

**In the Matter of University of Toronto Career & Co-Curricular Learning Network
Job ID: 164851 Hong Kong Police Force - Police Inspectors**

2 June 2020

**JOINT COMPLAINT TO THE UNIVERSITY OF TORONTO OFFICE OF THE
OMBUDSPERSON**

**IN THE MATTER OF CAREER & CO-CURRICULAR LEARNING NETWORK
JOB ID: 164851 HONG KONG POLICE FORCE - POLICE INSPECTORS**

(WITH REQUEST FOR INTERIM MEASURES)

Submitted by: (The Complainants)

International Human Rights Program at the University of Toronto Faculty of Law; and
University of Toronto Hong Kong Extradition Law Awareness Group
utantielab@gmail.com

Legal Representative of the Complainants:

Vincent Wan Shun Wong
Barrister & Solicitor
LSO Number: 65767J
vince.wong@utoronto.ca

Submitted to: (The Respondents)

Career Exploration & Education
University of Toronto St. George
c/o Lily Abediny, Assistant Director
lily.abediny@utoronto.ca

Events and Employment Services
University of Toronto Mississauga
c/o Vanisa Dimitrova, Coordinator
vanisa.dimitrova@utoronto.ca

Employer Engagement
University of Toronto Scarborough
c/o Adrian Berg, Coordinator
adrian.berg@utoronto.ca

INTRODUCTION

1. The Complainants, the International Human Rights Program at the University of Toronto Faculty of Law (IHRP) and the University of Toronto Hong Kong Extradition Law Awareness Group (UTHKELAG) are jointly filing a formal complaint against the Respondents, the University of Toronto Tri-Campus Career Services, specifically Career Exploration & Education at University of Toronto St. George (UTSG), Events and Employment Services at University of Toronto Mississauga (UTM), and Employer Engagement at University of Toronto Scarborough (UTSC).
2. The Complainants respectfully submit that certain job postings on the University's Career & Co-Curricular Learning Network (CLNx) violate University Employer Guidelines¹ that the Respondents are bound to adhere to. Specifically, it is submitted that Job ID: 164851 Hong Kong Police Force - Police Inspectors, violates University Employer Guidelines. The job postings violate the provisions of the University Employer Guidelines which obligate the Respondents to adhere to "Government of Canada Human Rights", "University of Toronto's Statement on Equity, Diversity and Excellence", and "Canadian Association of Career Educators & Employers Ethical Recruitment Guidelines".²
3. As a result of these violations, the Complainants request:
 - a. The Respondents take down the impugned postings immediately from CLNx;
 - b. The Respondents affirm that they will make every effort in the future to adhere to their obligations to protect the human rights of all persons;
 - c. The Respondents implement human rights training for career services staff including training on obligations created by international human rights treaties and other legal instruments; and
 - d. The Respondents create and publicly disseminate transparent internal screening criteria that they will employ to determine whether employers meet internal employer recruitment guidelines in consultation with relevant stakeholders, including student groups, UofT Human Resources & Equity, and the IHRP.

¹ University of Toronto Career & Co-Curricular Learning Network, "Employer Guidelines", online: <https://cln.utoronto.ca/register/EmployerGuidelines.htm>.

² *Ibid*, "[t]he Services operate within a legislative and policy framework that safeguards the interests of the institution, our students and our employer partners. Our practice is governed by adherence to: [Government of Canada Human Rights](#)...University of Toronto's [Statement on Equity, Diversity and Excellence](#)...Canadian Association of Career Educators & Employers (CACEE) [Ethical Recruitment Guidelines](#)".

4. In the alternative, should the Respondents disagree with the submissions of the Complainants, the Complainants request interim measures in the form of taking down the impugned job postings temporarily, until both parties have an opportunity to present full evidence to an independent and impartial decision making body.

FACTUAL BACKGROUND

5. Since June 12, 2019, in response to popular mobilizations for democratic reform and police accountability, the Hong Kong Police Force (HKPF) has engaged in a brutal crackdown on public dissent, resulting in a systemized campaign of repression, state violence, and human rights abuses. These human rights abuses have been widely and repeatedly condemned by reputable international human rights organizations³, the United Nations⁴, lawmakers from around the world⁵, and the Government of Canada.⁶
6. On May 8, 2020, a job posting for police inspectors for the HKPF was published on the UofT CLNx job board. The posting advertised 50 openings for police inspectors, described by the advertisement as “unit commanders of Hong Kong Police Force who manage and supervise a team of police officers”.⁷ The Complainants, UTHKELAG and the IHRP, were also alerted to the existence of the job posting on that day.
7. On May 9, 2020, the UTHKELAG wrote an email to Lily Abediny, Assistant Director, Career Exploration & Education at UTSG raising concerns regarding the indiscriminate police brutality and the disproportionate and unwarranted use of chemical agents by the HKPF, requesting that career services “immediately remove [the] job posting from the CLNx and to stop aiding the HKPF’s recruitment efforts”.⁸ Given that no response was received in the interim, the group sent a follow up email on May 14, 2020 notifying Ms. Abediny that McMaster University had taken down HKPF postings on their job board in

³ “Hong Kong: Arbitrary arrests, brutal beatings and torture in police detention revealed”, Amnesty International (19 September 2019)

[<https://www.amnesty.org/en/latest/news/2019/09/hong-kong-arbitrary-arrests-brutal-beatings-and-torture-in-police-detention-revealed/>](https://www.amnesty.org/en/latest/news/2019/09/hong-kong-arbitrary-arrests-brutal-beatings-and-torture-in-police-detention-revealed/).

⁴ Clement Voule, David Kaye & Mary Lawlor, “Hong Kong urged not to silence peaceful protest with criminal charges”, OHCHR (13 May 2020), online:

[.<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25880&LangID=E>](https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25880&LangID=E).

⁵ Hong Kong Free Press, “In full: 191 parliamentarians and policymakers from 23 countries slam Beijing for ‘assault’ on Hong Kong freedoms and rule of law” (24 May 2020), online:

[.<https://hongkongfp.com/2020/05/24/in-full-191-parliamentarians-and-policymakers-from-23-countries-slam-beijing-for-assault-on-hong-kong-freedoms-and-rule-of-law/>](https://hongkongfp.com/2020/05/24/in-full-191-parliamentarians-and-policymakers-from-23-countries-slam-beijing-for-assault-on-hong-kong-freedoms-and-rule-of-law/).

⁶ The Canadian Press, “Chrystia Freeland condemns violence in Hong Kong, sparking backlash from China”, CityNews (18 August 2019), online:

[.<https://toronto.citynews.ca/2019/08/18/chrystia-freeland-condemns-violence-in-hong-kong-sparking-backlash-from-china/>](https://toronto.citynews.ca/2019/08/18/chrystia-freeland-condemns-violence-in-hong-kong-sparking-backlash-from-china/).

⁷ Appendix A: Hong Kong Police Force - Police Inspector Job Description (8 May 2020).

⁸ Appendix B: Email from UTHKELAG to Lily Abediny (9 May 2020).

response to similar concerns from their student body.⁹ The follow-up email was also copied to Heather Kelly, Executive Director of UTSG Student Life, Amelia Merrick, Director of UTSG Career Exploration & Education, as well as the other co-respondents at UTM and UTSC career services.

8. On May 14, 2020, Ms. Abediny provided an email response on behalf of UTSG Career Exploration & Education. The Respondent asserted the following:

Our employer recruitment practices on the Career and Co-Curricular Learning Network are governed by federal and provincial guidelines, as well as the University of Toronto policies. We welcome employers from all industries to post positions as long as their practices do not contradict these guidelines and policies. At the same time, we encourage all students to look at their interests and values as they make career decisions about which positions to pursue.¹⁰

9. While the Respondent's reply was not specific in its wording, its implication was that (1) the impugned HKPF job postings would not be taken down (and indeed were not taken down), and (2) the impugned job postings did not contradict CLNx guidelines, including UofT policies. The Respondent did not provide any reasons as to why it was their position the HKPF job postings did not violate internal guidelines.
10. UTHKELAG replied to this email later on May 14th, addressing the issue of whether the postings violated internal guidelines that CLNx were required, by its own admission, to adhere to.¹¹ The email made reference to the UofT Governing Council's Statement of Institutional Purpose¹², which outlined a commitment to the "vigilant protection for individual human rights" and submitted that the job postings, on behalf of a systemic violator of international human rights, were clearly in contradiction to this statement. The Respondent did not provide a reply to this email or provide reasons for their position.
11. On May 19, 2020, UTHKELAG sent an email to Ms. Abediny, reiterating its request for CLNx to reconsider its decision to keep the job postings up. It cited media articles covering the job posting controversy as well as a joint statement from over 30 Hongkonger groups from across Canada in support of the demand in light of human rights concerns.¹³ Ms. Abediny replied with the same position as the first email -

⁹ Appendix C: Email from UTHKELAG to Lily Abediny (14 May 2020).

¹⁰ Appendix D: Email from Lily Abediny to UTHKELAG (14 May 2020).

¹¹ Appendix E: Email #2 from UTHKELAG to Lily Abediny (14 May 2020).

¹² University of Toronto Governing Council, "Statement of Institutional Purpose" (15 October 1992), online: <https://governingcouncil.utoronto.ca/sites/default/files/import-files/mission4023.pdf> at 3.

¹³ Appendix F: Email from UTHKELAG to Lily Abediny (19 May 2020).

implying that the HKPF job postings do not contradict UofT policies without any reasons or justification as to how they came to this decision.¹⁴

12. In light of the lack of reasons from the Respondents on their position, on May 29, 2020, UTHKELAB emailed Ms. Abediny, Ms. Kelly, and Ms. Merrick, in addition to the UofT Provost and President's office demanding that the university disclose: (1) "[t]he guidelines that govern the Career Centre's actions and its response to complaints about employers" and (2) "[a]ny policies regarding the University's screening of postings and discretion to remove inappropriate or unlawful postings from CLNx."¹⁵ No response has been received thus far from the Respondent.

LEGAL ISSUES

13. The primary legal issues in this case are as follows:
- a. Did the Respondents' facilitation of job postings for the HKPF on CLNx violate UofT Employer Recruitment guidelines? Specifically:
 - i. Did their practice violate "Government of Canada Human Rights"?
 - ii. Did their practice violate the University of Toronto's Statement on Equity, Diversity and Excellence?
 - iii. Did their practice violate the Canadian Association of Career Educators & Employers Guidelines for Ethical Recruitment?

ANALYSIS

Did the Respondents' facilitation of job postings for the HKPF on CLNx violate UofT Employer Recruitment guidelines?

14. The University of Toronto Campus Career Services supports students and alumni (graduated within the last two years) from the three UofT campuses: Mississauga, St. George (downtown) and Scarborough, in their career planning, employment, and transition to further education. According to their Employer Guidelines, the practice of UofT Campus Career Services is "governed by adherence to":
- a. [Government of Canada Human Rights](#)
 - b. [Ontario Employment Standards Act](#)
 - c. [Ontario Human Rights Commission](#)
 - d. Ontario's [Freedom of Information and Privacy Act \(FIPPA\)](#)
 - e. University of Toronto's [standards for academic integrity](#)

¹⁴ Appendix G: Email from Lily Abediny to UTHKELAG (19 May 2020).

¹⁵ Appendix H: Email from UTHKELAG to Lily Abediny (29 May 2020).

- f. University of Toronto's [Statement on Equity, Diversity and Excellence](#)
 - g. University of Toronto's [Appropriate User of Information and Communication Technology](#)
 - h. Canadian Association of Career Educators & Employers (CACEE) [Guidelines for Ethical Recruitment](#)¹⁶
15. Of these legal and policy instruments which govern the practice of the Respondents, it is submitted that three of them are specifically violated by the Respondents' conduct in facilitating job postings for HKPF police inspectors. They are: (1) "Government of Canada Human Rights", (2) "University of Toronto's Statement on Equity, Diversity and Excellence", and (3) "Canadian Association of Career Educators & Employers (CACEE) Guidelines for Ethical Recruitment". These three instruments will be analyzed separately.

I. *Government of Canada Human Rights*

16. The Employer Guidelines indicate that the Respondents must adhere to "Government of Canada Human Rights". The text of the guidelines indicate therefore that any human rights obligations that the Government of Canada has committed to accepting will also be accepted by UofT Campus Career Centres in their conduct, including employer screening. Under international law, a treaty creates international legal obligations for Canada.¹⁷ Canada has ratified seven principal UN human rights treaties, in addition to more than a dozen multilateral human rights agreements including humanitarian law conventions.¹⁸
17. While the human rights-violating conduct of the HKPF relates to actions and omissions conducted outside of Canada, the conduct of the Respondents takes place within Canada, leading to a question of jurisdiction for the imposition of "Government of Canada Human Rights". The question of whether these human rights obligations apply extraterritorially can, in part, be answered by the UN Human Rights Committee¹⁹ in *Munaf v Romania*.²⁰
18. In *Munaf*, the Committee stated that "[a] State party may be responsible for extraterritorial violations of the Covenant, if it is **a link in the causal chain that would**

¹⁶ Employer Guidelines, *supra* note 1.

¹⁷ Global Affairs Canada, *Policy on Tabling of Treaties in Parliament* (last modified 3 March 2014), online: <https://www.treaty-accord.gc.ca/procedures.aspx> at s.8.

¹⁸ Canada, *Human Rights Treaties*, (last modified 25 January 2019), online: <https://www.canada.ca/en/canadian-heritage/services/canada-united-nations-system/treaties.html>.

¹⁹ The body of experts that oversees States' compliance with the *International Covenant on Civil and Political Rights*, 19 December 1966, (entered into force 23 March 1976, accession by Canada 1976) [ICCPR].

²⁰ *Munaf v Romania*, UN Human Rights Committee (HRC), 96th Sess, CCPR/C/96/DR/1539/2006 (21 August 2009).

make possible violations in another jurisdiction. Therefore, in certain circumstances a State may be responsible for extra-territorial violations of the ICCPR where it has contributed to a violation in another country. Thus, **the risk of an extraterritorial violation must be a necessary and foreseeable consequence** and must be judged on the knowledge the State party had at the time.”²¹

19. Thus, the remainder of this section will be dedicated to detailing what systemic human rights violations HKPF has been engaged in and how, on a balance of probabilities, UofT Campus Career Services’ facilitation of recruitment for HKPF unit commands presents necessary and foreseeable risks of extraterritorial violations of human rights that the Respondents knew or ought to have known. By adhering to the obligations of “Government of Canada Human Rights”, the University must adhere, at the minimum, to formal international human rights treaty obligations that the Government of Canada has signed on to.

Right to liberty and security of the person

20. Article 9(1) of the ICCPR provides for the following:

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.²²

21. The right to liberty and security of the person for nearly all pro-democracy protesters, but particularly front-line protesters, are at risk of being compromised. Over 8,000 protest-related arrests have been made since June 2019 in direct connection to the call for five core political demands from protesters:
- a. Complete withdrawal of the proposed extradition bill;
 - b. Amnesty of political prisoners arrested and charged for protest-related offenses;
 - c. Retraction of the ‘riot’ classifications which increase the severity of the offenses faced by protesters to up to 10 years in prison;
 - d. A full and independent investigation into police behaviour during the protests; and;
 - e. Full universal suffrage for the Hong Kong Chief Executive and Legislative Council elections.²³

²¹ *Ibid* at para 14.2.

²² ICCPR, *supra* note 19.

²³ Alison Rourke, “What do the Hong Kong protesters want?”, *The Guardian* (13 August 2019), online: <https://www.theguardian.com/world/2019/aug/13/what-do-the-hong-kong-protesters-want>.

22. As documented by Amnesty International, the Hong Kong Police Force has engaged in a clear pattern of using “using unnecessary and excessive force during arrests of protesters, with anti-riot police and a Special Tactical Squad (STS), commonly known as “raptors”, responsible for the worst violence.”²⁴ An investigative report revealed that the HKPF regularly violates its own internal guidelines on the use of policing tactics and non-lethal weapons.²⁵
23. Protesters—and any citizens who are profiled to be protesters—are regularly subject to arbitrary arrest and detention during police clearance operations.²⁶ For example, people have been arrested for carrying laser pens,²⁷ using a loudspeaker,²⁸ and carrying a first-aid kit.²⁹ Frontline medical workers,³⁰ human rights observers,^{31,32} journalists,³³ and social workers³⁴ frequently face arrest in the line of duty.

²⁴ Amnesty International, *supra* note 3.

²⁵ Shibani Mahtani, “In Hong Kong crackdown, police repeatedly broke their own rules - and faced no consequences”, Washington Post (24 December 2019), online:

<https://www.washingtonpost.com/graphics/2019/world/hong-kong-protests-excessive-force/>.

²⁶ Amnesty International, *supra* note 3.

²⁷ “Police arrest student leader over laser pointers”, RTHK (6 August 2019), online:

<https://news.rthk.hk/rthk/en/component/k2/1473126-20190806.htm?spTabChangeable=0>.

²⁸ Kris Cheng, “Hong Kong pro-democracy lawmaker Au Nok-hin charged with assaulting police using loudspeaker”, Hong Kong Free Press (4 October 2019), online:

<https://www.hongkongfp.com/2019/10/04/hong-kong-pro-democracy-lawmaker-au-nok-hin-charged-assaulting-police-loudspeaker/>.

²⁹ “防暴警入觀塘站 拘志願急救員 檢三剪刀生理鹽水”, HK01 (31 August 2019)

<<https://www.hk01.com/%E7%AA%81%E7%99%BC/370259/8-31%E9%81%8A%E8%A1%8C-%E9%98%B2%E6%9A%B4%E8%AD%A6%E5%85%A5%E8%A7%80%E5%A1%98%E7%AB%99-%E6%8B%98%E5%BF%97%E9%A1%98%E6%80%A5%E6%95%91%E5%93%A1-%E6%AA%A2%E4%B8%89%E5%89%AA%E5%88%80%E7%94%9F%E7%90%86%E9%B9%BD%E6%B0%B4>>.

³⁰ Darren Mann, “International humanitarian norms are violated in Hong Kong”, (2019) 394: 10214 *The Lancet*, online: [https://doi.org/10.1016/S0140-6736\(19\)32909-5](https://doi.org/10.1016/S0140-6736(19)32909-5).

³¹ Didi Tang, “Hong Kong police abusing power, says detainee”, *The Times* (25 November 2019), online

<https://www.thetimes.co.uk/article/hong-kong-police-abusing-power-says-detainee-5rnn7jihj>.

³² Jeffie Lam & Victor Tang, “Hong Kong protests: civil rights group accuses police of breaking international law after three observers arrested”, *South China Morning Post* (2 January 2020), online:

<https://www.scmp.com/news/hong-kong/politics/article/3044305/hong-kong-protests-civil-rights-group-accuses-police>.

³³ Jennifer Creery, “Photojournalist May James released on bail without charge as press freedom watchdogs condemn arrest”, *Hong Kong Free Press* (28 October 2019), online:

<https://www.hongkongfp.com/2019/10/28/photojournalist-may-james-released-bail-without-charge-press-freedom-watchdogs-condemn-arrest/>.

³⁴ Jeffie Lam, Gigi Choy & Victor Ting, “Hundreds rally against Hong Kong police for arresting social workers trying to mediate during clashes with anti-government protesters”, *South China Morning Post* (16 September 2019), online:

<https://www.scmp.com/news/hong-kong/politics/article/3027514/hundreds-rally-against-hong-kong-police-arresting-social>.

24. The State has failed to protect against instances of extrajudicial violence and harm on multiple occasions. For example, on July 21, an organized group of criminal gangsters attacked commuters in Yuen Long subway station, brutally assaulting people with bamboo sticks. The attack left 45 people severely injured. While the incident was unfolding, the HKPF failed to respond in a timely fashion to prevent serious injury; it was later revealed that the HKPF had failed to investigate incidences of intimidation from known leaders of these criminal gangs.³⁵
25. Pro-democracy politicians and activists have been subject to private violence and intimidation, with minimal attempts on the part of the State to provide protection. For example, in the run-up to the city's November District Council elections, one candidate had part of his ear bitten off by a man who also slashed several people with a knife outside an upscale shopping mall; at least five other candidates were physically assaulted and verbally intimidated. Jimmy Sham, the convenor of Civil Human Rights Front (the main group that organizes large-scale, peaceful assemblies and marches in Hong Kong) was attacked by two masked men wielding a baseball bat and knife; in a separate incident, he was run over by a car. Others who have been attacked include Chung Kin Ping, organizer of the Reclaim Yuen Long demonstration; 3 citizens, who were assaulted by a man with a knife while they were at a local "Lennon Wall"; and the convenor of a protest in Sheung Shui.
26. In April 2020, 15 high-profile pro-democracy figures were arrested en masse by Hong Kong police for "organizing and participating in unlawful assemblies", in what human rights observers have characterized as a blatant attempt to chill political dissent through arbitrary mass arrest.³⁶

Right to freedom from torture and cruel, inhuman or degrading treatment

27. Article 7 of the ICCPR states that "[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

³⁵ Elson Tong, "Explainer: The Yuen Long mob attacks and Hong Kong's triads - why do some consider the New Territories 'lawless'?", Hong Kong Free Press (27 July 2019), online: <https://www.hongkongfp.com/2019/07/27/explainer-yuen-long-mob-attacks-hong-kongs-triads-consider-new-territories-lawless/>.

³⁶ Rachel Wong, "15 Hong Kong pro-democracy figures arrested in latest police round up", Hong Kong Free Press (18 April 2020), online: <https://hongkongfp.com/2020/04/18/8-hong-kong-pro-democracy-figures-arrested-in-latest-police-round-up-party-says/>.

28. Protesters are regularly subjected to inhumane and degrading treatment in detention. Amnesty International previously noted that detained protesters have been “severely beaten in custody and suffered other ill-treatment amounting to torture by Hong Kong police and corrections staff. In multiple instances, the abuse appears to have been meted out as “punishment” for talking back or appearing uncooperative.”³⁷
29. An estimated 88% of Hong Kong's population resides in areas affected by the deployment of tear gas.³⁸ Other than the short-term incapacitating effects of tear gas, the chemicals within the liquid can cause long-term disability or even death from exposure. A journalist repeatedly exposed to tear gas was diagnosed with chloracne, a hallmark effect of dioxin exposure.³⁹
30. On November 12, 2019, the HKPF besieged the Chinese University of Hong Kong, after protesters attempted to disrupt a major highway near the university. Over 10 hours, the HKPF deployed 2330 tear gas canisters, shooting continuous volleys into campus grounds. A week later, the HKPF besieged the Polytechnic University, firing 1458 tear gas canisters around the campus.
31. As reported by Amnesty International, chemical irritants or RCAs can cause death through asphyxiation or toxic poisoning. Chemical irritants used in public order situations, including tear gas, have by their very nature an indiscriminate effect with a high probability of affecting bystanders and peaceful demonstrators. They can also spread panic and cause further injuries due to stampedes. It must therefore be very clear that wide-area use of chemical irritants may only be for the purpose of dispersal and only when the level of violence has reached such a degree that law enforcement officials cannot contain the threat by directly targeting violent persons only. Excessive generalized use of tear gas that affects largely peaceful participants and uninvolved persons, is disproportionate and may constitute torture or cruel, inhuman or degrading treatment or punishment under international law.⁴⁰

³⁷ Amnesty International, *supra* note 3.

³⁸ Sheridan Prasso, “Millions in Hong Kong Have Been Exposed to Tear Gas Since June”, Bloomberg (5 November 2019), online: <https://www.bloomberg.com/news/articles/2019-11-05/up-to-88-of-hong-kong-population-exposed-to-tear-gas-since-june>.

³⁹ “Hong Kong reporter diagnosed with chloracne after tear gas exposure, prompting public health concerns”, Hong Kong Free Press (14 November 2019), online: <https://www.hongkongfp.com/2019/11/14/hong-kong-reporter-diagnosed-chloracne-tear-gas-exposure-prompting-public-health-concerns/>.

⁴⁰ “How not to police a protest: unlawful use of force by Hong Kong police”, Amnesty International (21 June 2019), online: <https://www.justice.gov/eoir/page/file/1177551/download>.

Freedom of peaceful assembly and of association

32. The HKPF has increasingly constrained the rights to freedom of peaceful assembly and of association, protected under Article 21 and 22 of the ICCPR, through tightening rights to public assembly.
33. The most frequently cited law to curtail freedom of peaceful assembly in Hong Kong is the controversial Public Order Ordinance, Cap 245.⁴¹ Under the Ordinance, police permission is required for public gatherings. The range and vague definitions in the Ordinance offer authorities the possibility for broad application, and thus the ability to deter undesired protests.⁴² The vague nature of the Ordinance means that it can be abused and result in the violation of human rights, including freedom of speech and freedom of assembly. The Ordinance has been repeatedly criticized by the UN Human Rights Committee for failing to fully meet international human rights standards.⁴³ Police permission under the Ordinance was denied for numerous peaceful protests in a way that is disproportionate to the usual stated aim of protecting public safety. This included the global anti-totalitarian march on September 29th, resulting in a choking of the freedom of peaceful assembly and devolution of marches into violent clashes with the police.⁴⁴
34. Moreover, the HKPF frequently crack down on legal and peaceful rallies by employing tear gas to disperse large crowds and conducting arbitrary arrests. For example, on January 1, 2020, the HKPF abruptly cut short a legal march, alleging that "masked rioters [had] recklessly vandalized public facilities"; subsequently, it arrested 400 people in a busy shopping district.⁴⁵ The HKPF invoked the overbroad section 17(2) of the Ordinance, which states that any police officer of the rank of inspector or above may "prevent the holding of, stop, disperse or vary the place or route of any public gathering. . . . if he reasonably believes that the same is likely to cause or lead to a breach of the peace."⁴⁶ Despite over a million people who took part in the march, the police only

⁴¹ Hong Kong, Legislative Council of Hong Kong, Public Order Ordinance, Cap 245, (1967).

⁴² "Freedom of Assembly Rights and The Public Order Ordinance", Hong Kong UPR Coalition (2018), online: <https://www.justicecentre.org.hk/framework/uploads/2018/11/HKUPR-Coalition-Fact-Sheet-Freedom-of-Assembly-Rights-and-Public-Order-Ordinance.pdf>.

⁴³ See CCPR/C/79/Add.117 and CCPR/C/79/Add.117.

⁴⁴ SCMP Reporters, "Police battle protesters as they set streets ablaze in central Hong Kong", South China Morning Post (30 September 2019), online: <https://www.scmp.com/news/hong-kong/politics/article/3030862/police-battle-protesters-they-set-streets-ablaze-central>.

⁴⁵ "Hong Kong protesters open 202 with with fresh pro-democracy rally", DW (1 January 2020), online: <https://www.dw.com/en/hong-kong-protesters-open-2020-with-fresh-pro-democracy-rally/a-51850392>.

⁴⁶ Yu Kam-yin, "Will Public Order Ordinance be a tool to thwart protesters?", Ejinsight (3 January 2020), online: <http://www.ejinsight.com/20200103-will-public-order-ordinance-be-a-tool-to-thwart-protest-events/>.

gave 30 minutes for the enormous crowd of people to disperse before forcibly halting the demonstrations with force, crowd-control weapons, and mass arrests.

Freedom of opinion, expression, and of the press

35. Article 19 of the ICCPR enshrines the right to hold opinions without interference, right to freedom of expression, and press freedoms. Protesters' freedom of expression and opinion are currently under threat by the Hong Kong government and HKPF. The suppression of peaceful assembly and protest by Hong Kong police are direct attacks on freedom of expression. Planned State action such as the potential ban on face masks put protesters at risk of persecution and places practical limits on their freedom of expression.⁴⁷ Search and seizure actions against protesters' phones and other technology also puts individual rights of expression and privacy at risk.⁴⁸
36. The Hong Kong Journalists Association has reported that during the social turmoil in the past year, journalists have tried their best to report the truth, but have been obstructed and interfered with by police and people with different viewpoints. Their "[s]urvey on violence against journalists when covering public order events" found that as many as 65% of the interviewed journalists said that they had been subjected to verbal or/and physical violence during their work.⁴⁹
37. According to 141 journalists who reported being violently treated by the police, the violence included having strong lights shone at their eyes, verbal abuse, being pushed forcefully, officers blocking a camera lens deliberately, snatching photographic equipment, spraying pepper spray and throwing tear gas projectiles at close range. The injuries suffered by journalists are mainly due to side effects caused by contact or inhalation of chemical substances, including skin allergies, diarrhoea, respiratory

⁴⁷ Chris Lau, "Hong Kong anti-mask law: ban on face coverings would deal blow to freedom of expression, lawyer argues", South China Morning Post (11 January 2020), online: <https://www.scmp.com/news/hong-kong/law-and-crime/article/3045637/hong-kong-anti-mask-law-ban-face-coverings-would-deal>.

⁴⁸ Ng Kang-chung, "Hong Kong protests: High Court test for warrants that let police search phones", South China Morning Post (13 January 2020), online: <https://www.scmp.com/news/hong-kong/law-and-crime/article/3045923/hong-kong-protests-high-court-test-warrants-let-police>.

⁴⁹ Hong Kong Journalists Association, "HONG KONG PRESS FREEDOM INDEX HITS RECORD LOW POLICE OBSTRUCT NEWS ACTIVITIES USING VIOLENCE VIEWED AS THE MAJOR REASON IN DECLINE" (5 May 2020), online: <https://www.hkja.org.hk/en/press-release/hong-kong-press-freedom-index-hits-record-low-police-obstruct-news-activities-using-violence-viewed-as-the-major-reason-in-decline/>.

problems, etc. Some had bruises, skin damage, and even needed to be admitted to hospital for treatment, including stitches, hemostasis, etc.⁵⁰

38. In September 2019, an Indonesian journalist, Veby Indah, was recklessly shot in the eye by a police officer with a rubber bullet despite already standing out of the way of the standoff she was documenting and wearing a high visibility jacket clearly labeled “PRESS”.⁵¹ Indah’s eyeball had ruptured due to the shot and she was left partially blind.⁵² In the two months after the incident, Indah continued to press the HKPF to investigate the incident and to disclose the name of the officer involved. Although the HKPF has claimed that they were investigating the incident, no witnesses were interviewed and no details of the progress of the investigation were given despite requests.⁵³
39. In May 2020, the Chinese government announced that it would unilaterally promulgate a slate of national security laws directly for Hong Kong, bypassing the region’s normal government and law-making apparatus. The new set of laws would criminalize acts such as secession, subversion, foreign interference, and terrorism. This would effectively ban a broad spectrum of political activity, including much of what we’ve seen from the Hong Kong movement over the last year. Any relationships with foreign political organizations could be categorized as foreign interference. Clashing with the police, even in self-defense, could be labeled terrorist activity. Sedition and subversion bans would diminish Hongkongers’ right to free speech and press freedom.⁵⁴
40. With the passage of the national security laws, both protesting en masse and individual actions of political resistance will be met with much harsher consequences. Any political activity deemed seditious or unfavorable to the central government will be much riskier.⁵⁵

Violations of Convention on the Rights of the Child

⁵⁰ *Ibid.*

⁵¹ Lily Kuo, “Hong Kong: reporter blinded covering protests on her bid to sue police”, The Guardian (31 December 2019)
<<https://www.theguardian.com/world/2019/dec/31/hong-kong-reporter-blinded-covering-protests-on-her-bid-to-sue-police>>.

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ Vincent Wong & JS Tan, “What China’s New National Security Laws Mean for the Protest Movement in Hong Kong, Jacobin (26 May 2020) online:
<<https://www.jacobinmag.com/2020/05/china-national-security-laws-hong-kong-protests>>.

⁵⁵ *Ibid.*

41. Canada is also a signatory and State Party to the UN Convention on the Rights of the Child (CRC).⁵⁶ Article 37 of the CRC provides that “[n]o child shall be deprived of his or her liberty unlawfully or arbitrarily” and that arrest and detention of children should be the absolute last resort for a State Party. Yet the HKPF has engaged in mass arrests and detention of children throughout the duration of the protests, as it is estimated that out of the 8,000 or so arrests of protesters and political dissidents, around one third of all protesters arrested by HKPF were children under the age of 18.⁵⁷
42. Children are regularly deprived of the right to receive education and separated from their families. For example, on August 29, 2019, three teenagers were arrested while attending what police deemed an unlawful assembly outside a Sham Shui Po police station. Following the arrest, a court issued a care and protection order, requiring the teenagers be detained in a juvenile home rather than be returned to their families.⁵⁸

Violence against women and gender-based violence

43. Canada is also a signatory and State Party to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).⁵⁹ A number of incidents involving HKPF conduct demonstrate a broader pattern of gender-based violence and impunity for HKPF officers during their handling of the 2019-2020 protests:
- a. Sonia Ng – Sonia Ng, a student protester, from the Chinese University of Hong Kong (CUHK), shared details of sexual abuse at the hands of HKPF to CUHK officials during a public forum, asking them to provide greater support for CUHK students who were arrested in protests. Ms. Ng gave accounts of being sexually harassed by the police at the detention centre. She claimed that a male officer had hit her breast, while female officers reached into her undergarments for strip search and watched her intently as she used the toilet. She explained that other arrested protestors had gone through similar experiences, and some were subjected to even more severe mistreatment.⁶⁰

⁵⁶ *Convention on the Rights of the Child*, 30 November 1989, (entered into force 2 September 1990) [CRC].

⁵⁷ Verna Yu, “Hong Kong: arrest of 750 children during protests spark outcry”, *The Guardian* (11 October 2019) <<https://www.theguardian.com/world/2019/oct/11/hong-kong-arrest-of-750-children-during-protests-sparks-outcry>>.

⁵⁸ *Ibid.*

⁵⁹ *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, (entered into force 3 September 1981) [CEDAW].

⁶⁰ Kris Cheng, “‘I am not the only one’ Hong Kong student removes mask and accuses police of sexual assault”, *Hong Kong Free Press* (11 October 2019), online: <https://hongkongfp.com/2019/10/11/i-not-one-hong-kong-student-removes-mask-accuses-police-sexual-assault/>.

- b. Ms. X – On November 11, 2019, a young woman, Ms. X, alleged she was gang raped by several police officers in the Tsuen Wan Police Station and subsequently faced a smear campaign from the HKPF aiming to discredit her claims publicly. In the interim, the HKPF had, without her consent or knowledge, obtained a search warrant to seize her private medical records and CCTV footage from her private doctor’s clinic before and after the date of her rape. In May 2020, the HKPF chief, Chris Tang, stated that Ms. X was now facing arrest for “lying to the police” and is now wanted despite being the victim of horrific gender-based violence.⁶¹
44. The cases of Sonia Ng and Ms. X are representative of a broader pattern of what Amnesty International has detailed as systemic sexual violence against Hong Kong protesters.⁶² Despite numerous reports of assault in police stations, footage of police exposing women’s underwear during arrest, and allegations of humiliating and unnecessary strip searches, the few women who have spoken out about the issue have faced massive backlash.
45. Some have had their personal details leaked online; others have been targeted with fake sex tapes or received harassing phone calls. Although much of this abuse comes from anonymous trolls, the Hong Kong authorities have created a climate where such abuse thrives by smearing protesters and failing to establish an independent investigation into police misconduct.⁶³

Reasonable and foreseeable risk of contributing to human rights violations

46. It is submitted that, on the balance of probabilities, there is a reasonable and foreseeable risk that facilitating recruitment of HKPF unit commanders will contribute to ongoing human rights violations.
47. The impetus for HKPF’s international drive to recruit externally at foreign universities stems from massive turnover and attrition partially due to “constant allegations of

⁶¹ Jennifer Creery, “Hong Kong woman who accused officers of gang rape defends claim after police chief says she must be arrested for lying” Hong Kong Free Press (13 May 2020), online: <https://hongkongfp.com/2020/05/13/hong-kong-woman-who-accused-officers-of-gang-rape-defends-claim-after-police-chief-says-she-must-be-arrested-for-lying/>.

⁶² Amnesty International, “Sexual violence against Hong Kong protesters - what’s going on?” (20 December 2019), online: <https://www.amnesty.org/en/latest/news/2019/12/sexual-violence-against-hong-kong-protesters/>.

⁶³ *Ibid.*

brutality, and bias and unprofessionalism in their handling of the unrest.”⁶⁴ As a result, the HKPF saw over 400 officers unexpectedly quit the force, as new recruits plummeted by around 40 percent.⁶⁵

48. With the reputation of the force in tatters because of their conduct during the protests, the HKPF has stated that it aimed to hire “225 probationary inspectors” to handle “public order”.⁶⁶ These probationary inspectors positions are the same impugned postings being advertised by UofT CLNx.
49. Probationary inspectors are “unit commanders” for rank and file HKPF officers and are senior in rank to station sergeants, leading a sub-unit within the police force. All units within the HKPF have been mobilized to deal with cracking down on pro-democratic protests, however inspectors as middle-management have greater responsibility over these actions than typical frontline police officers.
50. Given the systematic nature of egregious human rights violations committed by the Hong Kong police force, which is expected to increase in severity as the Chinese Central government accelerates its crackdown and consolidation of power in the region, as well as the higher level of power and responsibility that police inspectors hold within the force, it is respectfully submitted that, on the balance of probabilities, there is a reasonable and foreseeable risk that the Respondents’ facilitation of recruitment for these probationary inspectors will facilitate ongoing human rights violations.

II. *University of Toronto’s Statement on Equity, Diversity and Excellence*

51. Another policy instrument that the Respondents’ Employer Guidelines must adhere to is UofT Governing Council’s Statement on Equity, Diversity and Excellence. The Statement includes the following:

At the University of Toronto, we strive to be an equitable and inclusive community, rich with diversity, **protecting the human rights of all persons**, and based upon understanding and mutual respect for the dignity and worth of every person.⁶⁷

⁶⁴ RTHK, “Hundreds of police quit force during protests” (8 April 2020), online: <https://news.rthk.hk/rthk/en/component/k2/1519527-20200408.htm>.

⁶⁵ *Ibid.*

⁶⁶ Christy Leung, “Nearly 450 Hong Kong police officers quit unexpectedly amid last year’s anti-government protests, Security Bureau says”, South China Morning Post (8 April 2020), online: <https://www.scmp.com/news/hong-kong/law-and-crime/article/3079045/nearly-450-hong-kong-police-officers-quit-unexpectedly>.

⁶⁷ University of Toronto Governing Council, “Statement on Equity, Diversity, and Excellence” (14 December 2006), online:

52. Insofar as the Respondents' conduct clearly and repeatedly violates positivist international human rights law, regardless of jurisdiction, this can be said to also violate the Statement's explicit protection of "the human rights of all persons". There is also a specific University of Toronto community obligation to human rights that the Statement is predicated upon. The University therefore also holds specific obligations to create an environment where the human rights and dignity of those within its community are respected so that they may "achieve their full potential as members of the University community."⁶⁸
53. It should be noted that UofT students launched a 48-hour hunger strike outside Old City Hall in Toronto, braving -15 degree Celsius temperatures in solidarity with fellow students at CUHK who were being besieged and cordoned by Hong Kong Police in November 2019.⁶⁹ After that show of solidarity among UofT students, in December 2019, Hart House worked with the IHRP and Stand With Hong Kong Journalists to host a talking-wall photo-exhibition on the second floor of Hart House to build understanding and highlight violations of press freedom and the targeting and harassment of journalists covering the Hong Kong protests.⁷⁰
54. One of the events hosted as part of this exhibition was a UofT community roundtable discussion called "Universities Under Siege", after the HKPF sieges of protesters holed up at the Chinese University of Hong Kong (CUHK) and Hong Kong Polytechnic University (PolyU). UofT alumni, students, and staff had all been personally affected. The impact on their emotional well-being and mental health was palpable and some were dealing with trauma from the incidents.
55. By advertising a job for the HKPF, UofT Campus Career Services is contributing to a situation that negatively impacts the well-being and mental health of UofT students and staff. This is not conducive to creating an environment that respects the human rights and dignity of those within the UofT community. Therefore, it is respectfully submitted that the Respondents' conduct violates the Governing Council's Statement on Equity,

<https://governingcouncil.utoronto.ca/secretariat/policies/equity-diversity-and-excellence-statement-december-14-2006>.

⁶⁸ *Ibid.*

⁶⁹ Ted Fraser, "UofT students end hunger strike in solidarity with Hong Kong students for safety concerns" (16 November 2019), online: <https://www.thestar.com/news/gta/2019/11/16/u-of-t-students-launch-hunger-strike-camp-out-in-cold-in-solidarity-with-hong-kong-students.html>.

⁷⁰ <https://harthouse.ca/events/hong-kong-talking-walls>

Diversity and Excellence by transgressing its commitment to the protection “of the human rights of all persons”.

III. Canadian Association of Career Educators & Employers Ethical Recruitment Guidelines

56. Finally, the Respondents’ Employer Guidelines must adhere to the Canadian Association of Career Educators and Employers (CACEE)’s ethical recruitment guidelines for post-secondary institutions, states that career educators have the “responsibility to address any questionable recruitment practices.”⁷¹

57. It is submitted that the Respondents, given their obligations to human rights under their Employer Guidelines, knew or ought to have known that their facilitation of HKPF police inspector recruitment was questionable from a legal and policy angle. Nevertheless, even if it was accepted that they did not have actual knowledge of these concerns, once these concerns were formally raised by the Complainants on May 9, 2020, this triggered their responsibility under the CACEE guidelines to appropriately address these practices.

58. The Respondents have failed to discharge their responsibility to address these questionable practices under the CACEE guidelines. They have not made any good faith effort to come to a mutually agreeable solution to the human rights concerns raised by the student groups. They have failed to provide any rationale or justification for their position that the job posting does not violate their guidelines. They have also failed to provide procedural transparency with respect to the process and criteria in how they came to their decision on whether conduct violates their Employer Guidelines or not.

CONCLUSION AND REMEDIES SOUGHT

59. On the basis of the foregoing submissions, it is submitted that the conduct of the Respondents, in facilitating the impugned job posting for the HKPF, refusing to take down the posting, and failing to provide sufficient reasons for their decision, violates UofT CLNx Employer Guidelines. As a result, the Complainants respectfully request the following:

- a. The Respondents take down the impugned postings immediately from CLNx;
- b. The Respondents affirm that they will make every effort in the future to adhere to their obligations to protect the human rights of all persons;

⁷¹ <https://www.cacee.com/recruitment.html>

- c. The Respondents implement human rights training for career services staff including training on obligations created by international human rights treaties and other legal instruments; and
- d. The Respondents create and publicly disseminate transparent internal screening criteria that they will employ to determine whether employers meet internal employer recruitment guidelines in consultation with relevant stakeholders, including student groups, UofT Human Resources & Equity, and the IHRP.

ALL OF WHICH is respectfully submitted on 2 June 2020.

Sincerely,

Vincent Wan Shun Wong
Barrister & Solicitor

Legal Representatives for the Complainants:

International Human Rights Program at the University of Toronto Faculty of Law; and
University of Toronto Hong Kong Extradition Law Awareness Group

Appendix A

Job ID: 164851 Hong Kong Police Force - Police Inspector

Hong Kong Police Force - Head Office

[← Jobs Overview](#)

[← Back to Search Results](#)

[← New Search](#)

Job Posting Status:

Approved

[I intend to apply](#)

[Shortlist](#)

[Not Interested](#)

[Print](#)

[Posting Detail](#)

[Overview](#)

[Map](#)

Job Posting Information

Job Type:	Full Time Immediate
Job Title:	Hong Kong Police Force - Police Inspector
Occupation:	Legal & Law Enforcement
Job Description:	<p>Police Inspector Application - Recruitment Round-the-year All Fresh Graduate Overseas Students who meet the requirement below are welcome</p>
Job Qualifications:	<p>Job Description:</p> <p>Police Inspectors are the unit commanders of Hong Kong Police Force who manage and supervise a team of police officers. They maintain law and order, prevent and investigate crimes as well as respond to emergency situations. They will be in charge of the scene of incident and also responsible for administration duties such as preparation of investigation reports. Police Inspectors should be with the strength of character to take command of a situation and the judgment to look beyond the obvious.</p> <p>Appointed Probationary Inspectors will undergo 36 weeks of foundation training which covers leadership, command and control, human resources management, laws, legal proceedings, police procedures, sociology in policing, psychology in policing, foot drill, physical training, tactics and use of force etc.</p> <p>Person Requirements:</p>

Must be a permanent resident of the Hong Kong Special Administrative Region and have lived in Hong Kong for at least seven years.

Academic Requirements

Candidates should have -

- a Bachelor degree from a Hong Kong university, or equivalent (academic qualifications acquired overseas will be referred to the Appointments Division of Civil Service Bureau (CSB) for individual assessment if necessary); or
- an accredited Associate Degree from a Hong Kong tertiary institution, or a Higher Diploma from a Hong Kong polytechnic / polytechnic university / Hong Kong Institute of Vocational Education / technical college, or a Diploma from a registered post-secondary college awarded after the date of its registration, or equivalent; or
- Level 3 or equivalent or above in five subjects in the Hong Kong Diploma of Secondary Education Examination (HKDSEE), or equivalent; or
- Grade E or above in two subjects at Advanced Level in the Hong Kong Advanced Level Examination and Level 3 / Grade C or above in three other subjects in the Hong Kong Certificate of Education Examination (HKCEE), or equivalent; and

Language Proficiency Requirements

Candidates should have -

- met the language proficiency requirements of Level 1 results in the two language papers (Use of Chinese and Use of English) in the Common Recruitment Examination, or equivalent; or
- Level 2 or above in Chinese Language and English Language in HKDSEE or HKCEE, or equivalent; or
- Applicants not meeting the above requirement may still apply. They will be exempted from this requirement if they have a pass in the English Language Proficiency Test and Chinese Language Proficiency Test for Police Inspector recruitment exercise; and
- be able to read and write Chinese and speak fluent Cantonese.

Physique

Candidates must have a good physique and will be required to pass a physical fitness test during the selection process. Male candidate must be at least 163cm tall and weigh 50kg; Female candidate must be at least 152cm tall and weigh 42kg. Candidates are required to pass an initial eyesight test without the aid of any eyesight correction tools.

Essential Attributes

- Mature personality
- Good physical fitness
- Confidence
- Effective communication ability

Degree Required:	Any Degree
Is this a research opportunity?:	No
Contract or Permanent?:	Permanent
Position Start Date:	05/08/2020
Position End Date:	12/31/2020

Number of Positions:	50
Job Location - Region:	International
Job Location - Country:	China
Compensation Type:	Paid - Salary
Annual Salary or Per Hour?:	Monthly HK\$47,690
Hours Per Week:	35+
Target All Programs:	Yes

Application Information

Application Deadline:	Jun 09, 2020 11:59:00 PM
Application Procedure:	Employer Website
If by Website, go to:	https://www.police.gov.hk/ppp_en/15_recruit/how_to_apply.html
Additional Application Information:	https://www.police.gov.hk/ppp_en/15_recruit/intro.html
Application Material Required:	Resume

ORGANIZATION INFORMATION

Organization:	Hong Kong Police Force
Industry:	Government
Organization funding:	Government
Division:	Head Office
Website:	https://www.police.gov.hk/ppp_en/15_recruit/intro.html

TAGS

Deadline in 26 day(s) Viewed

Appendix B

On Sat, May 9, 2020 at 5:54 PM utanti Elab <utantielab@gmail.com> wrote:

Dear Lily Abediny,

I am writing on behalf of the University of Toronto Hong Kong Extradition Law Awareness Group (UTHKELAG), a group of Hong Kong students studying at the University aiming to raise public awareness on the current political events stemming from the Extradition Bill in Hong Kong.

It has come to our attention that the University of Toronto Career & Co-Curricular Learning Network (CLNx) began listing a job posting from the Hong Kong Police Force (HKPF) yesterday. Given the HKPF's disregard for human rights and its egregious use of violence against Hong Kong residents, we are appalled to see this posting on our University's career website. In effect, in aiding the HKPF's recruitment efforts, the University is condoning the HKPF's suppression of freedom. We strongly urge the University to remove this posting immediately.

Over the course of last year's pro-democracy protests, Hong Kong residents have been confronted with indiscriminate police brutality under the guise of maintaining social order. Human rights organization Amnesty International has described the HKPF's tactics as reckless and unlawful, and included many arbitrary arrests and retaliatory violence, some of which has amounted to torture. [1]

The HKPF has also routinely ignored their own internal guidelines with regards to the use of force, with local and international media both documenting the HKPF's misuse of chemical agents and unwarranted force against protesters who were not resisting. [2] Since June 2019, the HKPF has fired approximately 16,000 volleys of tear gas, 10,000 rubber bullets, 2,000 bean bag rounds, and 1,850 sponge grenades. [3] The HKPF increasingly escalated their wanton use of such crowd control mechanisms, which has significantly affected the health and well-being of Hong Kong residents.

The listing of the HKPF's job posting on CLNx is in direct opposition to the University of Toronto's stated mission of protecting individual human rights and the University's commitment to the principles of equity and justice. [4]

We strongly urge the University of Toronto to immediately remove this job posting from the CLNx and to stop aiding the HKPF's recruitment efforts. McMaster University has already removed the HKPF's listing from their Career Services website, and we call upon the University of Toronto to follow their example. [5] While we understand that the University is committed to providing a wide range of career opportunities for its students and graduates during these unprecedented times, it must do so while upholding its core values.

If you are not responsible for these issues, we would be grateful if you could forward us to the appropriate contact within the University administration. We look forward to your reply.

Best regards,
Hogan (on behalf of the UTHKELAG)

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The University of Toronto Hong Kong Extradition Law Awareness Group

Facebook: @utantielab

Instagram: @ut_anti_elab

Email: utantielab@gmail.com

Twitter: @ut_anti_elab

[1] https://www.amnesty.org/en/latest/news/2019/09/hong-kong-arbitrary-arrests-brutal-beatings-and-torture-in-police-detention-revealed/?fbclid=IwAR1X77WwDZayZJr4ML9W2AEtkc2NUN_I3WMDTSszoOqvGbgTGs4mLF3Bav0

[2] <https://www.washingtonpost.com/graphics/2019/world/hong-kong-protests-excessive-force>

[3] <https://hongkongfp.com/2019/12/10/hong-kong-police-used-crowd-control-weapons-30000-times-since-june-6000-arrests>

[4] <https://www.utoronto.ca/about-u-of-t/mission>

[5] https://twitter.com/McMaster_SWHK/status/1258973330830434308

Appendix C

From: utanti Elab <utantielab@gmail.com>

Sent: Thursday, May 14, 2020 2:22 PM

To: Lily Abediny <lily.abediny@utoronto.ca>; Amelia Merrick <amelia.merrick@utoronto.ca>; Heather Kelly <heather.kelly@utoronto.ca>

Cc: carecentre@mail.careers.utoronto.ca; careers.utm@utoronto.ca; aacc@utsc.utoronto.ca

Subject: Re: Immediate Removal of 'Hong Kong Police Force' Job Posting from CLNx

Dear All,

I am following up on this email as we did not receive a response from you. The Hong Kong Police Force job posting is still up on CLNx and we are still waiting to hear from you or your colleagues. While we understand you and your colleagues may be busy during these difficult times, it is absolutely unacceptable for the University to continue listing this job posting without any explanation.

The HKPF has directly endangered many UofT students who were on exchange during the Fall 2019 semester, and UofT's response to assist students who were in danger already left much to be desired. The CBC has contacted us and we had hoped to give them news about the University's prompt resolution regarding this issue just as McMaster did. However, we have been disappointed by the complete inaction taken by the university administration in addressing our concerns.

Please remove the listing immediately.

Regards,

Hogan (on behalf of the UTHKELAG)

Appendix D

On Thu, May 14, 2020 at 2:55 PM Lily Abediny <lily.abediny@utoronto.ca> wrote:

Hello Hogan, my apologies for our delayed reply.

Thank you for contacting us regarding Job ID: 164851 Hong Kong Police Force - Police Inspector.

We recognize that this opportunity might have been distressing for you to see on the Career & Co-curricular Learning Network (CLNx). We want to provide clarification on how employment opportunities are reviewed and posted on the site.

Our employer recruitment practices on the Career and Co-Curricular Learning Network are governed by federal and provincial guidelines, as well as the University of Toronto policies. We welcome employers from all industries to post positions as long as their practices do not contradict these guidelines and policies. At the same time, we encourage all students to look at their interests and values as they make career decisions about which positions to pursue.

We admire your dedication to social justice and encourage you to continue seeking opportunities for advocacy.

Sincerely,

Lily

Lily Abediny

Assistant Director, Career Exploration & Education
University of Toronto
214 College Street, Toronto, ON. M5T 2Z9

T: 416-946-3254 | E: lily.abediny@utoronto.ca

W: careers.utoronto.ca

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Appendix E

From: **utanti Elab** <utantielab@gmail.com>

Date: Thu, May 14, 2020 at 6:13 PM

Subject: Re: Immediate Removal of 'Hong Kong Police Force' Job Posting from CLNx

To: Lily Abediny <lily.abediny@utoronto.ca>

Cc: Amelia Merrick <amelia.merrick@utoronto.ca>, Heather Kelly <heather.kelly@utoronto.ca>, careercentre@mail.careers.utoronto.ca <careercentre@mail.careers.utoronto.ca>, utmcaree.IMAP <careers.utm@utoronto.ca>, aacc@utsc.utoronto.ca <aacc@utsc.utoronto.ca>

Dear Lily,

The CLNx website states that the Career Services practice is governed by adherence to, among other guidelines, "Government of Canada Human Rights," of which an essential element is International Human Rights (as featured prominently on the website that is linked to).

The [Career Centre Policy](#) clearly states that employers are permitted to list a position provided that the duties and conditions of employment "do not appear to be unlawful". While the posting itself does not describe any 'unlawful' duties or conditions, it is abundantly clear from the sources we directed you to in our first email that this employer has engaged in systemic violations of international human rights law.

It is unacceptable for the University to give up all discretion on whether the job opportunity meets basic levels of appropriateness—such as not being an international human rights law violator—as long as the opportunity satisfies the Ontario *Employment Standards Act* and other guidelines. As per the University's [Statement of Institutional Purpose](#), the University has a commitment to the "vigilant protection for individual human rights." The Career Centre's policies and guidelines must be governed by the University's overarching purpose, and this job posting is clearly in contravention of this purpose. Please direct us to any further guidelines that govern the University's discretion with respect to this issue that we may not be aware of.

This is not a plea for the University to subscribe to a particular political viewpoint, it is for the University to stop being a supporter of a known international human rights violator. Career Services states that it operates within a legislative and policy framework that "safeguards the interests of the institution, our students and our employer partners", but the University's inaction shows that clearly it cares nothing for its students or its own reputation.

Once again, please remove the job posting immediately.

Best,
Hogan

Appendix F

From: utanti Elab <utantielab@gmail.com>

Sent: Tuesday, May 19, 2020 3:53 PM

To: Lily Abediny <lily.abediny@utoronto.ca>; careercentre@mail.careers.utoronto.ca; utmcaree.IMAP <careers.utm@utoronto.ca>; aacc@utsc.utoronto.ca

Subject: Joint Statement Re: HKPF Job Posting on CLNx

Dear Lily Abediny,

This is Hogan from the University of Toronto Hong Kong Extradition Law Awareness Group. I am writing to you to express serious concerns over the University of Toronto's refusal to retract job postings for the Hong Kong Police Force as reported in the media:

<https://www.cbc.ca/news/canada/hamilton/mcmaster-hong-kong-police-1.5567973>

<https://www.ubyssey.ca/news/ubc-removal-hkpf-listing/>

<https://thevarsity.ca/2020/05/16/u-of-ts-hong-kong-police-force-job-posting-draws-student-backlash-calls-for-removal/>

Attached is a joint statement from over 30 Hongkonger groups across Canada calling on UofT to reconsider its decision to keep the job postings up. We are all deeply alarmed that the HKPF is allowed to recruit at UofT, and we hope that you carefully consider our concerns with enabling human right violation.

Thank you for your time, and we look forward to hearing back from you.

Best,

Hogan (on behalf of the UTHKELAG)

--

The University of Toronto Hong Kong Extradition Law Awareness Group

Facebook: @utantielab

Instagram: @ut_anti_elab

Email: utantielab@gmail.com

Twitter: @ut_anti_elab

Appendix G

From: **Lily Abediny** <lily.abediny@utoronto.ca>
Date: Tue, May 19, 2020 at 5:41 PM
Subject: RE: Joint Statement Re: HKPF Job Posting on CLNx
To: utanti Elab <utantielab@gmail.com>, utmcaree.IMAP <careers.utm@utoronto.ca>, aacc@utsc.utoronto.ca <aacc@utsc.utoronto.ca>

Hello Hogan, as we have previously stated, the University encourages all students to look at their interests and values as they make career decisions about which positions to pursue. Employers may post opportunities as long as their practices do not contradict federal and provincial laws or U of T policies.

Lily

Lily Abediny

Assistant Director, Career Exploration & Education
University of Toronto
214 College Street, Toronto, ON. M5T 2Z9
T: 416-946-3254 | E: lily.abediny@utoronto.ca
W: careers.utoronto.ca

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Appendix H

From: **utanti Elab** <utantielab@gmail.com>

Date: Fri., May 29, 2020, 3:43 p.m.

Subject: Inquiry Regarding UofT Career Centre's Policies

To: Provost <provost@utoronto.ca>, Lily Abediny <lily.abediny@utoronto.ca>, Amelia Merrick <amelia.merrick@utoronto.ca>, Heather Kelly <heather.kelly@utoronto.ca>

Cc: President <president@utoronto.ca>, Sheree Drummond <sheree.drummond@utoronto.ca>, Kelly Hannah-Moffat <hannah.moffat@utoronto.ca>, Edward Sargent <ted.sargent@utoronto.ca>

Dear All,

I am writing on behalf of the University of Toronto Hong Kong Extradition Law Awareness Group (UTHKELAG)—a group of Hong Kong students studying at the University of Toronto aiming to raise awareness of the pro-democracy movement in Hong Kong. We are writing to you to **demand the disclosure of the Career Centre's policies and guidelines** for assessing the appropriateness and lawfulness of job postings on CLNx.

Many students and alums have written to you over the past week regarding the University's refusal to remove the Hong Kong Police Force's job posting on the University's job board and received the same boilerplate response from you. This response has been **completely inadequate** in allaying the concerns that many of us hold towards the Career Centre's policies and guidelines.

Your response also raises serious questions about the University's ability to screen out employers who engage in a pattern of dangerous and unlawful behaviour, are in breach of federal or provincial law, or are serious human rights abusers. We have already questioned the Career Centre about its compliance with its own guidelines, especially regarding its supposed adherence to "Government of Canada Human Rights" and **have not even received a response from the Career Centre, boilerplate or not.**

We are now demanding the University to disclose:

1. The guidelines that govern the Career Centre's actions and its response to complaints about employers; and
2. Any policies regarding the University's screening of postings and discretion to remove inappropriate or unlawful postings from CLNx.

The University and the Career Centre must be transparent with these policies rather than abdicating all of its discretion and responsibility to protect student interests.

We hope that you understand **a boilerplate email is insufficient to alleviate the concerns** held by all of those who have complained to you, and the University's failure to engage in discussion up to this point

demonstrates a lack of respect towards its students' valid concerns. We look forward to hearing from you soon.

Sincerely,
UTHKELAG

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The University of Toronto Hong Kong Extradition Law Awareness Group

Facebook: @utantielab

Instagram: @ut_anti_elab

Email: utantielab@gmail.com

Twitter: @ut_anti_elab