

LRWC NEWSLETTER

May 2014 Edition

LRWC ACTION NEWS

BAHRAIN

Nabeel Rajab, head of Bahrain Centre for Human Rights released after years in jail. Nabeel Rajab was released on 22 May 2014. LRWC received an email from him saying, “thank every one for all the help and support which made me stronger and showed the world that I was not alone God bless you all.” Nabeel Rajab, head of the Bahrain Centre for Human Rights, was arrested in July 2012 for peacefully exercising his internationally protected rights to freedoms of expression and assembly. Nabeel Rajab was subsequently convicted and sentenced to three years imprisonment for participating in assemblies deemed unauthorized or prohibited and imputed responsibility for acts of violence or aggression committed by others pursuant to Law 32/2006 and the *Bahrain Penal Code*. In June 2013, [LRWC sent a statement](#), endorsed by the Canadian Journalists for Free Expression and the Bahrain Centre for Human Rights, illustrating that penal laws used to jail Rajab and others contravene the ICCPR and other international instruments. Other [LRWC work opposing the use of laws](#) and the legal system to illegally imprison human rights defenders in Bahrain can be accessed online.



Nabeel Rajab | cihrs.org

BANGLADESH

LRWC calls for a halt to multiple threats against director of human rights organization. In response to a flurry of threatening actions against the Investigation Director of Ain-o-Salish Kendra (ASK), Mohammad Nur Khan, LRWC sent a letter outlining the series of events which amount to intimidation of human rights defenders like Mr. Nur Khan. [LRWC called on the Bangladeshi authorities](#), as per their obligations under *International Covenant on Civil and Political Rights* (ICCPR), to ensure that human rights defenders are safe from violence and intimidation.

CANADA

Unwarranted attacks on the Chief Justice of the Supreme Court of Canada undermine respect for independence of the judiciary. On May 15, [LRWC sent an open letter](#) to Canada's Prime Minister and Minister of Justice expressing serious concern about their false and misleading innuendos impugning the

integrity of the Supreme Court of Canada's Chief Justice Beverley McLachlin. Their comments demonstrate a serious failure to understand and respect the independence of the judiciary. Judicial independence is a cornerstone principle of the rule of law and is recognized by the *Universal Declaration of Human Rights* and United Nations *Basic Principles on the Independence of the Judiciary*. In wrongly implying improper behaviour on the part of the Chief Justice, the statements of the Prime Minister and the Minister of Justice appear to undermine respect. LRWC urged them to withdraw and apologize to the Chief Justice for their comments. LRWC has received no response to the letter.



Omar Khadr: LRWC joins committee to seek implementation of recommendations of UN Committee Against Torture. LRWC provided an Omar Khadr update to the Annual General Meeting of the International Civil Liberties Monitoring Group (ICLMG), which was held in Montreal on 6 May 2014. The Free Omar Now Committee provided a summary of their activities. The ICLMG accepted LRWC's request to form a committee to promote implementation of the CAT recommendations in the Omar Khadr case.

PAKISTAN

Murder of lawyer Rashid Rehman Khan after authorities ignored multiple death threats. On 15 May 2014, [LRWC sent a letter](#) to relevant Government of Pakistan (GOP) officials regarding the tragic murder of Rashid Rehman Khan. Mr. Khan was representing a university professor in a blasphemy case and had received multiple death threats which he had reported to the appropriate authorities who failed to act. One of the death threats was stated on record in a court, and yet the authorities did nothing. In this letter, LRWC noted that Pakistan has violated international law obligations and called on GOP officials to conduct investigations and to do its utmost to ensure the lives of human rights defenders as per its obligations under the International Convention on Civil and Political Rights (ICCPR) and the Universal Declaration on Human Rights (UDHR).



THAILAND

Arbitrary arrests and incommunicado detentions. Following the declaration of martial law on 20 May 2014 and the military take-over on 22 May by Thailand's "National Council for Peace and Order" (NCPO), [LRWC wrote to](#) NCPO Director, General Prayuth Chan-Ocha, to raise grave concerns about the summoning of at least 253 persons and their subsequent arbitrary, incommunicado detention in irregular facilities in secret locations outside the purview of judicial oversight. Those summoned include human rights defenders, academics and journalists, political activists and others speaking out against martial law and the military take-over. Arrests and detentions are being carried out without access to legal representation or independent courts. These arbitrary detentions constitute an egregious violation of international human rights and demonstrate that detainees may be at risk of ill-treatment. Many others are at risk of being summoned without charges or warrants for arrest.

TRINITY WESTERN UNIVERSITY (TWU) ACCREDITATION

Does the *Charter* allow discriminatory access to the Legal Profession? The proposal of TWU, a private, Christian university in Langley BC, to open a law school with admission and discipline policies that discriminate on the basis of sexual orientation continues to concern many members of the legal profession. In BC members petitioned for a Special Meeting to consider a motion directing Benchers “to declare...that [TWU] is not an approved faculty of law.” The Special Meeting will take place on June 10th at 16 locations throughout BC.

Benchers of the LSBC, the Law Society of Upper Canada (LSUC) and the Nova Scotia Barristers’ Society (NSBS) voted on the issue as follows: the LSBC (11 April) accepted TWU accreditation by a 20 – 7 vote; the LSUC (24 April) rejected TWU accreditation by a vote of 28-21 with one abstention; the NSBS (25 April) accepted TWU accreditation on condition that TWU abolish the discriminatory policy or allow students to opt out by a vote of 10-9. These decisions took place after the Federation of Law Societies of Canada recommended (16 December 2013) TWU accreditation. On 18 December 2013 the Minister of Advanced Education for BC granted TWU the right to issue Juris Doctor degrees. Not fully considered was the issue of whether the *Charter of Canadian Rights and Freedoms* prohibits discrimination to law school admission on the basis of sexual orientation. A lawsuit has been filed in the Supreme Court of BC on 14 April 2014 (*Loke v Minister of Advanced Education*), seeking declarations quashing or setting aside the December 18th decision of the Minister of Advanced Education. TWU announced plans to intervene in the BC case and to launch suits against the LSUC and the NSBS for religious discrimination.

LRWC made [submissions](#) to the LSBC and [submissions](#) to the LSUC opposing accreditation on the basis that : a/ admission to law school is a ‘government function’ to which the *Charter* applies, b/ the TWU Covenant breaches the *Charter*; and, c/ the breach is not “saved” under Section 1 of the *Charter*.

EDUCATION EVENTS

SPEAKING OUT ON HUMAN RIGHTS: DEBATING CANADA'S HUMAN RIGHTS SYSTEM with Pearl Eliadis



Monday, 9 June 2014, 7:00 pm Alma VanDusen Room, Vancouver Public Library Central Branch, 350 West Georgia St., Vancouver

Many who are involved in social justice movements, labour rights, human rights, and environmental protection have been deeply disturbed by the diminished legal and political space available in Canada for so many of these issues. *Speaking Out on Human Rights* documents the impact of this restrictive environment for human rights, with a focus on our public human rights infrastructure, commissions and tribunals. Pearl Eliadis practices law and teaches at McGill’s Faculty of Law. The talk is hosted by LRWC, Hul’qumi’num Treaty Group, Amnesty International Canada and the Vancouver Public Library.

Approved for CPD credits by the Law Society of BC. Talk is free. All are welcome.

LAND RIGHTS ARE HUMAN RIGHTS with Robert Morales

A shorter version (29 minutes) of *Land Rights are Human Rights*, the talk by Robert Morales is scheduled

for broadcast on Channel 4 on the Pasifik.ca Program as follows:

- Saturday June 7th at 4:30 pm and Sunday June 8th at 7:00 pm in Vancouver
- Sunday June 8th at 8:30 pm and Monday June 9th at 7:00 pm in Victoria

Robert Morales examines how the practice of relying exclusively on domestic law has made it difficult to escape entrenched colonial assumptions. He also reviews decisions in which application of international law has obliged states to demarcate and protect traditional territories using transparent processes in consultation with the Indigenous peoples concerned. Cases reviewed include: *Avas Tigni v. Nicaragua*, *Saranaka v. Surinam*, *Sayboyamxa v. Paraguay*, *Yakaya Axa v. Paraguay*, *Endorois v. Kenya* and *Hul'qumi'num Treaty Group v. Canada*.



Approved for CPD credits by the Law Society of BC.

UNITED NATIONS HUMAN RIGHTS COUNCIL

LRWC FILES REPORTS FOR THE 26th SESSION OF THE HRC

Canada: The Shrinking Space for Dissent in Canada

[This report](#) to the UN Human Rights Council, filed by LRWC and endorsed by the International Civil Liberties Monitoring Group, follows up on earlier reports by LRWC and other Canadian NGOs for the UPR of Canada expressing concern about restrictions on freedoms of association, peaceful assembly and expression. Human rights lawyer Pearl Eliadis was the principal author, drawing on research from Amnesty International, the British Columbia Civil Liberties Association, CIVICUS, and the Canadian coalition, Voices-Voix. The report was drafted with the assistance of Paul Champ, Mary Eberts, Alex Neve, and Catherine Morris and documents the increasingly hostile environment in Canada toward civil society organizations and human rights defenders. The report recommends that the UNHRC encourage the Canadian Government to establish a stronger enabling environment for Civil Society Organizations (CSOs) and human rights defenders in Canada, including the immediate cessation of surveillance activities and intimidation of CSOs and human rights defenders who engage in lawful advocacy.

Colombia: Failure to Fulfill Duties

[This report](#) was filed in connection with ongoing LRWC monitoring and advocacy in relation to Colombia and the extremely grave situation of lawyers in the Valle del Cauca Department. The report reflects research conducted in preparation for LRWC's participation in the upcoming International Caravana of Jurists in August 2014, the third biennial Caravana that LRWC has joined. Four representatives of LRWC are confirmed delegates and will travel to meet with lawyers and other human rights defenders in various regions of Colombia, including the Valle del Cauca region. Heather Neun (LRWC) was the principal author of this report, with input and research provided by Gail Davidson, Lawyers Without Borders Canada and the Colombian Caravana UK Lawyers Group. The backdrop for the report is the urgent issue of the continuing harassment, attacks on and murders of justice system actors, including lawyers, and the impunity with which the perpetrators have acted. The report focused on the murders of twelve lawyers during 2013 in the Valle del Cauca Department. It elaborated on the failure of the Colombian state to prevent and protect lawyers from attacks, as well as to remedy and punish these criminal acts. The report called on the UNHRC to ensure that the state provides adequate protection for lawyers and takes all necessary steps to hold perpetrators accountable.

Iran: Wrongful Detention of Lawyers

[This report](#), filed jointly by LRWC, L4L and the Asian Legal Resource Centre is a follow-up of the joint written report provided in March 2014 by LRWC and L4L for the UPR of Iran and the joint oral intervention to the HRC in March 2014, both of which focused on specific cases of lawyers subjected to malicious prosecutions, unfair trials, arbitrary detention and other grave injustices and interference in reprisal for their legal advocacy. Principal authors of the report were Tina Parbhakar and Gail Davidson with assistance from Lawyers for Lawyers. The report addresses Iran's failure to comply with international law requirements to ensure rights to counsel and the rights of lawyers *qua* lawyers and as individuals.

Viet Nam: Failure to Comply with UPR Recommendations

[This report](#), filed jointly by LRWC and L4L and was endorsed by Progress for Viet Nam, was prepared by Otto Volgenant (L4L), Gail Davidson and Binh Nguyen (Progress for Vietnam) as part of the ongoing work to free wrongly imprisoned lawyers and other human rights defenders in Viet Nam and to promote compliance with the recommendations of the Working Group on Arbitrary Detention (WGAD). In Opinions made from 2011 – 2013, the WGAD concluded that the detention of three lawyers and three labour activists was arbitrary and recommended release and repatriation. Viet Nam, a member of the UN Human Rights Council since November 2013, has not complied. The report recommends that the HRC take specific measures to ensure that Viet Nam comes into full compliance with the *ICCPR* and the United Nations *Basic Principles on the Role of Lawyers*.

UNITED NATIONS HUMAN RIGHTS COUNCIL REPORTS

[Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya, The situation of indigenous peoples in Canada](#), advance unedited version, 7 May 2014, A/HRC/27/52/Add.2

On May 7, 2014, as a follow-up to his October 2013 visit to Canada, Special Rapporteur on the rights of indigenous peoples, James Anaya, released his report on the situation of the Indigenous peoples of Canada. He noted the difficulty of reconciling Canada's well-developed legal framework and prosperity with the crisis of human rights problems faced by Indigenous peoples, citing the "jarring" socio-economic conditions of Indigenous peoples in Canada. The report also outlines serious concerns about: inadequate housing; unequal access to education; substandard health care services; over-representation in prison; lack of rights to self-government; and lack of access to decision making. The report recommends sweeping improvements including: better funding for health care; education and child welfare; urgent action to improve housing; a nation-wide inquiry into missing and murdered women; removal of barriers to self-government, consultation and partnership about laws, practices and policies affecting First Nations, no resource extraction on claimed lands without consent; and no approval of developments prejudicial to land claims without consent.



James Anaya

The [Report of the Human Rights Council on its twenty-fifth session – Advance unedited version of 27 May 2014](#) is now available. Feedback on the report can be sent to hrcouncil@ohchr.org until 10 June 2014. The report summarizes business conducted at the 25th Session in March. References to LRWC contributions are at paragraphs 86 (c) (Sri Lanka), 137 (e) (report of Margaret Sekaggya), 341 (d) (Myanmar), 839 (China).

SPECIAL RAPORTEURS APPOINTMENTS

➤ **Vicky Tauli-Corpuz of the Philippines appointed as SR on the rights of indigenous peoples.**

On 8 May the [HRC appointed](#) Ms. Vicky Tauli-Corpuz as the new Special Rapporteur on the Rights of Indigenous Peoples, replacing Professor Anaya. Vicky Tauli-Corpuz is from the Philippines and served earlier as the Chair of the Permanent Forum on Indigenous Issues. She assumes her duties in June.



➤ **Leilani Farha of Canada appointed as Special Rapporteur on housing**



On 7 May 2014, Canadian Leilani Farha was appointed to the position of UN Special Rapporteur on adequate housing. Leilani Farha holds a law degree and a master's degree in social work from the University of Toronto. She is currently, and will remain, the executive director of Canada Without Poverty (CWP), a non-profit which advocates for housing rights in Canada and seeks to eliminate poverty in Canada. Canada is the sole [OECD](#) (Organization for Economic Cooperation and Development) member without a national housing policy.

LRWC AIRMILES

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