

Lawyers' Rights Watch Canada

LRWC NEWSLETTER

March 2014 Edition

LRWC ACTION NEWS

CANADA

Accreditation of a law school at Trinity Western University (TWU)

The proposal of TWU, a Christian university located in Langley BC, to open a law school has generated much controversy. TWU admission and discipline policies require students seeking admission to sign and adhere to the Community Covenant, which requires students to abstain from “sexual intimacy that violates the sacredness of marriage between a man and a woman.” On 16 December 2013 accreditation of a law school at TWU was given preliminary approval by the Federation of Law Societies and on 18 December the Minister of Advanced Education for BC approved accreditation. Both the Federation and the Government of BC apparently considered that as a private institution TWU is not subject to the *Charter of Canadian Rights and Freedoms* with respect to its (discriminatory) admissions policies.



TWU campus | cbc.ca

The questions of whether law students graduating from TWU will be admitted to the bar will be considered by the LSBC on 11 April and by the LSUC on 10 and 24 April with each Law Society considering the submissions made (approximately 300 to the LSBC and 200 to the LSUC).

LRWC made submissions [to the LSBC](#) and [to the LSUC](#). The LRWC submission focused not on whether TWU graduates would be suitable candidates for admission to the Bar but on the application of the *Charter* to TWU Covenant requirements and the right to be admitted to law school free from discrimination based on sexual orientation. LRWC submits that TWU's private, religious-based status does not shield discrimination on the basis of sexual orientation from *Charter* scrutiny when TWU is exercising the governmentally delegated function of selecting students for entry into the legal profession. LRWC submits that: a/ the *Charter* applies because admission to law school is a 'government function'; b/ the Covenant breaches the *Charter*; and, c/ the breach is not “saved” under Section 1. If TWU will not withdraw signing the Covenant as a requirement of admission and attendance to the proposed law school, LRWC recommends that the Law Societies request a judicial review of the accreditation granted by the BC Government.

Human rights treaty implementation in Canada - Catherine Morris has produced a four-page

[briefing note on Canada's legal responsibility](#) to implement and enforce international human rights treaties, which is now available on the LRWC website. Drafted by Catherine Morris, it summarizes Canada's process as a federal state for entering into treaties and receiving them into domestic law. The note also explains that despite the fact that Canadian courts and tribunals may not enforce treaties directly, they should interpret Canadian domestic law in light of Canada's international human rights obligations. The note concludes with a brief summary of some recommendations for change. The note provides footnotes to books, articles and several cases.

IRAN

Report for the Universal Periodic Review (UPR) - On 15 March 2014 LRWC and L4L submitted [a report](#), *Submission on the Universal Periodic Review of Iran – March 2014, Safety and Independence of Lawyers and Access to Legal Representation* to the Office of the High Commissioner of Human Rights for consideration on the UPR of Iran scheduled for October 2014. The joint report focused on violations by Iran of



shaheedoniran.org

obligations to protect the personal advocacy rights of individuals and the rights of lawyers to engage in advocacy as required by the ICCPR and UDHR. The report cites numerous cases of lawyers subjected to politically motivated prosecutions, unfair trials, arbitrary detention and other grave injustices and interference in reprisal for their professional advocacy. A joint oral intervention on this topic was made to the Human Rights Council on 17 March 2014. Further follow-up contemplated is a written report to the 26th Session of the Human Rights Council in June and participation in the UPR October pre-session.

MALAYSIA

In 2009, Karpal Singh - a lawyer, Member of Parliament, and head of the Democratic Action Party in Malaysia - was charged with an offence under the *Sedition Act 1948* which prohibits criticism of government officials. Mr. Singh was charged after expressing his legal opinion on the summary removal of a former minister by the Sultan of Perak. On 21 February 2014, the High Court convicted Mr. Singh of the offence, but postponed sentencing until 11 March 2014. Following the conviction, the LRWC [submitted a letter](#) urging the Malaysian government and courts to comply with Malaysia's international law obligations in respect of Mr. Singh's prosecution. The letter outlined how use of the *Sedition Act 1948* conflicted with Malaysia's obligation under international law to allow citizens to participate in political debate.



Karpal Singh | mole.my

On 11 March 2014, the High Court sentenced Mr. Singh to a fine of RM 4,000. Because this fine was greater than RM 2,000, Mr. Singh was disqualified from acting as a Member of Parliament under Malaysian law. Mr. Singh has appealed the ruling, but has stepped down from his position until the appeal is resolved. LRWC and L4L prepared [an oral intervention](#) calling for repeal of the *Sedition Act* for delivery to the Human Rights Council on 20 March 2014. Allegations of prosecutorial misconduct have also been made.

SUDAN

Eleven men including two lawyers, Abdelaziz Eltoum Ibrahim and Abdelmoniem Adam Mohamed, were taken into custody between 12 and 20 March following a protest against increasing violence in Darfur. One of the lawyers went missing from the funeral of a student killed at the protest and was later confirmed in custody. Another lawyer was arrested after attending at the police station to look for missing students. The men are being held incommunicado and are therefore at heightened risk of torture and other abuse. LRWC [sent a letter](#) calling for their release on 25 March.

TURKEY

Nine lawyers and one journalist released after 28 months - On 18 March 2014, the nine lawyers and one journalist charged in the mass (KCK) trial who had been detained since their November 2011 arrests were released on bail by the Heavy Penal Court. The KCK proceedings was transferred to a new judge at the Heavy Penal Court after the court previously hearing the case, the Specialized Heavy Penal Court, was abolished on the 6th of March. On that date, Law No. 6526 amending the Turkish Code of Criminal Procedure and the Anti-Terror law came into force. Charged in the KCK trial are 46 lawyers, three law office employees and one journalist, forty-six of whom were arrested and detained in November 2011. The 1st Heavy Penal Court heard applications for the release of the remaining defendants and found there was no evidence indicating a risk of flight or interference with evidence or otherwise justifying continued detention. Early in the proceedings before the now abolished Specialized Heavy Penal Court, applications for the judge then presiding to recuse himself were refused. LRWC has maintained throughout the proceedings that the defendants were wrongfully denied pre-trial release. LRWC advocacy for the detained lawyers, in cooperation with jurists from Turkey and many other countries has included: letters, press releases, a joint report to the UN Human Rights Committee, [Turkey: Joint brief to the Human Rights Committee, 106th Session, on pre-trial release rights in Turkey](#) and a handbook on pre-trial release, [Arrest and Detention of Lawyers in Turkey: The Right to Pre-Trial Release at International Law](#). Compensation for wrongful detention under the ICCPR is an issue for resolution.

EDUCATION EVENTS

UPCOMING EDUCATION EVENTS

LAND RIGHTS ARE HUMAN RIGHTS with Robert Morales



Robert Morales

Thursday 3 April 2014, 7:00 – 8:30 pm, Alice MacKay room of the Vancouver Public Library, 350 West Georgia St. Vancouver. Admission is free.

International human rights law is the framework needed to bring justice to Aboriginal people in Canada. Meaningful reconciliation of First Nations' land issues is hampered by persistent colonial attitudes. International human rights law provides a way to determine remedies by recognizing and balancing rights. Robert Morales will discuss the indigenous land rights argument he made to the Supreme Court of Canada as intervener in *Tsilhqot'in Nation (William) v. BC and Canada*. This event is co-hosted by LRWC, Amnesty International, the Hul'qumi'num Treaty Group and the Vancouver Public Library. The poster for this event is available [online](#).

Land Rights are Human Rights

SAFEGUARDING THE INDEPENDENCE AND INTEGRITY OF THE BAR, COURTS AND TRIBUNALS: INTERNATIONAL HUMAN RIGHTS, THE RULE OF LAW AND CAMBODIA'S ELECTION CONFLICT

Wednesday 23 April 2014, noon – 1:15 pm, Barristers' Lounge, Victoria Courthouse, 850 Burdett Avenue, Victoria, Canada. Approved for CPD credits

Robert Patterson and Catherine Morris will present a case study on this topic drawing attention to the work of LRWC and the ICJ with a discussion to follow. John Waddell QC will moderate the discussion. John Patterson was the Chief Electoral Officer of BC from 1990-2002 and has been Head of Party for the International Foundation for Electoral Systems in Cambodia since 2010; Catherine Morris is a Director of, and the Cambodia monitor for LRWC. John Waddell QC is a Director of ICJ/Canada. The event is co-hosted by LRWC and the ICJ.

PIPELINES AND INDIGENOUS SOVEREIGNTY – KINDERMORGAN AND NORTHERN GATEWAY with Grand Chief Stewart Phillips and Ardith Walkem

Thursday 1 May 2014, 7:00 – 8:30 pm, Alice MacKay room of the Vancouver Public Library, 350 West Georgia St. Vancouver. Admission is free.



Grand Chief Stewart Phillips | rabble.ca

There are many unresolved issues concerning the relationship between the sovereignty of the original nations and the aspirations of the major corporations that shape Canada's economy. These have come to a head, pitting the need to provide for current and future generations by protecting existing resource industries such as fishing and tourism against the desire for short-term economic benefit through environmentally hazardous exploitation of non-renewable oil, gas and water resources. This event is co-hosted by LRWC, Amnesty International, the Hul'qumi'num Treaty Group and the Vancouver Public Library. A poster is available [here](#).

PAST EVENTS: Webcasts, Podcasts, Power Points, Speaking Notes

CONSENT OR CONSULTATION

The webcast and podcast of this 30 January 2014 presentation by Grand Chief Edward John are now [available online](#) along with the accompanying power point.

CORPORATE LAND-GRABBING & FABRICATED CHARGES IN CAMBODIA: WHAT CAN CANADIAN LAWYERS DO?

The speaking notes for this 12 February 2014 presentation to the CBA/BC International Assistance Sub-section by Catherine Morris are [now available](#) online.

UN HUMAN RIGHTS COUNCIL – 25TH SESSION, 3-23 MARCH 2014

LRWC was represented at the 25th session of the HRC in Geneva by Toronto-based lawyer Vani Selvarajah. Issues of concern to LRWC addressed at the 25th session of Council were reports of the Special Rapporteurs on human rights defenders; the situation of human rights in Myanmar; the situation of human rights in Iran; reports on the Universal Periodic Reviews (UPR) of China, Malaysia, and Mexico; and consideration of the OHCHR report on accountability in Sri Lanka. LRWC prepared five oral interventions. Four were presented by Ms Selvarajah.



Vani Selvarajah

- Bangladesh and Cambodia: [Human Rights Defenders under threat in Bangladesh and Cambodia](#), Statement by LRWC on 10 March 2014;
- Myanmar: [Concerns about the independence of lawyers in Myanmar](#), Statement by LRWC and L4L on 17 March 2014. [See video](#);
- Iran: [Situation of Lawyers in Iran and independence of the legal profession remain precarious](#), Statement by LRWC and L4L on 17 March 2014. [See video](#);
- China: [Failure of UPR to deal with grave abuses](#), Statement by LRWC on 19 March 2014. [See video](#);
- Malaysia: Failure of UPR report to address continued use of Sedition Act, Statement by LRWC and L4L, not delivered.

On 21 March 2014 Council adopted two decisions and nine resolutions. Resolutions of particular interest to LRWC were those calling for accountability in Sri Lanka and better protection for human rights defenders. The Resolution promoting reconciliation and accountability in Sri Lanka (A/HRC/22/L.1/Rev1) adopted by 25 in favour, 13 opposed and 8 abstentions, calls on Sri Lanka to implement recommendations made by the High Commissioner and conduct an independent investigation of alleged violations of human rights and humanitarian law.

The Resolution protecting human rights defenders (A/HRC/22/L.13) tabled by Norway in response to mounting threats, attacks and acts of intimidation against human rights defenders, was adopted without a vote. This resolution urges states to both acknowledge the work of human rights defenders as essential to the rule of law and ensure the safety and independence of human rights defenders. Highlighted was the necessity of ensuring that domestic laws comply with international human rights law. More information on these and other resolutions made during the 25th Session is [available online](#).

ANNUAL GENERAL MEETING



The Annual General Meeting for Lawyers' Rights Watch Canada and Lawyers' Rights Watch (Legal Research) Canada will take place on Friday, 25 April 2014, 2:00 – 5:00 pm, at 900 Howe Street Vancouver, BC. Business will include election of directors for the coming year and a review of LRWC work and finances during the past year. Attendance by skype and telephone can be arranged. The meeting is open to LRWC members. Let us know if you would like to attend.

PRO BONO WORK BY LRWC MEMBERS

Our thanks to LRWC Members contributing to LRWC initiatives this month including: Gary Anandasangaree, Clive Ansley, Gail Davidson, Joe Hoffer, Ed Levy, Robert Morales, Catherine Morris, Heather Neun, Tina Parbhakar, Renee Racette, Brian Samuels, Vani Selvarajah, David F. Sutherland and Grace Woo.

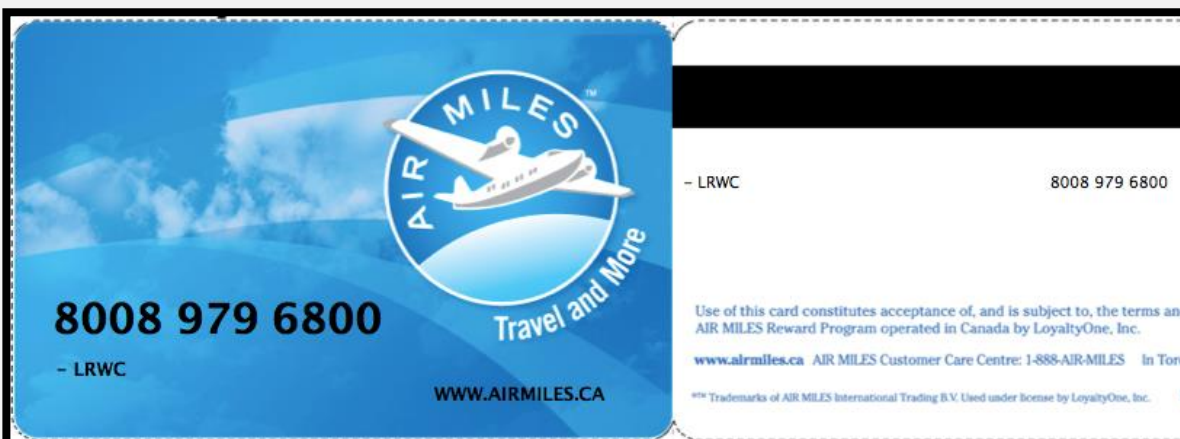
LRWC AIRMILES

Ways to Collect:

- Ask us for a LRWC Airmiles card and use it to collect miles from participating vendors.
- Contact us to receive YOUR card today (lrwc@portal.org, 604-738-0338).
- Ask for our barcode and scan it at participating vendors.

Ways to Donate:

- Transfer Airmiles from your account to LRWC by calling 1-888-247-6453.
- LRWC's account is 8008-979-6800.



We welcome feedback on Newsletter content, format, and delivery. Mail subscriptions are also available.

Fees and donations can be made by cheque, [PayPal](#), or [Canada Helps](#).

Monthly donations increase LRWC's ability both to respond quickly and plan ahead.

Airline points donated to LRWC qualify as a tax-deductible donation!

[Follow on Twitter](#) [Friend on Facebook](#)

Contact us at:
lrwc@portal.ca

Lawyers' Rights Watch Canada
is an NGO in Special Consultative

Telephone: +1 604 738 0338
Fax: +1 604 736 1175

Status with the Economic and Social
Council of the United Nations.

Copyright © 2013 Lawyers Rights Watch Canada, All rights reserved.