



IHRP YEAR IN REVIEW

TEACHING | RESEARCH | ADVOCACY

Advancing the Field of International Human Rights Law

The [International Human Rights Program](#) at the University of Toronto Faculty of Law enhances the legal protection of existing and emerging international human rights obligations through advocacy, knowledge-exchange, and capacity building initiatives that provide experiential learning opportunities for students and legal expertise to civil society.

Support the IHRP

Please [help us](#) support the next generation of human rights advocates!

Our Publication: Rights Review

[Rights Review](#) is the independent student-led publication of the IHRP. All articles are written and edited by U of T students. Rights Review is published online and in print each month in the law school's student newspaper, *Ultra Vires*.

2019-2020: A Dynamic Year



Photo Credit: Alison Thornton

The IHRP's fundamental priority is impact. Our program strives to equip our students and recent graduates with the skills, the knowledge and the network to become effective human rights advocates. The IHRP seeks to address human rights violations in Canada and abroad by engaging in comprehensive research and advocacy that aims to reform law, policy, and practice.

We provide experiential learning opportunities for students, and legal expertise to civil society through clinical legal education, volunteer working groups, summer fellowships, speaker series and symposia, our Rights Review publication, and much more.



A Snapshot of Our Events

In 2019-2020, we held a number of engaging events to highlight our work:



Photo Credit: Adil Munim

- A panel discussion on “[Feminist Advocacy and the Law](#),” co-hosted with WeirFoulds LLP. The panel, which was moderated by IHRP’s Director, Petra Molnar, and included IHRP’s own Ashley Major, spoke on their diverse experiences and views on feminist advocacy and the law. Their work ranged from civil law advocacy and government practice to non-profit advocacy and academia.



- Co-hosted “[Universities Under Siege](#)” which launched the beginning of a photo exhibition: “Stand With Hong Kong Journalists.” This exhibition showcased press photos submitted by 12 Hong Kong frontline journalists, presenting their accurate, comprehensive and compelling stories about the movement. Vincent Wong spoke.

Clinic Projects

This year, the IHRP embarked on a variety of new research areas, field visits, and innovative projects. From Hong Kong to Jamaica to the United Nations Human Rights Committee and multiple Canadian courtrooms, our team challenged rights violations, exposed injustices, and learned from community groups to advance international human rights at home and abroad.

Migrants Know Your Rights Initiative



In collaboration with No One is Illegal Toronto, Butterfly (Asian and Migrant Sex Worker Support Network), and the Ontario Coalition Against Poverty, IHRP is working to create a set of community directed guides for non-status or precarious-status individuals interacting with law enforcement. These guides include practical tips and information on

rights and the immigration detention and deportation system.

In May 2020, the IHRP released a new digital guide: [Migrants Know Your Rights - Ontario's Emergency COVID ID Requirement](#). This guide was written in response to concerns from migrant communities around the Ontario Government’s O Reg 114/20, which gives police the power to require anyone they think is breaking emergency laws to show identification, or risk being charged and fined.

The easily accessible guide provides answers to questions such as: what is the law, what does it mean for you, and why is this order dangerous? It helps individuals to develop a strategy if they are stopped by an officer and create a safety plan if they are arrested and/or detained. The guide also outlines key resources and contacts.

Work is continuing on the project, with an eye to updating the original Know Your Rights Guide. Thank you to the Law Foundation of Ontario for generously funding this project!



- A panel discussion on “[Hope and Democracy in Hong Kong](#),” which explored the origins and implications of the political protests in Hong Kong. The panel was moderated by David Mulroney, formerly Canada’s ambassador to China, and featured speakers from both Hong Kong and Canada, including IHRP’s own Vincent Wong.

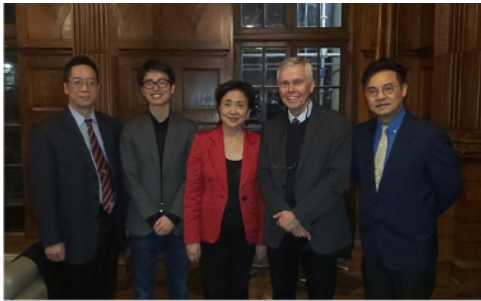


Photo Credit: Madeline Torrie

- A panel discussion, “[Media Freedom Under Threat: The Age of Disinformation](#),” which explored the increase in infringement on press freedom by both authoritarian and democratic governments.
- A panel co-hosted with Human Rights Watch on “[Seeking Accountability in Conflict](#).” This dynamic discussion centered around how civil society organisations can play a pivotal role in seizing – and sometimes creating – opportunities to hold those responsible for international injustices accountable.
- A panel with Amnesty International on “[Investigating Human Rights Abuses Using New Technologies](#).”
- A discussion by renowned international lawyer Payam Akhavan: “[Justice for Genocide: The World Court’s Historic Decision on Myanmar’s Persecuted Rohingya Minority](#)”. The event was co-hosted by Massey College.

Global Partnership to Protect Media Freedom

In September 2019, the IHRP joined the [Global Partnership to Protect Media Freedom](#). This global campaign, in partnership with a panel of legal experts led by Lord Neuberger and Amal Clooney, will develop legal tools to protect journalists and media freedom worldwide. The legal network will produce a series of reports on model laws that set out international human rights standards. These standards should guide the formulation and application of criminal and civil laws frequently used to target journalists and stifle media freedom around the world.

The IHRP’s project has focused on the impact of espionage and official secrets laws on media freedom. Our report, drafted by Vincent Wong, was largely researched by 8 students in a unique course, the [Media Freedom Clinical Seminar](#). It is expected to be released sometime in Fall 2020. The seminar and project were featured in the [Globe and Mail](#).

In association with this project, the IHRP and the Asper Centre for Constitutional Rights co-hosted a [symposium](#) on Canadian media freedom. The symposium brought together a small group of academics, civil society organisations, media experts and leading practitioners to discuss the state of media freedom and the law in Canada.

Crown Wardship: Abdilahi Elmi File at the UN

The IHRP, with Vincent Wong and Ashley Major as counsel, successfully petitioned the UN Human Rights Committee to request that Canada halt the deportation of [Abdilahi Elmi](#). Mr. Elmi was granted refugee status after arriving in Canada as a child, and before he was taken into state care. State officials failed to apply for permanent residency on his behalf, and Mr. Elmi faced deportation to Somalia as an adult as a result. The IHRP also assisted with a [press conference](#) to raise awareness of the case, together with Professor Audrey Macklin, Robyn Maynard and the family of Mr. Elmi.

In August 2019, the UN Human Rights Committee called on Canada to stay Mr. Elmi’s deportation while the Committee reviewed his case. Canada complied with the request. The case is still under review.

- A [film screening and discussion](#) of *Abandoned*, a documentary that explores how conscientious objection clauses in abortion laws have been increasingly invoked by doctors, resulting in difficulties in accessing safe abortions. The discussion was hosted by IHRP's Ashley Major, in conversation with Joyce Arthur, one of the filmmakers and founders of the Abortion Rights Coalition. The event was co-hosted by the International Reproductive and Sexual Health Law Program.
- Vincent Wong gave a [closing presentation](#) at the Munk School Graduate Student Conference on China's AI and predictive policing techniques in Xinjiang.



- A teach-in on the "[Kashmir Human Rights Crisis](#)", co-hosted with Toronto for Kashmir. The panelists spoke about the history of Kashmir, the deteriorating human rights situation and the causes and complexities of the current crisis.
- Hosted a variety of smaller events that engaged our student community on careers in international law and on human rights issues.

The IHRP is conducting advocacy surrounding this issue, working with community activists, lawyers and lawmakers to highlight this practice and advocate for legal reform. IHRP Clinic Students Ada Roberts and Michelle LaFortune drafted a large advocacy report that has informed research conducted by IHRP Fellow Vivian Cheng throughout the summer.

Human Rights and Technology

This year, the IHRP has continued to expand its innovative work at the intersection of human rights and technology, led by Director Petra Molnar. We have continued to build on the success of our 2018 report with the Citizen Lab, "[Bots at the Gate](#)," a ground-breaking investigation in the far-reaching impacts of AI in immigration and refugee applications, presenting its findings at the UN in November 2019. Petra's work was also featured in the [New York Times](#).



We are expanding our areas of focus into other ways that technologies impacts people's human rights. Once again partnering with

the intrepid [Citizen Lab](#), we are currently completing a far-reaching investigation into the use of predictive policing in Canada, [generously funded by the Law Foundation of Ontario](#) and soon to be published, and we are starting up a brand new project with our long-standing partner [PEN Canada](#) on the impacts of AI on freedom of expression across the world.

Partnership with Downtown Legal Services

The IHRP Summer Fellows partnered with Downtown Legal Services (DLS) to write a series of op-eds to bring awareness to the cases of three Uyghur men, who were detained in Guantanamo Bay for over five years due to unsubstantiated claims that they were part of an alleged terrorist organisation. The men were eventually exonerated, but the US refused to accept them. The men, who married Uyghur-Canadian refugees, are now trying to immigrate to Canada to be reunited with their wives and young children. Posing no threat



to Canadian national security, these men have been waiting over five years for resolution of their cases. DLS has launched a campaign highlighting the absurdity and inhumanity of their cases and revealing the continued pain and limbo that the Canadian immigration system has caused these families. The fellows have published an op-ed in [Ultra Vires](#) as well as in [The Toronto Star](#).

Myanmar Genocide and Sexual Violence

IHRP Clinic students Maria Alexiou and Hana Awwad Eidda examined whether sexual violence committed by Myanmar's military against the Rohingya amounted to genocide. This work contributed to ongoing research regarding sexual violence in times of conflict, led by Research Associate Ashley Major.



LGBTQ+ Rights

A group of IHRP students assisted lawyer and LGBTQ+ rights activist Maurice Tomlinson with his petition before the Inter-American Commission on Human Rights (IACHR) challenging Jamaica's constitutional ban on same-sex marriage. The students supported his case by drafting a response to the Jamaican Government's submission to the Commission and participating in declarant interviews that will bolster the case.

Last year, the IHRP, in collaboration with the Canadian HIV/AIDS Legal Network and local partners, also launched a constitutional challenge to Dominica's anti-sodomy laws.

Discrimination of Syrian Refugee Drivers

In May 2020, the [Human Rights Tribunal of Ontario](#) found that the province has been discriminating against refugees by not allowing drivers who come to Canada as refugees an exemption from the one-year waiting period before their final driving test. The IHRP supported litigator Hassan Ahmad in the case, who represented Mr. Shyesh Al-Turki, a Syrian refugee. Before arriving in Canada, Mr. Al-Turki drove regularly for approximately 15 years in Syria, but having fled a war zone, he did not have the documentation to prove this. The tribunal found that the one-year waiting period for refugees to obtain their full driver's licenses was arbitrary and discriminatory. Along with support from BLG lawyers Caitlin Sainsbury and Stephanie Young, the IHRP assisted with ongoing advocacy, including trips to meet MPPs and various policy makers across Ontario.

A Resounding Win for Corporate Accountability at the SCC

In February 2020, the Supreme Court of Canada released its decision on [Nevsun Resources Ltd. v. Araya](#), a civil claim by Eritrean refugees seeking to hold Vancouver-based mining company Nevsun Resources accountable for its alleged complicity in systematic human rights abuses that took place at a gold mine in Eritrea. The IHRP, represented by Cory Wanless (Waddell Phillips LLP), Professor Audrey Macklin and former research associate Yolanda Song (JD 2017), intervened along with several other groups to argue that corporations cannot rely on the "act of state" defence in Canadian courts. In a resounding win for



corporate accountability for human rights abuses, the Supreme Court agreed with the Eritrean Respondents and allowed their claim to proceed. The decision could have serious implications for transnational litigation that aims to hold Canadian actors accountable for their role in human rights abuses committed abroad.

'And I Live On': Release of Second Book of Interviews in Rwanda



And I Live On, a second book of interviews with survivors of sexual violence from the Rwandan genocide, was published in 2019. The book, produced by Anne-Marie de Brouwer and former IHRP Director Samer Muscati, is a follow-up to *The Men Who Killed Me*. In November 2018, the IHRP travelled to Rwanda to update testimonials for the new edition of the book. The aim of the testimonials is to encourage donor countries to do more in Rwanda and in other conflict and post-conflict countries.

Community Engagement at the Heart of the IHRP

Meaningful engagement with community and grassroots initiatives lies at the heart of IHRP Commitments, and this year was no different. The IHRP continued to partner with the [Rights of Non-Status Women's Network](#), a grassroots network of activists, community members, lawyers, and academics, on a variety of public legal education seminars highlighting the far-reaching difficulties women living with precarious immigration status face in Toronto. We also jointly released a [statement of solidarity](#) with the family of George Floyd and others killed by police and due to anti-Black racism and white supremacy.

Petra Molnar and Ashley Major act as advisory committee members for the #AndMeToo project on workplace sexual harassment from the Barbra Schlifer Clinic. The project, which builds on the #MeToo movement, aims to increase access to justice for women of precarious status and/or employment who have experience with sexual harassment or assault in the workplace. Ashley also acts as an advisory committee member on the prevention of sexual exploitation and abuse for the [Digna Legal Working Group](#) at the Canadian Council on International Law.

The IHRP has continued its work with Butterfly, the Asian and Migrant Sex Worker Support Network. IHRP Clinic students Liam Turnbull and Sophia Fozdar helped to facilitate training for Toronto Public Health on legal issues facing migrant sex workers. In addition, Vincent Wong successfully represented a Butterfly member in a bylaw case, where an Asian massage parlour worker was issued multiple bylaw fines arising from the same issues for not having proper accounting documentation, despite already pleading guilty to one of the tickets. The worker did not speak English and had not been given sufficient interpretation. Vincent and Butterfly Director Elene Lam published an [op-ed](#) on how punitive bylaws and aggressive enforcement and criminalisation directly leads to increased violence against massage parlour workers.



Student Working Groups

IHRP students continue to expand our [database on country-conditions memos](#) detailing discrimination on the basis of sexual orientation and gender identity. This database is used by refugee lawyers around the world who advance claims based on LGBTQ+ persecution. IHRP students also helped to expand the scope of the [Women's Human Rights Resources database](#) housed at the Bora Laskin Law Library. A further group of students summarised numerous cases for inclusion in the [Global Health Rights Database](#): a free online resource for law from around the world that is interactive, searchable and a fully indexed website of case law, national constitutions, and international instruments.

The IHRP continued its international [Digital Verification working group](#) at the cutting edge of contemporary human rights investigations. Our students assist researchers from Amnesty International to examine and authenticate digital content, including photographs and video from social media sources to provide evidence of war crimes. Our students are working alongside groups from the Berkeley University Human Rights Centre in the USA, the Pretoria University Human Rights Centre in South Africa, and the University of Essex Human Rights Centre in the UK. The project [won the 2019 Times Higher Education Award](#) for international collaboration.

Continued Partnership With Human Rights Watch

The IHRP has maintained a strong partnership with Human Rights Watch (HRW) this year. In December 2019, the IHRP and HRW co-hosted the event [Seeking Accountability in Conflict](#). Research Associate Ashley Major and IHRP Intern India Annamanthadoo conducted legal research for HRW's ongoing campaign against the [shackling](#) of individuals with psychosocial disabilities. India also worked closely with HRW's Disability Rights Division on issues of discrimination against individuals with albinism, and reported on the newly created [Global Alliance on Albinism](#). Several IHRP students were placed at HRW this year, both through externships and summer fellowships. We are grateful for this exceptional partnership, and we look forward to collaborating together again next year!

Forthcoming Report on Tear Gas in IHRL

The IHRP is releasing a report on "The Problematic Legality of Tear Gas Under International Human Rights Law" in August 2020. Around the world, law enforcement has turned to tear gas to suppress those exercising their freedoms of expression and assembly. The forthcoming report, authored by IHRP Summer Fellows Maija Fiorante and Natasha Williams and Research Associate Vincent Wong, details the dangers associated with law enforcement's chronic abuse of the riot control agent, including serious health effects and suppression of basic rights. This timely report outlines [why tear gas should be banned under international human rights law and why a prohibition would be consistent with evolving international norms](#). The report will be publicly available on the IHRP website.

Forthcoming Venezuela Accountability Project

In the wake of Venezuelan President Nicolás Maduro's brutal repression campaign against Venezuelan protestors and civilians, the IHRP is developing the Venezuela Accountability Project (VAP) in collaboration with the Global Accountability Network and the Raoul Wallenberg Centre for Human Rights at McGill University. Designed and supervised by Ashley Major, this student-led project will analyse, catalogue and report upon allegations of crimes against humanity. This project will commence in Fall 2020 and is open to all JD and LLM students.



IHRP Courses

The IHRP Clinic Course, co-taught by IHRP Director Petra Molnar and Research Associate Ashley Major, brought together nine students over the course of the Winter term to engage with domestic and international human rights issues. In addition to attending weekly seminars, the students supported the development of key projects through research and writing reports. Key projects included the Migrants Know Your Rights Digital Guide, the Technology and Freedom of Expression Project, and the Deportation of Former Crown Wards Project. Students also assisted Ashley Major's research on the Myanmar genocide and sexual violence, which examined whether sexual violence committed against the Rohingya could be considered genocide.

This year, the IHRP also ran a special [Media Freedom Clinical Seminar](#). Taught by Research Associate Vincent Wong, the clinic focused on research for the global media freedom project that the IHRP joined in September 2019. The students engaged in supervised research on the use of state secrets laws used to curtail journalist rights around the world. Guest lecturers for the course included Ben Wizner, a lawyer with the ACLU and counsel for Edward Snowden, and former PEN Hong Kong President and lawyer Jason Ng.



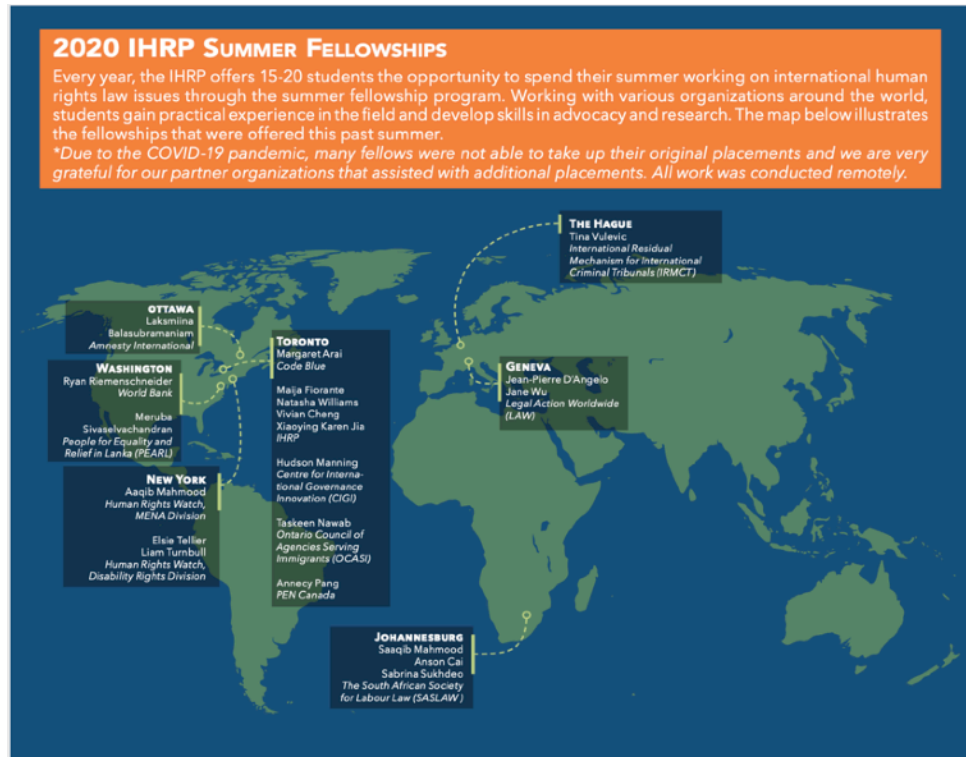
Bringing their learnings home, clinical students Isaac Gazendam, Julie Lowenstein, James Flynn, and Sonia Patel published an [op-ed](#) on understanding freedom of the press as distinct from free speech and its importance to Canadian journalism. Meanwhile, Vincent was interviewed by Ricochet Media on the [constitutionality of release conditions](#) barring use of social media to express solidarity with the Wet'suwet'en resistance.

Not even COVID-19 stops us from exploring international human rights law in our clinic!



Student Fellowships

Our [summer fellowship program](#) was gravely impacted by the COVID-19 crisis. While all of our 19 fellows had to shift quickly to working remotely, they were still able to create meaningful experiences this summer. Our fellows had the chance to work at various international organisations, such as Human Rights Watch, Amnesty International, the World Bank, and the UN International Residual Mechanism for Criminal Tribunals, among others. Thank you to the McCaul MacBain foundation for generously supporting our Fellowship program!



For the second year in a row, three fellows also had the opportunity to work with the [South African Society for Labour Law](#)'s Pro Bono project, which has become an indispensable cornerstone of the administration of justice at the four Labour Courts around South Africa. Our SASLAW fellowship program would not be possible without the generous support of Christopher Albertyn, Susan Steward, Professor Brian Langille, and members of the arbitration, employer and union community who have already raised sufficient funds for the first three years of the program.



IHRP Summer Fellows meeting on Zoom for the weekly coffee hour!



IHRP Staff 2019-2020



Vincent Wong is an Adjunct Professor and a William C. Graham Research Associate. Vincent was previously a Staff Lawyer at the Chinese and Southeast Asian Legal Clinic, where he litigated and provided advocacy in the areas of migrant rights, sex worker rights, housing, social assistance, mental health, employment standards, and police accountability. Most recently, he was a James Kent Scholar and Human Rights Fellow at Columbia Law School, where he worked as a Research Assistant at the African American Policy Forum and researched the impact of conflict and military occupation on youth education in Kashmir for the CLS Human Rights Clinic. Vincent has advocated for the pro-democracy protestors in Hong Kong, including writing a commentary in the

Hong Kong Free Press about the need for robust access to information laws in Hong Kong. He is drafting a report on the impact of espionage and official secrets laws on media freedom for the Global Partnership to Protect Media Freedom.



Ashley Major is an Adjunct Professor and a William C. Graham Research Associate. She specialises in issues of criminal law and gender-based violence. Ashley articulated at the Ministry of the Attorney General, Crown Law Office – Criminal. In 2019, Ashley convoked with an Advanced LLM in Public International Law, specialising in International Criminal Law, from the University of Leiden, the Netherlands. Most recently, Ashley has been conducting research on rape and sexual violence as genocide. She is also developing and will be supervising students working on the IHRP Venezuela Accountability Project (VAP). In addition to co-teaching the IHRP Clinic Course this year, Ashley represents the IHRP as a member of the Rights of Non-Status Women's Network

and as an Advisory Committee Member for the Barbra Schlifer Clinic's #AndMeToo project on workplace sexual harassment. She volunteers in her capacity as an IHRP Fellow for the Canadian Council on International Law regarding the Prevention of Sexual Exploitation and Abuse.

Thank you to Professors Rebecca Cook, Bernard Dickens, Audrey Macklin, Lisa Austin, and the Honourable Bill Graham for supporting our growing research associate program.



Petra Molnar is an alumna of the IHRP and the outgoing Director. She has worked on forced migration and refugee issues since 2008 as a settlement worker, researcher, and lawyer. Petra regularly shares her work domestically and internationally and specialises in immigration detention, health and human rights, gender-based violence, and the politics of refugee, immigration, and international law. She is currently exploring the [human rights impacts of automated-decision making](#) and artificial intelligence in migration control technologies with EDRi (European Digital Rights). She co-taught the IHRP Clinic Course and represents the IHRP on the Advisory Committee for the Barbra Schlifer Clinic's #AndMeToo project on workplace

sexual harassment. Petra frequently meets with students who are seeking career advice and hope to pursue a similar path in international human rights law. She will miss these interactions very much upon her departure!



This year, we were also supported by the incredible **Elsie Tellier Caballero** and **Annecy Pang** through the University's Work Study Program. Elsie assisted us with refining our social media strategy (and significantly upping our Twitter followers!) and Annecy was indispensable on all things relating to bookkeeping and finance. Thank you both!

Our Alumni

IHRP Alumni are global leaders engaged in improving human rights in law, policy, academia, and communities. Our alumni are associates in labour law firms, professors in humanitarian law, UN Special Rapporteurs, and leaders in civil society organisations.

Much of our work depends on alumni involvement, support, and mentoring of our current students. We are happy to be fostering a supportive community committed to advancing international human rights.

Our [Alumni Network Committee](#) includes Morgan Sim, Parker Sim LLP and Louis Century, Goldblatt Partners (co-chairs); Sarah Armstrong, Fasken; Maia Rotman, Jared Will & Associates; Cait Sainsbury, BLG; and Sarah Wright, Ministry of the Attorney General.

Join us and help shape the future of the IHRP!



IHRP in the News

This year, we have had a large number of articles and op-ed placed in various publications across the world.

For example, Petra Molnar published an op-ed in the [New York Times](#) on the risk of increased surveillance of refugees during Covid-19. She also co-wrote an op-ed in [The Star](#) on the lack of diversity in Canada's Advisory Council on Artificial Intelligence.

Vincent Wong published an op-ed in [The Star](#) discussing how attacks on the media threaten democracy and an op-ed in the [Hong Kong Free Press](#) on the need for access to information reform in Hong Kong. He also co-authored an article in [Jacobin](#) on the legality and impact of new national security laws on Hong Kong.

Ashley Major published an article in [The Lawyer's Daily](#) on the history-making Rohingya genocide case at the International Court of Justice.

IHRP student Isaac Gazendam had an op-ed published in [The Ottawa Citizen](#) advocating for the regulation of immigration consultants in Canada.

IHRP student and summer fellow Liam Turnbull published an op-ed on migrant rights during Covid-19 in [The Lawyers Daily](#).

IHRP summer fellow Elsie Tellier Caballero published a dispatch with [Human Rights Watch](#) about her experiences as a person with a disability during COVID-19.

IHRP summer fellow Meruba Sivaselvachandran published an article in [Opinio Juris](#) on Sri Lanka's State Responsibility for historical and recent Tamil genocides.

IHRP summer fellow Maggie Arai published an article in [AIDS Free World](#) presenting a critique of Jane Connors, the UN Victims' Rights Advocate, and the UN's culpability in ongoing sexual exploitation in the organisation.

The IHRP frequently comments in the media in Canada and internationally, highlighting the varied work of the IHRP and bringing international human rights considerations to the public. Thank you to our colleague Marina Jimenez at the University of Toronto Media Desk for all your help in getting our work out there!



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This newsletter was compiled by our
amazing IHRP Summer Fellows Maija
Fiorante and Natasha Williams.

**Thank you for your support and for making
2019-2020 one of our most dynamic years yet!**