

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

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LRWC NEWSLETTER

August 2010

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LRWC Human Rights Forum with Robert Morales and Cara Gibbons:

When: Saturday October 16, 2010

Where: **Toronto:** 3 pm in the Lamont Room of the Law Society of Upper Canada, Osgoode Hall, 130 Queen Street West

Vancouver: noon at Owen Bird, 29th Floor, Three Bentall Centre, 595 Burrard Street

Video Conferencing: The Toronto and Vancouver locations will be linked by videoconferencing.

Speakers: Robert Morales in Vancouver and Cara Gibbons in Toronto will examine issues regarding the gap between international human rights law and national practices in Canada and in Mexico and the need for improved implementation, enforcement and education.

Robert Morales's talk will focus on the decision of the Inter-American Commission of Human Rights to accept the petition of the Hui'qumi'num Treaty Group's (HTG) alleging that Canada has violated the *American Declaration of the Rights and Duties of Man* by failing to resolve the HTG's land claims. In a precedent-setting decision the IACHR, on October 30, 2009, ruled the petition could proceed without the necessity of HTG first exhausting domestic remedies on the basis that Canadian courts and law were not adequate to protect the HTG's land claims and provide compensation while continuing to grant concessions and destruction to the environment.. Robert Morales is Chief Negotiator and counsel for the HTG.

Cara will examine the deteriorating situation of human rights defenders in Mexico detailed in, [*A Report on the Protection of Human Rights Defenders and the Rule of Law in the States of Guerrero and Oaxaca in Mexico*](#). This report records the findings of a group of lawyers from Canada, Germany, Ireland the U.S. and the U.K. who visited Mexico November 29-Dec. 5, 2009 to investigate human rights problems in Guerrero and Oaxaca related to the safety and independence of human rights defenders. Cara was a member of the Mexico delegation and one of the author's of the report. Cara is a director of LRWC and LRWC's Mexico Monitor and regularly conducts actions in support of lawyers and human rights defenders in Mexico who are threatened as a result of their work.

All are welcome to attend. We suggest people arrive ½ hour early.

Letters for Lawyers

Canada: August 5, 2010. LRWC signed the “We are Omar Khadr” Petition stating Omar Khadr’s right to a fair trial that includes a hearing of all relevant facts in a open court that is administered by an impartial judge with a decision rendered by a jury of one’s peers and that the military commission’s process does not meet fair trial requirements.

Mexico: Raúl Hernández Abundio, member of the Organization of the Me’phaa Indigenous People (OPIM), was released from prison on August 27, 2010. LRWC (Cara Gibbons) wrote letters calling for his release and visited him in Ayutla de los Libres prison in December 2009. Mr Hernández had been in prison since April 2008 when he was arrested on murder charges. Lawyers’ Rights Watch Canada and other NGOs believed that the case against Raúl Hernández had been brought in retaliation for his legitimate activities promoting human rights in his community and exposing human rights abuses committed by local authorities. Raúl Hernández’s case is an example of the widespread problem of harassment of human rights defenders in Mexico.

International Caravana of Lawyers to Colombia

Alyssa Brierley was in Colombia August 23-28 as a member of the Second International Caravan of Lawyers in Colombia representing both LRWC and Lawyers Without Borders/Canada. The caravana of 60 lawyers was organized by three NGOs: Lawyers Without Borders Canada, the UK Caravana Lawyers Group and the Colombian Association of Human Rights Defence Lawyers (ACADEUM). Delegates visited 8 regions (Central (Bogota, Tunja), SouthWest (Cali, Popayan), Santanderes (Cucuta), Antioquia (Medellin, San José de Apartado), Huila (Neiva, Caqueta), Narino (Pasto, Tumaco), the Caribbean Coast (Barranquilla, Cartagena), and the Eje Cafetero (Pereira, Manizales, Armenia) to meet with lawyers, victims and local officials including national and regional prosecutors, ombudsmen, members of the military and police forces and embassy officials to assess access to justice in Colombia. A final report is expected to be released on December 10, 2010, International Human Rights Day. LRWC will circulate the report when it is complete.

BC Public Commission on Legal Aid

LRWC (Catherine Morris and Gail Davidson) submitted an ‘expression of interest’ to make a presentation to the Public Commission on Legal Aid. The B.C. Public Commission is a joint project of the Canadian Bar Association/BC Branch, the Law Society and the Law Foundation of BC, the BC Crown Counsel Association and the Bar Associations of Vancouver and Victoria. The goal of the Commission, which will be headed by Len Doust QC, is to hold hearings on legal aid throughout BC and prepare a report for the governments of BC and Canada. LRWC plans to make submissions on the international law obligations of Canada (and BC) to ensure through legal aid, equality before the law and equal protection of the law for all, irrespective of economic status. Hearings will take place in 11 locations in BC during September and October. See the hearing schedule at <http://www.publiccommission.org/calendar/main/default.aspx>

5th Coalition of Lawyers in the Asia Pacific in Manila, Philippines

Gail Davidson will attend the 5th Conference of Lawyers in the Asia-Pacific (Colap) in Manila, Philippines on September 17-19, 2010. Colap is organized annually by the International Association of Democratic Lawyers. The theme of this year’s conference is, “Human Rights and Peace Amidst Global Economic Crisis and Conflict.” Gail and three others—a judge from India, a lawyer from Pakistan and a professor from Australia—will present a workshop on “Developing and Ensuring an Independent Judiciary and Legal Profession.” Gail will present a paper on mounting threats to judicial independence globally with a focus on the prosecution in Spain of Judge Baltasar Garzón.

Publications

Joint Written Statement of Lawyers Rights Watch Canada and Lawyers without Borders Canada to the Fifteenth Session of the Human Rights Council regarding the protection of human rights defenders in Mexico. This report was filed with the UN Human Rights Council for consideration at the 15th Session. It was written by Cara Gibbons and endorsed by the Bar Human Rights Committee of England and Wales.

Notable Decisions

On August 27, 2010, the California Legislature approved a Human Rights Reporting law that makes California the first U.S. state responsible for publicizing the text of three major human rights treaties and providing reports on state practices adopted to implement and enforce rights protected by each treaty, namely the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Covenant on Civil and Political Rights (ICCPR), and the International Convention to Eliminate all Forms of Racial Discrimination (CERD). The U.S. and other countries ratifying each of these instruments are required to provide reports to UN monitoring committees—every four years for CAT and ICCPR; every two years for CERD—detailing how the rights guaranteed by each instrument are being enforced and protected and how violations are being handled. California will provide reports to the U.S. State Department. This action is significant in part because of its human rights education component. The United Nations has always recognized that public education is a necessary component of respect for and recognition of universal rights and freedoms. The Universal Declaration on Human Rights establishes that, “...every individual and every organ of society...shall strive by teaching and education to promote respect for these rights and freedoms.” Most states, Canada included, have yet to provide public human rights education. For more information on the California bill, see *California Assembly Votes to Report on Human Rights to U.N. Committees*, By Marjorie Cohn, Huffington Post, August 19, 2010, http://www.huffingtonpost.com/marjorie-cohn/california-assembly-votes_b_688489.html

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