



## APRIL COMMUNITY NEWSLETTER

Happy Spring!

This is a busy time of year for the IHRP. With the looming end to the school year, our students are frantically finishing up their clinic and volunteer work for the year (while studying for exams!). In this newsletter, you will hear about our students' amazing accomplishments, including new reports on discrimination against sexual minorities in Croatia and Greece, updates to databases that make the law more accessible, and launch of our spring edition of *Rights Review*.

Stay tuned later in the spring for launch two new fact-finding reports, on freedom of expression in India, and detention of migrants in Canada. We also expect to publish reports on press freedom in Mexico (as a follow up to our 2011 report [\*Corruption, Impunity, Silence\*](#)), best practices for effective human rights implementation, and a guide to freedom of expression for journalists.

We are also preparing our interns to set forth into the world to experience and contribute to human rights work in the field. This year's 17 interns will be travelling around the world to intern with large inter-governmental organizations and small grassroots NGOs.

Finally, I am pleased to announce that I will be accepting the Jus Memorial Human Rights Prize on behalf of the IHRP on Monday. You can read more about our win on page 2.

Renu Mandhane

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## PROGRAM UPDATES

### **IHRP lands prestigious 2015 Jus Memorial Human Rights Prize for its work to end discrimination**

The IHRP is the winner of the 2015 Ludwig and Estelle Jus Memorial Human Rights Prize for its groundbreaking work to end discrimination against women and sexual minorities. IHRP executive director, Renu Mandhane, and faculty advisory committee chair, Professor Audrey Macklin, will accept the award on the IHRP's behalf at a formal presentation ceremony on April 13, 2015 at Isabel Bader Theatre in Toronto.

"Today's IHRP team has been tremendously effective in highlighting discrimination and human rights issues nationally and internationally. It has firmly established itself as a thought-leader through its media and public engagement, as well as through interventions before the Supreme Court of Canada," said Ed Iacobucci, dean of the Faculty of Law.

The Jus prize was presented to the IHRP in recognition of its unique and innovative experiential learning model, one that prioritizes partnerships with civil society and involves law students in cutting-edge advocacy.

Recent graduate Sofia Ijaz, a former clinic student, now volunteers as co-chair of its alumni network. "The IHRP instills a weighty sense of responsibility by allowing students to engage at a high level in important cases."



The program also works to strengthen the technical capacity of its NGO partners, such as Plan Canada.

"I remain consistently impressed with the IHRP's professionalism, quality of research and in-depth legal analysis," said Rosemary McCarney, Plan Canada, president and CEO. "The IHRP has helped Plan Canada and other partners shape best practices and data into accessible solutions that resonate with policymakers here in Canada."

The Jus prize is awarded annually in recognition of lasting contributions to the University of Toronto community in terms of education and action against discrimination. The prize was established by an endowment from Dr. Karolina Jus in memory of her husband's parents, Dr. Ludwik and Estelle Jus, Polish educators who put themselves at risk of death during the Holocaust to rescue Jewish people.

“While it is such a privilege and honour to work every day with incredible students, faculty, and NGO partners to advance the field of human rights, sometimes it does seem like an uphill battle,” said Renu Mandhane, IHRP director. “That’s why it is wonderful to be reminded of and recognized for our successes – it makes it easier to continue to fight to end discrimination at home and abroad.”

*Photo: Renu Mandhane, IHRP Executive Director; Audrey Macklin, IHRP Faculty Advisory Committee Chair (Photo credit: Richard Moon)*

## **IHRP hires leading refugee lawyer and fellows to probe Canada’s refugee policies**

The IHRP has hired Kristin Marshall to lead its project exposing the negative impact of Canada’s refugee policies on some of the world’s most vulnerable claimants—people with HIV or at-risk of HIV due to rampant violence, discrimination based on sexual orientation, and gender-based violence.

Kristin is a human rights and refugee lawyer with over 20 years of experience. She has worked with students from the Faculty of Law for several years, as a staff lawyer at Downtown Legal Services in the refugee/immigration and academic appeals divisions, and as a program manager with Pro Bono Students Canada. Kristin has dedicated her legal career to access to justice for two decades. A graduate of Osgoode Hall Law School, Kristin has assumed many roles to assist vulnerable populations exercise their legal rights. She has worked in private practice and represented numerous refugees and immigrants held in detention while working at the Refugee Law Office of Legal Aid Ontario. She developed training workshops for service providers working with survivors of domestic violence at Community Legal Education Ontario. She is currently Senior Refugee Law Trainer at Legal Aid Ontario.

The IHRP has also hired two outstanding summer fellows to assist with this project over the summer. Petra Molnar is a second year student with extensive experience working with vulnerable migrant populations as a settlement worker, advocate, and researcher on refugee rights. Petra has a M.A. in anthropology and diploma in refugee studies from York University, and has published extensively on refugee-related issues. She is also a caseworker with the refugee and immigration division of Downtown Legal Services.

Maia Rotman is a first year student with extensive background in international migration and HIV/AIDS. Prior to law school she was a community health consultant in New York with Globe Advocacy for HIV Prevention, and was the International Youth Migration Video Festival Intern with the International Organization for Migration. Maia has a MSc in migration from the School of Oriental and African Studies (SOAS) at the University of London (United Kingdom), as well as a B.A. in politics from Oberlin College.

In January, the IHRP received a \$75,000 grant from the [Elton John AIDS Foundation \(EJAF\)](#) to launch a project exposing the negative impact of Canada's refugee policies on some of the world's most vulnerable claimants—people with HIV or at-risk of HIV due to rampant violence, discrimination based on sexual orientation, and gender-based violence.

## **ADVOCACY AND KNOWLEDGE EXCHANGE**

### **Assisting with Constitutional challenge to Canada's restrictive policies re: refugee health**

In February 2013, the [Canadian Association of Refugee Lawyers](#) (CARL) launched a legal challenge to the federal Government's 2012 changes to the Interim Federal Health Program (IFHP), which provided basic health care coverage for refugee claimants and refused claimants. These changes impeded access to essential medical care for an already vulnerable and disadvantaged group, and left some refugee claimants with no coverage at all. In July 2014, the Federal Court concluded that the changes to the IFHP violated sections 12 and 15 of the *Charter*. The Federal Government has appealed the Federal Court's ruling.

The IHRP spring intensive student, Amy Tang (3L) provided support to CARL in their response to the Federal Government's appeal. The IHRP identified key sources establishing a positive right to health and principles of non-discrimination and equality under binding international human rights law.

### **Clinic students blog about free expression in India**

Two IHRP clinic students, Evan Rankin (2L) and Amy Tang (3L), have written a blog post that analyzes last month's Supreme Court of India decision on freedom of expression on the internet. The blog, "[India's free speech debate is alive and well](#)", has been featured prominently on the website of Pen International, the world's oldest freedom of expression organization and an IHRP partner. Evan and Amy are authors of a forthcoming report that analyzes India's vague, overbroad and overlapping censorship laws and their impact on freedom of expression in the world's largest democracy. The report will be a co-publication of the IHRP, Pen Canada, and Pen International.

### **Student volunteers publish new reports on persecution of sexual minorities in Croatia and Greece**

Now in its seventh year, the sexual orientation and gender identity (SOGI) working group continues to produce country-conditions memorandum to assist refugee lawyers advancing claims based on persecution of sexual minorities. This year, the group was led by Genevieve Ryan (2L) and Alana Pasut (3L), and researched and published two new reports, on Croatia and Greece. These reports are especially significant since they

deal with countries on Canada's designated countries of origin (DCO) list such that refugee claims by persons from Croatia and Greece are presumptively considered bogus and fact-tracked through the system. We expect to update a number of older reports (some of which date back to 2008) later in the Spring.

The report on [Croatia](#) finds that, despite joining the EU in 2013 and significantly improving legal protections for sexual minorities, discrimination against LGBT individuals continues, in part due to the influence of the Catholic Church. In 2013, a referendum was held to amend the Constitution to define marriage as a union between a man and woman. It passed with 66% approval. Although the referendum has made it nearly impossible to legalize same-sex marriage in the country, a law allowing same-sex civil partnerships was passed in July 2014. The law grants same-sex couples in civil unions inheritance, tax, and next-of-kin rights, but excludes parenting rights. Hate crimes against members of the LGBT community remain common but are underreported to police. In cases where hate crimes are reported to authorities, the police often treat the attacks as minor offences and fail to identify them as hate crimes. Generally, the Croatian government has taken a progressive stance in relation to the LGBT community; however, further protection is still needed

The report on [Greece](#) finds that, in recent years, the country has taken steps to bring its laws and policies into accordance with standards set by the European Union. That said, Greece has been consistently identified by various advocacy groups as falling behind other EU member states in its legal treatment of LGBT issues and in societal attitudes toward its gay and lesbian citizens. While there are no laws prohibiting same-sex sexual intercourse between consenting adults, the age of consent for a man engaging in same-sex sexual conduct with another man is 17, as opposed to 15 for opposite-sex couples. This makes Greece the only country in the European Union that has yet to repeal its unequal age-of-consent laws. Moreover, the state does not allow any form of marriage for same-sex couples, including common law unions, and LGBT families are excluded from basic protections such as reunification, and from adoption and surrogacy rights. In 2008, Greece passed a new law recognizing civil union partnerships for opposite-sex couples only, which the European Court of Human Rights determined to be in contravention of the European Convention on Human Rights.

### **Student volunteers contribute to databases focused on the right to health, women's rights, and the laws of war**

Through our working group program, over 30 first year students working under the guidance of upper year student leaders, updated databases that make the law more accessible.

This year, under the leadership of James Rendell (2L) and Amy Tang (3L), students summarized over 30 cases for inclusion in the [Global Health Rights Database](#). The database is the brainchild of the former UN Special Rapporteur on the right to health, Anand Grover. It is a free online database of law from around the world relating to



health and human rights, including an interactive, searchable and fully indexed website of case law, national constitutions, and international instruments.

The editors of the GHRD noted that the IHRP's summaries were stellar and head and shoulders above some of the other partner law schools. Indeed, one of the first year volunteers, Chetan Muram, will be travelling to India this summer to intern with Lawyer's Collective and to continue working on the database. You can read one of the summaries Chetan wrote on [\*Memorial Hospital v. Maricopa County\*](#), a US case that deals with residency requirements for access to healthcare.

Our women's human rights working group, ably led by Maia Bessemer (2L) and Kristina Panayotopoulos (2L), contributed 113 annotations of journal articles/reports for inclusion in the [Women's Human Rights Resources Database](#). The database is a free and searchable database organized by topic (from armed conflict to violence against women) that seeks to make academic research related to women's rights accessible to human rights defenders in the global south who may not have ready access to a law library.

Finally, our humanitarian law working group, led by Glenn Gibson (3L) and Brent Lemon (2L), continued our long-standing partnership with the International Committee of the Red Cross to update their [quarterly bibliography](#) which provides annotations of materials related to international humanitarian law to assist academics, policy makers, and military officials. This year, the working group provided 44 abstracts for inclusion addressing issues from the use of biological weapons to the care of the wounded and sick. This partnership has proven so successful that the ICRC is now reaching out to other university-based human rights programs to contribute to the bibliography.

### **The spring edition of *Rights Review* is here!**

The [new edition of Rights Review](#) is now available! The very timely [cover article](#) by Lara Yeo (1L) argues that international human rights law is an important framework to respond to violence against Aboriginal women and children in Canada. The remainder of the magazine covers diverse topics from the [right to health](#), to immigration detention, to the state of international justice; the geographic reach is amazing articles exploring issues from Canada, to [Sri Lanka](#), to Pakistan, to [Egypt](#).

The IHRP would also like to congratulate this year's editorial board for their incredible enthusiasm and commitment. In particular, Katie Bresner (2L), single-handedly created a better online experience for our readers. In particular, each issue now has its own page which includes a full pdf download, and a selection of articles that can be read online. You can even check out our very [first issue from 2008](#)!

## IHRP IN THE NEWS

[International Human Rights Program wins the 2015 Ludwig and Estelle Jus Memorial Human Rights Prize](#) (University of Toronto Bulletin)

[Judges should be overseeing solitary confinement](#) (Globe and Mail)

[Spillover into Canada](#) (Nexus magazine)

[Nehass' case 'troubling': human rights lawyer](#) (Whitehorse Star)

## 2015 HUMAN RIGHTS INTERNS

We are pleased to announce our 2015 summer interns, who will join the ranks of the over 300 interns we have sent into the field since 1987. Congratulations to this year's amazing interns, and stay tuned for reports from the field over the course of the next few months.

Nour Bargach (1L), [International Organization for Migration](#) (Geneva)

Katie Bresner (2L), Canadian Department of Justice, War Crimes and Crimes against Humanity Prosecutions Unit (Ottawa)

Madison Hass (1L), [The Equality Effect](#) (Meru, Kenya)

Philip Omorogbe (1L), [PEN International](#) (London)

Samuel Levy (1L), [International Organization for Migration](#) (Geneva)

Sally Wong (1L), [Defence for Children International](#) (Geneva)

Rona Ghanbari (1L), [Section 27](#) (Johannesburg)

Hanna Gros (2L), [United Nations High Commissioner for Refugees - South Africa](#) (Pretoria)

Niki Kermani, [PEN International, Writers in Prison Committee](#) (London)

Ashley Major (1L), [Human Rights Watch, Women's Rights Division](#) (New York)

Matthew Milne (1L), [Katiba Institute](#) (Nairobi)

Chetan Muram (1L), [Lawyer's Collective](#) (Delhi)

Sarah Rostom (1L), [Medecins sans Frontiers International](#) (Brussels)

Logan St. John-Smith (1L) - IHRP Summer Fellow (Toronto)

Sherna Tamboly (1L), [International Development Law Organization](#) (The Hague)

## **SUPPPORT TRANSFORMATIVE HUMAN RIGHTS**

For over 25 years, the IHRP has advocated for the rights of migrants, indigenous peoples, women, sexual minorities, and detainees. It has done so through direct client representation, interventions before the Supreme Court of Canada, field investigation, UN submissions, and policy advocacy. The IHRP combines the talents of incredible students, staff, and faculty, with the commitment of alumni and partners, to impact our lives, our community, and our world.

By donating to the IHRP, you will ensure the program's long-term sustainability and build the foundation for future growth. Through your tax-deductible donation, we will ensure that the IHRP remains a strong voice for justice, equality, and human rights, and continues to be heard by both governments and civil society around the world.

All donations will go directly to supporting the IHRP. Thank you in advance for your generous support.

[Donate online now!](#)

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