

## ADVOCACY

### Elton John AIDS Foundation Funds Probe into Canada's Refugee Policies



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.

“As Chairman of the Elton John AIDS Foundation and as a Canadian, I am pleased to see the University of Toronto's International Human Rights Program take the lead in advocating on behalf of HIV-positive refugee claimants seeking a better life in Canada,” says David Furnish. “The Elton John AIDS Foundation is proud to support this unique project, which is poised to bring about positive changes in policy, breakdown stigma, and hold Canada accountable for its obligation to protect the human rights of vulnerable refugees.”

The IHRP has gained significant expertise advocating for people affected by HIV, in Canada and around the world, with a particular focus on the rights of African grandmothers raising children orphaned by AIDS, persecuted sexual minorities, and prisoners.

With EJAF's support, and focusing on Syria and Mexico as critical case studies, the IHRP will advocate for policy changes to allow refugees with, or at-risk of, HIV to rebuild their lives in Canada, access necessary medical treatment without fear of persecution, and empower them to become part of the prevention equation.

“Canada has historically been a leader in terms of protecting those fleeing persecution based on their sexual orientation or HIV status,” says lawyer and IHRP Director Renu Mandhane. “Unfortunately, the federal government’s new refugee policies are threatening to undermine our reputation. It’s critical that Canada continue to show leadership in terms of protecting these very vulnerable individuals. For a person living in a refugee camp in Lebanon or fleeing persecution in Mexico, being gay or HIV-positive is still a potential death sentence. If they can find safe refuge in Canada, we can ensure Canada plays an important role in the global fight to eradicate HIV/AIDS.”

As with all IHRP initiatives, the project will involve many University of Toronto law students in the research and advocacy.

"I am delighted to be working on the HIV-positive refugee claimant project with the IHRP," says law student Petra Molnar. "These refugee claimants face a unique set of challenges and vulnerabilities when claiming asylum. It is imperative that their experiences with resettlement and the asylum process are critically explored so that appropriate policy and laws can be implemented."

This project will support the work of leading NGOs, and was developed with input from the Canadian HIV/AIDS Legal Network, HIV-AIDS Legal Clinic of Ontario, Committee for Accessible AIDS Treatment, Refugee Law Office of Legal Aid Ontario, researchers in Lebanon, and Canadian academics.

A web-accessible report with country case studies and testimonies to illustrate broader trends and issues will be published in 2015 and will form the basis for advocacy targeting policy-makers by a coalition of NGOs.

## **Sexual Violence in Libya and Syria**

We are pleased to announce that the latest issue of the [Journal of International Law and International Relations](#) features papers arising out of our 2013 conference entitled " ["Sexual Violence in the Recent Conflicts in Libya and Syria: Challenges to Protecting Victims and Pursuing Accountability"](#). The papers explore the use of [social science to effectively frame international crimes](#), [sexual violence against boys and men](#), and the [current challenges to prosecuting sexual crimes in Libya](#).

In their Editor's Acknowledgement to the issue, they note:

*This issue marks a unique collaboration, which we are very honoured to have participated in, with the University of Toronto Faculty of Law's International Human Rights Program (IHRP). On 8 February 2013, the IHRP and the Munk School of Global Affairs convened a conference of leading scholars, international lawyers, and policy makers to discuss "Sexual Violence in the Recent Conflicts in Libya & Syria: Challenges to Protecting Victims & Protecting Accountability." In a special section of this issue, three articles and one book review from that conference are*

*presented. We hope they serve to supplement the impact of the conference by bringing further attention to the crucial issues of sexual violence in these conflicts.*

**JILIR** is a peer-reviewed scholarly journal that fosters interdisciplinary discourse at the nexus of international law and international relations. In promoting critical, informed, and interdisciplinary debate on international affairs, the JILIR provides a forum for the advancement of knowledge, ideas, dialogue and dialectic in both International Law and International Relations. The JILIR was founded in 2004 as a joint venture between the **Faculty of Law** and what is now the **Munk School of Global Affairs** at the **University of Toronto**.

Finally, we are pleased that Ms Ibtisam Mahmoud, a librarian at McGill University Health Centre, has written an Arabic review of articles arising from the conference. The article was published simultaneously in *Sakher Sabeel* newspaper, based in Toronto, in ***Alwan Arabiyya*** newspaper, based in Stockholm, Sweden, as well as in Arabic newspapers in Chicago, Amman, and Ramallah.

### ***Yaiguaje et al. v Chevron Corporation***



On December 11, 2014, the IHRP, along with its partners **MiningWatch Canada** and the **Canadian Centre for International Justice** (the “Joint Interveners”), made submissions before the Supreme Court of Canada in *Yaiguaje v. Chevron Corporation*. In addition to the Joint Interveners, the Court heard oral submissions with Chevron Corporation, Chevron Canada, and the Justice and Corporate Accountability Project. The Joint Interveners were represented by a team of University of Toronto alumni: **Murray Klippenstein**, Cory Wanless, and IHRP director Renu Mandhane.

The *Lago Agrio* litigation is a decades-long struggle between Chevron and Amazonian villagers who are seeking compensation for extensive pollution of the Amazon Rainforest between 1972 and 1990. In February 2011, after years of litigation in Ecuador, the Ecuadorian courts found Chevron Corporation liable in the amount of US\$9.51 billion. *Yaiguaje v Chevron Corporation* is an attempt to enforce the \$9.51 billion Ecuadorian judgment against Chevron Corporation and Chevron Canada (its wholly-owned subsidiary) in Ontario. Some of a Lago Agrio plaintiffs, along with their infamous

US lawyer, Steven Donziger, were in attendance at the Supreme Court. One political activist was directed by Court staff to remove a t-shirt from the ["Dirty Hand" campaign](#).

Before the Supreme Court, the Joint Interveners addressed: whether Ontario courts could exercise jurisdiction over Chevron Corporation and Chevron Canada, and whether the plaintiffs were entitled to payment of their judgment debt from the assets of Chevron Canada (through piercing of the corporate veil). Read the [IHRP's factum in Yaiguaje v. Chevron Corporation](#).

In his submissions to the Court, Murray Klippenstein highlighted the importance of limiting jurisdictional hurdles in recognition and enforcement actions, which he argued is necessary to ensure access to justice for those whose rights have already been found to be violated by a foreign court.

He also argued that the Court must distinguish between corporate enterprises (comprised of a parent corporation and multiple wholly-owned subsidiaries) and corporations with individual or arms-length shareholders when analyzing whether or not Chevron Canada's assets are available to satisfy the judgment. He argued that there is no principled basis for strictly maintaining separate corporate personality for multinational corporate enterprises. Klippenstein referred extensively to the work of then-UN Special Representative on Business and Human Rights, John Ruggie, while ably responding to questions by Justices Cromwell and Abella.

IHRP clinic students, Alison Mintoff (3L) and James Rendell (2L/MGA) were in attendance in the gallery, along with Sarah Beamish (3L/MGA), who summered at Klippensteins LLP. The students were thrilled to see the Supreme Court in action, and struck by how many months of research and drafting goes into a 10 minute presentation before the Court. Both IHRP clinic students noted that being involved in the project was one of highlights of their experience at the University of Toronto Faculty of Law.

The Supreme Court has reserved judgment in the case.

## **IHRP IN THE NEWS**

[HIV Positive refugees focus of study](#) (Lawyer's Weekly)

[UofT project advocates change to Canadian refugee policies for people with HIV](#) (Metro News)

[Sir Elton John funds probe into Canada's treatment of refugees with HIV](#) (Toronto Star)

[Eritreans sue Canadian mining firm Nevsun over human rights abuses](#) (Guardian)

## EVENTS - SAVE THE DATE! (POSTERS ATTACHED)

<p>February 11</p> <p>Victoria University Room 215</p> <p>12:20-2:00 p.m.</p>	<p>IHRP Amnesty International Present</p> <p>Alex Neve, Secretary General, Amnesty International (Canada)</p>	<p><b><u><a href="#">Confronting a Human Rights Scourge: Canada and the Global Struggle against Torture</a></u></b></p> <p>Around the world, the scourge of torture continues to be a global human rights crisis. Governments deny it exists; cover it up; excuse it in the name of security; use it to terrorize opponents and minorities; brutally rely on it in fighting crime; and pretend it only occurs in isolated cases. While torture is obviously not rampant in Canada, that does not mean we are off the hook. There are many ways in which Canada is complicit in torture that has occurred in other countries. As well, Canada falls short in ensuring justice for torture survivors and accountability of torturers. Alex Neve will survey the state of the world and the state of the nation when it comes to combatting torture.</p>
<p>February 25</p> <p>Falconer Hall 84 Queen's Park Room 3</p> <p>12:30-2:00 p.m.</p>	<p>IHRP Presents</p> <p>Richard Stacey, Assistant Professor, University of Toronto Faculty of Law</p>	<p><b><u><a href="#">Constitution Building in Transitional Contexts</a></u></b></p> <p>Constitutional transition building forms an interesting lens to think more deeply about the cultural relativism critique of international human rights law. Foreign and NGO assistance to a constitution-building process can be a tricky business, since foreign 'experts' must justify the need for research and technical expertise, without creating a perception of foreign intervention, arrogance, or insensitivity to domestic social, political and cultural realities.</p> <p>Drawing on his experiences working in constitutional transitions in Kenya, Tunisia, Libya and Egypt, Stacey will recount his experiences of engaging with constitutional drafters on specific questions of constitutional law. His</p>

		approach was often to present constitutional drafters a range of options from around the world, and allow drafters to draw their own conclusions, on the basis of that information, as to which approach might be most suitable to their own constitutional transition.
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## **SUPPORT 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!\*\*](#)