USA, even though it has suspended many of the permits and licenses to do so. But there is an indirect flow of military exports. What measures is Canada taking to ensure that arms sold to the US or other countries are not transferred to Israel and used in the violation of the rights of women and girls in Gaza?**

Government of Canada (GAC - Daniel Loutfi, First Secretary, Permanent Mission of Canada to the United Nations, Geneva):

[1:25:02](#): Thank you. So with respect to responsible business practice, I believe the question was specific to one sector, but I'm going to answer more generally because these issues arise in a number of sectors and Canada's approach is not sector specific, but takes a broader approach. Canada takes a balanced approach to responsible business conduct, which includes preventative measures, legislation in select areas, and access to remedy in the form of non-judicial dispute settlement mechanisms. Canada's approach to dispute resolution is founded on two mechanisms that reflect the objectives of both the [UN Guiding Principles on Business and Human Rights](#) and also the [OECD Guidelines for Multinational Enterprises on Responsible Business Conduct](#). Canada's approach aims in part at reducing barriers and providing victims of alleged business-related abuses, include women and historically marginalized groups, access to remedy mechanisms to address grievances. Canada has two non-judicial dispute resolution mechanisms. We have a [National Contact Point for Responsible Business Conduct](#) and there's an [Ombudsperson for Responsible Enterprise](#). So briefly the National Contact Point offers dispute resolution for a wide range of issues covered by the OECD Guidelines that includes employment-industrial relations, human rights, environment and bribery and the national contact point can facilitate dialogue or mediation to help resolve complaints involving multinational enterprises either operating in or from Canada. And that's in any sector. The Ombudsperson for Responsible Enterprises is mandated to review complaints regarding alleged human rights abuses arising from a Canadian company's operation abroad. And this is more specific to sector, so this is in the garment, mining, and oil and gas sectors. The Ombudsperson can also undertake a review on their own initiative.

Canadian companies who are involved in a dispute resolution process are expected to participate in good faith. If a company has not acted in good faith, the National Contact Point or the Ombudsperson can recommend implementing trade measures. And so these can include recommending the withdrawal of certain forms of trade promotion support that are otherwise offered by the Government of Canada, as well as the denial of future support from trade entities, such as Export and Development Canada, so that involves specific support that supports Canadian companies with exports abroad.

[1:27:18](#): **With respect um to the follow-up question on Israel, um, you know, there uh... the... I believe that the... the aspects of our response that emphasized that no new arms export permits to Israel um have been um... focused on. I also want to reiterate that wherever the export permits are happen- ... wherever the exports are happening, even if they are**

**through the US, all export permit applications of controlled items are reviewed on a case-by-case basis, including against Arms Trade Treaty criteria, which are enshrined in Canadian legislation. And again I'll just reiterate that the Minister of Foreign Affairs will deny export permit applications if she determines that there is a substantial risk that the item could be used to commit or facilitate serious violations of international humanitarian law, international human rights law, or serious acts of gender-based violence or violence against women and children.**

## VIII. APPENDIX C

### CRPD Review of Canada – Transcript of Country Dialogue

#### (Excerpt)

32<sup>nd</sup> Session, 768<sup>th</sup> and 769<sup>th</sup> Meetings, Committee on the Rights of Persons with Disabilities (CRPD)

Full video of 768<sup>th</sup> Meeting available here: <https://webtv.un.org/en/asset/k1n/k1n09gnpy1>

Full video of 769<sup>th</sup> Meeting available here: <https://webtv.un.org/en/asset/k1j/k1jvnn43r1>

#### Day 1 (768<sup>th</sup> Meeting):

##### Article 32

Muhannad Salah Al-Azzeh

[02:04:17](#): Thank you, Madam Chair, for giving me the floor and apologies again for the confusion. Maybe it's the nostalgia for the old methodology. Now my question is for sure on cluster one on 33, 32 sorry international cooperation. And I would like to ask if in Canada you any place have, clear markers in order to track your international cooperation programs, first to make sure that they are inclusive for persons with disabilities. If yes, please elaborate on these markers and if you have some percentages or data to tell us the percentage of inclusivity in these programs in particular regarding funds for other countries, this would be great. *And second, how you make sure that all forms of your international cooperation, including in military aspects for example, does not make any harm for persons with disabilities. In particular when it comes for example for arms and similar equipment, because we learned from some resources about campaigns, advocacy campaigns, and reports they indicate kind of misuse for these equipment and that they had their impact on of course everybody, but mostly also on persons with disabilities.*

\*Note: this question was not addressed in the immediate follow-up by the state party.

#### Day 2 (769<sup>th</sup> Meeting):

##### Article 11

Amalia Gamio Rios

[28:22](#): Thank you very much, chairperson, and thank you to the distinguished delegation for the answers they've provided today. I'll try and be very brief but unfortunately, I have to come back to Article 10 because I am concerned about the fact that in practice deaths of

persons with disabilities are increasing in this assisted dying context, 60% of them are women and you can add to that people with psychosocial and intellectual disabilities. Sometimes these deaths take place in a private context in a secret fashion. Sometimes the family is only advised subsequently that the family member has been subject to this, and these deaths that are never investigated. I'd like to know what's happening with that. ***On Article 11, I'd like to ask what measures are being taken by the state to avoid the funding of sending weapons damaging the Gazan population, and what is happening in terms of the route through the United States of that which gives rise to hundreds of deaths.***

Government of Canada (GAC – Patricia Lyn McCullagh, Minister-Counsellor and Deputy Permanent Representative, Permanent Mission of Canada to the United Nations, Geneva):

[35:02](#): Thank you very much, Patricia McCullough, Global Affairs Canada. I'm responding to the specific question on measures taken by Canada to avoid sending weapons to Gaza...um... As you may know Canada has one of the strongest export control systems in the world with respect to human rights, which are enshrined in our legislation and cornerstone of our export control regime. All export permit applications for controlled items are reviewed on a case-by-case basis under Canada's robust risk assessment framework. Including against the Arms Trade Treaty criteria...ah... which are enshrined in Canada's Export and Import Permits Act. The Minister of Foreign Affairs will in fact deny export permit applications if there is a substantial risk that an item could be used to commit or facilitate serious violations of international human rights law. And just to add that in response to the ongoing conflict in Gaza-Israel, Canada has suspended new permits for military items destined to Israel to allow for further review into whether the authorized items could be used in a manner inconsistent with Canada's foreign policy objectives. Thank you.

Marcus Schefer

[47:41](#): ***Thank you, chair. I would like first to thank the delegation for their answer on arms export. However, there seems to be one major loophole in your answer. As far as I understand the individualized assessment does not take place in arms exports to the United States. However, there is evidence that the United States then re-exports certain arms in violation of the Arms Trade Treaty of the Geneva Convention, and maybe even of the Genocide Convention. What is the State Party doing to prevent such re-export from the side of the US?***

Amalia Gamio Rios

[51:24](#): ***I will be brief, thank you chair. On article 11, I already asked a question on this, but I wasn't convinced by the answer you gave. Canada continues to export arms and weapons components to the United States, and the United States is the main shipper of weapons to Israel. So, the components that go into manufacturing those weapons go to the States and then end up in Israel. So, what are you doing about that point?***

Government of Canada (GAC – Patricia Lyn McCullagh, Minister-Counsellor and Deputy Permanent Representative, Permanent Mission of Canada to the United Nations, Geneva):

[56:35](#): Thank you. Ah...in response to the question about Canada conforming with international law, I'd like to say that Canada is firmly committed to complying with and strengthening international law. With respect to arms transfers, the applicable areas of law are international humanitarian law, the treaty law on the arms trade, and international human rights law. And as I stated earlier Canada's export controls regime is fully compliant with the Arms Trade Treaty as well as with international humanitarian law and human rights law. With your specific...ah...question and in respect to your specific question vice chair, on the United States. I want to emphasize that in this regard goods exported from Canada transiting through the United States to a third country, so we're talking about transit or transshipment here, require a Canadian export permit for the third country when they do leave Canada, thank you.

Marcus Schefer

[2:57:00](#): Thank you chair on behalf of my task force colleagues on the committee I would like to express our gratitude to the Canadian delegation for their positive engagement in this constructive dialogue. I also express the committee's gratitude to the significant commitment and invaluable input from the Canadian Human Rights Commission and organizations of persons with disabilities and other civil society representatives. ***It was a positive dialogue, but it would have been more fruitful if there was less reliance on prepared statements that frequently did not answer or go to the heart of our questions, we will only be able to implement the Convention if we actively engage with its logic.***