



**CLAIHR**

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**Canadian Lawyers for International Human Rights  
Juristes canadiens pour les droits internationaux de la personne**

**ANNUAL REPORT**  
**2019-2020**

## About CLAIHR

CLAIHR is a non-governmental organization of lawyers, law students, legal academics, and other jurists, founded in 1992 to promote international human rights from a Canadian perspective through education, research, and advocacy. We are committed to advocating for and defending fundamental human rights as enshrined in the Universal Declaration of Human Rights and other international and domestic human rights instruments.

## CLAIHR's Board of Directors

James Yap (President)  
Florence Au (Treasurer)  
Heather Cohen  
Jesse Gutman

Tamara Morgenthau  
Karen Segal  
Miekela Singh  
Dule Vicovac

## Community Partners

CLAIHR thanks pro bono counsel [Danielle Bisnar](#), [Aminah Hanif](#), [Ceyda Turan](#), [Jennifer Klinck](#), [Joshua Sealy-Harrington](#), [Penelope Simons](#), [Lorne Waldman](#), and [Tara McElroy](#).

CLAIHR thanks advocacy partners [Al-Haq](#), [the Canadian Centre for Victims of Torture](#), [the Jur-Ed Foundation](#), [the International Justice and Human Rights Clinic at the Allard School of Law](#), [the Law Union of Ontario](#), [Accountability Counsel](#), and [the Justice and Corporate Accountability Project](#).

CLAIHR thanks volunteers [Mae J. Nam](#), [Nadia Lambek](#), [Rene Kimmett](#), [Deborah Guterman](#), and [Ankita Gupta](#) for their invaluable contributions this year.

Finally, CLAIHR honours the memory of [Joseph J. Arvay \(1949-2020\)](#), whose unparalleled contributions as a tireless advocate for human rights in Canada will continue to inspire us all.

## Message from the President

This has certainly been a challenging year. The COVID-19 pandemic has claimed over 1.5 million lives, and brought the rest of the world to a standstill.

For me personally, as challenging as this past year has been, it has also been full of hope. While I, like millions of other Canadians, stayed at home and minimized in-person interactions, I was struck by the energy and dedication of CLAIHR's members and community partners in continuing to advocate for human rights in the face of this adversity. After all, human rights



abuses continue unabated, and the pandemic has intensified existing problems while giving rise to new human rights issues. So, we as an organization adapted to conditions to continue our work. We moved operations exclusively online - collaborating through phone calls, emails, online chat platforms, and other electronic tools.

The way our organization has risen to meet these new challenges has made it a very exciting time to be leading CLAIHR. We have been active in the courts, as well as in organizing and advocating on pressing human rights issues, including the rights of migrant workers and refugees in Canada, regulation of businesses' human rights practices, the human rights crises posed by COVID-19, and many other topics.

We've been greatly assisted and informed by contributions from CLAIHR's student chapters and from our Advisory Board, which has further expanded to welcome leading practitioners and academics in international human rights. Of course, our work would not be possible without the valuable contributions of our Board members, volunteers, community partners, and *pro bono* counsel.

The global pandemic has exacted a terrible cost in human life and suffering. Now more than ever, organizations like CLAIHR are vital in advocating for the intrinsic human rights of the most marginalized among us. I look forward to continuing to lead CLAIHR as Board President during these interesting and eventful times and I am excited to see what we will achieve together.

A handwritten signature in black ink, appearing to read 'James Yap'.

James Yap  
President

# Committee Reports

## Litigation and Advocacy Committee

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Advancing international human rights law through strategic litigation and policy reform is one of CLAIHR's highest priorities as an organization. CLAIHR's Litigation and Advocacy Committee coordinates our legal and policy advocacy projects. This work includes making intervener submissions in court cases, issuing public statements, and filing submissions with government agencies conducting policy consultations. CLAIHR's major litigation and advocacy projects undertaken this year are summarized below.

### LITIGATION

#### **Migrant Workers' rights in the time of COVID19: *Schuyler Farms Ltd v. Dr Nesathurai***

Counsel: Danielle Bisnar and Aminah Hanif of [Cavalluzzo LLP](#).

Canada's migrant farmworkers have been among the communities hardest hit by COVID-19. Some of Ontario's worst outbreaks this summer took place in this community, a population already highly marginalized by exploitative working conditions.

To support migrant farmworkers during the pandemic, CLAIHR intervened this year in the case of *Schuyler Farms Ltd. v. Dr. Nesathurai*. CLAIHR argued that Canadian authorities must consider migrant workers' international human rights when issuing health orders that apply to them. In a victory for migrant workers, the [Ontario Superior Court agreed](#), acknowledging CLAIHR's arguments and finding that international law required a health officer to implement an order that recognized migrant farmworkers' unique health vulnerabilities and to "eliminate the disproportionate impact of COVID-19 on them."

See the *Litigation Spotlight*, below.

#### **Canadian businesses human rights compliance abroad: *Montejo v. Canada***

Counsel: Jennifer Klinck, Joshua Sealy-Harrington and Penelope Simons

Canadian companies operating overseas have become notorious globally for drawing allegations of human rights abuses while operating abroad. Canada has a responsibility to take action to investigate and stop these abuses. That's why CLAIHR and the International Justice and Human Rights Clinic at Allard School of Law (IJHR Clinic) [intervened](#) at the Federal Court of Appeal in

*Montejo et al. v. Canada*, a case which considers the Canadian government's international legal obligations to ensure that Canadian corporations do not violate human rights.

In 2009, Mariano Abarca, a community leader was murdered outside his home in Chiapas, Mexico. Mr. Abarca was a vocal opponent of a nearby barite mine owned by a Canadian company. Mr. Abarca's family and supporters requested that the Canadian Public Sector Integrity Commissioner investigate the Canadian Embassy's support of the mine and the mine's connection to Mr. Abarca's death. The Commissioner declined, and Mr. Abarca's family, supporters, and civil society organizations sought review of that decision in the courts.

CLAIHR is arguing that the Commissioner should have taken Canada's international human rights obligations and *Charter* principles into account in making its decision. We are also arguing that Canada has a duty, not only to *respect* rights, but also to *protect* rights by ensuring that certain private actors—including corporations brought into existence under its laws—do not themselves violate human rights.

### **Canada should not legitimize illegal settlements in the West Bank: *Kattenburg v. Canada***

Counsel: Ceyda Turan of [Turan Law](#) and James Yap.

CLAIHR and [Al-Haq](#), a Palestinian human rights organization, applied to intervene at the Federal Court of Appeal in *Kattenburg v. Canada*, a case that considers how Canada's administrative decision makers should understand Israeli settlements, which have been found to be a breach of the *Geneva Conventions* under international law. In this case, wine produced in illegal Israeli settlements in Palestinian territory was labelled and marketed in Canada as a product of Israel. Mr. Kattenburg filed a complaint about that labelling, arguing that the settlements are not part of the State of Israel. The Federal Court agreed, and Canada appealed.

CLAIHR and Al-Haq [sought leave](#) to intervene in the appeal to highlight the context of the human rights abuses in Israeli settlements in the West Bank, including violations of Palestinians' right to self-determination. We argue that this context must inform how Canadian decision makers assess Israeli settlements in any context, including labeling.

The Federal Court of Appeal denied leave to CLAIHR as well as all the prospective interveners, including prominent human rights organizations, such as Amnesty International. CLAIHR and Al-Haq, together with seven other interveners, have applied for leave to appeal the decision denying leave to intervene to the Supreme Court of Canada.

## LITIGATION SPOTLIGHT

### International Law and Migrant Farmworkers



*CLAIHR lawyers Danielle Bisnar and Aminah Hanif*

Migrant farmworkers have long been denied human rights under Canada’s Seasonal Agricultural Worker Program, a regime that renders migrant farmworkers ineligible for many social benefits and statutory protections for working conditions. This legal regime renders these workers vulnerable to reprisal and deportation when asserting their rights. The circumstances have become more dire in the midst of the global COVID19 pandemic, which has seen tragic outbreaks and deaths among migrant farmworkers in Ontario and across Canada.

In July of this year, CLAIHR intervened at the Ontario Divisional Court in *Schuyler Farms Ltd. v. Dr. Nesathurai*. This case considered the housing conditions agricultural employers must provide to recently arrived migrant farmworkers to protect them from COVID-19. The regional Medical Officer of Health (MOH) had ordered that migrant farmworkers must be housed with no more than three individuals per facility during their quarantine period. A large agricultural employer argued that limit was arbitrary, and the tribunal agreed.

On the appeal, CLAIHR argued that the MOH’s decision was not arbitrary because it took into account crucial, rights-promoting factors and was consistent with international human rights law, including the human rights to health, housing, safe working conditions, and equality.

In a victory for migrant workers, the Court accepted CLAIHR’s arguments, including that international law is relevant to the decisions of the MOH, and required the officer to implement measures that address migrant workers’ disadvantaged position. The Court found that international law requires states to fulfil the right to health, including regulating industrial hygiene, and that the right to adequate housing includes providing a space that will protect inhabitants’ health. Further, under international law, everyone is entitled to these rights and freedoms “without distinction of any kind,” and specifically, migrant farmworkers are entitled to “treatment no less favourable than that which applies to nationals of the State of employment.”

The Court wrote that, ***“In the public health context, these [international law] principles require implementing measures that recognize the vulnerability and health inequities experienced by MFWs so as to eliminate the disproportionate impact of COVID-19 on them.”***

This decision will advance the rights of migrant workers in Canada and the application of international human rights law principles in Canadian administrative decision-making.

## **Accountability for corporate human rights abuses abroad: Brief to the Supreme Court of the United States in *Doe, et al. v. Nestlé USA, Inc./Cargill, Inc.***

At a time when the activities of multinational corporations transcend international boundaries in ways that national laws and regulations cannot, international laws protecting human rights are more crucial than ever. However, some corporations believe that international law simply does not apply to them. To help advance the argument that U.S. corporations should be liable in U.S. courts for complicity in international human rights violations abroad, CLAIHR was one of fifteen international human rights organizations that submitted an [amicus curiae brief](#) to the United States Supreme Court in relation to *Doe, et al. v. Nestlé USA, Inc./Cargill, Inc.*

In *Doe, et al. v. Nestlé USA, Inc./Cargill, Inc.*, the plaintiffs claimed that as children, they were trafficked from Mali to the Ivory Coast to work on cocoa farms where they were tortured, enslaved, and forced to work under gruesome conditions. The plaintiffs filed a claim under the US Alien Tort Statute, a law which gives US federal courts jurisdiction over civil claims for violations of international law. In response, Nestlé and Cargill argued that corporations are not liable under international law.

The *amicus curiae* brief submitted to the United States Supreme Court by CLAIHR and fourteen other international human rights organizations provides legal arguments to refute Nestlé and Cargill's position. The brief outlines how international law recognizes that companies can and should be held accountable for human rights violations under the principles of corporate liability and aiding and abetting liability.

## **Canada's International Commitment to Refugees: *Canadian Council for Refugees v Canada (Safe Third Country Act)***

Counsel: Lorne Waldman and Tara McElroy of [Waldman & Associates](#).

Although the poor treatment of asylum seekers in the United States has become an international human rights scandal, Canada continues to consider the US a “safe country” for asylum seekers, under the *Agreement between the Government of Canada and the Government of the United States of America For Cooperation in the Examination of Refugee Status Claims from Nationals of Third Countries* (the Safe Third Country Agreement or STCA). Except under narrow exceptions, the STCA denies asylum to refugees who enter Canada by way of a US land port of entry. Refugees who arrive in Canada this way are handed over to US authorities, who in turn imprison the asylum seekers.

A number of individuals and public interest organizations challenged the constitutionality of the STCA at Federal Court, arguing that the STCA violated the asylum seekers' *Charter* rights. The

Federal Court agreed with the Applicants in part, finding that the STCA violated the asylum seekers' *Charter* right to life, liberty and security of the person. However the Court did not agree that the STCA violated the asylum seekers equality rights under the Charter. In response, the Canadian government appealed the decision to the Federal Court of Appeal and the applicants cross-appealed.

In partnership with the [Canadian Centre for Victims of Torture](#) (CCVT), CLAIHR are seeking leave to intervene in this appeal. If leave is granted, CLAIHR and CCVT intend to argue that the STCA violates principles of international human rights law and exposes asylum seekers to the threat of torture, and cruel, inhuman or degrading treatment, both in the US and in their home countries.

## ADVOCACY

### *Corporate Accountability for Human Rights Abuses*

#### **Submission to the Responsible Business Practices division, Global Affairs Canada**

CLAIHR has long advocated that Canada must take concrete measures to prevent Canadian companies from abusing human rights abroad. In November, CLAIHR filed a [submission](#) with the Responsible Business Practices division at Global Affairs Canada regarding Canada's Responsible Business Conduct for Canadian companies abroad strategy, to urge the government to introduce a mandatory regime to ensure corporations comply with human rights principles.

In CLAIHR's view, the Canadian government's current Responsible Business Conduct strategy, which is primarily based on voluntary actions and commitments, fails to meet Canada's international human rights law obligations to ensure that companies under its jurisdiction do not violate human rights. We believe that international human rights law requires Canada to adopt a legal framework to ensure that Canadian corporations do not violate human rights in their operations outside of Canada. Canada must also ensure that victims of corporate human rights abuses have access to effective judicial and non-judicial remedies in Canada. These measures are necessary to ensure that Canadian corporations respect the human rights of individuals and communities impacted by their operations and are held accountable when they are involved in human rights violations.

#### **CLAIHR and Accountability Counsel File Submissions on the Operating Procedures of the Canadian Ombudsperson for Social Enterprise**



CLAIHR is deeply concerned by the failure of Canadian officials to regulate Canadian companies operating abroad. In October, CLAIHR and Accountability Counsel [provided feedback](#) on the proposed operating procedures of the Canadian Ombudsperson for Responsible Enterprise (CORE), which reviews claims of human rights abuses arising from the operations of Canadian companies abroad in the mining, oil and gas, and garment sectors. We called on the CORE to implement greater measures to protect and support those who file requests or complaints to the CORE.

Specifically, CLAIHR and Accountability Counsel requested:

1. Greater fairness for requesters and complainants under the CORE, including adequate notice, a fair hearing, and no appearance of bias;
2. Greater support for complainants and requesters to take into account and minimize the power and resource imbalance between parties, namely, the respondent corporations who have much more power and resources than the requesters and complainants; and
3. Significant improvements to protect requesters and complainants. Requesters and complainants are putting their lives at risk to assist the CORE in identifying bad Canadian corporate actors. They are often vulnerable and may face retaliation for their efforts to hold Canadian companies accountable. They should be guaranteed the protections of human rights and environmental defenders and any other whistleblowers.

### **Submission to the Ontario Capital Markets Modernization Taskforce**

In September 2020, CLAIHR filed a submission in response to the Capital Markets Modernization Taskforce's call for comments on proposed reforms to Ontario's securities regulations. An important element of corporate accountability for human rights is transparency. It is a daunting challenge to hold companies accountable if there is no available information about their human rights impacts and practices. Such information can also help companies better understand how their practices, including those within their supply chains, can have an impact on human rights. Therefore, CLAIHR filed comments on the Taskforce's [proposal](#) to require publicly-traded companies to disclose human rights risks in their businesses.

CLAIHR supports initiatives to mandate corporate disclosures of human rights risks and impacts. CLAIHR suggests that the Taskforce's proposal can be further improved by framing the standard for disclosure of human rights risks in terms of their impact on victims, and not only in terms of their impact on a company's share price.

## *COVID-19 and Human Rights*

### **Letter Outlining Human Rights Concerns Arising from the Pandemic**

In these unprecedented times, it is more important than ever to ensure that human rights are respected. While many governments have distributed aid to their populations, steps must be taken to ensure that this aid does not come at the cost of civil or privacy rights and is equitably distributed. Moreover, as extreme as the impact of this pandemic is on all of us, it is especially difficult on the most marginalized populations. That is why CLAIHR put together a [comprehensive resource](#) detailing the pressing human rights issues that have emerged or intensified since the beginning of the pandemic. This letter provides details of twelve pressing human rights issues, profiling of some of the work being done to address them, and offers a list of resources to learn more.

### **Letter to Windsor-Essex Medical Officer of Health**

Following the successful result in *Schuyler Farms*, CLAIHR wrote a [letter](#) to the Medical Officer of Health in the Windsor-Essex Health Unit, home to one of the worst outbreaks of COVID-19 among migrant farmworkers in Ontario. In this letter, CLAIHR highlighted the MOH's obligations under international law to protect the human rights of migrant workers, including their rights to the highest attainable standard of physical and mental health, just and favourable conditions of work, equality, and more. In light of these obligations, CLAIHR implored the MOH to take steps to protect migrant workers from the spread of COVID19, as required by international law.

### **Statement on Ontario's Emergency Powers**

In response to COVID19, many jurisdictions have implemented emergency measures granting governments the power to implement extraordinary measures to respond to the health crisis. International law sets out limits on when and how such measures may be implemented.

Like these other jurisdictions, the Government of Ontario has similarly introduced emergency measures. CLAIHR supports and will continue to encourage governments to implement fair and balanced restrictions aimed at containing the spread of COVID19 to the extent that these are consistent with Canada's international human rights obligations. However, in CLAIHR's view, Ontario's emergency powers are inconsistent with the law of international human rights governing emergency powers. CLAIHR published its [analysis](#) of these powers in October, 2020.

## *Advocacy Letters*

### **Letter to Canada's Permanent Representative to the UN calling for Support of Resolution on Excessive Use of Force and Other Law Enforcement-Related Human Rights Violations against People of African Descent**

Following on the protests against police brutality in the United States, on June 19, 2020, the Human Rights Council adopted Resolution A/HRC/43/L.50, which requested that the United Nations Office of the High Commissioner for Human Rights take the following actions:

1. prepare a report, with assistance from the relevant Special Mandate Holders, on “systemic racism, violations of international human rights law against Africans and people of African descent by law enforcement agencies, especially those incidents that resulted in the death of George Floyd and other Africans and of people of African descent,” and
2. examine government responses to antiracism peaceful protests, including allegations of excessive use of force.

CLAIHR wrote a [letter](#) to Ambassador Leslie Norton, Permanent Representative of Canada to the United Nations and the Conference on Disarmament in Geneva, requesting that Canada provide support to the High Commissioner as she implements the Resolution. Despite this request for support, CLAIHR’s letter acknowledged that the Resolution had been significantly watered down due to political considerations and called on Canada to acknowledge its own need for police reform.

### **Letter supporting a UN Convention on the Rights of Older Persons**

On June 3, 2020, as part of a new partnership stemming from CLAIHR’s on the human rights concerns associated with COVID19, CLAIHR sent a [letter](#) to Ministers François-Philippe Champagne (Minister of Foreign Affairs) and Deborah Schulte (Minister of Seniors) demanding the Canadian Government take immediate steps towards leading and supporting a United Nations Convention on the Rights of Older Persons. CLAIHR noted that older persons living in Canada and abroad suffer egregious human rights violations, which are being magnified by COVID19 and explained that a UN Convention will bring international attention to the global mistreatment of older persons.

### **Advocacy Partnerships**

CLAIHR often signs on to [letters](#) concerning matters of international human rights drafted by our partners and other organizations. In 2020, these letters touched on corporate violations of human rights, racism and discrimination, prison reform and decriminalization, and the protection of human rights defenders.

## **CLAIHR DIRECTOR SPOTLIGHT:**

### **Heather Cohen**

Heather Cohen, a leading expert on corporate regulation and business and human rights, is one of CLAIHR's longest serving Board members. Heather joined CLAIHR in 2014 and has contributed significantly to our litigation, advocacy, and education.

With a long history of work in human rights, Heather is currently Legal Counsel at the Ontario Securities Commission, and has previously worked at Legal Aid, non-profits such as the International Corporate Accountability Roundtable, and the United Nations. She is an active member of CLAIHR's Litigation and Advocacy and Education subcommittees, and this year has been instrumental in coordinating CLAIHR's CORE submissions, litigation regarding the *Safe Third Country Act*, community legal education events, coordinating student groups and volunteers, and drafting various letters to the UN.



*"I got involved with CLAIHR because as a lawyer, it is my responsibility to push for justice at home, but as a human being, I want to create a more equitable world. CLAIHR fights for both."*

## Education Committee

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CLAIHR's Education Committee is responsible for organizing and promoting educational events and discussions, as well as building CLAIHR's relationships with students and student groups at Canada's law school campuses.

### Student Groups

CLAIHR strongly believes in the importance of supporting the development of the newest generations of human rights advocates. CLAIHR has made it an organizational priority to engage with law students on-campus, including strengthening our collaboration with CLAIHR's student chapters at the [University of Ottawa](#) and one at [Osgoode Hall Law School](#).

*CLAIHR Ottawa* has chosen Equal Access to Health Care as its theme this year, with a particular focus on the issues that have come to light during the pandemic. The group held an AGM in November, and welcomed a handful of first year law student representatives to join the executive team. For the winter semester, CLAIHR Ottawa is planning a fundraising virtual trivia night, and is looking into collaborating with the uOttawa Doctors Without Borders group on a panel event. For more information about CLAIHR Ottawa please contact [claihr.ottawa@gmail.com](mailto:claihr.ottawa@gmail.com).

*CLAIHR Osgoode* held an event in March 2020 on corporate accountability and international human rights. Speakers included Cory Wanless and Professors Shin Imai, Heidi Matthews, and Obiora Okafor. Due to the pandemic, CLAIHR Osgoode has been less active during the fall term, but hopes to plan either a documentary screening party about a human rights issue with a discussion and/or a virtual networking event in the winter term. For more information about CLAIHR Osgoode please contact [claihr.osgoode@gmail.com](mailto:claihr.osgoode@gmail.com).

To kick off the school year, CLAIHR's Board held a virtual meet-and-greet with the executive teams from these groups and looks forward to future collaborations. Where CLAIHR does not have a student chapter, CLAIHR is nonetheless connected to law schools through its Advisory Board, which includes members affiliated with the law schools at the University of Toronto, the University of Windsor, and the University of Calgary.

### Continuing Legal Education Programming

CLAIHR typically provides an annual CLE program on international human rights topics of interest to Canadian lawyers. These events are always interesting and have led to some wonderful partnerships. Previously, CLAIHR has worked with [law firms](#), the [Law Society of Ontario](#), and even [Nightwood Theatre](#) on these events.

For this year's event, CLAIHR partnered with the [Law Union of Ontario](#) and the [Jur-Ed Foundation](#) to present a 1.5 hour [webinar](#) in August on responses to homelessness in the time of

COVID19. The program was moderated by CLAIHR Board member Jesse Gutman and featured Leilani Farha, former United Nations Special Rapporteur on the Right to Housing; Sanctuary Ministries' outreach worker, Greg Cook; and Goldblatt Partners lawyer, Jessica Orkin.

The speakers discussed a recently developed National Protocol for Homeless Encampments in Canada and its potential to encourage governments to move away from criminalization and forced evictions and towards meaningful engagement with encampment residents as rights holders. They also spoke about the lawsuit filed against the City of Toronto by a coalition of public interest groups demanding appropriate distancing and sanitation standards in shelters and a swifter, broader plan to relocate residents to vacant hotels and alternative housing. Due to the pandemic, this event was held online and was attended by over 150 people.

***STUDENT SPOTLIGHT: RENE KIMMETT, UNIVERSITY OF VICTORIA***

CLAIHR was fortunate to host Rene Kimmett as our legal intern over the 2020 summer. Rene led the drafting on much of our advocacy and COVID19-related letters. She wrote summaries of CLAIHR's interventions for CLAIHR's website, connected us with partner organizations, and brought new opportunities to CLAIHR's attention. She also organized CLAIHR's CLE. As CLAIHR is a Board-run organization, Rene did much of this on her own initiative.



***"The pandemic, and inadequate responses to it, brought to light systemic inequality and exacerbated the existing marginalization of groups across Canada and globally. CLAIHR, in partnership with other dedicated organizations and individuals, works to combat these and many other attacks on human dignity.***

***In assisting with education, advocacy, and amicus curiae initiatives, I gained insight into how an international human rights framework can be used to effect change domestically and across borders. I am very grateful to have worked alongside such a diverse group of lawyers each with their own passions and expertise. I will bring the lessons I learned from CLAIHR to my future work as a lawyer and advocate."***

CLAIHR is grateful to Rene for her initiative, organization, and intelligence. We wish her well as she completes her studies before articling with the [Public Interest Advocacy Centre](#).

## Outreach and Communications Committee

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This year our Communications and Media Committee has been active in ensuring that CLAIHR supporters are well informed of the hard work we are doing. The Committee's first priority in this regard has been to expand the organization's online visibility. To this end, we have made major upgrades to our [website](#) to resolve some glitches, improve the design and navigation, and ensure that CLAIHR's work is easily accessible online. We have also dedicated more resources to CLAIHR's [social media presence](#), including developing a social media policy.

CLAIHR has also created an email listserv to support our outreach and communication strategy. We anticipate that this listserv will advance the objectives of (1) providing a forum for news and discussion of international human rights issues from a Canadian legal perspective, (2) cultivating a community of Canadian legal advocates for international human rights, (3) facilitating effective communication between CLAIHR and its members, and (4) strengthening the relationships between CLAIHR and the student chapters.

CLAIHR's members have also been active in commenting on human rights matters in the media to help educate the public about their international human rights. For example, CLAIHR members have commented on [SARS in Nigeria](#) and allegations of [forced hysterectomies against refugees on the US border](#).

## CLAIHR's Advisory Board

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CLAIHR's expertise and efficacy is the product of the invaluable contributions of its Advisory Board: a group of practitioners and academics working in the field of international human rights law. These experts provide critical insight to CLAIHR on all its projects, including interventions, policy-related advocacy, and legal positions. This year, CLAIHR added three new members. CLAIHR is pleased to welcome Audrey Macklin, Sukanya Pillay and Penelope Simons.

### **Professor Audrey Macklin**

Professor Audrey Macklin (BSc. (Alberta), LLB (Toronto), LLM (Yale) is Director of the Centre for Criminology and Sociolegal Studies and Chair in International Human Rights Law at the University of Toronto. She teaches, researches and writes in the area of migration and citizenship law, business and human rights, and administrative law. She has published widely in domestic, international, and interdisciplinary journals and edited collections, as well as many Canadian and international news sources.

From 1994-96, Professor Macklin was a Member of the Canada's Immigration and Refugee Board, where she adjudicated refugee claims. She was involved in the case of Omar Khadr, a Canadian citizen detained for almost a decade by the United States at Guantànamo Bay. She was an observer for Human Rights Watch at the Military Commission proceedings against Mr. Khadr in Guantànamo Bay, and represented Human Rights Watch as intervener before the Supreme Court of Canada in two Khadr appeals. Professor Macklin has also acted as pro bono intervener counsel or academic legal advisor in several public interest human rights cases, including legal challenges to security certificates, withdrawal of health care for refugees, citizenship revocation, deportation of long-term permanent residents, and the ban on niqabs at citizenship ceremonies.

Prof. Macklin was named a Trudeau Fellow in 2017, and awarded the Ludwik and Estelle Jus Human Rights Award in 2019 and the Carolyn Tuohy Public Policy Impact Award in 2020.



***“I joined CLAIHR’s Advisory Board because CLAIHR is a critical voice in promoting international human rights in Canada and abroad. I am honoured and proud to be a part of that mission.”***

***- Audrey Macklin***

### **Professor Sukanya Pillay**

Sukanya Pillay is an international and Canadian constitutional lawyer with twenty years of experience in the field. She is currently a visiting professor and Law Foundation of Ontario scholar at the University of Windsor Faculty of Law. Prior, she held senior positions at a national nonprofit civil liberties organization in Canada as Executive Director, General Counsel, and National Security Director. Pillay was one of two in-house Counsel for a multinational telecommunications company in Asia, a law Professor in Canada, and an original director of



WITNESS with the Lawyers Committee for Human Rights (Human Rights First) in New York. She is a member of the Ontario Bar and holds an LL.M. In international legal studies from NYU Law.

Pillay has participated in numerous television and radio news broadcasts, has written for leading Canadian media outlets and recently completed a Fellowship in Global Journalism at the Munk School of Global Affairs, University of Toronto as the inaugural Maytree Scholar and is the recipient of numerous awards. She also hosts an international law podcast, JUST PLANET: Laws, Life and Global Crisis.

### **Professor Penelope Simons**

Professor Simons is a Professor of Law at the University of Ottawa, and a former Senior Lecturer in Law at Oxford Brookes University in the UK. Professor Simons holds an LL.M. and a Ph.D. in International Law from the University of Cambridge in the U.K. and an LL.B. from Dalhousie University. After practicing corporate and commercial law at McCarthy Tétrault LLP in Vancouver, Professor Simons worked in the nongovernmental sector on peace and disarmament issues, and participated in the Canadian Assessment Mission to Sudan (the Harker Mission) which was established and dispatched by Canada's Minister of Foreign Affairs and International Trade to investigate allegations of slavery, as well as, links between oil development in Sudan and grave violations of human rights.

Professor Simons' research focuses on the human rights implications of domestic and transnational business activity, particularly natural resource extraction, and how best to regulate such activity to protect human rights and prevent and mitigate other harm. She also considers the intersections between transnational corporate activity, human rights and international economic law. Her current work focuses on gender and resource extraction.

## Financial Statements

### Canadian Lawyers for International Human Rights

#### Unaudited Balance Sheet (as of March 31 2020)

In Canadian Dollars

	31-Mar 2020	31-Mar 2019	31-Mar 2018
<b>Assets</b>			
Cash	3,679	4,373	4,882
Holdbacks Recoverable			
Other Receivables			
Prepaid amounts			
<b>Total Assets</b>	<b>3,679</b>	<b>4,373</b>	<b>4,882</b>
<b>Liabilities</b>			
Accounts Payable	0	0	0
Unearned Revenue			
GST Recoverable			
<b>Total Liabilities</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Retained Earnings</b>	<b>3,679</b>	<b>4,373</b>	<b>4,882</b>
<b>Total Liabilities and RE</b>	<b>3,679</b>	<b>4,373</b>	<b>4,882</b>

## Canadian Lawyers for International Human Rights

### Unaudited Income Statement (for the period ended March 31, 2020)

In Canadian Dollars

	31-Mar 2020	31-Mar 2019	31-Mar 2018
<b>Revenue</b>			
Membership donations	350	525	300
Other donations			
Total Donations	350	525	300
<b>Total Revenue</b>			
	<b>350</b>	<b>525</b>	<b>300</b>
<b>Expenses</b>			
Insurance	1,056	1,001	972
Email/Web	-	-	386
General Expenses	20	20	20
Transaction Fees	8	12	7
Postage	-	-	210
<b>Total Expenses</b>			
	<b>1,084</b>	<b>1,034</b>	<b>1,595</b>