

## News

## Honours

■ Court of Appeal for Ontario Justice **Karen Weiler** was granted a degree of Doctor of Laws *honoris causa* (LLD) at the Law Society of Upper Canada's call to the bar ceremony in Toronto last month. The law society said Justice Weiler was recognized for her initiatives to improve access to justice and her equity work combatting racism and discrimination.

## Moves

■ **Rhea Solis** has joined the Calgary office of *Miller Thomson* as a partner practising in corporate commercial and securities law. Solis was formerly at Fasken Martineau. Also joining on as associates at Miller Thomson: in Edmonton, **Katherine MacRae** (tax law, M&A, Aboriginal law) and **Allice Wong** (litigation); in Guelph, Ont., **Meredith Rady** (family law); in Kitchener-Waterloo, Ont., **Audrey Wong** (insurance); in Montreal, **Sarah Leclerc** (insolvency and restructuring), **Jean Bernard Ricard** (business law) and **Luis-Philippe Raynault-Ollu** (litigation); in Saskatoon, **André Poulin-Denis** (litigation); and in Toronto, **Michael Best** (insurance) and **Nelly Mosstaghimi-Tehrani** (real estate).  
■ **Orest Szot** has joined *Miller Thomson* as the firm's chief operating officer. Szot was formerly global COO with Dentons.

## Mergers

■ International law firm *Dentons* and Chinese law firm *Dacheng* have combined to over 6,500 lawyers in 120 locations. The new firm will have regional CEOs in five regions – Asia, Canada, Europe, the U.K. and Middle East, and the United States.

## HIV positive refugees focus of study

U of Toronto law students aim to gauge impact of policy changes

**KIM ARNOTT**

The legal obstacles facing HIV-positive refugees who wish to come to Canada will be the focus of an upcoming report from the University of Toronto law school's International Human Rights Program (IHRP).

The project will see law students and researchers travel to Mexico and to several countries surrounding Syria to gather stories on how Canadian laws and policies are impacting on HIV-positive and at-risk claimants, said IHRP director Renu Mandhane.

It's been made possible by a \$75,000 grant from the Elton John AIDS Foundation, the largest research grant IHRP has ever received.

As the first country to accept refugee claims based on sexual orientation and gender-identity discrimination, Canada has historically been a global leader in this area of human rights, said Mandhane. But she believes recent changes in refugee policy have eroded that status.

Among those changes is the federal government's Designated Countries of Origin list, created in 2012. Individuals from those countries, including Mexico, are presumptively assumed to have refugee claims that are likely not well-founded.

"Mexico is a country where people who have HIV and who are sexual minorities or victims of gender-based violence still face persistent discrimination," said Mandhane. "We want to look at how these facially neutral policies are having a disparate impact on vulnerable groups who still face discrimination in that country."

A shift toward meeting Canada's refugee resettlement commitments through private spon-



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**Renu Mandhane**  
University of Toronto law

ship is another area of concern, she added.

"This requires faith-based or other non-profit groups to basically fund (HIV positive and at-risk) people to come to Canada. And there's no evidence that these groups actually have the capacity to do that."

By documenting the stories of such Syrian refugees in Lebanon, Jordan and Turkey, Mandhane says the project aims to identify specific barriers stopping people from getting to Canada and provide information that can be used to advocate for policy change.

"People respond to stories, they respond to hearing about real people who are impacted. I'm really hoping that getting some voices out there will be useful in galvanizing public debate," said Mandhane. "For a person living in a refugee camp in Lebanon or fleeing persecution in Mexico, being gay or HIV-positive is still a potential death sentence. If they can find safe refuge in Canada, we can ensure Canada plays an important role in the global fight to eradicate HIV/AIDS."

Given the challenge of connecting with people who may be hiding their HIV status out of fear of discrimination or persecution, investigators collecting information will need to work

closely with established medical and aid workers, she added.

Second-year student Petra Molnar expects to be one of the researchers on the ground this summer, where she'll be relying on her previous experience working with refugees to gather testimony and case studies.

"Really for me, the reason I came to law school is to work in the area of forced migration, refugee and human rights law," she said. "I think this is a really important project...unique protections are necessary for this vulnerable population."

Since its launch in 1987, the IHRP has given law students the opportunity to work on a wide range of international human rights files through clinic work, field work and internships. Among its aims is to "provide experiential learning opportunities for students" as a way to train Canadian lawyers interested in global justice.

In December, students joined Mandhane as she and IHRP partners made submissions before the Supreme Court of Canada in *Chevron Corp. v. Yaiguaje*, a case considering the relationship between corporate and international law with regard to historic pollution cases.

Last spring, students assisted with an IHRP complaint to the UN Human Rights Committee on behalf of a man denied permanent residence status by Canada for more than 13 years after coming to the country as a refugee from Turkey.

Students also have the opportunity to work on global freedom of expression issues as a result of an ongoing partnership with PEN, while interns have recently undertaken projects looking at laws impacting on human rights in India, Malaysia, Russia and Cambodia.

In tracing the careers of alumni who have worked with the project, Mandhane says many spend their early law years working in traditional positions as they gain experience and pay down debt. But about five years after graduation, many transition into some form of social justice work.

"I think it really does transform their perspective on the law," she said. "They keep it in the back of their minds as 'oh, this is what a law career could look like,' and many of them circle back to it, often about five years out."

## News

## Alberta r

**GEOFF KIRBYSON**

The Court of Appeal of Alberta has granted bail to an Edmonton man after the judge found his appeal of a sexual assault conviction passed an important three-pronged test.

In *R. v. Awer* [2015] A.J. 14, Justice Ronald Berger ruled that Nihal Awer's appeal should be considered not frivolous, Awer would surrender himself and that his continued detention was determined to not be in the public interest. The decision comprises two elements – protection of the public (where he's likely to re-offend) and public respect for the administration of justice.

In explaining his ruling, Justice Berger cited a number of precedents including *R. v. Rhyia*, a 2007 Supreme Court of Canada case that was asked to determine when compelling public interest concerns yield to

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