



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.



2018: A Most Impactful Year

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.



Events



In 2018, we held a number of engaging events to highlight our work:

- A panel discussion with Human Rights Watch: *[“The Dark Side of Digital.”](#)* Our varied speakers discussed complex issues around technology and human rights.
- A public event *“Think Locally, Act Globally: Challenging Canada’s Human Rights Record at the UN”* followed by a [community consultation](#) with a number of civil society organizations ahead of the Universal Periodic Review of Canada.
- Variety of events that engaged our student community on human rights issues, including the [detention of asylum seekers in Israel](#), bringing [Canadian mining companies to justice](#), and a panel on how to [incorporate pro bono](#) lawyering into your practice.
- Our clinic also hosted guest speakers who presented ethical interviewing, media engagement, the joys and pitfalls of working in the field, and many other topics.

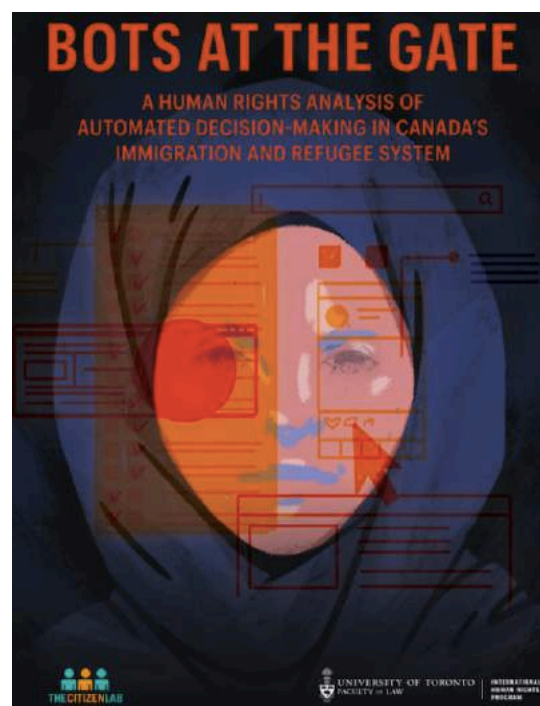
Clinic Projects

This year, the IHRP embarked on a variety of new research areas, field visits, and innovative projects. From Rwanda to the Philippines to courtrooms in Canada, our team challenged rights violations, exposed injustices, and learned from community groups to advance international human rights at home and abroad.

Technology and Human Rights

The IHRP’s latest research and advocacy focus has been on the impact that existing and emerging technologies have on human rights.

For instance, algorithms and artificial intelligence are augmenting and replacing human decision-making in Canada’s immigration and refugee system, with alarming implications for the fundamental human rights of those subjected to these technologies.



To highlight the profound impacts of these new technologies on people’s lives, the IHRP, in collaboration with the Citizen Lab at the Munk School of Global Affairs and Public Policy and U of T’s IT3 Lab, released an 88-page report, *[“Bots at the Gate: A Human Rights Analysis of Automated Decision-Making in Canada’s Immigration and Refugee System.”](#)* Professors Lisa Austin and Audrey Macklin, as well as a number of external advisors, provided invaluable guidance. Our landmark report received unprecedented media attention from major Canadian and international outlets, including *The Globe and Mail* and CBC’s *The Sunday Edition*. Lead researcher Petra Molnar continues to



Student Working Groups



IHRP students continue to expand our [database on country-conditions memorandum](#) detailing discrimination on the basis of sexual orientation and gender identity. IHRP students also supported the International Committee of the Red Cross to expand access to key international humanitarian law resources, and to build the [Women's Human Rights Resources database](#) housed at the Bora Laskin Law Library. This year, students also summarized 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.

Our [Digital Verification working group](#) remains at the cutting edge of contemporary human rights investigation. 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, Honk Kong University, and the University of Essex Human Rights Centre and Cambridge University in the UK. Last summer, our students also attended a [conference at Cambridge University](#).

advocate on these issues, which have sparked people's attention in Canada and internationally. We also had many successful meetings with Canada's federal government, including Immigration, Border Services, and the Prime Minister's Office.

Our next area of focus is the human rights implications arising from the use of predictive analytics in the criminal justice system. Led by research associate Yolanda Song and Citizen Lab's Cynthia Khoo, we are working on a second report in collaboration with the Citizen Lab. The use of these technologies implicates a variety of rights, including the right to privacy, liberty and security of the person, freedom of expression, the presumption of innocence.

Abdoul Abdi's Release



Taking lead from *Black Lives Matter* and *No One is Illegal*, the IHRP worked with litigator Benjamin Perryman to advocate for [Abdoul Abdi](#), a refugee from Somalia who arrived in Canada as a young child and became a crown ward. As a 24-year-old permanent resident, Mr. Abdi was at risk of being deported to Somalia because of Canada's negligence in failing to secure his citizenship while he was a crown ward. IHRP students drafted a complaint to the United Nations Human Rights Committee on behalf of Mr. Abdi. As a result of ongoing efforts, Mr. Abdi was released from immigration detention and the government ceased to pursue his deportation.



Freedom of Expression: IHRP at the Supreme Court of Canada

The IHRP, along with twelve press freedom, media rights, and civil liberties organizations from around the world were granted [leave to intervene](#) in support of Ben Makuch, a national security reporter for *VICE News* in Toronto, who received an order from the RCMP to hand over all communications with an alleged Islamic State fighter. However, in December 2018, the Supreme Court of Canada did not side with *VICE News* and upheld the lower court decisions.

Immigration Detention

Under the direction of advocate Hanna Gros, the IHRP continues to push for an end to immigration detention. The IHRP collaborated with several Canadian and international human rights organizations in a [Joint Universal Periodic Review](#) Submission to the UN. The IHRP partnered with the Colour of Poverty to host a consultation with racialized communities in order to strategize engaging the government, and produced recommendations on racism, law enforcement, and human rights. The IHRP also published an [open letter](#) and a [Toronto Star op-ed](#), highlighting the continuing human rights violations within the immigration detention system, particularly for children and non-citizens with mental health conditions. In June, the IHRP participated in the international conference, [“Challenging Migrant Detention: Human Rights, Advocacy and Mental Health,”](#) where international experts convened to discuss global trends and avenues for change. On World Refugee Day, the IHRP collaborated with other leading experts in issuing two [Joint Statements](#) urging Canada and other governments to end immigration detention. The IHRP is currently working on its fourth report on immigration detention, in partnership with the David Asper Centre for Constitutional Rights, the Refugee Law Office of Legal Aid Ontario, and the Canadian Association for Refugee Lawyers. The report will focus on procedural fairness and evidence testing issues in immigration detention review hearings, in [response to the July external audit](#) of the Immigration Division. The IHRP engages in consultations with the Canada Border Services Agency, and the Immigration and Refugee Board.

Discrimination of Syrian Refugee Drivers

The IHRP is supporting litigator Hassan Ahmad who represents Mr. [Shyesh Al-Turki](#), a Syrian refugee who brought a case to the Human Rights Tribunal of Ontario. Al-Turki argues that the province is discriminating against refugees by not allowing experienced drivers from war-torn countries exemptions to the [one-year waiting period before their final driving tests](#) - an option available to other newcomers in Ontario as well as refugees in other provinces. Before arriving in Canada, Mr. Al-Turki drove regularly for about 15 years in Syria, but having fled a war zone, he does not have the documentation to prove this. Thousands of resettled refugees in Ontario continue to wait for arbitrary waiting periods because they do not have the necessary documentation, while other provinces allow them to proceed through their graduated driver's licensing schemes much faster. The Ontario Human Rights Commission is intervening on constitutional grounds, highlighting the far-reaching consequences of this policy. Along with support from BLG lawyers Caitlin Sainsbury and Stephanie Young, the IHRP advocated for policy changes with a Members of Provincial Parliament and other policy makers across Ontario. The tribunal hearings are scheduled to continue into 2019.

Right to Housing

The IHRP continued our fruitful relationship with the UN Special Rapporteur on the right to housing, Leilani Farha, providing support for her report to the 40th session of the UN Human Rights Council in March 2019. Her upcoming thematic report will focus on access to justice and effective remedies for violations of the right to housing. Our students are assisting with drafting the report and [will get to attend the UN session in Geneva](#) - a once in a lifetime opportunity for our future human rights advocates.





LGBTQ Rights

Building on our collaboration with Maurice Tomlinson at the Canadian HIV/AIDS Legal Network and local partners in Barbados in 2017, the IHRP is assisting in laying the groundwork for a constitutional challenge to Dominica's anti-sodomy laws. These laws promote violence, discrimination and harassment, while violating multiple fundamental rights of all people in Dominica. This project builds on research and advocacy that the IHRP has engaged in the Caribbean, supported by lawyers Evan Rankin and Yvonne Chisholm. In June, the IHRP, the Legal Network and the Trans Advocacy & Agitation Barbados, supported three Barbadians — a trans woman, a lesbian woman and a gay man — [in filing a petition against Barbados](#) before the Inter-American Commission on Human Rights (IACHR). The petition challenged laws criminalising “buggery” and other intimacy between consenting partners, including same-sex partners, as violating numerous rights guaranteed in the American Convention on Human Rights.

Corporate Social Responsibility

The IHRP is off to the Supreme Court again! In 2019, we will be intervening in *Nevsun Resources Ltd. v. Araya*, a civil claim by Eritrean refugees and former conscripts who suffered forced labour in an Eritrean gold mine, with Cory Wanless (Waddell Phillips LLP) and Audrey Macklin as co-counsel. The plaintiffs and their fellow conscripts were subject to extremely harsh working conditions, assault, threats, and torture by the Eritrean companies and the military. As a result, they are seeking damages against Nevsun Resources Ltd., a Vancouver-based mining company that partnered with the Eritrean state to develop the Bisha gold mine. This case is the first in Canada to deal directly with the act of state doctrine, which could have serious implications for transnational litigation that aims to hold Canadian actors accountable for their role in human rights abuses committed abroad.

The Human Rights Impacts of the Philippine Drug War

As a result of our ongoing work with the advocacy organization, *Migrante Ontario*, and Filipino temporary foreign worker groups, the IHRP was invited on a field mission to the Philippines. In April, researcher Petra Molnar, and faculty advisor, Professor Anna Su, interviewed families of [victims of the brutal drug war](#), and farmers affected by environmental degradation as a result of international mining activities. The IHRP is exploring avenues for further engagement in the region.

‘The Men Who Killed Me:’ Interviews in Rwanda

Ten years ago, authors Anne-Marie de Brouwer and Sandra Chu along with IHRP Director Samer Muscati produced a not-for-profit book of testimonials and portraits titled [The Men Who Killed Me](#). The proceeds from the book were used to support the survivors featured in the book, and as a result, they were able to receive services and many have seen a significant improvement in their lives. In November, the IHRP travelled to Rwanda to update testimonials for a new edition of the book in anticipation of the 25th commemoration of the Rwanda genocide. IHRP research associate, Yolanda Song, and IHRP students helped re-interview the survivors to highlight their resilience and showcase the importance of services for survivors of sexual violence. Our aim is to encourage donor countries to do more in Rwanda and other conflict and post-conflict countries to support survivors of sexual violence. Stay tuned for the second edition of the book, as well as an upcoming photo exhibit at Hart House in April, 2019.





Student Fellowships

Last summer, 21 students participated in the [summer fellowship program](#), to learn about international human rights law in practice, and increase the capacity of their host organizations. Students worked on diverse human rights issues around the world, including at the United Nations High Commission for Refugees in Thailand, international criminal tribunals, as well as a host of civil society organizations in places like Brazil and Kenya. Over the last year, we have raised enough external funds to enter a [partnership with the South African Society for Labour Law \(SASLAW\)](#) to send nine students to South Africa over the course of three summers. Student will assist unrepresented and indigent litigants under SASLAW'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 two years of the program.

2018 IHRP Summer Fellowships

Every year, the IHRP offers 15-20 students the opportunity to spend their summer working on international human rights law issues through the summer fellowship program. Working with various organizations around the world, students gain practical experience in the field and develop skills in advocacy and research. The map below illustrates the fellowships that were offered this past summer.



Research Associates

In 2017, the IHRP created a research associates program that has already revolutionized the clinic by giving us added capacity to engage in more projects, create meaningful experiences for our students, and have a direct impact on government policy. These positions also provide tremendous professional development opportunities for our associates.



For our first William C. Graham Research Associate, Petra Molnar, an IHRP alumna, this position has provided an essential alternative to conventional legal practice. It has allowed her to expand on her meaningful career path, make new connections, and develop an innovative approach to the law as a tool for advocacy and justice. Petra co-authored a seminal report with the Citizen Lab at the Munk School of Global Affairs on the human rights implications of using artificial intelligence in Canada's immigration decisions, which [received substantial national and international coverage](#). She is a frequent speaker at events and is able to grow her profile as a leading human rights advocate. Petra has also attended conferences in Toronto, Montreal, Vancouver, Ottawa, Oxford, England, and Thessaloniki,

Greece, expanding her publication record, and making meaningful connections. She also frequently meets with students who are seeking career advice and hope to have a similar path in international human rights law. [The Globe recently profiled Petra](#) as part of their series "Stepping Up" that introduces Canadians to new sources of inspiration and leadership.

Yolanda Song, an IHRP alumna, joined us in the summer of 2018 as our second William C. Graham Research Associate. Yolanda is focusing on expanding our research and expertise on technology and human rights, working on a new report exploring the use of predictive analytics in the Canadian criminal justice system. In addition, she has been coordinating the IHRP's Supreme Court intervention in *Nevsun v. Araya*, and was part of the team collecting testimonials and interviews in Rwanda for the second edition of *The Men Who Killed Me*, highlighting the resilience of survivors of gender-based violence during the Rwandan Genocide. Yolanda has also been assisting with our weekly clinic and supervising students on a number of clinic projects.



Hanna Gros, an IHRP alumna and the 2016-2017 IHRP Senior Fellow, continues to work with us as our lead advocate on immigration detention. The IHRP has provided Hanna with invaluable support in launching her career in human rights advocacy, while she continues to practice as a refugee and immigration lawyer. Hanna has authored and co-authored three IHRP reports on immigration detention as well as a submission to Canada's third Universal Periodic Review at the United Nations, and she is currently working on her fourth IHRP report focusing on procedural fairness and evidence testing in detention review hearings. Hanna has also presented at several conferences (Toronto, Ottawa, Montreal, and Costa Rica) and continues to work with IHRP students and represent the IHRP in consultations with governments and various stakeholders.

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



IHRP in the News

Our report *Bots at the Gate* with the Citizen Lab garnered unprecedented media attention in Canada and internationally, positioning us as a leader on the human rights impacts of using new technologies in immigration and refugee application. Petra Molnar appeared in numerous radio interview, including [CBC's The Sunday Edition](#), and a profile of her was featured in the [Globe and Mail's Stepping Up Series](#). Petra, Samer, and colleagues at the Citizen Lab also authored a number of op-eds in [Policy Options](#), [The Globe](#), and [Refugees Deeply](#). The [Toronto Star](#), [Macleans](#), and [VICE News](#) also featured our team. Our engagement continues - we continue to share our work at conferences and workshops and in future meetings with the government. Stay tuned for future events on technology and human rights.

Hanna Gros and IHRP Director Samer also published an op-ed on [Canada's shameful immigration detention](#) record in the *Toronto Star*, and joined international experts in [two joint statements](#) urging Canada and other governments to end immigration detention.

Two of our students, Tanzeel Hakak and Anne-Rachelle Boulanger got their op-ed on [Abdoul Abdi's incarceration](#) published in the *Toronto Star*. Samer and Professor Audrey Macklin also wrote about the case in [the Globe](#).

Samer was also profiled in [The Bulletin](#) and his exhibition at Hart House on the extraordinary women he has met throughout his fieldwork was also [featured in The Star](#).

We also built giant [toy piles of shame](#) in front of the US embassy to protest inhumane policies separating families at the US-Mexico border, drawing hundreds of people in support.

Thank you for your support and for making 2018 one of our most impactful years yet!

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 leader in civil society organizations.

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, Pinto James 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!

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