

IHRP Final Fellowship Report

Amelia Fung, IHRP Summer Fellow

During the summer of 2017, I worked as the Summer Fellow for the International Human Rights Program (IHRP) at the University of Toronto, Faculty of Law. I worked directly for Samer Muscati, the Director of the IHRP, on a number of diverse projects. Throughout the summer, it was exciting to see both the relevancy and meaningfulness of my work whenever an issue I was researching appeared in the news.

At the beginning of my summer, I worked on a joint submission to the Committee on the Elimination of Racial Discrimination (CERD). This submission, written in collaboration with EarthRights International and MiningWatch Canada, requested the Country Rapporteur include the extraterritorial conduct of Canadian extractive companies in the pre-sessional List of Themes for Canada's 2017 Review. The submission examined whether Canada failed in its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) by not effectively regulating the extraterritorial conduct of Canadian extractive companies to prevent their participation in human rights abuses and furthermore, not ensuring victims of such abuses have access to effective remedies.

It was a challenge jumping into this project, considering both Hanna Gros and I began working on the project months after it had begun. However, I learned a great deal while working on this project and it significantly affected my view of Canadian extractive companies. I spent my first weeks learning about CERD and the ICERD, extractive companies headquartered in Canada, and Canada's corporate social responsibility strategies. I also performed fact-checking and footnote editing. This experience taught me how much attention to detail is required when working on a project of this nature. The most interesting part of working on this project was researching case studies to provide information in order to highlight the alleged human rights abuses committed against Indigenous communities by Canadian extractive companies. Before performing this research, I had no idea of the extent of the alleged abuses. Some of the alleged abuses in the case studies were horrifying, and I am glad I was able to contribute in some form to this issue.

Once the CERD submission was finalized, I began working on my primary project for the summer, which involved LGBTQ rights in the Caribbean. In collaboration with two LGBTQ petitioners and the Canadian HIV/AIDS Legal Network, I researched and helped draft a petition challenging the anti-sodomy law of a Caribbean country. Due to politics surrounding LGBTQ rights in the Caribbean, the specific country cannot currently be named. The petition, upon completion, will be submitted to the Inter-American Commission on Human Rights (IACHR) and then to the Inter-American Court of Human Rights (IACrHR), asking for the anti-sodomy law to be struck down.

I spent a number of weeks researching the Inter-American System, to learn more about the process of submitting a petition, and the Caribbean country's newspapers, to understand the current situation regarding LGBTQ rights in the country. From there, Evan Rankin, an IHRP alumni, and I began drafting the petition, focusing on how the anti-sodomy law was violating the petitioners' rights guaranteed under the American Convention on Human Rights. We used case law from the IACrtHR and the European Court of Human Rights, as well as other international and national courts, in order to support our legal arguments.

Working on the petition exposed me to how time-consuming the process is for petitioners to go through the IACrtHR, as well as the politics related to both the Inter-American System and LGBTQ rights in the Caribbean. Moreover, it improved my advocacy skills and taught me how to tell a compelling story using the information from the petitioners. I look forward to continuing my work on the petition during the upcoming semester as a practicum student.

At the end of May, Maurice Tomlinson, a Jamaican national from the Canadian HIV/AIDS Legal Network, and I attended a Community Mobilization training session at Downtown Legal Services with the student caseworkers. Maurice discussed community mobilization in relation to LGBTQ rights in the Caribbean and the upcoming petition. The photo was taken after the session and posted on Maurice's Facebook page to show the Jamaican government the support the LGBTQ community has in Jamaica.



Throughout the summer, I also performed background research and drafted memoranda on potential IHRP clinic projects. For example, I spent a number of weeks researching and drafting a 48-page memorandum on migrant farm workers in Ontario through the Temporary Foreign Worker Program (TFWP). I researched the program, read current newspaper articles by journalists and advocates on migrant farm workers, and performed statistical analysis using data from Immigration, Refugees and Citizenship Canada. Researching this issue exposed me to Ontario's health and employment legislation and policies. Moreover, it demonstrated to me the disconnect that can occur between federal and provincial governments and problems which can arise because of this disconnect – in this particular case, the federal government administers the TFWP, but does not have the regulatory authority to monitor employer compliance, which falls to the provincial government.

Additionally, I helped update the Career Development Office's International Law Career Guide, which had last been revised in 2009. Updating the Career Guide, though at times tedious, was

intriguing as it allowed me to gain insight into the wide variety of internships and job opportunities related to international human rights law, the majority of which I had no knowledge of prior to working on this guide. I hope future students with intent on working in the field of international human rights law will be able to use the Career Guide to find internships or employment suited to their interests.

In retrospect, working as a Summer Fellow for the IHRP was an incredibly rewarding experience. Not only did it improve on my legal research and writing, but I also developed advocacy skills and learned to take facts and use them to tell a compelling story. Moreover, I appreciated that I was able to make a meaningful contribution with my work, despite still being a student with minimal experience in law. I would recommend this experience to law students interested in pursuing a career in public international or human rights law; you will not be disappointed.