

DISABILITY RIGHTS IN CRISIS: ARMS EXPORTS AND CANADA'S HUMAN RIGHTS OBLIGATIONS IN GAZA

**Submission to the United Nations Committee on the Rights of
Persons with Disabilities on the Occasion of the Committee's Review
of Canada's Combined 2nd and 3rd Periodic Reports**

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TABLE OF CONTENTS

I. INTRODUCTION	1
II. BACKGROUND	3
<i>A. Key Historical Context</i>	3
<i>B. Overview of Persons with Disabilities in Gaza</i>	5
1. Situation of Human Rights of Persons with Disabilities in Gaza Prior to October 7, 2023	5
2. Human Rights Impacts on Persons with Disabilities in Gaza Post October 7, 2023	6
a) Direct Military Impact on Persons with Pre-existing Disabilities	6
b) Lack of Access to Adequate and Accessible Evacuation Procedures	7
c) Destruction of Medical Infrastructure	9
d) Lack of Access to Medical Supplies	12
e) Lack of Access to Food, Water, and Essential Services	14
f) Lack of Access to Treatment Abroad	16
g) Separation from Caregivers	17
h) Imprisonment of Persons with Disabilities	17
i) Disruption to Other Disability Services	19
j) Acquisition of New Disabilities as a result of Israel's military conduct	21
<i>C. Canadian Arms Exports to Israel</i>	22
III. VIOLATIONS OF CRPD	25
<i>A. Violations of Articles 10 and 11</i>	26
<i>B. Violations of Articles 9, 18, 19, 20, 24, and 25</i>	27
<i>C. Violations of Articles 4, 6, and 7</i>	29
<i>D. Violations of Article 3</i>	30
<i>E. Canada's Violations of its Extraterritorial Obligations</i>	31
1. Extraterritoriality under the CRPD	31
2. The obligation to regulate corporate conduct	33
3. Obligations with respect to indirect military exports to Israel	35
V. RECOMMENDATIONS	37
APPENDIX A	39
APPENDIX B	40
APPENDIX C	41

I. INTRODUCTION

1. Canada frequently proclaims itself a global leader in promoting the rights of persons with disabilities.¹ Yet in its foreign policy, Canada facilitates grave violations of the rights of persons with disabilities in Gaza, through continuing arms exports to Israel.
2. The reality of a globalized world is that the impacts of a state's actions often reverberate beyond its territorial boundaries. Accordingly, a state's international human rights obligations do not end at its borders either. A complete analysis of a state's record on disability rights must therefore be similarly transnational in scope.
3. One key element of a state's extraterritorial human rights record is its performance in regulating the extraterritorial conduct of its multinational corporations. In a global capitalist economy, transnational business activity is often a leading driver of serious transborder violations of human rights.
4. This submission illustrates how Canada's persistent shortcomings in this regard negatively impact people with disabilities abroad. Specifically, Canada's failure to adequately regulate the arms exports that help enable Israel's atrocities in Gaza contributes to serious violations of the rights of people with disabilities.
5. Israel's brutal campaign of attacks on the civilian population of Gaza – which both Amnesty International and Human Rights Watch recently concluded met the elements of the legal definition of a genocide² – has drawn widespread condemnation from the international human rights community. For instance, in its statement of 20 October 2023, this Committee expressed grave concern over the “senseless killing and maiming of civilians, including many persons with disabilities” occurring in Gaza.³ The Committee highlighted the heightened risks faced by persons with disabilities, including abandonment, inability to evacuate from bombardment, and lack of access to essential health services and supports due to the destruction of medical infrastructure. The Committee emphasized that “all States parties and all actors [must] comply with international humanitarian law and international human rights law, and take all necessary measures to ensure the protection

¹ Employment and Social Development Canada, [Minister Qualtrough Leads Canada's Delegation to United Nations Conference Advancing Disability Inclusion Around the World](#) (June 14, 2022).

² Amnesty International, [‘You Feel Like You Are Subhuman’: Israel's Genocide Against Palestinians in Gaza](#) (December 5, 2024). Human Rights Watch, [Israel's Crime of Extermination, Acts of Genocide in Gaza](#) (December 19, 2024).

³ United Nations, Committee on the Rights of Persons with Disabilities, [CRPD Statement on the Situation of Persons with Disabilities in the Armed Conflict in Israel and Gaza](#) (20 October 2023).

and safety of persons with disabilities in situations of armed conflict.”⁴ Further, in a communication to Israel on 9 October 2024, a group of UN Special Rapporteurs expressed significant concern with the widespread violations against persons with disabilities, and the disproportionate harm they have faced.⁵

6. However, responsibility for the atrocities being committed in Gaza extends far beyond Israel. Rather, it is shared by many international actors – including the various states that continue to make and provide the weapons that enable Israel’s atrocities.⁶ Therefore, for the Committee and others calling for an end to these atrocities, it is essential to engage these actors on their human rights responsibilities as well.
7. Other international human rights bodies and experts have affirmed the responsibilities of states to suspend arms exports to Israel. For example, 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.”⁷ Noting that “Israel has repeatedly failed to comply with international law,” they specifically called out Canada for its failure to cease military exports to Israel.⁸ More recently, the 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.
8. Canada claims to have stopped issuing new permits for military exports to Israel. However, it has not cancelled existing permits that have not been utilized. More importantly, Canada has done nothing to stem the much larger indirect flow of military exports to Israel through third countries like the United States of America (US), which is by far the largest supplier of arms to Israel, and continues to provide weapons to Israel freely despite its ongoing atrocities.
9. Canadian companies provide parts and components that go into many US-made military products that are known to have been used by Israeli forces in Gaza. In other transactions, the US government simply purchases weapons from Canada and sends them directly

⁴ Ibid.

⁵ Communication by UN Special Procedures to Israel, [AL ISR 18/2024](#) (9 Oct. 2024),

⁶ David Gritten, [Gaza war: Where does Israel get its weapons?](#), BBC (3 September 2024); Jillian Kestler-D’Amours, [How Canada’s ‘off-the-record’ arms exports end up in Israel](#), Al-Jazeera (15 August 2024).

⁷ United Nations, Office of the High Commissioner for Human Rights, [Arms Exports to Israel Must Stop Immediately – UN Experts](#) (23 February 2024).

⁸ Ibid.

onwards to Israel. Because Canada does not require individual export permits for most military exports to the US, Canadian arms exports to Israel can continue uninterrupted as long as they are simply diverted through the US.

10. Partially discontinuing direct arms exports to Israel, while continuing to allow exports to Israel's primary arms supplier free of any oversight or control, is inadequate to discharge Canada's obligations under the CRPD. As a group of UN experts, including various Special Rapporteurs, Independent Experts and UN Working Groups, emphasized in a statement of 20 June 2024, 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."⁹
11. As such, the authors submit that Canada is in serious breach of its obligations under CRPD, including Articles 3, 5, 6, 7, 9, 10, 11, 18, 19, 20, 24, 25 and 32, and recommend that Canada take various measures to put itself back in compliance.

II. BACKGROUND

A. Key Historical Context

12. The current war on Gaza and violations of the rights of persons with disabilities must be contextualized and understood in relation to western settler colonialism and a long history of prior systematic human rights violations and denial of self-determination, occupation, and control by Israel, which have had a disproportionate impact on Palestinians with disabilities. 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.¹⁰ This history includes various violations of international law by Israel, including the ongoing occupation of the Gaza Strip and the West Bank (including East Jerusalem) following the Six-Day War of 1967. Despite multiple international rulings on the illegality of the prolonged occupation, settlement and annexation of the Palestinian territory in violation of the Palestinian people's right to self-determination, Israel has been intransigent in its contempt for the international rules-based order.

⁹ United Nations, Office of the High Commissioner for Human Rights, [States and Companies Must End Arms Transfers to Israel Immediately or Risk Complicity](#) (20 June 2024).

¹⁰ United Nations, [The Question of Palestine: About the Nakba](#).

13. In 2024, the International Court of Justice (ICJ) released an Advisory Opinion¹¹ finding that Israel's policies and practices towards the Occupied Palestinian Territories since 1967 violate the Fourth Geneva Convention and the Hague Regulations, along with the human rights treaties to which Israel is a party.¹² Acts ruled illegal by the ICJ include the legalization, entrenchment, and integration of Israeli settlements in Palestinian territory,¹³ the confiscation of Palestinian land and private property,¹⁴ the exploitation and restriction of natural resources including water to the detriment of the Palestinian people,¹⁵ the replacement of local laws with Israeli military law,¹⁶ the displacement of the Palestinian population by forcible eviction and creation of conditions compelling their departure,¹⁷ Israel's failure to prevent and punish attacks against Palestinian civilians by settlers,¹⁸ and the systemic discrimination of Palestinians on the basis of race, religion or ethnic origin.¹⁹ The ICJ ruled that Israel must discontinue these acts and provide full reparation for all internationally wrongful acts.²⁰ The ICJ also noted the legal obligation of other states to ensure Israel's compliance with international law.²¹
14. Long before October 7, 2023 and the ICJ's 2024 Advisory Opinion, many human rights organizations and experts continuously raised serious concerns about the human rights situation in the Gaza Strip. Human Rights Watch reported that the 15-year lockdown of the territory beginning in 2007 effectively created "an open-air prison" for more than 2 million Palestinians.²² The border closures prevented the free movement of the population and severely restricted their access to goods, resulting in the violations of various guaranteed right and freedoms.²³ Israel's military attacks on Gaza and the killings of civilians are also not new, with multiple assaults since Israel's military withdrawal in 2005, including: a 22-day military offensive in 2008 killing 1,400 Palestinians and 13 Israelis; a 7-week war in 2014 killing 2,100 Palestinians and 73 Israelis (including 67 soldiers); the killing of 170 Palestinians in 2018 as a result of several months of Palestinian protests; the killing of 260

¹¹ International Court of Justice, [*Advisory Opinion: Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*](#) (19 July 2024).

¹² Specifically, the ICCPR, ICESCR, and CERD.

¹³ International Court of Justice, [*Advisory Opinion: Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*](#) (19 July 2024) at paras 116-117.

¹⁴ Ibid at paras 120, 122.

¹⁵ Ibid at paras 126-128.

¹⁶ Ibid at para 136.

¹⁷ Ibid at paras 143, 147.

¹⁸ Ibid at para 154.

¹⁹ Ibid at para 223.

²⁰ Ibid at para 268-289.

²¹ Ibid at para 287-289.

²² Human Rights Watch, "[Gaza: Israel's 'Open-Air Prison' at 15: Israel, Egypt Movement Restrictions Wreak Havoc on Palestinian Lives](#)" (June 14, 2022).

²³ Ibid.

people in Gaza and 13 in Israel in 2021; and the killing of 30 Palestinians by air attacks in 2022.²⁴ Multiple rights groups have also categorized Israel's conduct in Palestine as a violation of the crime against humanity of apartheid.²⁵

15. These human rights reports and legal findings provide important context for the information presented in this report and demonstrate Israel's intentional creation of conditions resulting in the extreme vulnerability of the Palestinian people before the start of the current assault.

B. Overview of Persons with Disabilities in Gaza

1. *Situation of Human Rights of Persons with Disabilities in Gaza Prior to October 7, 2023*

16. Prior to October 7, 2023, 58,000 persons were officially identified in the Palestinian Central Bureau of Statistics (PCBS) database as having a disability.²⁶ Of the persons identified in the database, approximately half were registered as having a walking disability.²⁷ Other registered disabilities included disabilities related to seeing, hearing, communicating, and controlling behaviour.²⁸
17. Reports, however, indicate that the number of persons with disabilities prior to October 7, 2023, greatly exceeded the number of people officially registered in the PCBS database. For example, a recent report by Human Rights Watch estimates that prior to the current war, at least 98,000 Gazan children between the ages of 2 and 17 already had a disability.²⁹ Many of the disabilities were acquired as a result of prior wars and violence inflicted against the civilian population in Gaza over the past 17 years.³⁰

²⁴ Al Jazeera, "[Timeline: Israel's attacks on Gaza since 2005](#)," *Al Jazeera* (7 Aug 2022).

²⁵ Human Rights Watch, "[A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution](#)" (April 27, 2021); Amnesty International, "[Israel's apartheid against Palestinians: Cruel system of domination and crime against humanity](#)" (Feb. 1, 2022); B'Tselem, "[A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid](#)" (12 January 2021); Yesh Din, "[The Occupation of the West Bank and the Crime of Apartheid: Legal Opinion](#)" (7 September 2020).

²⁶ United Nations, Office of the High Commissioner for Human Rights, "[Gaza: Palestinians with Disabilities Fear Being Killed First, Says UN Committee](#)" (27 May 2024).

²⁷ Palestinian Central Bureau of Statistics, "[Statement on the Eve of the International Day of Persons with Disabilities](#)" (12 March 2023).

²⁸ Ibid.

²⁹ Human Rights Watch, "[They Destroyed What Was Inside Us': Children with Disabilities Amid Israel's Attacks on Gaza](#)" (30 September 2024).

³⁰ See: Human Rights Watch, "[Palestine: Submission to the UN Committee on the Rights of Persons with Disabilities](#)" (March 2023); UN Office for the Coordination of Humanitarian Affairs, "[Three years on from the 2014 conflict, 29,000 people remain displaced](#)" (11 September 2017).

18. The official estimates also appear to omit persons experiencing psychosocial disabilities, as PCBS itself notes that in 2023, more than two-thirds of Gaza's population experienced depression and at least 13% of children between the ages of 5 and 17 had anxiety.³¹ Other reports indicate that prior to October 7, 2023, approximately 22% of persons in Gaza were living with mental health conditions, including schizophrenia, bipolar disorder, and depression or anxiety,³² and at least one third of the population required regular psychological and social support.³³ Palestinians with disabilities in Gaza have also been disproportionately impacted by Israeli restrictions on imports. Since 2010, Israeli authorities have restricted the importation of “dual use” items, or civilian items that could conceivably be used for military purposes.³⁴ Israeli authorities, however, have not provided a specific list of prohibited “dual use” items, instead imposing restrictions on broad categories of items and subsequently relying on the discretion of aid organizations and individual border agents to enforce these restrictions.³⁵ These “dual-use” restrictions have prevented the entry of many key items into Gaza, such as assistive devices and medications that persons with disabilities need.³⁶ These challenges contributed to potential violations under the CRPD even before October 7, 2023.

2. *Human Rights Impacts on Persons with Disabilities in Gaza Post October 7, 2023*

19. With the support of Canadian arms exports, the current war has had a grave impact on the fundamental rights of persons with disabilities in Gaza, affecting their access to essential services, autonomy and dignity. Since October 7, 2023, persons with disabilities in Gaza have suffered from a series of direct and indirect attacks on their persons and livelihoods. Israeli forces during the current war have also caused many more persons to acquire new disabilities, or significantly worsen preventable disabilities.

a) Direct Military Impact on Persons with Pre-existing Disabilities

³¹ Palestinian Central Bureau of Statistics, [Statement on the Eve of the International Day of Persons with Disabilities](#) (12 March 2023).

³² Médecins Sans Frontières, [Gaza: Silent Killings](#) (April 2024).

³³ United Nations, [Rights Experts Call for End to Israel's Siege of Gaza, Accountability for Settler Attacks](#) (19 September 2022).

³⁴ Human Rights Watch, ["They Destroyed What Was Inside Us": Children with Disabilities Amid Israel's Attacks on Gaza](#) (30 September 2024).

³⁵ Ibid.

³⁶ Ibid.

20. According to UN experts, “[p]ersons with disabilities are being killed and injured by indiscriminate attacks despite posing no security threat.”³⁷ Data from May 2024 suggests that out of the 79,562 persons who were recorded as injured during the first seven months of the war, at least 5,000 were persons with pre-existing disabilities.³⁸
21. Further, many persons with disabilities, including many children and adolescents, “have had existing disabilities worsened or acquired secondary or new disabilities.”³⁹ For example, one doctor described seeing a patient who initially came in with an amputated foot but, because the foot kept getting infected, the doctor had to amputate all the way up to the patient’s mid-thigh over the course of several weeks.⁴⁰

b) Lack of Access to Adequate and Accessible Evacuation Procedures

22. The repeated forced evacuations since October 7, 2023 have disproportionately affected persons with disabilities.

(i) Increased Difficulties During Evacuations

23. Many persons with disabilities in Gaza face unique challenges when attempting to flee attacks or respond to evacuation orders due to their disability. These challenges are particularly acute for individuals who have been separated from their primary caregivers, as many persons with disabilities in Gaza depend on another person to carry them, guide them, or otherwise assist them during an evacuation.⁴¹
24. Reports indicate that the general shortage of assistive devices in Gaza, combined with the destruction of existing assistive devices since October 7, 2023, has greatly reduced the ability of persons with disabilities to evacuate.⁴² Without access to assistive devices, such as hearing aids and wheelchairs, people with disabilities are at greater risk of being injured or killed during an attack. For example, a 19-year-old woman with a hearing disability and

³⁷ United Nations, Office of the High Commissioner for Human Rights, [Tragedy Within a Tragedy: UN Experts Alarmed by Harrowing Conditions for Palestinians with Disabilities in Gaza](#) (October 2024).

³⁸ United Nations, Office for the Coordination of Humanitarian Affairs, [Hostilities in Gaza Strip and Israel: Flash Update #168](#) (May 2024).

³⁹ United Nations Children’s Fund, [The Unheard Voices of Adolescents](#) (May 2024).

⁴⁰ University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

⁴¹ Human Rights Watch, [“They Destroyed What Was Inside Us”: Children with Disabilities Amid Israel’s Attacks on Gaza](#) (30 September 2024).

⁴² Human Rights Watch, Gaza: Israeli Attacks, [Blockade Devastating for People with Disabilities](#) (1 November 2023); Human Rights Watch, [“They Destroyed What Was Inside Us”: Children with Disabilities Amid Israel’s Attacks on Gaza](#) (30 September 2024).

no assistive device reported being unable to hear the bombs going off when her shelter was bombed.⁴³

25. Persons with disabilities also face increased difficulty during evacuations due to the inaccessibility of many evacuation routes. For example, persons with visual and mobility disabilities have described the challenges of navigating the physical terrain during evacuations due to rubble, uneven ground, and frequent checkpoints with sand barriers.⁴⁴
26. These and other barriers have inhibited the ability of many persons with disabilities to comply with evacuation orders and escape attacks. For example, a man who had previously lost both of his legs, noted that he would “be dead” if the hospital where he was living was bombed, as he cannot move on his own.⁴⁵ This has also led to extreme emotional distress, as many persons with disabilities believe that “they will be the first and the next to be killed.”⁴⁶

(ii) Inadequate Warnings and Evacuation Processes

27. According to public reports, Israeli authorities often do not provide general evacuation notices to civilians in advance of attacks.⁴⁷ Even where provided, many “evacuation orders totally disregarded persons with disabilities.”⁴⁸ Consequently, many individuals with disabilities have been killed or injured as a result of inadequate evacuation orders. For example, in December 2023, a disability rights advocate with a visual disability was killed in his home.⁴⁹ This Committee noted that prior to his death, he “did not receive evacuation information in a timely or accessible format.”⁵⁰
28. Additionally, in November 2023, the UN Special Rapporteur on the rights of persons with disabilities noted that safe and accessible means of transportation and assistive tools for

⁴³ Human Rights Watch, Gaza: Israeli Attacks, [Blockade Devastating for People with Disabilities](#) (1 November 2023).

⁴⁴ Human Rights Watch, [“They Destroyed What Was Inside Us”: Children with Disabilities Amid Israel’s Attacks on Gaza](#) (30 September 2024).

⁴⁵ Human Rights Watch, Gaza: Israeli Attacks, [Blockade Devastating for People with Disabilities](#) (1 November 2023).

⁴⁶ United Nations, Office of the High Commissioner for Human Rights, [Palestinians with Disabilities Subject to Unbearable Consequences of Ongoing Hostilities](#) (May 2024).

⁴⁷ Human Rights Watch, [Hopeless, Starving, and Besieged: Israel’s Forced Displacement of Palestinians in Gaza](#) (November 2024); University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

⁴⁸ United Nations, Office of the High Commissioner for Human Rights, [Tragedy Within a Tragedy: UN Experts Alarmed by Harrowing Conditions for Palestinians with Disabilities in Gaza](#) (October 2024).

⁴⁹ United Nations, Office of the High Commissioner for Human Rights, [Palestinians with Disabilities Subject to Unbearable Consequences of Ongoing Hostilities](#) (May 2024).

⁵⁰ Ibid.

persons with disabilities were lacking during evacuations in Gaza.⁵¹ For example, Human Rights Watch documented how Israel's October 13, 2023 evacuation order in northern Gaza "did not take into account the needs of people with disabilities, . . . exposed them to the dangers of war and did not ensure that they would be provided with proper accommodation and satisfactory conditions."⁵²

29. Disruptions to internet and other communications networks in Gaza further reduce the ability of persons with disabilities to access critical information during evacuations and attacks, including when, where, and how to flee to safety.⁵³ For example, human rights workers have noted how internet blackouts have impeded the ability of deaf persons to communicate via sign language on video calls.⁵⁴ Without proper evacuation information, safe and effective evacuation for persons with disabilities is rendered impossible.⁵⁵

c) Destruction of Medical Infrastructure

30. Since October 7, 2023, much of Gaza's medical infrastructure, including essential infrastructure that formerly served persons with disabilities, has been destroyed. Reports indicate that Israeli forces have carried out more than 500 attacks on healthcare facilities, resulting in damage to at least 110 health facilities and killing, injuring, or detaining high numbers of healthcare workers.⁵⁶ There is further evidence that Israeli forces have committed attacks on medical transports, resulting in damage to at least 63 ambulances.⁵⁷ Consequently, as of September 2024, 19 hospitals and 75 primary health centers in Gaza have been labeled "out of service," leaving only 17 partially functional hospitals and 57 partially functional health centers in the entire Gaza strip.⁵⁸

(i) Destruction of Facilities Providing Long-term Medical Treatment to Persons with Disabilities

⁵¹ United Nations, Office of the High Commissioner for Human Rights, [Gaza: UN Expert Demands Unconditional Humanitarian Access and Relief for People in Need](#) (November 2023).

⁵² Human Rights Watch, Gaza: Israeli Attacks, [Blockade Devastating for People with Disabilities](#) (1 November 2023).

⁵³ Ibid.

⁵⁴ CNN, [Disabled Palestinians in Gaza Face Harrowing Struggle for Survival](#) (17 November 2023).

⁵⁵ United Nations, Office of the High Commissioner for Human Rights, [Palestinians with Disabilities Subject to Unbearable Consequences of Ongoing Hostilities](#) (May 2024).

⁵⁶ World Health Organization, [Situation Report: Issue 41b](#) (August 2024); Human Rights Watch, ["They Destroyed What Was Inside Us": Children with Disabilities Amid Israel's Attacks on Gaza](#) (30 September 2024); University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

⁵⁷ World Health Organization, [Situation Report: Issue 41b](#) (August 2024); Human Rights Watch, ["They Destroyed What Was Inside Us": Children with Disabilities Amid Israel's Attacks on Gaza](#) (30 September 2024).

⁵⁸ United Nations, Office of the Coordination of Humanitarian Affairs, [Reported Impact Snapshot: Gaza Strip](#) (18 September 2024).

31. The destruction of Gaza's health infrastructure has severely reduced the ability of persons with disabilities to receive ongoing treatment. As noted by this Committee, the damage and destruction of numerous health facilities and support services has "compound[ed] the situation for persons with disabilities in Gaza who require essential daily disability support and health care."⁵⁹
32. There has been a steep reduction in services pertaining to mental health, rehabilitation, and treatment of chronic illnesses. For example, as of August 2024, there is only one, minimally operational, mental health center in the entire Gaza strip, as the five other mental health centers and psychiatric hospital that were operating prior to October 7, 2023, are no longer in service.⁶⁰ The closure of these facilities, particularly the psychiatric hospital, has left many who need specialized psychiatric services without treatment.⁶¹
33. The provision of rehabilitation services has also suffered since October 7, 2023. Facilities providing prosthetic limbs and rehabilitation services, such as the Sheikh Hamad bin Khalifa al-Thani Hospital for Rehabilitation and Prosthetics, have been severely damaged.⁶² The Hamad Hospital for Rehabilitation and Artificial Limbs was burned and severely damaged, resulting in the complete cessation of its services. The hospital provided medical rehabilitation, psychological and social support, and other services to approximately 8,000 persons with disabilities before it stopped functioning.⁶³ A physical therapist who travelled to Gaza noted the lack of tools available for effective rehabilitation, such as weights, walking devices, and consistent sessions with trained physical therapists.⁶⁴ People with disabilities also describe being unable to access regular rehabilitation services due to the hostilities.⁶⁵
34. The destruction of medical facilities has contributed to decreased access to consistent treatments for chronic illnesses. For example, the closure of al-Rantisi Pediatric Hospital prevented a 15-year-old boy with hemophilia from receiving his regular injections of Factor

⁵⁹ United Nations, Committee on the Rights of Persons with Disabilities, [Statement on the Situation of Persons with Disabilities in the Armed Conflict in Israel and Gaza](#) (October 2023).

⁶⁰ World Health Organization, [Situation Report: Issue 41b](#) (August 2024).

⁶¹ Médecins Sans Frontières, [Gaza: Silent Killings](#) (April 2024); University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

⁶² Human Rights Watch, ["They Destroyed What Was Inside Us": Children with Disabilities Amid Israel's Attacks on Gaza](#) (30 September 2024).

⁶³ Stars of Hope Society for the Empowerment of Women with Disabilities and the Social and Economic Policies Monitor (Al-Marsad), *A War Without Human Rights: Cutting Off All Means of Survival: Organizations Working in the Field of Disability in Light of the Genocide* (April 2024), p. 12.

⁶⁴ University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

⁶⁵ Human Rights Watch, ["They Destroyed What Was Inside Us": Children with Disabilities Amid Israel's Attacks on Gaza](#) (30 September 2024).

IX.⁶⁶ Many doctors treating patients with exacerbated chronic illnesses attributed the severity of their patients' conditions to the inability of persons with chronic illnesses to access regular treatment during the conflict.⁶⁷

(ii) Insufficient Capacity to Treat New and Long-term Disabilities at Existing Facilities

35. Israel's destruction of Gaza's medical infrastructure has severely reduced the ability to treat persons with new and existing disabilities in Gaza. Medical facilities in Gaza that are still partially operational are overwhelmed with cases and are therefore unable to adequately treat every patient.⁶⁸ Organizations and doctors report long wait times to receive treatment, lack of specialists to provide certain kinds of care, and insufficient space to perform certain procedures.⁶⁹
36. These interruptions of preventative care and early intervention treatments result in damaging consequences for persons with disabilities, as failure to provide adequate and timely care may increase the complexity of the person's disability in the long-term.⁷⁰ For example, one doctor described treating a 9-day-old baby who was shot in the head, placing him at risk of seizures, cerebral palsy, and other cognitive impairments.⁷¹ The doctor noted that under a standard course of treatment, the child would be subjected to a series of diagnostic tests, a development assessment, and various occupational therapy sessions to ensure he developed properly, none of which were available in Gaza.⁷² Another doctor noted how the Gazan health system is no longer able to provide treatments for children with clubfoot, despite clubfoot being a treatable condition in children.⁷³

⁶⁶ Ibid.

⁶⁷ University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

⁶⁸ Human Rights Watch, ["They Destroyed What Was Inside Us": Children with Disabilities Amid Israel's Attacks on Gaza](#) (30 September 2024); University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

⁶⁹ Human Rights Watch, ["They Destroyed What Was Inside Us": Children with Disabilities Amid Israel's Attacks on Gaza](#) (30 September 2024); University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

⁷⁰ Human Rights Watch, ["They Destroyed What Was Inside Us": Children with Disabilities Amid Israel's Attacks on Gaza](#) (30 September 2024).

⁷¹ University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

⁷² Ibid.

⁷³ Human Rights Watch, ["They Destroyed What Was Inside Us": Children with Disabilities Amid Israel's Attacks on Gaza](#) (30 September 2024).

d) Lack of Access to Medical Supplies

37. The blockade and restrictions on humanitarian aid have severely limited access to critical medical supplies needed by persons with disabilities.⁷⁴ These restrictions have disproportionately affected persons with disabilities, as they have created reduced access to items that persons with disabilities need for their wellbeing and survival.
38. Notably, although many of Israel's "dual use" restrictions were in place prior to October 2023, doctors and aid organizations have noted that the list of prohibited items has recently expanded.⁷⁵ For example, doctors who travelled to Gaza during the second half of 2024 noted being unable to bring in products such as anesthesia, gauze, and soap.⁷⁶ Reports also suggest an increase in arbitrary detentions and rejections of items at the border, including medical supplies needed by persons with disabilities.⁷⁷ These new restrictions have further reduced the ability of persons with disabilities in Gaza to access life-saving medications, assistive devices, and other critical equipment.

(i) Lack of Access to Medications

39. Since October 7, 2023, aid organizations, doctors, and persons with disabilities have reported being unable to access various medications that are required to manage disabilities. Aid organizations have repeatedly raised concerns about restrictions on medications required to treat chronic illnesses and other disabilities, especially in children.⁷⁸
40. Doctors who have travelled to Gaza to provide humanitarian assistance have also raised similar concerns.⁷⁹ One doctor noted that despite the worsening mental health situation, "there were no readily available antipsychotic medications or antidepressants."⁸⁰ She explained how she was unable to provide clot busting medication to stroke patients,

⁷⁴ Human Rights Watch, [*"They Destroyed What Was Inside Us": Children with Disabilities Amid Israel's Attacks on Gaza*](#) (30 September 2024); University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

⁷⁵ University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

⁷⁶ University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

⁷⁷ Human Rights Watch, [*"They Destroyed What Was Inside Us": Children with Disabilities Amid Israel's Attacks on Gaza*](#) (30 September 2024); University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

⁷⁸ Human Rights Watch, [*"They Destroyed What Was Inside Us": Children with Disabilities Amid Israel's Attacks on Gaza*](#) (30 September 2024).

⁷⁹ University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

⁸⁰ Ibid.

epileptic medications for seizure patients, and higher strength pain medications for patients with nerve or other pain.⁸¹ Another doctor reported seeing patients suffering from hemorrhagic strokes because they were unable to access their regular hypertension medications.⁸² Several doctors also noted a lack of access to treatments such as insulin and dialysis, and the subsequent effects of these shortages on patients.⁸³ One doctor described how one woman “would come in[to the hospital] every three or four days in diabetic ketoacidosis because she had type one diabetes and could not get insulin.”⁸⁴

41. Persons with disabilities in Gaza have themselves described the inability to access their required medications and the subsequent negative consequences. These include Factor IX for hemophilia; pancreatic enzymes for cystic fibrosis; hormone therapy for breast cancer; anticonvulsant and anti-epileptic medications for cerebral palsy; hypertension medication for diabetes; Neurontin for nerve damage and pain relief; baclofen for muscle spasticity; and insulin for diabetes.⁸⁵

(ii) Lack of Access to Assistive Devices

42. Due to Israel’s blockade and heavy bombardment of the Gaza Strip, there has been a sharp reduction in access to critical assistive devices which would typically be available. For example, aid organizations have noted shortages in ventilators, psychosocial support kits, crutches, prosthetics, hearing aids, and spare batteries for wheelchairs due to import restrictions.⁸⁶ Doctors have also noted the lack of access to assistive devices such as blood sugar glucometers typically used by people with diabetes, and canes, walkers, or wheelchairs for physical therapy rehabilitation patients.⁸⁷ As a result, many report needing certain assistive devices, but being unable to access them.⁸⁸
43. Other factors have often made these devices inoperable. For example, electricity shortages have interfered with the use of many assistive devices, such as elevators, food-

⁸¹ Ibid.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Human Rights Watch, [“They Destroyed What Was Inside Us”: Children with Disabilities Amid Israel’s Attacks on Gaza](#) (30 September 2024); Human Rights Watch, Gaza: Israeli Attacks, [Blockade Devastating for People with Disabilities](#) (1 November 2023).

⁸⁶ Human Rights Watch, [“They Destroyed What Was Inside Us”: Children with Disabilities Amid Israel’s Attacks on Gaza](#) (30 September 2024); Human Rights Watch, Gaza: Israeli Attacks, [Blockade Devastating for People with Disabilities](#) (1 November 2023).

⁸⁷ University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

⁸⁸ Human Rights Watch, Gaza: Israeli Attacks, [Blockade Devastating for People with Disabilities](#) (1 November 2023).

grinding equipment, and mobility scooters.⁸⁹ Additionally, the destruction of infrastructure prevents physical assistance devices, such as wheelchairs, from being used as intended. Many persons with disabilities who formerly owned assistive devices have also reported losing them, either due to the item being destroyed in a direct attack or having to leave the item behind while fleeing.⁹⁰

(iii) Lack of Access to Other Medical Supplies

44. Israeli restrictions on imports have also reduced access to general medical supplies which are required to effectively treat persons with disabilities in Gaza. For example, surgeons who have traveled to Gaza note that they lacked key operating equipment, such as anesthesia, gauze, and scalpels.⁹¹ One doctor recalled doing trauma amputations on patients in intense pain without anesthesia or proper scalpels, as both were banned as “dual use” items.⁹² Another doctor shared that at one point the hospital where she was working ran out of gauze, causing all operations to stop for multiple days.⁹³
45. Reports also indicate a lack of diagnostic equipment, such as x-rays, CT scanners, ultrasounds, and labs.⁹⁴ Without these diagnostic tools, doctors describe having to guess what the proper diagnosis is.⁹⁵
46. Many doctors also noted how the restrictions on imports contributed to unsterile conditions at the hospital, which greatly increased the risk of infection among their patients, delaying healing and increasing the risk of permanent disabilities in the future.⁹⁶

e) Lack of Access to Food, Water, and Essential Services

47. The displacement of residents and the restrictions on humanitarian aid to Gaza have disproportionately affected persons with disabilities. The Special Rapporteur on the rights of persons with disabilities noted, “the denial of vital services such as electricity, water,

⁸⁹ Disability Justice for Palestine Collective, [Data and Resources on the Situation in Gaza for Persons with Disabilities: Challenges faced with persons with disabilities in Gaza](#) (7 October 2024).

⁹⁰ T Jamal al Rozzi, ["Shellshocked, Attacked, Left to Die – This Is the Reality for Disabled People in Gaza"](#) (19 July 2024); Human Rights Watch, ["They Destroyed What Was Inside Us": Children with Disabilities Amid Israel's Attacks on Gaza](#) (30 September 2024).

⁹¹ University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

⁹² Ibid.

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Ibid.

and food exposes people with disabilities to heightened risks including the risk of loss of life.”⁹⁷

(i) Increased Risk of Food Insecurity and Malnutrition

48. Since October 7, 2023, there has been a dramatic increase in levels of malnutrition.⁹⁸ Persons with disabilities face a higher risk of malnutrition, worsening health conditions, and imminent death from food insecurity due to their disabilities.⁹⁹
49. Humanitarian aid organizations, doctors, and family members of persons with disabilities have specifically noted that Israeli restrictions on aid have prevented individuals with disabilities from receiving specialized food for their diets.¹⁰⁰ For example, in October 2023, OCHA reported that none of the food distributed by aid trucks met the needs of individuals with swallowing difficulties.¹⁰¹ Without access to necessary specialized food, persons with disabilities face heightened risks of suffering from acute malnutrition.
50. Many persons with disabilities in Gaza also face substantial barriers when attempting to secure food.¹⁰² For example, Gazans with mobility disabilities may experience physical barriers to get to distribution points or have no access to assistive devices or support.¹⁰³

(ii) Increased Susceptibility to the Consequences of Poor Water Quality and Sanitation Conditions

51. Reports indicate a steady deterioration in the water, sanitation, and hygiene conditions in Gaza since October 2023.¹⁰⁴ This has increased the overall risk of serious infections and communicable diseases throughout Gaza. Persons with disabilities generally face

⁹⁷ United Nations, Office of the High Commissioner for Human Rights, [Gaza: UN Expert Demands Unconditional Humanitarian Access and Relief for People in Need](#) (November 2023).

⁹⁸ Human Rights Watch, ["They Destroyed What Was Inside Us": Children with Disabilities Amid Israel's Attacks on Gaza](#) (30 September 2024); University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

⁹⁹ United Nations, Office of the High Commissioner for Human Rights, [Palestinians with Disabilities Subject to Unbearable Consequences of Ongoing Hostilities](#) (May 2024).

¹⁰⁰ Human Rights Watch, ["They Destroyed What Was Inside Us": Children with Disabilities Amid Israel's Attacks on Gaza](#) (30 September 2024).

¹⁰¹ United Nations, Office for the Coordination of Humanitarian Affairs, [Hostilities in the Gaza Strip and Israel: Flash Update #16](#) (October 2023).

¹⁰² Human Rights Watch, Gaza: Israeli Attacks, [Blockade Devastating for People with Disabilities](#) (1 November 2023); University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

¹⁰³ United Nations, Office of the High Commissioner for Human Rights, [Gaza: Palestinians with disabilities fear being killed first, says UN committee](#) (27 May 2024).

¹⁰⁴ World Health Organization, [Risk of disease spread soars in Gaza as health facilities, water and sanitation systems disrupted](#) (8 November 2023); World Health Organization, [oPt Emergency Situation Update - Issue 38](#) (5 August 2024); University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

increased difficulties accessing water, sanitation, and hygiene services.¹⁰⁵ For example, one family noted how during an evacuation, the whole family fell ill due to unclean water but their 16-year-old son with cerebral palsy suffered from the most severe illness, remaining sick for more than 10 days with vomiting and a fever.¹⁰⁶

52. Persons with disabilities who suffer from compromised immune systems or other susceptibilities to illness are also disproportionately affected by the poor sanitation conditions, as they are more likely to develop a severe or life-threatening illness in response to non-sterile conditions.

(iii) Lack of Access to Safe and Accessible Shelters

53. Reports suggest that Gaza lacks sufficient shelter space for the 1.9 million who have been forcibly displaced, leading to overcrowding and unsafe conditions at the existing shelters.¹⁰⁷ UN experts have noted that these shelters “are particularly unsafe and inaccessible to displaced Palestinians with disabilities,”¹⁰⁸ as most shelters “are not equipped to meet the needs of displaced people with disabilities.”¹⁰⁹ For example, many shelters use squat toilets, which are completely inaccessible to many people with physical disabilities.”¹¹⁰

f) Lack of Access to Treatment Abroad

54. Given the limitations on disability services currently offered in Gaza, thousands require treatment and services for their new or existing disability that are only available outside of Gaza. Israel, however, controls “who can leave Gaza to get medical treatment for injuries sustained from the hostilities or for any chronic condition.”¹¹¹ As a result, thousands of individuals with disabilities in Gaza have been unable to leave the territory to seek treatment abroad.

¹⁰⁵ United Nations Children’s Fund, [Children with Disabilities: Factsheet](#) (August 2022).

¹⁰⁶ Human Rights Watch, [“They Destroyed What Was Inside Us”: Children with Disabilities Amid Israel’s Attacks on Gaza](#) (30 September 2024).

¹⁰⁷ United Nations, Office for the Coordination of Humanitarian Affairs, [Reported Impact Snapshot: Gaza Strip](#) (7 August 2024).

¹⁰⁸ United Nations, Office of the High Commissioner for Human Rights, [A Tragedy Within a Tragedy: UN Experts Alarmed by Harrowing Conditions for Palestinians with Disabilities Trapped in Gaza](#) (25 October 2024).

¹⁰⁹ Ibid.

¹¹⁰ Human Rights Watch, Gaza: Israeli Attacks, [Blockade Devastating for People with Disabilities](#) (1 November 2023).

¹¹¹ Human Rights Watch, [“They Destroyed What Was Inside Us”: Children with Disabilities Amid Israel’s Attacks on Gaza](#) (30 September 2024).

55. Per UN experts, “Israeli authorities have refused to establish a system for medical evacuations,” thereby preventing thousands of persons with disabilities from “obtain[ing] the assistance they desperately need.”¹¹² In August 2024, the World Health Organization reported that “[m]edical evacuations of patients outside of Gaza remains extremely limited.”¹¹³ Data from August 2024 reveals that of the 13,880 requested medical evacuations since October 2023, only 4,916 patients, or 35%, have actually been evacuated for medical care.¹¹⁴ Reports, however, suggest that the number in need of medical evacuations is likely much higher. For example, in May 2024, the Ministry of Health reported that at least 25,000 people in Gaza were in need of medical treatment abroad.¹¹⁵

g) Separation from Caregivers

56. Since October 7, 2023, many persons with disabilities have lost or otherwise been separated from their primary caregivers and support persons, subjecting them to heightened risk of neglect, injury, or death. These risks are especially acute for children with disabilities.¹¹⁶ As of August 2024, “at least 19,000 children in Gaza have been orphaned or otherwise found themselves alone.”¹¹⁷

h) Imprisonment of Persons with Disabilities

57. Palestinians detained or imprisoned by Israeli forces endure inhumane conditions, ranging from overcrowded cells, inadequate medical care, and physical and mental abuse. Detainees are repeatedly mistreated during their arrest and transfer, including death threats, beatings, and sexual assaults.¹¹⁸ Such conditions not only violate human rights law, but also pose severe health risks, which can lead to the acquisition of new disabilities or compound existing ones.
58. Palestinians have historically been disproportionately targeted and detained by Israeli forces without reason. Many detainees remain in custody even after security screenings

¹¹² United Nations, Office of the High Commissioner for Human Rights, [A Tragedy Within a Tragedy: UN Experts Alarmed by Harrowing Conditions for Palestinians with Disabilities Trapped in Gaza](#) (25 October 2024).

¹¹³ World Health Organization, [oPt Emergency Situation Update - Issue 38](#) (5 August 2024)

¹¹⁴ Ibid.

¹¹⁵ Human Rights Watch, [“They Destroyed What Was Inside Us”: Children with Disabilities Amid Israel’s Attacks on Gaza](#) (30 September 2024).

¹¹⁶ United Nations, [Towards Greater Inclusion: Integrating Children with Disabilities in Humanitarian Action](#) (December 2023).

¹¹⁷ Human Rights Watch, [“They Destroyed What Was Inside Us”: Children with Disabilities Amid Israel’s Attacks on Gaza](#) (30 September 2024).

¹¹⁸ UN General Assembly, [Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel](#) A/79/232 (11 Sept. 2024), para. 48.

rule that they pose no threat.¹¹⁹ Detainees who are released report that they were never notified of reasons for their arrest.¹²⁰ This pattern of mistreatment is worsened for Palestinians with disabilities, who faced additional discrimination even prior to October 7, 2023. Israeli forces have refused to recognize disabilities or provide necessary accommodations, such as making audiobooks available for prisoners with visual impairments, offering accessible visitation arrangements, or ensuring proper medical care. These failures have led to severe consequences, including permanent disabilities caused by denial of medical treatment and the prolonged use of solitary confinement for prisoners with psychosocial disabilities or mental illnesses.¹²¹

59. Since October 7, 2023, the mistreatment of Palestinian prisoners has only worsened, with those who have been released reporting that their period of imprisonment following October 7th was unprecedented in terms of the circumstances and torture experienced.¹²² This has included starvation; confiscation of all belongings, including all electric devices; physical, sexual, and psychological violence and torture; and denial of family visits and regular lawyers' visits.¹²³ Torture and denial of medical treatment have led to prisoners in Gaza acquiring new disabilities, with many amputations occurring inside prisons or detention centers due to shackling of hands and legs, which causes ulcers, infections, and other complications exacerbated by poor hygiene and lack of medical follow-up. Overcrowding in prisons has reached unprecedented levels, sometimes with ten people per cell, which has led to the spread of diseases like scabies. These inhumane conditions, compounded by isolation and starvation, suggest a high likelihood of prisoners developing both physical and mental disabilities, leading some to contemplate suicide.¹²⁴
60. Palestinians with existing disabilities have experienced the same violations as well as other forms of violence and discrimination:
- One prisoner with two prosthetic limbs reports that Israeli forces refused to provide him with necessary medical care and forced him to leave one of his limbs behind during a prison transfer. He later lost so much weight that the other prosthetic limb no longer fit him, and he was forced to use a wheelchair because he could no longer walk.¹²⁵

¹¹⁹ Ibid at para. 43.

¹²⁰ Ibid at para. 42.

¹²¹ Interviews on file with the Palestinian Disability Coalition.

¹²² Ibid.

¹²³ Ibid.

¹²⁴ Ibid.

¹²⁵ Ibid.

- In another case, a 17-year-old Palestinian boy with an intellectual disability was arrested by Israeli forces and placed in administrative detention. He was subjected to physical violence from the moment of his arrest to the point that he was unable to communicate with his lawyer during a visitation, except for repeatedly requesting that his lawyer “tell them to stop beating [him]” and asking for his mother. Israeli forces have also not commented on whether he is being provided access to his medication.¹²⁶
- Following the bombing of a school in Northern Gaza that was being used as a shelter by civilians (including approximately 30 people with disabilities), Israeli forces arrested a number of those sheltering, including individuals with amputated legs and a 27-year-old man with a visual disability. This man reports Israeli forces stripping him, taking his glasses, and berating and beating him. When he was eventually released, he was detained again at an Israeli checkpoint, where they interrogated him for three days. During his detention, his glasses were taken from him again (with one Israeli soldier asking if he could see). He reports that Israeli soldiers then forced him into a vehicle, beat him, and broke his glasses.¹²⁷

61. These forms of systemic torture, mistreatment and neglect while detained underscore the broader discrimination and violence faced by Palestinians with disabilities.

i) Disruption to Other Disability Services

62. Persons with disabilities have also been negatively impacted by the cessation of services that formerly provided support to persons with disabilities and their families. Disability organizations play an important role in the Gaza Strip, as persons with disabilities rely heavily on these organizations in the absence of government services. There are an estimated 55 disability organizations in Gaza, the majority of which are located in Gaza City. These organizations consist of unions, union networks, rehabilitation institutions, and others, and provide a diverse range of supports including early intervention services, awareness and guidance, rehabilitation services, occupational therapy, assistive devices,

¹²⁶ Interviews on file with the Palestinian Disability Coalition, with data from the Palestinian Prisoners’ Club.

¹²⁷ Interviews on file with the Palestinian Disability Coalition.

empowerment, and protection.¹²⁸ At least 52,322 persons with disabilities were receiving services from these organizations before the current war.

63. During the current war, and as a result of mass destruction of infrastructure and buildings, many of these organizations have been significantly impacted or forced to shut down, including the following:

- Stars of Hope Society: Providing services to women with disabilities in Gaza, Stars of Hope significantly lost its ability to provide services following a bombing that destroyed 40% of its headquarters and most of the Society's property.¹²⁹
- Baituna Association for Development: This organization provides physical and occupational therapy and psychosocial support services in North Gaza to approximately 30,000 beneficiaries each year. 70% of the Association's headquarters was destroyed in the current war.¹³⁰
- Al-Hanan Centre for Special Education: Providing occupational therapy and other rehabilitation services to children with disabilities, the Al-Hanan Centre was fully burned down, along with all of its contents during the current war. As a result, the Centre stopped operating completely.¹³¹
- Palestine Avenir Childhood Foundation: The Foundation provided rehabilitation services, as well as educational services through the Palestine Avenir School, to over 2,000 beneficiaries. As result of the destruction of the Foundation's Cerebral Palsy Centre, including partial destruction of its building and complete destruction of the Centre's tools, devices, furniture, and other property, the Foundation has stopped working completely.¹³²

¹²⁸ Stars of Hope Society for the Empowerment of Women with Disabilities and the Social and Economic Policies Monitor (Al-Marsad), *A War Without Human Rights: Cutting Off All Means of Survival: Organizations Working in the Field of Disability in Light of the Genocide* (April 2024), p. 8.

¹²⁹ Stars of Hope Society for the Empowerment of Women with Disabilities and the Social and Economic Policies Monitor (Al-Marsad), *A War Without Human Rights: Cutting Off All Means of Survival: Organizations Working in the Field of Disability in Light of the Genocide* (April 2024), p. 10.

¹³⁰ Stars of Hope Society for the Empowerment of Women with Disabilities and the Social and Economic Policies Monitor (Al-Marsad), *A War Without Human Rights: Cutting Off All Means of Survival: Organizations Working in the Field of Disability in Light of the Genocide* (April 2024), p. 8.

¹³¹ Ibid, p. 10-11.

¹³² Ibid, p. 11.

- National Society for Rehabilitation: An organization seeking to improve the living conditions of persons with disabilities through rehabilitation, capacity building, research and training, advocacy and prevention and awareness, the National Society has had to significantly reduce its services. The displacement of both beneficiaries and the field team during the war combined with the absence of a telecommunication network has prevented the Society from reaching those in need of its services.¹³³

64. As of April 2024, at least 11,822 persons with disabilities in Gaza have completely lost access to services from disability organizations, and approximately 38,000 have partially lost access to services.¹³⁴

j) Acquisition of New Disabilities as a result of Israel's military conduct

65. Although it is difficult to obtain reliable data, it is clear that the number of persons with disabilities in Gaza has increased since October 7, 2023. In September 2024, the World Health Organization estimated that by July 2024 at least 22,500 people in Gaza had sustained “life-changing injuries” since October 2023.¹³⁵ Similarly, in September 2024, the Gaza Health Ministry reported that over 95,500 Gazans had been injured since October 7, 2023,¹³⁶ many of whom have acquired “long-lasting impairments” that will require “rehabilitation, assistive devices, psychosocial support and other services” for the rest of their lives.¹³⁷ Reports also indicate the emergence of acquired disabilities that were formerly preventable, such as paralysis due to polio.¹³⁸

66. These general reports are supported by the personal accounts of doctors who have travelled to Gaza during the current war to volunteer. Many doctors have expressed alarm regarding the number of life-altering injuries they saw as a direct result of Israeli attacks.¹³⁹ For example, doctors noted treating a large number of limb amputations, shrapnel injuries, and severe burn cases which resulted in substantial mobility impairments.¹⁴⁰ Doctors also expressed concerns regarding the high levels of psychological trauma, malnutrition, and

¹³³ Ibid, p. 11.

¹³⁴ Ibid, p. 9.

¹³⁵ Human Rights Watch, [“They Destroyed What Was Inside Us”: Children with Disabilities Amid Israel’s Attacks on Gaza](#) (30 September 2024); World Health Organization, [WHO Analysis highlights vast unmet rehabilitation needs in Gaza](#) (12 September 2024).

¹³⁶ Human Rights Watch, [“They Destroyed What Was Inside Us”: Children with Disabilities Amid Israel’s Attacks on Gaza](#) (30 September 2024).

¹³⁷ United Nations, Office of the High Commissioner for Human Rights, [A Tragedy Within a Tragedy: UN Experts Alarmed by Harrowing Conditions for Palestinians with Disabilities Trapped in Gaza](#) (25 October 2024).

¹³⁸ World Health Organization, [Situation Report: Issue 41b](#) (August 2024).

¹³⁹ University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

¹⁴⁰ Ibid.

infection rates in their patients, describing the connection between these phenomena and the corresponding risk of long-term and permanent disabilities.¹⁴¹

67. Notably, many Gazans who have acquired new disabilities during this war are children.¹⁴² Within the first three months of the hostilities, UNICEF reported that “[m]ore than 9,000 children have been injured in the Gaza Strip, leaving many grappling with the loss of an arm or a leg.”¹⁴³ By May 2024, the number of injured children was estimated to be upwards of 12,000,¹⁴⁴ with injuries ranging from limb amputations to hearing impairments to developmental concerns.¹⁴⁵ In October 2024, the UN Office of the Coordination of Humanitarian Efforts reported that “Gaza is home to the largest cohort of child amputees in modern history.”¹⁴⁶ UNICEF also determined that “almost all of the 1.2 million children in Gaza are in need of mental health and psychosocial support,” more than double the rate before the current war.¹⁴⁷ This increase in disabilities among children will have long-lasting impacts in Gaza in the future.

C. Canadian Arms Exports to Israel

68. The rights violations detailed above are directly enabled by the arms Israel receives from countries such as Canada. 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.¹⁴⁸
69. In the months following 7 October 2023, as Israeli atrocities in Gaza escalated dramatically, so too did Canada’s military support to Israel through arms exports. In the three months 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.¹⁴⁹ 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).¹⁵⁰

¹⁴¹ Ibid.

¹⁴² See infographic on the situation of children with disabilities in Gaza, attached as Appendix A.

¹⁴³ United Nations Children’s Fund, [‘Ten Weeks of Hell’ for Children in Gaza: UNICEF](#) (20 December 2023).

¹⁴⁴ United Nations Children’s Fund, [The Unheard Voices of Adolescents](#) (14 May 2024).

¹⁴⁵ United Nations Children’s Fund, [State of Palestine Humanitarian Situation Report No. 18](#) (February 2024).

¹⁴⁶ United Nations, [Israeli Efforts to Dismantle UNRWA’s Life-Saving Operations in Gaza Would Be Disastrous, Senior Officials, Speakers Warn Security Council](#) (9 October 2024).

¹⁴⁷ United Nations Children’s Fund, [State of Palestine Humanitarian Situation Report No. 18](#) (February 2024).

¹⁴⁸ [Expropriation Act](#), RSC 1985, c E-19.

¹⁴⁹ Alex Cosh, [“Trudeau Government Authorized \\$28.5 Million of New Military Exports to Israel Since October,” The Maple](#) (10 February 2024).

¹⁵⁰ Global Affairs Canada, [Report on Exports of Military Goods from Canada 2022](#) (2023).

70. Following sustained public outcry and a non-binding motion in Parliament, the Canadian government agreed in March 2024 to stop issuing new permits for arms exports to Israel. However, the government did not cancel or suspend existing permits that had already been issued but not utilized.¹⁵¹ According to Canadian government data, as of July 2024 there remain active permits to export a total of approximately C\$94.5 million (US\$69 million) of arms to Israel.¹⁵²
71. Further, the government's statement that it would suspend military exports to Israel – which it can reverse at any time – does not apply to indirect arms transfers through third countries such as the US.
72. The US is by far the biggest global supplier of arms to Israel, accounting for approximately 70% of Israel's total arms imports.¹⁵³ The US and Canada have a close military and trade relationship and Canadian suppliers are firmly integrated into the supply chain of the US military industry.¹⁵⁴
73. 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.¹⁵⁵ Thus, the government's cessation of new permits for direct arms exports to Israel does not affect indirect arms exports to Israel through the US, which mostly do not require an individual permit in the first place.
74. Further, Canada has no legal mechanism enabling it to control or restrict the reexport of Canadian military exports onward from the United States to third countries like Israel. In contrast, any reexport of US military exports to Canada onward to a third country requires prior approval of the US Directorate of Defense Trade Controls.¹⁵⁶ Canada does not impose similar reexport controls reciprocally.
75. Although there is scant publicly available information on Canadian arms exports to Israel routed through the US, it is likely that they are far more significant than direct exports. For instance, in just one transaction announced August 13, 2024, the Secretary of State

¹⁵¹ Catharine Tunney, ["Netanyahu Invokes 'None is Too Many' as MPs Back Israel in Hamas War"](#) *CBC News* (21 March).

¹⁵² Emma Paling, ["\\$95 Million in New Canadian Military Goods Could Flow to Israel by 2025."](#) *The Maple* (1 August 2024).

¹⁵³ David Gritten, ["Gaza War: Where Does Israel Get Its Weapons?"](#) *BBC News* (3 September 2024).

¹⁵⁴ Bo Leimand, ["Canada's Defence Industry: Exports and Partnerships."](#) *European Security & Defence* (29 May 2024).

¹⁵⁵ Affidavit of Judy Korecky, attached as Appendix B; See also Jillian Kestler-D'Amours, ["How Canada's 'Off-the-Record' Arms Exports End Up in Israel."](#) *Al Jazeera* (15 August 2024).

¹⁵⁶ Code of Federal Regulations, [126.5 Canadian exemptions](#), 22 CFR.

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.¹⁵⁷ The Israeli military has deployed 120 mm mortars during their operations in Gaza since 2009 and is using them in Gaza currently.¹⁵⁸

76. Reports suggest that 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.¹⁵⁹ However there is no indication that it made any move to affirmatively block the transaction, nor is it clear that it even has the power to, given as the goods in question do not require an individual permit for export to the US.
77. Similarly, 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.¹⁶⁰ Since the late 1990s, Canadian-based suppliers have been awarded contracts for the F-35 program valued in excess of US\$2.8 billion. A number of active F-35 production contracts include subawards to Canadian aerospace manufacturers or Canadian-based subsidiaries.¹⁶¹ An April 2018 study commissioned by Lockheed Martin stated that “there is \$2.3 million USD [approximately C\$3.1- million] worth of Canadian components on every F-35 jet manufactured.”¹⁶² In January 2023, the Canadian Minister of National Defense confirmed that every F-35 contains Canadian components.¹⁶³ In June 2024, Israel announced an order for 25 more F-35s in a deal valued at US\$3-billion.

¹⁵⁷ Defense Security Cooperation Agency, [Israel – M933A1 120mm High Explosive Mortar Cartridges](#) (13 August 2024).

¹⁵⁸ Breaking the Silence, [Operation Cast Lead: Soldiers’ Testimonies from Gaza, 2009](#) (2009); Jerusalem Post Staff, [“IDF Uses Iron Sting Precision Mortars for First Time Against Hamas.”](#) *The Jerusalem Post* (22 October 2023).

¹⁵⁹ Steven Chase, [“Federal government puts roadblock in front of ammo-supply deal for Israel.”](#) *The Globe and Mail* (12 September 2024).

¹⁶⁰ Emanuel Fabian, [“IDF Chief Says Israel ‘Knows How to Reach Anywhere in the Middle East’.”](#) *The Times of Israel* (6 November 2023).

¹⁶¹ DAWN, [Fanning the Flames: How Arms Sales to the Middle East Enable Repression, Corruption, and War](#) (December 2023).

¹⁶² Ibid.

¹⁶³ Ibid.

- Canadian companies also provide aerospace parts for Boeing's F-15 fighter¹⁶⁴, which Israeli has used to bombard Gaza.¹⁶⁵ Canadian companies provide various components for its manufacture. The Biden administration has approved the sale of 50 F-15s¹⁶⁶ to Israel for more than \$18 billion USD. for its manufacture.¹⁶⁷ The Biden administration has approved the sale of 50 F-15s to Israel for more than US\$18 billion.¹⁶⁸
- Boeing also manufactures the AH-64 Apache attack helicopter, which Israel has used in its air assault on Gaza.¹⁶⁹ Canadian companies provide aerospace parts for the aircraft.¹⁷⁰ Israel has requested 12 new AH-64 Apaches from the US, a request that has reportedly been "advanced and given priority."¹⁷¹

III. VIOLATIONS OF CRPD

78. With respect to occupied territory, both UN and regional treaty bodies have taken the position that the occupying State is obliged to observe its human rights obligations extraterritorially with respect to persons or territory over which it has effective control. Further, States have obligations under International Humanitarian Law (IHL) toward persons with disabilities. The CRPD specifically references the need for States to take all necessary measures to ensure the protection and safety of persons with disabilities during situations of risk and humanitarian emergencies.¹⁷² This obligation aligns with UN Security Council Resolution 2475, which calls on all parties to war and armed conflict to protect

¹⁶⁴ Boeing Canada, [Boeing in Canada](#).

¹⁶⁵ Michael D. Shear, ["Biden Administration Plans \\$680 Million Arms Sale to Israel,"](#) *The New York Times* (2 April 2024); Israel National News, ["IDF Fighter Jet Makes Emergency Landing After Technical Malfunction,"](#) *Israel National News* (11 April 2024).

¹⁶⁶ Defense Security Cooperation Agency, [Israel F-15IA and F-15I+ Aircraft](#) (13 August 2024); Nick Wadhams, ["US Approves Sale of Fighter Jets to Israel in \\$18.8 Billion Deal,"](#) *BNN Bloomberg* (13 August 2024).

¹⁶⁷ Magellan Aerospace Corporation, [Magellan Aerospace Signs Agreement with Collins Aerospace for Complex Castings](#) (6 March 2023); Héroux-Devtek Inc., [Annual Report 2021](#); Héroux-Devtek Inc., [Héroux-Devtek Firms Up Landing Gear Supply Agreement for Boeing's F/A-18 Program and Expands Scope to Boeing's Advanced F-15 Program, Spare Parts, and Services](#) (21 May 2019)

¹⁶⁸ Nick Wadhams, ["US Approves Sale of Fighter Jets to Israel in \\$18.8 Billion Deal,"](#) *BNN Bloomberg* (13 August 2024); Defense Security Cooperation Agency, [Israel – F-15IA and F-15I+ Aircraft](#) (13 August 2024).

¹⁶⁹ Yoav Zitun, ["Israel Secures Top Priority for US Attack Helicopter Deliveries,"](#) *Ynetnews* (25 January 2024); France 24, ["Israel Hits Gaza from Land, Sea, and Air as Hamas Halts Talks,"](#) *France 24* (15 July 2024).

¹⁷⁰ Boeing Canada, [Boeing in Canada](#).

¹⁷¹ Emanuel Fabian, ["Israel Advancing Deals with US to Purchase Fighter Jets, Helicopters, and Munitions,"](#) *The Times of Israel* (26 January 2024); Yoav Zitun, ["IDF Secures Top Priority for US Attack Helicopter Deliveries,"](#) *Ynetnews* (25 January 2024).

¹⁷² UN General Assembly, [Convention on the Rights of Persons with Disabilities : resolution / adopted by the General Assembly](#), A/RES/61/106, (January 2007), Article 11.

civilians with disabilities, facilitate inclusive humanitarian access, and provide accessible assistance.¹⁷³

79. Additionally, Article 32 emphasizes the role of international cooperation in supporting national efforts to fully realize the rights of persons with disabilities, and Articles 37 and 38 contain broader references to the importance of international cooperation in implementing the Convention's objectives.¹⁷⁴ These articles reinforce the need for States to ensure that their international policies do not undermine the rights of persons with disabilities in other jurisdictions and the broader objectives of the Convention.
80. Thus, in order to comply with its obligations under the Convention, Canada must regulate corporations under its jurisdiction that are exporting arms that contribute to the human rights violations of persons with disabilities in Gaza, and failure to do so makes Canada complicit in the CRPD violations discussed in this submission.

A. Violations of Articles 10 and 11

81. The CRPD explicitly addresses States' obligations during situations of risk and humanitarian emergencies through Article 11, which requires them to take "all necessary measures" in accordance with IHL and international human rights law (IHRL) to protect persons with disabilities.¹⁷⁵ Article 10, which guarantees the right to life, underscores the importance of these measures, obligating States to take proactive steps to protect lives during emergencies.¹⁷⁶
82. IHL and IHRL coexist during wars, creating complementary obligations for States to protect civilians, including persons with disabilities. *The Geneva Conventions* require parties to war to distinguish between civilian and military targets (principle of distinction) and to take precautions to avoid excessive harm to civilians relative to the anticipated military advantage (principle of proportionality).¹⁷⁷ These principles are particularly critical in densely populated areas like Gaza. Additionally, UN OHCHR has emphasized that States must uphold non-derogable rights, including the right to life, even during wars.¹⁷⁸ IHL

¹⁷³ United Nations Security Council, [Resolution 2475](#) (2019), UN Doc S/RES/2475 (2019).

¹⁷⁴ UN General Assembly, [Convention on the Rights of Persons with Disabilities : resolution / adopted by the General Assembly](#), A/RES/61/106, (January 2007), Article 32, 37 & 38.

¹⁷⁵ Ibid, Article 11.

¹⁷⁶ Ibid, Article 10.

¹⁷⁷ UN, [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts](#) (Protocol I), 8 June 1977, 1125 UNTS 3, arts 48, 51(5)(b).

¹⁷⁸ United Nations, [Office of the High Commissioner for Human Rights, Human Rights in Armed Conflict: International Legal Standards](#) (2011).

mandates that parties to wars provide special respect and protection to persons with disabilities, ensuring their inclusion and safeguarding during hostilities.¹⁷⁹

83. This Committee has warned that persons with disabilities are at heightened risk of harm during wars, particularly when critical infrastructure, such as healthcare facilities and shelters, is destroyed.¹⁸⁰ UN Security Council Resolution 2475 (2019) specifically highlights the need to protect civilians with disabilities during wars and to facilitate inclusive humanitarian access.¹⁸¹ This resolution reiterates that ensuring the safety of persons with disabilities during wars is not only an IHL obligation but also integral to fulfilling CRPD Article 11.
84. There have been severe violations of both Article 11 and Article 10 in Gaza. The war on Gaza has resulted in injuries and deaths to persons with disabilities, and the failure to provide adequate and accessible evacuation procedures has placed persons with disabilities at significantly greater risk of harm during attacks and bombardments. Further, the deliberate destruction of critical medical infrastructure has limited the ability of persons with disabilities who require ongoing medical care to obtain these services.¹⁸² The lack of access to preventative care and early intervention treatments has led to further complications for persons with existing or newly acquired disabilities. Severe restrictions on who is able to access treatment abroad had disproportionately impacted the health outcomes of persons with disabilities.¹⁸³
85. Canada's arms exports to Israel exacerbate these violations by enabling military actions that foreseeably harm civilians, particularly persons with disabilities. By continuing these exports despite clear evidence of harm, Canada violates its obligations under Article 10 and 11 of the CRPD, IHL, and IHRL.

B. Violations of Articles 9, 18, 19, 20, 24, and 25

86. While Articles 11 and 10 address the immediate risks posed by situations of risk and humanitarian emergencies, the ongoing war has resulted in widespread violations of

¹⁷⁹ International Committee of the Red Cross, [International Humanitarian Law and Persons with Disabilities](#).

¹⁸⁰ United Nations, Committee on the Rights of Persons with Disabilities, [CRPD Statement on the Situation of Persons with Disabilities in the Armed Conflict in Israel and Gaza](#) (20 October 2024).

¹⁸¹ United Nations Security Council, [Resolution 2475](#) (2019), UN Doc S/RES/2475 (2019).

¹⁸² See Human Rights Watch, ["They Destroyed What Was Inside Us": Children with Disabilities Amid Israel's Attacks on Gaza](#) (30 September 2024); Human Rights Watch, Gaza: Israeli Attacks, [Blockade Devastating for People with Disabilities](#) (1 November 2023).

¹⁸³ University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

numerous other provisions of the CRPD. These violations, compounded by systemic barriers and the absence of disability-inclusive measures, highlight the compounded harm experienced by persons with disabilities in their daily lives and their inability to access essential rights and services in Gaza. This has led to a violation of the rights to accessibility (Article 9), liberty of movement (Article 18), living independently and being included in the community (Article 19), personal mobility (Article 20), inclusive education (Article 24), and access to healthcare (Article 25).¹⁸⁴

87. The significant barriers to evacuation and safety during airstrikes due to inaccessible transportation, shelters, and communication systems for persons with disabilities violates the principles of accessibility enshrined in Article 9.
88. The severe restrictions on liberty of movement for persons with disabilities, particularly through the blockade of Gaza and the destruction of infrastructure, have prevented individuals from moving within the OPT and accessing life-saving medical care outside the conflict zone.¹⁸⁵ Such barriers constitute clear violations of Article 18, which guarantees the right to liberty of movement and prohibits discriminatory restrictions. They also violate Article 25, which obligates States to provide accessible and inclusive healthcare services, particularly during emergencies.
89. The destruction of assistive devices and mobility aids directly violates Article 20, which guarantees the right to personal mobility, and Article 19, which affirms the right of persons with disabilities to live independently and participate fully in their communities. The same applies to the separation or loss of caregivers that many persons with disabilities have experienced. Without access to assistive devices and support, many individuals are left isolated and unable to access even basic services.
90. There have also been severe deprivations of the right to health (Article 25), as persons with disabilities have been left without access to critical medical care, rehabilitation services, and mental health support. Hospitals and rehabilitation centers have been targeted, and the blockade has created chronic shortages of medication, assistive devices, and specialized care. Persons with disabilities requiring continuous care have been left without the services they need to manage their disabilities and to fully participate in

¹⁸⁴ UN General Assembly, [Convention on the Rights of Persons with Disabilities : resolution / adopted by the General Assembly](#), A/RES/61/106, (January 2007), Article 9, 18, 19, 20, 24 & 25.

¹⁸⁵ See Human Rights Watch, ["They Destroyed What Was Inside Us": Children with Disabilities Amid Israel's Attacks on Gaza](#) (30 September 2024); Human Rights Watch, Gaza: Israeli Attacks, [Blockade Devastating for People with Disabilities](#) (1 November 2023).

society.¹⁸⁶ The absence of mental health support further exacerbates the trauma experienced by children and adults with disabilities.

91. The food insecurity and deteriorated water, sanitation, and hygiene conditions, has disproportionately affected persons with disabilities and further violates Article 25 of the CRPD, as well as Article 28, which guarantees an adequate standard of living, and Article 9, which requires accessibility to essential services. Israeli restrictions on aid have prevented persons with disabilities from receiving specialized food required for their diets. Poor water quality and unsanitary conditions disproportionately harm persons with disabilities who can be immunocompromised or otherwise vulnerable to illness.¹⁸⁷

C. Violations of Articles 4, 6, and 7

92. This war has also resulted in significant violations of the rights to equality and non-discrimination (Article 5), the rights of women with disabilities to be free from multiple and intersecting forms of discrimination (Article 6), and the rights of children with disabilities to enjoy their rights on an equal basis with others (Article 7). These violations are compounded by systemic barriers, the breakdown of protective systems, and the absence of disability-inclusive measures.
93. Children with disabilities have been disproportionately impacted as the education system in Gaza has also been devastated. Schools that previously provided inclusive learning environments have been destroyed or repurposed as shelters, depriving thousands of children of their right to education. Children reliant on specialized services, such as sign language interpreters or accessible classrooms, have been left without access to critical educational supports.¹⁸⁸ Children with disabilities have also been unable to access necessary medical supplies, healthcare, rehabilitation services and supports. One mother in Gaza reported that she has three children with disabilities who are struggling to have their needs met, including specific medicine that she has been unable to find for her son who acquired a disability during a 2021 Israeli attack, and mobility assistance for her other

¹⁸⁶ World Health Organization, [Situation Report: Issue 41b](#) (August 2024); Human Rights Watch, ["They Destroyed What Was Inside Us": Children with Disabilities Amid Israel's Attacks on Gaza](#) (30 September 2024); University of Chicago Law School Global Human Rights Clinic Interview with physicians working in Gaza (notes on file).

¹⁸⁷ United Nations, Office of the High Commissioner for Human Rights, [Palestinians with Disabilities Subject to Unbearable Consequences of Ongoing Hostilities](#) (May 2024).

¹⁸⁸ Human Rights Watch, ["Gaza: Israeli Attacks Devastate Lives of Children with Disabilities"](#) (30 September 2024); United Nations Children's Fund, [Gaza's Children Are Seeing Their Schools Destroyed – UNICEF Has Them Back in Classrooms](#) (2024).

son who has hemiplegia who is unable to sleep on the floor and requires help getting up.¹⁸⁹ These actions violate Article 24, which guarantees the right to inclusive education, and Article 7, which obligates States to take measures to ensure that children with disabilities enjoy their rights on an equal basis with others.

94. The systemic failure to provide inclusive, gender-sensitive protections violates the CRPD's mandate to ensure equality and non-discrimination under Article 6. The shortage of sanitary and medical supplies has compounded the negative impacts faced by women with disabilities. One woman with a disability who was displaced stated that she could not shower during or after her menstrual period due to limited space in the school bathroom.¹⁹⁰ Another noted that due to the lack of sanitary supplies many women in Gaza were taking birth control pills – the use of which increases the possibility of developing health complications, especially for women with disabilities.¹⁹¹
95. Persons with disabilities, particularly women and children, are more vulnerable to exploitation, and abuse in conflict zones due to law enforcement and breakdowns in social structures.¹⁹²

D. Violations of Article 3

96. The violations outlined above not only breach specific CRPD provisions but also undermine the foundational principles of dignity, autonomy, non-discrimination, inclusion, and equality of opportunity enshrined in Article 3. The examples provided above underscore the widespread violations of CRPD rights in Gaza.
97. The destruction of critical infrastructure, including healthcare facilities, assistive devices, and schools, strips persons with disabilities of their dignity and autonomy, leaving them excluded. Inaccessible evacuation procedures and discriminatory barriers to humanitarian aid violate the principles of equality and inclusion, disproportionately harming persons with disabilities. Women and children with disabilities face compounded risks of exploitation and abuse, highlighting the systemic failure to respect difference and prevent discrimination.

¹⁸⁹ Stars of Hope Society for the Empowerment of Women with Disabilities and the Social and Economic Policies Monitor (Al-Marsad), *A War Without Human Rights: Ethnic Cleansing by Weaponizing Food, Water, and Medicine* (December 2023), p. 13.

¹⁹⁰ Ibid, p. 15.

¹⁹¹ Ibid, p. 15.

¹⁹² Human Rights Watch, [Palestine: Submission to the UN Committee on the Rights of Persons with Disabilities](#) (March 2023).

98. Although violations of the Convention are being directly committed by Israeli forces in Gaza, Canada bears responsibility for said violations where its acts or omissions contribute to the human rights harms.

E. Canada's Violations of its Extraterritorial Obligations

1. *Extraterritoriality under the CRPD*

99. The obligations undertaken by states parties under the CRPD apply extraterritorially. When read together, Articles 4, 11, and 32 of the Convention establish that Canada's obligations under the Convention apply beyond its borders:
- Article 4 affirms Canada's responsibility to adopt measures that align its laws, regulations, and practices with the Convention's objectives, including the prevention of discrimination against persons with disabilities. This obligation extends to refraining from conduct with foreseeable extraterritorial impacts.¹⁹³
 - Article 11 further compels Canada to protect the rights of persons with disabilities in situations of risk, such as wars or humanitarian crises, including in territories like Gaza, where Canadian actions or policies may indirectly or directly impact these rights.¹⁹⁴
 - Article 32 underscores the importance of international cooperation, obligating Canada to ensure its global engagements, including development programs and humanitarian aid, promote and respect the Convention's objectives¹⁹⁵.
100. Together, these provisions impose a duty on Canada to ensure that its actions, policies, and practices on military exports are consistent with the rights and principles enshrined in the Convention.
101. These obligations also align with Canada's own professed commitment to the Convention, as exemplified by the recent comments of the Minister of Diversity, Inclusion and Persons with Disabilities:

"Canada will continue to work with our domestic and international allies to break down barriers, build a more inclusive society both at home and around

¹⁹³ United Nations, Committee on the Rights of Persons with Disabilities, [General comment No. 6 \(2018\) on equality and non-discrimination](#), CRPD/C/GC/, (April 2018) at p 3-4.

¹⁹⁴ UN General Assembly, [Convention on the Rights of Persons with Disabilities : resolution / adopted by the General Assembly](#), A/RES/61/106, (January 2007), Article 11.

¹⁹⁵ Ibid, Article 32.

the world, and uphold Canada's obligations under the Convention on the Rights of Persons with Disabilities.”¹⁹⁶

102. Other UN treaty bodies have also affirmed the extraterritorial obligations of states under international human rights law. The CEDAW Committee has noted that states parties to CEDAW “are responsible for all their actions affecting human rights, regardless of whether the affected persons are in their territory.”¹⁹⁷ The UN Human Rights Committee has concluded that jurisdiction in human rights law refers to the “relationship between the individual and the State in relation to a violation of any of the rights set forth in the Covenant, wherever they occurred.”¹⁹⁸
103. Regional human rights bodies have also commented on situations where states may have extraterritorial obligations. For example, the Inter-American system takes an expansive and “impact-based” approach to jurisdiction in that a state may be responsible for human rights violations outside its territory where such violations are attributable to the state.¹⁹⁹ The Inter-American Court of Human Rights stated in its Advisory Opinion on *The Environment and Human Rights* that “if there is a causal link between the action that occurred within [a State’s] territory and the negative impact on human rights of persons outside its territory, the individuals whose rights have been violated come within the jurisdiction of that State.”²⁰⁰
104. This Committee has previously stated that States have a positive obligation to ensure they respect the rights conferred in the Convention,²⁰¹ and further that states must respect international humanitarian law and international human rights law to protect persons with disabilities in situations wars and of armed conflict.²⁰² By continuing to export arms and

¹⁹⁶ Employment and Social Development Canada (ESDC), [Minister Khara reaffirms Canada's continued commitment to advancing disability inclusion at the United Nations](#), (June 2024).

¹⁹⁷ United Nations, Committee on the Elimination of All Forms of Discrimination against Women, [General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women](#), CEDAW/C/GC/28 (December 2010).

¹⁹⁸ United Nations, Human Rights Council, [Delia Saldias de Lopez \(on behalf of Lopez Burgos\) v. Uruguay](#), CCPR/C/13/D/52/1979, at para 12.2.

¹⁹⁹ Nicolas Carrillo Santarelli et al., “[The Scope of the Extraterritorial Obligation to Respect in the Inter-American Human Rights System: An Approach Fully Consistent with the Demands of the Recognition of the Dignity of All Human Beings](#),” *Spanish Yearbook of International Law*, 27 (2023), p. 81.

²⁰⁰ Inter-American Court of Human Rights (IACtHR), Advisory Opinion of 15 November 2017, OC-23/17, [The Environment and Human Rights](#).

²⁰¹ United Nations, Committee on the Rights of Persons with Disabilities, [General comment No. 6 \(2018\) on equality and non-discrimination](#), CRPD/C/GC/6, (April 2018) at p 4.

²⁰² United Nations, Committee on the Rights of Persons with Disabilities, [Statement on situation of persons with disabilities in the armed conflict in Israel and Gaza](#), (October 2023).

technology to Israel, Canada is directly contributing to the violation of the rights of persons with disabilities in Gaza.

2. The obligation to regulate corporate conduct

105. This Committee has also 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, including their right to legal capacity.²⁰³
106. Other UN treaty bodies have further recognized that IHRL compels states to regulate the extraterritorial conduct of corporations within their jurisdiction. As the Human Rights Committee has stated (in a case involving 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.”²⁰⁴ 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.²⁰⁵
107. The Committee on Economic, Social, and Cultural Rights²⁰⁶ and the Committee on the Rights of the Child²⁰⁷ 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.
108. According to the UN Guiding Principles on Business and Human Rights, states can be held accountable for human rights violations committed by private sector entities when such violations can be attributed to the state or when the state fails to implement adequate measures to prevent and remedy violations.²⁰⁸
109. The Inter-American Commission on Human Rights took a similar approach in its thematic report on *Business and Human Rights: Inter-American Standards*, explaining that when

²⁰³ United Nations, Committee on the Rights of Persons with Disabilities, [General comment no. 1 \(2014\), Article 12, Equal recognition before the law](#), (May 2014).

²⁰⁴ United Nations, Human Rights Committee, [Basem Ahmed Issa Yassin et. al. v. Canada, CCPR/C/120/D/2285/2013](#), (February 2013).

²⁰⁵ United Nations, Committee on the Elimination of Discrimination Against Women, [General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women](#), (December 2010).

²⁰⁶ United Nations, Committee on Economic, Social and Cultural Rights, [GC 24 on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, E/C.12/GC/24](#) (June 2017).

²⁰⁷ United Nations, Committee on the Rights of the Child, [General comment No. 16 \(2013\) on State obligations regarding the impact of the business sector on children's rights, CRC/C/GC/16, 17](#) (April 2013).

²⁰⁸ United Nations, Office of the High Commissioner for Human Rights, [United Nations Guiding Principles on Business and Human Rights](#), (June 2011) at p 3.

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.²⁰⁹

110. 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 Committee²¹⁰, the CESCR, the CERD Committee, and the Committee on the Rights of the Child.²¹¹
111. For example, in its 2017 concluding observations,²¹² 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 CESCR recommended that Canada adopt a legal framework to hold corporations accountable for violations of economic, social, and cultural rights in their operations abroad.²¹³
112. Finally, numerous UN mandate holders have also highlighted Canada's ongoing regulatory deficiencies.²¹⁴ As the Special Rapporteur on the rights of Indigenous Peoples has noted:

²⁰⁹ Inter-American Commission of Human Rights, [Business and Human Rights: Inter-American Standards](#), Special Rapporteurship on Economic, Social, Cultural and Environmental Rights, 2019, para 79.

²¹⁰ United Nations, Committee on the Elimination of Discrimination Against Women, [Concluding observations on the combined eighth and ninth periodic reports of Canada, CEDAW/C/CAN/CO/8-9](#), (November 2016).

²¹¹ United Nations, Committee on the Elimination of Racial Discrimination (CERD), [Concluding observations on the combined 21st to 23rd periodic reports of Canada : Committee on the Elimination of Racial Discrimination, CERD/C/CAN/CO/21-23](#), (September 2017); CERD, [Consideration of reports submitted by States parties under article 9 of the convention, CERD/C/CAN/CO/19-20](#), (April 2012); CERD, [Consideration of reports submitted by States parties under article 9 of the convention, CERD/C/CAN/CO/18](#), (May 2007); United Nations, Committee on the Rights of the Child, [Concluding observations on the combined third and fourth periodic report of Canada, adopted by the Committee at its sixty-first session \(17 September – 5 October 2012\), CRC/C/CAN/CO/3-4](#), (December 2012).

²¹² United Nations, Committee on the Elimination of Discrimination Against Women, [Concluding Observations on the Combined Eighth and Ninth Periodic Reports of Canada, UN Doc CEDAW/C/CAN/CO/8-9](#) (18 November 2016).

²¹³ United Nations, Committee on Economic, Social and Cultural Rights, [Concluding Observations on the Sixth Periodic Report of Canada, UN Doc E/C.12/CAN/CO/6](#) (23 March 2016).

²¹⁴ *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*

“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.”²¹⁵

113. The Convention requires States to exercise due diligence in preventing and addressing violations by non-State actors against persons with disabilities. This requires Canada to implement appropriate measures to ensure that Canadian military exports are not being used to violate the rights of persons with disabilities.

3. *Obligations with respect to indirect military exports to Israel*

114. As the CERD Committee recently noted, states’ “international obligations, in particular those arising from the [ICERD], the Convention on the Prevention and Punishment of the Crime of Genocide and common article 1 of the four Geneva Conventions” require them to “ceas[e] any military assistance [to Israel] if there is a clear risk that such assistance could be used in violation of international law.”²¹⁶
115. Such military assistance could create a clear risk of international law violations whether it is direct or indirect. Thus, Canada’s obligations under the Convention with respect to military exports apply regardless of whether such exports arrive at their ultimate destination directly or indirectly.
116. 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

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).

²¹⁵ *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).

²¹⁶ United Nations, Committee on the Elimination of Racial Discrimination, [Decision 2 \(2024\) on Israel and the State of Palestine](#) (December 2024).

Israel extends to “indirect transfers through intermediary countries that could ultimately be used by Israeli forces, particularly in the ongoing attacks on Gaza.”²¹⁷

117. Further, in its recent periodic review of Canada in October 2024, the CEDAW Committee seized on concerns raised by nearly 50 Canadian civil society organizations²¹⁸ and questioned Canada about Canadian military exports to Israel. During the Constructive Dialogue, the Committee acknowledged Canada’s assertion that it had stopped direct arms exports to Israel, but pressed Canada specifically on the issue of indirect exports. 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.”²¹⁹
118. Canada responded evasively by stating that all export permit applications are reviewed even if they are through the US, and an application is denied if the review reveals 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. While this is strictly true, it conceals the fact that most military exports from Canada to the US do not require an export permit application in the first place.²²⁰
119. 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.”²²¹ It urged Canada to implement a transparent accountability mechanism to assess such transfers.

²¹⁷ United Nations, Office of the High Commissioner for Human Rights, [States and Companies Must End Arms Transfers to Israel Immediately or Risk Complicity](#) (20 June 2024).

²¹⁸ International Human Rights Program, University of Toronto and Global Human Rights Clinic, University of Chicago, [“Feminist Foreign Policy Fail? Assessing Canada’s Human Rights Obligations in Gaza”](#) (October 2024).

²¹⁹ UN Web TV, [2103rd Meeting, 89th Session, Committee on the Elimination of Discrimination Against Women](#) (16 October 2024).

²²⁰ *Transcript of the relevant portions of the dialogue are attached as Appendix C.

²²¹ United Nations, Committee on the Elimination of Discrimination Against Women, [Concluding observations on the tenth periodic report of Canada, CEDAW/C/CAN/CO/10](#) (30 October 2024).

V. RECOMMENDATIONS

120. The authors commend Canada for the limited steps already taken to stop some of the flow of arms exports to Israel, in recognition of the serious risk of international humanitarian law and international human rights law.

121. However, given the gravity of the situation, additional measures are urgently needed. Thus, the authors respectfully request that the Committee issue the following recommendations to Canada:

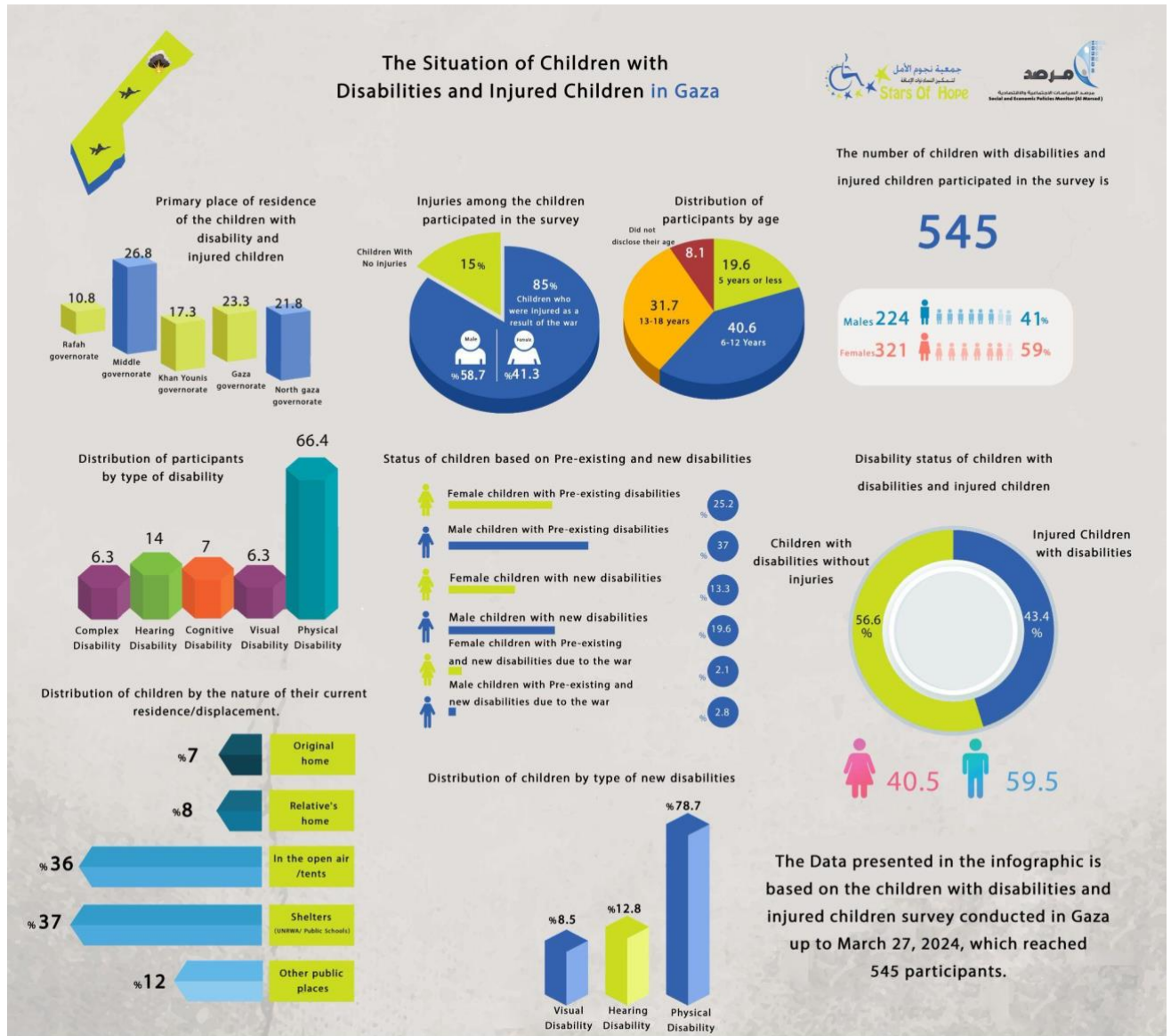
A. Ensure compliance with its obligations under the Convention and other international human rights law by:

- Continuing the current suspension of new permits for arms exports directly to Israel;
- Canceling or suspending all active existing permits to export arms to Israel that have been issued but not yet utilized;
- 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 reexport 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 Canadian arms exports to prohibit the transfer of arms to all other places where they may be used to commit human rights violations against persons with disabilities.

B. Engage in international cooperation to provide disability-inclusive humanitarian aid to Gaza, ensuring that persons with disabilities have equal access to emergency relief, assistive devices, medical care, and accessible communication systems, in accordance with CRPD principles and Canada's stated commitment to disability inclusion.

- C. Engage in international efforts to rebuild Gaza's health systems and infrastructure in compliance with its obligations under the CRPD. These efforts should prioritize the reconstruction of accessible healthcare facilities, including specialized centers for rehabilitation, assistive technology, and mental health services tailored to the needs of persons with disabilities. Canada should also advocate for and fund the rebuilding of schools and community infrastructure using universal design principles to ensure full accessibility for all.
- D. Call for an immediate and permanent 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.

APPENDIX A



Source: Stars of Hope Society and Al-Marsad - Arab Human Rights Centre

APPENDIX B

See PDF attachment for Affidavit of Judy Korecky

Court File No. T-473-24

FEDERAL COURT

BETWEEN:

HAMMAM FARAH, HIBA FARAH, AYMAN OWEIDA, X.Y.,
CANADIAN LAWYERS FOR INTERNATIONAL HUMAN RIGHTS, and
AL-HAQ – LAW IN THE SERVICE OF MAN

Applicants

-and-

MINISTER OF FOREIGN AFFAIRS and
ATTORNEY GENERAL OF CANADA

Respondents

AFFIDAVIT OF JUDY KORECKY

I, Judy Korecky of the City of Ottawa, in the Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:

1. I am a Deputy Director in the Export Controls Policy Division of Global Affairs Canada (GAC). I have been working in this position since 2005, and have been working with GAC since 2000. I obtained an LL.B degree in 1997 and an LL.L. degree in 1998. Amongst my responsibilities, I have been involved in amendments to the *Export and Import Permits Act* ("EIPA"), including amendments respecting the Arms Trade Treaty, as well as the creation of *General Export Permit No. 47 – Export of Arms Trade Treaty Items to the United States, SOR/2019-230* ("GEP No. 47"). As such, I have personal knowledge of the matters deposed in this affidavit.

A. General Requirements for Exporting Goods from Canada

2. Pursuant to the EIPA, export permits may be issued to any resident of Canada to export goods and technology included under the *Export Control List* ("ECL"), subject to certain terms and conditions.

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3. The ECL identifies specific goods and technology that are controlled for export from Canada to other countries. The ECL is divided into the following nine “Groups” of good and technologies:

- Group 1: Dual-Use List
- Group 2: Munitions List
- Group 3: Nuclear Non-Proliferation List
- Group 4: Nuclear-Related Dual-Use List
- Group 5: Miscellaneous Goods and Technology
- Group 6: Missile Technology Control Regime List
- Group 7: Chemical and Biological Weapons Non-Proliferation List
- Group 8: Repealed – January 2006 (historical section on the Export Control List)
- Group 9: Arms Trade Treaty

4. Each entry on the ECL under its respective “Group” is known as an “item” and each item is numbered. Items are further divided into sub-items. A list of the goods and technologies controlled on the ECL can be found in “A Guide to Canada’s Export Control List”, which is attached as **Exhibit “A”** to this Affidavit.

B. Individual Export Permits

5. Pursuant to section 7(1) of the EIPA, the Minister of Foreign Affairs (“Minister”) may issue to any resident of Canada a permit to export or transfer goods or technology included in the ECL or to a country included in an ACL. An individual export permit allows exports of goods and technologies to a specified consignee in a single country. A consignee is the foreign party who will be importing the goods or technology from the Canadian exporter into a foreign country. The export permit sets out, among other items, the quantity, technical description, nature of the goods or technology to be exported, as well as the final destination country and consignee.

6. The Export Controls Operations Division of GAC is responsible for issuing, suspending, cancelling, and reinstating export permits on behalf of the Minister. An application must be submitted to the Export Controls Operations Division of GAC in order

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to obtain an individual permit. That application must include, but is not limited to, the following information:

- The name and contact information of the exporter;
- The name and contact information for the consignee;
- The country in which the goods or technology are to be used or the country of final destination;
- The country of origin, the corresponding Item Number in the ECL, and the quantity and unit value, of the goods and technology; and,
- An end-use certificate, end-use statement, or other information to establish that the export of the goods or technology is consistent with the purpose for its control on the ECL.

7. Each application is reviewed on a case-by-case basis for consistency with the EIPA. Particular attention is given to the nature of the item, the country of destination, the purpose and intended use, the record and behaviour of the stated consignee and/or end-user, as well as the risk of diversion.

C. General Export Permits

8. General Export Permits (GEPs) are issued pursuant to subsection 7(1.1) of the EIPA, which authorizes the Minister of Foreign Affairs to issue generally to all residents of Canada a permit to export specified goods or technology subject to the terms and conditions described in the permit.

9. A GEP allows for the export or transfer of certain specified items from Canada to certain eligible destinations by means of a simplified procedure, as opposed to applying for an individual export permit. An exporter must self-assess their export needs against the provisions of a particular GEP to determine if it meets the conditions of the GEP. The exporter need only cite the relevant GEP authority on their export declaration and meet any conditions set out in the GEP, such as reporting obligations. Currently, the Minister has issued 13 GEPs pursuant to section 7(1.1) of the EIPA, for various goods and technology destined to various destinations.

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D. Military Goods and Technology Exports to the United States

10. In this motion, the Applicants seek leave to amend their Notice of Application to include an Order declaring section 2(a) of the ECL to be invalid and unlawful, and an Order quashing GEP No. 47.

11. Due to Canada's close and long-standing trade relationships with the United States, Canada and the United States have reciprocal arrangements to ensure permit-free and licence-free movement of most military goods and technology, as well as other types of goods and technologies, between these two countries.

12. This is reflected in section 2(a) of the ECL, which states:

2 The following goods and technology, when intended for export to the destinations specified, are subject to export control for the purposes set out in section 3 of the *Export and Import Permits Act*

(a) goods and technology referred to in Groups 1, 2, 6, and 7 of the schedule, except for goods and technology set out in items 2-1, 2-2.a., 2-2.b., 2-3, 2-4.a., 6-1, 6-2, 7-2, 7-3, 7-12 and 7-13 of the Guide, that are intended for export to any destination other than the United States... (emphasis added)

13. Despite section 2(a) of the ECL, pursuant to section 2(b) of the ECL certain types of military goods and technology require export permits if they are destined to a consignee in the United States, specifically goods and technology referred to in Groups 3, 4 and 9 of the schedule and goods and technology set out in items 2-1, 2-2.a., 2-2.b., 2-3, 2-4.a., 6-1, 6-2, 7-3 and 7-13 of the Guide.

E. General Export Permit no. 47 (GEP No. 47)

14. On September 1, 2019, GEP No. 47 issued by the Minister came into effect. GEP No. 47 allows for the following military goods and technology listed under section 2(b) of the ECL to be exported to the United States pursuant to this general permit:

- a) Group 2, Items 2-1: Smooth-bore weapons with a calibre of less than 20 mm, other arms and automatic weapons with a calibre of 12.7 mm (calibre 0.50 inches) or less and accessories, and specially designed components therefor.

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- b) Group 2, Items 2-3: Ammunition and fuse setting devices, and specially designed components therefor.
- c) Any goods referred to in Group 9 – “Arms Trade Treaty”.

15. The purpose of GEP No. 47 is to enhance domestic transparency and Canada’s fulfilment of its reporting obligations under the Arms Trade Treaty (“ATT”). The ATT established common standards for international trade in a broad range of conventional arms, with the ultimate goal of ensuring that states have effective national systems to review and control the arms trade. A copy of the Regulatory Impact Analysis Statement (“RIAS”) for GEP No. 47 is attached as **Exhibit “B”** to this Affidavit.

16. GEP No. 47 applies to the export of full system conventional arms and those small arms and light weapons (as opposed to parts and components) that are captured by the ATT and United Nations Conventional Arms Register. The making of GEP No. 47 reflected a balancing of the policy objective of increased transparency over the export of ATT items to the United States with the requirement for ease of movement of controlled items between our two countries given the integration of Canada’s defence production sector with that of the United States.

17. GEP No. 47 does not authorize the export of goods to a country other than the United States.

18. Group 2 of the ECL is comprised of items and components of items that are designed or modified for military purposes. These items have been added to the ECL pursuant to Canada complying with its obligations under the “Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-use Goods and Technology” (the “Wassenaar Arrangement”). The Wassenaar Arrangement was established in 1996. Its purpose is to contribute to regional and international stability by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies. There are 22 categories of items under Group 2, which can be found under “A Guide to Canada’s Export Control List,” attached as Exhibit “A” to this Affidavit.

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19. Group 9 was added to the ECL on June 17, 2019, pursuant to the *Order Amending the Export Control List (Arms Trade Treaty)*, SOR/2019-223. This amendment was part of a broader series of amendments to Canada's export regime to enable Canada's accession to the *Arms Trade Treaty* ("ATT"). The ATT was entered into force in 2014 with the objective of regulating international trade of conventional weapons for the purpose of contributing to international and regional peace, security and stability; reducing human suffering; and promoting co-operation, transparency, and responsible action in the international trade in conventional arms by and among states.

20. The purpose of Group 9 is to enhance transparency and facilitate Canada's international commitments on reporting with respect to ATT items to the United States. Group 9 includes full-system conventional arms in the following categories:

- Items 9-1: Battle tanks that are tracked or wheeled self-propelled armoured fighting vehicles.
- Items 9-2: Armoured combat vehicles 339.
- Items 9-3: Large-calibre artillery systems.
- Items 9-4: Military aircraft and related systems.
- Items 9-5: Military helicopters and related systems.
- Items 9-6: Vessels and submarines that are armed and equipped for military use.
- Items 9-7: Missiles and missile launchers.
- Items 9-8: Small arms.
- Items 9-9: Light weapons.

21. Exporters must notify the Export Controls Operations Division in writing of their intent to use the GEP No. 47 prior to exporting goods pursuant to this GEP. Further, within 30 days after each six-month period ending on June 30 and December 31 of a calendar year, the exporter must provide a report to that Division stating whether they exported a good under the GEP No. 47 during that period and, if a good was reported, they must provide the name and address of each consignee, a description of the good, the relevant Group of the ECL under which the good is captured, and the quantity and value of the good. The exporter must retain the corresponding records for each export pursuant to GEP No. 47 for a period of six years after the year in which the good is exported.

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22. Individual export permits are required for export to the United States of the remaining goods and technology listed under section 2(b) of the ECL. With respect to military goods and technology, these include:

- Group 2, Items 2-2.a.: Guns, howitzers, cannon, mortars, anti-tank weapons, projectile launchers, military flame throwers, rifles, recoilless rifles and smooth-bore weapons.
- Group 2, Items 2-2.b.: Projectors, specially designed or modified for military use, as follows: smoke canister projectors; gas canister projectors; and pyrotechnics projectors.
- Group 2, Items 2-4.a.: Bombs, torpedos, grenades, smoke canisters, rockets, mines, missiles, depth charges, demolition-charges, demolition-devices, demolition-kits, "pyrotechnic" devices, cartridges, submunitions therefor and simulators (i.e. equipment simulating the characteristics of any of these items), specially designed for military use.

23. All items exported from Canada to the United States are thereafter subject to American export controls, regardless of whether a Canadian export permit was required. The Export Controls Division of GAC has no authority over any subsequent export of those goods and technology.

SWORN BEFORE ME at the City of Geneva,

Switzerland, the  of August, 2024

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X 
Judy Korecky

X 
Eric Marin



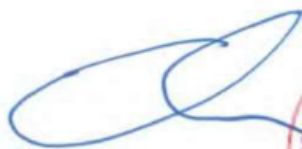
Conseiller (Gestion) et Consul | Counsellor (Management) and Consul
Mission permanente du Canada | Permanent Mission of Canada

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**This is Exhibit A referred to in
the Affidavit of
JUDY KORECKY
SWORN before me by affiant
on this 20th day of
AUGUST, 2024**

**Les présentes constituent la
pièce A dont il est question
dans l'affidavit de
JUDY KORECKY
assermenté devant moi ce
20 jour de août 2024**


Eric Marin
Conseiller et Consul





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[Canada.ca](#) > [International trade and investment](#) > [Export and import controls](#)

> A Guide to Canada's Export Control List (ECL)

A Guide to Canada's Export Control List (ECL)

A Guide to Canada's Export Control List identifies the items included on the *Export Control List* that are controlled for export in accordance with section 3 of the *Export and Import Permits Act* and for which an export permit is required.

Date of entry into force	Last day in force	Backgrounder	Non-official HTML version
May 2, 2024		Backgrounder – January 2024	A Guide to Canada's Export Control List – January 2024
July 1, 2023	May 1, 2024	Backgrounder – January 2023	A Guide to Canada's Export Control List – January 2023
December 21, 2022	June 30, 2023	Backgrounder – December 2021	A Guide to Canada's Export Control List – December 2021
July 24, 2021	December 20, 2022		A Guide to Canada's Export Control List – December 2020

8/19/24, 12:24 PM

A Guide to Canada's Export Control List (ECL)

Date of entry into force	Last day in force	Backgrounder	Non-official HTML version
May 1, 2020	July 23, 2021	<u>Backgrounder: December 2018</u>	<u>A Guide to Canada's Export Control List - December 2018</u>
May 17, 2019	April 30, 2020	<u>Backgrounder: December 2016</u>	<u>A Guide to Canada's Export Control List - December 2016</u>
August 11, 2017	May 16, 2019		<u>A Guide to Canada's Export Control List - December 2015</u>

Date Modified:

2024-06-04

**This is Exhibit B referred to in
the Affidavit of
JUDY KORECKY
SWORN before me by affiant
on this 20th day of
AUGUST, 2024**

**Les présentes constituent la
pièce B dont il est question
dans l'affidavit de
JUDY KORECKY
assermenté devant moi ce
20 jour de août 2024**



**Eric Marin
Conseiller et Consul**





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> [Publications](#) > [Part II: Vol. 153 \(2019\)](#) > [June 26, 2019](#)

General Export Permit No. 47 — Export of Arms Trade Treaty Items to the United States: SOR/2019-230

Canada Gazette, Part II, Volume 153, Number 13

Registration

SOR/2019-230 June 17, 2019

EXPORT AND IMPORT PERMITS ACT

The Minister of Foreign Affairs, pursuant to subsection 7(1.1) ^a of the *Export and Import Permits Act* ^b, issues the annexed *General Export Permit No. 47 — Export of Arms Trade Treaty Items to the United States*.

Ottawa, June 17, 2019

Chrystia Freeland

Minister of Foreign Affairs

General Export Permit No. 47 — Export of Arms Trade Treaty Items to the United States

Interpretation

Definitions

1 The following definitions apply in this Permit.

Act means the *Export and Import Permits Act*. (*Loi sur les licences d'exportation et d'importation*)

Export Controls Operations Division means the Export Controls Operations Division of the Department of Foreign Affairs, Trade and Development. (*Direction des opérations des contrôles à l'exportation*)

Guide has the same meaning as in section 1 of the *Export Control List*. (*Guide*)

General

Authorization

2 Subject to sections 3 to 6, any resident of Canada may export any of the following goods from Canada to the United States:

- (a) any good referred to in item 2-1 of the Guide;
- (b) any good referred to in item 2-3 of the Guide;

(c) any good referred to in Group 9 of the schedule to the *Export Control List*.

Unauthorized goods

3 This Permit does not authorize

(a) the export of goods to a country other than the United States;

(b) the export of *prohibited ammunition, prohibited devices, prohibited firearms or prohibited weapons*, as defined in subsection 84(1) of the *Criminal Code*; and

(c) the export of any good referred to in item 2-2.a. or 2-4.a. of the Guide.

Conditions

Firearms Act

4 A resident of Canada who exports a firearm under this Permit must

(a) hold a licence under the *Firearms Act* issued by the chief firearms officer of the province in which they reside; and

(b) if the firearm is a restricted firearm, hold a registration certificate for it issued under that Act.

Information

5 (1) A resident of Canada who exports under this Permit a good referred to in Group 9 of the schedule to the *Export Control List* must provide in writing to the Export Controls Operations Division

(a) before exporting under this Permit in a calendar year, their name, address, telephone number, email address and any facsimile number;

(b) within 30 days after each six-month period ending on June 30 and December 31 of the calendar year for which the information in paragraph (a) was provided, a report stating

(i) whether they exported a good under this Permit during that period, and

(ii) if a good was exported,

(A) the name and address of each consignee,

(B) a description of the good, the provision of the schedule to the *Export Control List* that refers to it and the item number assigned to it by the Guide, and

(C) the quantity and value in Canadian dollars of the good; and

(c) within 15 days after the day on which the resident of Canada receives a request from the Export Controls Operations Division, any information referred to in paragraph

(b) that is requested by it in respect of exports during the period specified in the request.

Exception

(2) Despite paragraph (1)(b), a resident of Canada who provides the information referred to in paragraph (1)(a) during the six month period ending on December 31 is not obliged to provide a report for the six-month period ending on June 30 during the same calendar year.

Temporary export

(3) Subsection (1) does not apply to the export of a good if the good is to be returned to Canada and to the resident of Canada who exported it within two years after the day of export.

Good not returned within two years

(4) If a good referred to in subsection (3) is not returned to the resident of Canada within two years after the day of export, the resident of Canada must provide in writing to the Export Controls Operations Division the information referred to in subsection (1) no later than 30 days after the day that is two years after the day of export.

Records

6 A resident of Canada who exports a good under this Permit must retain, for a period of six years after the year in which the good is exported, the following records:

- (a) the date on which the good was exported;
- (b) the name and address of each consignee;
- (c) the quantity and value in Canadian dollars of the exported good; and
- (d) a description of the exported good, the provision of the schedule to the *Export Control List* that refers to it and the item number assigned to it by the Guide.

Coming into Force

S.C. 2018, c. 26

7 This Permit comes into force on the day on which section 6 of *An Act to amend the Export and Import Permits Act and the Criminal Code (amendments permitting the accession to the Arms Trade Treaty and other amendments)*, chapter 26 of the Statutes of Canada, 2018, comes into force, but if it is registered after that day, it comes into force on the day on which it is registered.

REGULATORY IMPACT ANALYSIS STATEMENT

(This statement is not part of the Permit.)

Issues

The Government of Canada wishes to accede to the Arms Trade Treaty (ATT or the Treaty).

The ATT establishes common standards for international trade in a broad range of conventional arms with the goal of ensuring that states have effective national systems to review and control the arms trade. Accession to the ATT gives Canada the opportunity to further strengthen its export control regime. Article 13 of the ATT requires that States Parties report on the export of eight categories of full-system conventional arms listed in article 2(1): battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles and missile launchers, and small arms and light weapons. Canada hitherto controlled the export of all ATT-listed items to all destinations other than the United States and only required permits for the export of certain ATT items to the United States (e.g. prohibited firearms and missiles).

On December 13, 2018, *An Act to amend the Export and Import Permits Act and the Criminal Code (amendments permitting the accession to the Arms Trade Treaty and other amendments)* [the Act] received royal assent. However, in line with concerns raised by stakeholders during parliamentary debate on the Act, and with a view to increasing transparency and ensuring full compliance with the ATT, the Government of Canada is

implementing regulatory changes that allow it to collect data to report on exports of ATT items to the United States without requiring individual permits.

Through a separate regulatory package submitted to the Governor in Council (see the Regulatory Impact Analysis Statement for the *Brokering Control List*) an amendment to the *Export Control List* is being implemented to require a permit for the export of ATT-listed items to the United States. This General Export Permit (GEP) facilitates that process and reduces the administrative burden on Canadian companies and the impact on the Canadian economy, while ensuring reporting on the export of ATT items to the United States.

Background

The *Export and Import Permits Act* (henceforth referred to as “the EIPA”) authorizes the Governor in Council to establish a list of goods and technology called the *Export Control List*, which identifies goods and technology that are controlled for export or transfer from Canada to other countries. Most items on the *Export Control List* derive from Canada’s commitments to like-minded countries that participate in multilateral export control regimes or from Canada’s obligations as a signatory to bilateral or multilateral international agreements (Wassenaar

Arrangement, Missile Technology Control Regime, Nuclear Suppliers Group, Australia Group, and the Arms Trade Treaty, amongst others).

The principal objective of Canada's export control regime is to ensure that exports of goods and technology included on the *Export Control List* are in accordance with Canada's foreign and defence policies. Unless otherwise stated, exports or transfers of goods and technology included on the *Export Control List* require a permit issued under the authority of the Minister of Foreign Affairs in order to be lawfully exported or transferred from Canada.

Subsection 7(1.1) of the EIPA authorizes the Minister of Foreign Affairs to issue to all residents of Canada a general permit to export or transfer goods or technology included in the *Export Control List* subject to such terms and conditions as described in the permit. These general export permits allow the export or transfer of certain specified items from Canada to certain eligible destinations by means of a simplified procedure as opposed to the more burdensome and lengthier process of applying for an individual export permit. When making use of a general export permit, exporters must abide by all associated terms and conditions, including any pre-notification or reporting requirements.

During the debates surrounding Canada's accession to the ATT and recent public consultations on "Global Affairs Canada's proposed strengthening of Canada's export controls regime" (December 13, 2018, to February 11, 2019), civil society and certain academic stakeholders called for increased transparency over the export of ATT items to the United States. Industry stakeholders indicated that the permit-free movement of most controlled items between Canada and the United States is vital for the preservation of the Canadian defence industry. Parliamentarians recognized both points of view and the Government of Canada committed to explore options to increase transparency that would not involve a requirement for new individual permits for exports to the United States.

Objective

The objective of *General Export Permit No. 47 — Export of Arms Trade Treaty Items to the United States* (GEP-47 or *General Export Permit No. 47*) is to provide a streamlined permitting process for the export of most ATT items to the United States. The reporting requirements in GEP-47 enable the Government of Canada to fill a significant reporting gap and increase transparency by reporting on the permanent export of ATT items to the United States.

Description

Canada currently controls all ATT-listed items for export to all destinations, other than the United States. Controls on the export of ATT items to the United States are currently limited to items such as prohibited firearms and certain missiles. While all ATT items are captured in different parts of Group 2 of the *Export Control List*, a new Group 9 (Arms Trade Treaty) of the *Export Control List* is being established through a separate regulatory package submitted to the Governor in Council in order to capture all ATT items in one distinct identifiable group.

The current reciprocal permit-free movement of most military items between Canada and the United States has been in place since World War II, pursuant to various arrangements between the governments of both countries. A series of Exchanges of Notes between Canada and the United States stemming from the Hyde Park Agreement of 1941 reference the need and the general principles required for greater economic and defence integration. One such Exchange of Notes, dated October 26, 1950, states that “[b]arriers which impede the flow between Canada and the United States of goods essential for the common defense efforts should be removed as far as possible.” The combined regulatory amendments to the *Export Control List* and the creation of the new *General Export Permit No. 47* are not intended to alter this existing and long-standing permit-free movement of such military goods. Canada continues to benefit

from its close defence and security relationship with the United States and continues to have confidence in the highly rigorous nature of the U.S. export control system. This is not impacted by the U.S. administration's recent decision to "un-sign" the ATT. Many of our key ATT partners and allies have expedited licensing measures to the United States, reflecting the high level of confidence in the U.S. export controls system, even though the U.S. is not an ATT State Party.

The Government of Canada believes that it continues to be in Canada's best interest to ensure an expedited process for the movement of military goods between Canada and the United States. Therefore, in parallel with the amendments to the *Export Control List* that require individual permits for the export of all Group 9 items to the United States, the Minister of Foreign Affairs has created this General Export Permit. *General Export Permit No. 47* allows Canadian companies and residents intending to export the majority of goods listed in Group 9 of the *Export Control List* in order to export the goods without applying for an individual permit, if they pre-notify Global Affairs Canada of their intent to export these items in a calendar year. Exporters using GEP-47 are required to report biannually on their exports.

General Export Permit No. 47 authorizes, subject to certain terms and conditions, the export of certain goods listed in the new group. The requirement to report on permanent exports of Group 9 items increases transparency on Canadian ATT exports

to the United States. This is in line with the Government of Canada's commitment to further strengthen the rigour and transparency of Canada's export controls.

Regulatory development

Consultation

Results from the public consultations

Global Affairs Canada has proactively consulted stakeholders interested in this proposal. There are, broadly speaking, three main groups of stakeholders: the Canadian security, defence and aerospace industry; Canadian civil society organizations, including academics, whose work focuses on the global arms trade, human rights, and conflict prevention and mitigation; and Canadian firearms owners and users. These groups were consulted during the recent online consultation entitled "Global Affairs Canada's proposed strengthening of Canada's export controls regime" that was undertaken from December 13, 2018, until January 31, 2019. In addition to the online consultation, departmental officials met with representatives from industry and civil society through a series of meetings, workshops, webinars and round-table discussions that took place across the country between December 13, 2018, and February 11, 2019. Beyond these recent consultations, these groups of stakeholders

were actively consulted throughout the parliamentary process for the amendments to the *Export and Import Permits Act* and in the negotiations of the ATT.

During these consultations, industry stakeholders were supportive of the Government of Canada's intention to join the ATT and were supportive of the proposal to create a general export permit with reporting requirements for the export of ATT-listed items to the United States. Civil society stakeholders also welcomed Canada's desire to accede to the ATT and have urged the Government of Canada to apply further rigour and transparency in its assessments of Canada's controlled exports. During the legislative process, some civil society stakeholders expressed concerns about the existing practice of not requiring permits for the export of all ATT items to the United States. During both parliamentary consideration of the Act and the recent consultations, they asked the Government of Canada to increase its transparency by reporting on ATT exports at least to the same level of rigour as ATT exports to all other destinations.

Canadian firearm owner groups have expressed concerns that the ATT could be used to reintroduce a gun registry and that ATT reporting requirements might include details of individual gun owners, thus leading to a *de facto* gun registry. Officials have sought to clarify that neither the ATT nor its implementation in Canada would result in such changes.

Results from the public comment period following prepublication of the Regulations

The Regulations were published in the *Canada Gazette*, Part I, for public comment from March 16 to April 15, 2019. Emails and notifications of this comment period were sent to over 3 500 groups and individuals including all the participants in the December 2018/January 2019 public consultations on “Global Affairs Canada’s proposed strengthening of Canada’s export controls regime,” industry members, industry associations, non-governmental organizations, and other stakeholders. In-person and telephone engagement sessions were held during the public comment period to provide information and to answer questions about the Regulations.

A total of 12 responses (via emails, meetings and telephone calls) were received during the 30-day public comment period. All responses supported Canada’s steps to accede to the Arms Trade Treaty or were neutral about the broad lines of the Regulations. The Canadian Association of Defence and Security Industries (CADSI) and the Aerospace Industries Association of Canada (AIAC) issued a joint letter of support stating they remain committed to continue working with Global Affairs Canada to assist in a smooth transition to implement the new controls. A joint civil society submission from the Canadian Red Cross and

International Committee of the Red Cross was supportive of the ongoing consultations and steps taken to move towards ATT compliance.

Some concerns and questions, however, were raised about specific elements of the Regulations. Similar to the feedback received during the earlier public consultations, concerns identified by industry included the potential unintended impacts related to the scope of the Regulations. Similar to the feedback received during the parliamentary study of the Act and the earlier public consultations, civil society organizations' set out how they would like to see the Government of Canada do more in certain areas to further strengthen the Regulations and Canada's adherence to the ATT, particularly with respect to increasing transparency and addressing diversion concerns. These comments were articulated in a joint submission from Amnesty International, Canadians for Justice and Peace in the Middle East, Oxfam Quebec, Project Ploughshares and The Rideau Instituted and in a joint submission from the Canadian Red Cross and the International Committee of the Red Cross.

With respect to GEP-47, the aforementioned civil society organizations raised concerns that through issuing a general permit to all Canadians, the Government would not be able to adhere to the ATT requirement to assess the potential risk individual exports under articles 6 and 7 of the ATT. The ATT requires that states implement their obligations in a consistent,

objective and non-discriminatory manner, but it does not prohibit expedited licensing and many allies have also put in place similar measures. It should be noted that Canada's long-standing policy of not requiring individual permits for most items to the United States is based on a thorough assessment of the U.S. as a trusted export destination with a highly robust and rigorous system of export controls. Should circumstances change, the Government maintains the ability to amend the regulations underpinning any general export or brokering permit.

Civil society also requested that the Government amend the record keeping requirement for exporters using the GEP from six years to ten to reflect the requirement in article 12 of the ATT that records be kept for ten years. It should be noted that the article 12 obligations apply only to States Parties and not to individual exporters. Canada will maintain electronic records of all reports received from exporters for the mandated ten-year period. With respect to records held by exporters, the six-year obligation in these Regulations flow from EIPA subsection 10.3(6) and are the standard for export control related regulations under the EIPA.

An industry stakeholder also raised the suggestion that the reporting requirements of the GEP should be waived for those items that have been temporarily imported into Canada from the U.S. and are being returned unmodified. The Government

understands the reasoning behind this suggestion and is considering potential future general export permits to address the export of items that have been temporarily imported into Canada for trade shows, for repair or for return.

Outreach and engagement actions including further face-to-face meetings will be undertaken to clarify the implications of the Regulations, and to help address any questions or concerns.

Instrument choice

Although other non-regulatory instruments were considered, Global Affairs Canada determined that the most effective mechanism to capture data on the export of ATT items to the United States, while still maintaining the free movement of those items and not unduly burdening industry, was through an amendment to the *Export Control List* to require a permit for the export of ATT items to the United States, and the creation of a related general export permit for these newly listed items, with reporting requirements.

One non-regulatory option that was considered was to draw on data already available through Statistics Canada on the export of defence material to the United States. These figures are derived from data collected by the Canada Border Services Agency based on the Harmonized Commodity Description and Coding System (HS codes). However, since there is no correlation between the HS codes used by Statistics Canada and the ATT classifications of

conventional arms, a meaningful comparison of the information from these sources is not possible. For instance, the same HS code may include both controlled ATT items and non-military goods, such as civil-certified aircraft, or guns designed exclusively for industrial uses such as those used in the lighting of gas flares at oil wells. Global Affairs Canada also spoke with international partners who had also attempted to use HS codes for this purpose without success.

Some stakeholders recommended that the Government of Canada consider instituting a policy of voluntary reporting for exporters of ATT items. There are a limited number of companies whose line of business includes exporting such items to the United States and that are already familiar with the export controls system. However, a policy of voluntary reporting would lack rigour as the absence of a legal requirement to report would make it difficult for Global Affairs Canada to follow up with exporters and ensure compliance, particularly individuals and entities not familiar with Canada's export controls and reporting mechanisms.

Regulatory analysis

Costs and benefits

The incremental costs to businesses and individuals of the *Order Amending the Export Control List (Arms Trade Treaty)* derive from the requirement to apply for individual permits for the export of

ATT items to the United States that did not previously require individual export permits (prohibited firearms, prohibited weapons, prohibited devices and items in items 2-4.a and 2-2.a of the *Export Control List*, which includes large calibre weapons, bombs, torpedoes, and missiles). These costs are mostly negated by *General Export Permit No. 47*. However, there is a small new additional pre-notification and reporting requirement for businesses or individuals permanently exporting ATT items to the United States.

As ATT items are controlled by both Group 2 and Group 9 of the *Export Control List*, exporters of ATT items that are exported to non-U.S. destinations are encouraged to also assess the goods they intend to export in light of the new Group 9 when completing their individual permit application, in accordance with the existing practice. Around 25 companies apply for permits to export ATT items to non-U.S. destinations. Global Affairs Canada will advise these companies and work with them to ensure that they understand this minor change that should result in no incremental costs (no new field/box will be added to the export permit application).

The companies that export the larger full-system conventional arms that fall under the scope of the ATT are already familiar with the process for reporting on their exports and imports of these items, and therefore already have administrative procedures in place to address this requirement. There may be

modest costs to those not accustomed to reporting on their exports, such as those in the film industry exporting ATT items to the United States. This is expected to be a small number of cases. With respect to exports of firearms, measures have been put in place to limit the burden with respect to the reporting requirement, as exporters only have to report on permanent exports that are destined for end use by police or military forces in the United States. This scope is compliant with the reporting requirements of the ATT (article 13.3) and the UN Register of Conventional Arms.

Small business lens

Overall, no significant or disproportionate impacts are anticipated for small business. The number of exporters of ATT items from Canada is very low (less than 25 exporters for export to non-U.S. destinations). The new permit aims to lower the administrative burden on business, particularly on small businesses, which are also able to benefit from this streamlined process. Small businesses do not manufacture the items for which the export to the United States requires reporting under this regulatory amendment, except for certain small arms and light weapons.

There are fewer than 10 small businesses that export firearms to the United States. There may also be small businesses operating in other sectors, such as the film industry, that may export ATT

items to the United States. Global Affairs Canada understands that small businesses have special needs, and officials are prepared to assist these businesses in understanding whether they are impacted by the new obligations imposed by this permit and to support them in complying with their reporting obligations under this General Export Permit.

In addition, small businesses will benefit from measures that Global Affairs Canada will implement to support all businesses in their compliance efforts with Canada's export controls. These include

- providing assistance to applicants who need guidance on permit applications and processes through a telephone helpline; and
- a proactive outreach campaign, including updating departmental information resources (such as the Export Controls Handbook).

"One-for-One" Rule

These Regulations are tied to the *Order Amending the Export Control List (Arms Trade Treaty)*, which was approved by the Governor in Council. The "One-for-One" Rule is triggered for the *Order Amending the Export Control List (Arms Trade Treaty)* for increasing the administrative burden under existing regulations. The General Export Permit decreases the additional burden imposed by the *Export Control List* amendment as the General

Export Permit streamlines the authorization process for such exports. Rather than being required to apply for an individual permit, exporters only have to notify Global Affairs Canada of their intention to use the General Export Permit and to report twice a year on actual exports undertaken against the permit or advise that no exports took place. As the increased administrative burden on business associated with the *Order Amending the Export Control List (Arms Trade Treaty)* was exempted from the "One-for-One" Rule because it is required in order to meet Canada's international obligations under the ATT, Global Affairs Canada will not be given a credit for the OUT associated with the General Export Permit.

Regulatory cooperation and alignment

This permit aligns with the practices of almost all of Canada's main allies, who maintain expedited measures for low-risk transactions to certain destinations, while remaining in compliance with the requirements of the ATT. For instance, in the United Kingdom, the *Open General Export Licences* (OGELs) are a form of general licence open to any company registered in the United Kingdom to export certain military items to select destinations, including Canada and the United States. Most OGELs require companies using them to report on any exports undertaken during the previous calendar year. Similarly, European Union *Directive 2009/43/EC* allows for the establishment of common general licences in defined

circumstances where the exports are deemed low-risk. European Union companies making use of these general licences also have to report on the exports undertaken under the licence.

Strategic environmental assessment

In accordance with *The Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals*, a preliminary scan concluded that a strategic environmental assessment is not required. The approved preliminary scan determined that the Regulations are unlikely to result in important environmental effects and that further analysis is not required.

Gender-based analysis plus

An assessment indicates that there are no gender-based analysis plus (GBA+) impacts in this permit. However, there are relevant considerations in the broader context of Canada's accession to the ATT. The ATT is the first international treaty that specifically mentions gender-based violence as an outcome to prevent. By acceding to the Treaty, Canada is supporting this objective.

Rationale

Canada's export control regime aims to balance national and international security concerns associated with the export of strategic and military goods and technology with Canada's interests as a trading nation. The introduction of this streamlined process for exports to the United States allows the Government

of Canada to provide Canadian businesses with a mechanism to remain competitive in the global marketplace while at the same time increasing transparency and ensuring that Canada clearly meets all its obligations under the Arms Trade Treaty.

Implementation, compliance and enforcement, and service standards

Global Affairs Canada's Export Controls Operations Division, which is responsible for issuing export licences, now includes a dedicated compliance section. This section will promote compliance with this permit through its regular mechanisms, such as documentation reviews. Global Affairs Canada is currently exploring additional mechanisms to increase compliance, including through communication products and in-person outreach.

There are certain conditions associated with GEP-47, and exporters need to comply with those conditions in order to lawfully export under this General Export Permit. It is a condition of the General Export Permit that exporters pre-notify their intention to use this permit on an annual basis and report on a semi-annual basis on any permanent exports that have been carried out under the authority of the permit.

Non-compliance with any condition of this General Export Permit could lead to prosecution under the relevant provisions of the Act. The Canada Border Services Agency and the Royal Canadian

Mounted Police are responsible for the enforcement of export controls.

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Footnotes

a S.C. 2004, c. 15, s. 56

b R.S., c. E-19

APPENDIX C

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.