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# Lawyers' Rights Watch Canada

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

## LRWC BIENNIAL REPORT 2017-2018

(1 January 2017 to 31 December 2018)

*“Promoting human rights by protecting those who defend them.”*

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### MISSION

Lawyers' Rights Watch Canada (LRWC) is a committee of lawyers dedicated to promoting the rule of law and human rights internationally by:

- Providing support to lawyers and other human rights defenders whose rights, freedoms, or independence are threatened as a result of their human rights advocacy;
- Conducting legal research and producing legal analyses of national and international laws and standards relevant to advocacy rights, the integrity of legal systems, fair trials rights, and the rule of law;
- Working in cooperation with other human rights organizations; and
- Engaging in legal education.

In addition to the work of the LRWC, the LRW(Legal Research)C engages in legal research and education and has charitable tax status. LRWC and LRW(Legal Research)C are non-profit societies incorporated under the *Canada Not for Profit Corporations Act*.

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## EXECUTIVE DIRECTOR'S MESSAGE

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While the dangers faced by human rights defenders around the world worsened significantly during the reporting period, the scope and efficacy of LRWC work improved. During the past two years, more and more states—including western democracies—used the law, courts, and prisons to criminalize human rights advocacy and to silence, punish, and imprison critics and opponents and their representatives. States routinely violated international law citing unsubstantiated needs to override rights in order to protect national security or fight terrorism. Individuals targeted included: lawyers, judges, human rights advocates, land protectors, environmentalists, anti-global warming activists, and individuals—including journalists—exposing human rights abuses by state actors. Powerful states, including members of the UN Human Rights Council, asserted ‘sovereign’ rights to authoritarian models of governance where the executive controls the courts, the law is a tool of oppression and decision makers are unaccountable for violating internationally protected rights. The upsurge in states routinely targeting human rights defenders with abuse took many forms. Some states used overly broad criminal charges, denial of due process and executive-controlled courts to arbitrarily imprison human rights defenders. In some states advocacy rights and environmental protection were routinely supplanted—usually with state sanctions—by the self-proclaimed ‘rights’ and needs of corporations involved in resource extraction, hydro-electric dams and other mega projects. LRWC members responded heroically. The quantity, quality and efficacy of the work done *pro bono* by LRWC members increased. During the reporting period, LRWC members made important contributions to the global struggle for the enforcement of international human rights and the maintenance of rights-based governance and legal systems that adhere to the rule of law. This *pro bono* research, education and advocacy remain critical to this struggle. Thank you for your support. It has meant a lot to human rights defenders in danger around the world.

## ACTIVITIES IN THE REPORTING PERIOD

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### I. SUCCESSES

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The work of LRWC influences positive outcomes and remediation of rights violations. LRWC often works in co-operation with other non-government organizations by initiating, contributing to, or endorsing joint initiatives. Granted, it is usually not possible to determine whether or the extent to which LRWC’s own or joint work contributed to a particular ‘success’. However, victims of human rights abuses and their advocates continue to report that LRWC’s work is vitally important to achieving justice in individual cases, providing a source of hope in the interim, and in promoting better knowledge and implementation of internationally protected rights. Listed below are notable ‘successes’ in cases where LRWC intervened in 2017 and 2018:

#### 2017

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- **Argentina:** Investigation determines prosecutor died by murder not suicide (14/09/17)
- **Cambodia:** Amicus brief and intervention filed [Khmer] (16/02/17)
- **Cameroon:** 55 Anglophone protesters released, charges withdrawn (30/08/17)
- **Canada:** LRWC files factum in Supreme Court of Canada (SCC) Trinity Western University cases
- **Canada:** Boyle/Coleman family rescued (12/10/17)
- **Canada:** UN Working Group on Business and Human Rights (WGBHR) calls on Canada to ensure remedies for human rights violations by Canadian corporations abroad (1/06/17)
- **Colombia:** Joint amicus brief filed [Spanish] in Constitutional Court re: Peace Act (26/07/17)
- **Saudi Arabia:** Waleed Abu al-Khair receives *Law Society of Ontario Human Rights Award* (22/02/17)
- **Sudan:** Three HRDs released from imprisonment, sentences commuted

- **Sudan:** Charges withdrawn against three HRDs (6/03/17)
- **Thailand:** Charges withdrawn against three HRDs (7/03/17)
- **Turkey:** Eight HRDs released pending trial (25/10/17)
- **Viet Nam:** UN Working Group on Arbitrary Detention (WGAD) rules detention of Nguyen Van Dai arbitrary: recommends release (25/04/17)

## 2018

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- **Canada:** LRWC attends discussion about consular services for Canadians abroad (29/11/18)
- **Canada:** SCC upholds equal and non-discriminatory access to legal education (15/06/18)
- **Canada:** Discriminatory Community Covenant becomes voluntary (16/08/18)
- **Canada:** Committee Against Torture notes failure to report and provide full redress (11/12/18)
- **China:** Wang Yu's son permitted to leave China (19/01/18)
- **Egypt:** Mahienour el-Massry and Moatasem Medhat acquitted (16/01/18)
- **Iran:** Abdolfattah Soltani freed after 10 years of wrongful imprisonment (21/11/18)
- **Malaysia:** Eric Paulsen and S. Arutchelvan acquitted of sedition charges (16/08/18)
- **Saudi Arabia:** UN Special Rapporteurs call for release of women activists (27/06/18)
- **Saudi Arabia:** WGAD rules detention of W. Abu al-Khair arbitrary: requests release(4/07/18)
- **Myanmar:** LRWC statement on atrocities presented to UN Human Rights Council (27/06/18)
- **Sudan:** 56 critics released without charge (10/04/18)
- **Thailand:** 14 migrant workers acquitted (11/07/18)
- **Thailand:** Conviction of Andy Hall reversed on appeal (31/05/18)
- **Turkey:** Dr. Istar Gozaydin acquitted (31/01/18)
- **Turkey:** Mustafa Aydin released (27/06/18)
- **Viet Nam:** Nguyen Van Dai and Lê Thu Hà released but exiled (6/06/18)

## II. UNITED NATIONS PARTICIPATION

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Special Consultative Status with the Economic and Social Council of the UN entitles LRWC to contribute to the work of UN and the Human Rights Council (HRC) by: serving as technical experts, advisers, and consultants to governments and the Secretariat; advocating for the implementation of UN instruments and programs of action; attending meetings and making oral and written presentations; proposing items for consideration; and attending UN General Assembly conferences and special sessions. During this reporting period, LRWC attended and made oral and written submissions to the HRC and filed reports and complaints with treaty monitoring bodies and Special Procedures of the HRC. Where indicated, LRWC worked in cooperation with other NGOs.

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### UN HUMAN RIGHTS COUNCIL ATTENDANCE & PARTICIPATION

#### A. The 34<sup>th</sup> Session of the UN Human Rights Council: 27 February - 24 March 2017

Abdul Khan, Mississauga-based lawyer, represented LRWC during first week of the 34<sup>th</sup> Session. Mr. Khan attended side events and met with NGO delegates to discuss international human rights issues.

##### i. Oral Interventions at the 34<sup>th</sup> Session of the HRC

- o **Global:** *Effective protection for human rights defenders needed*, presented 3 March 2017 by Abdul Khan.

- **Myanmar:** [\*Commission of Inquiry into persecution of Rohingya needed\*](#), joint statement by LRWC, the International Commission of Jurists, and the International Bar Association's Human Rights Institute, presented by Ms. Zar Li Ayeon on 13 March 2017.
- ii. **UN Side Event: “Independence of the Legal Profession”**
  - This side event in Geneva on 16 March 2017, organized by Lawyers for Lawyers (L4L) and the Law Society of England and Wales and co-sponsored by LRWC featured an address by Diego García-Sayán, Special Rapporteur on the Independence of Judges and Lawyers.

## **B. The 35<sup>th</sup> Session of the UN Human Rights Council: 6 – 23 June 2017**

Renée Mulligan, Angela Walker, and Joey Doyle represented LRWC: Ms. Mulligan and Ms. Walker attended 6 – 12 June, and Mr. Doyle from 12 – 16 June. LRWC contributed to seven oral statements on topics of ongoing concern. Renée, Angela, and Joey attended side events and met with NGOs and the Permanent Mission of Canada to discuss human rights advocacy and LRWC's *Right to Dissent* guidebook.

### **i. Oral Interventions at the 35<sup>th</sup> Session**

- **Global:** [\*Accountability for non-complying members of Council: China, Egypt, the Philippines, Saudi Arabia\*](#), delivered by Renée Mulligan 7 June 2017 during the General Debate on the High Commissioner's oral update.
- **Global:** [\*Lack of access to effective remedies for victims of forced labour and victims of kidnapping for ransom\*](#), delivered 9 June 2017 by Angela Walker during the Interactive Dialogue with the Special Rapporteur on trafficking in persons, especially women and children.
- **Global:** [\*Human Rights Council must move to address non-compliance by members\*](#), delivered by Joey Doyle on 12 June 2017 during Item 3 – General Debate.
- **Pakistan and Cameroon:** [\*Systematic failure to ensure protection of lawyers and defenders\*](#), 15 June 2017, delivered by Joseph Doyle during the General Debate regarding Human rights situations that require the Council's attention.
- **Myanmar:** [\*Ensure independent legal profession and remedy attacks and threats against lawyers\*](#), delivered by Joseph Doyle on 15 June 2017 during the Interactive Dialogue with the Special Rapporteur on the human rights situation in Myanmar.
- **Global:** [\*Implement accountability measures for members of the Human Rights Council\*](#), delivered by Joseph Doyle on 17 June 2017 during Item 5 – General Debate.
- **Global:** [\*States must ensure independence of judiciary\*](#), a joint statement by the International Bar Association's Human Rights Institute (IBA/HRI), delivered by Laure Elmaleh on 12 June 2017 during the Interactive Dialogue with Special Rapporteur on the independence of judges and lawyers. This statement was endorsed by LRWC, 'The Commonwealth Magistrates' and Judges' Association, Judges for Judges, Lawyers for Lawyers (L4L), 'The Law Society of England and Wales (LSEW) , and The Southern Africa Litigation Centre.

## **C. The 36<sup>th</sup> Session of the UN Human Rights Council: 11 – 29 September 2017**

Catherine Morris and Paul Scambler Q.C. represented LRWC. In addition to attending daily HRC sessions and presenting oral statements, Ms. Morris and Mr. Scambler attended side events and strategy sessions with NGOs, met with Special Procedures mandate holders and secretariats, and state representatives about specific cases and global issues.

### **i. Oral Interventions at the 36<sup>th</sup> Session**

- **Global:** [\*Need to develop a mandatory Code of Conduct for members of the HRC\*](#), presented by Catherine Morris on 19 September 2017.

- **Myanmar:** *Cooperation with Fact-Finding Mission essential to determining facts and ensuring accountability*, joint statement of LRWC and the IBA/HRI presented by Catherine Morris on 19 September 2017.
- **Bahrain:** *Continuing Failure to comply with UPR recommendations*, presented by Paul Scambler Q.C. on 21 September 2017.
- **Canada/US/Afghanistan/Pakistan:** *Hostages and other illegally-detained persons entitled to protection and advocacy by their home states*, presented by Catherine Morris on 22 September 2017
- **Cambodia:** *Cambodia urged to cooperate with HRC Special Procedures mandate holders toward independence of the judiciary and respect for right to freedoms of expression, association and assembly*, presented on 27 September 2017 by Catherine Morris.
- **Thailand/Cambodia/Turkey/Saudi Arabia/China:** *States must cooperate with UN Advisory Services and Technical Cooperation in the Field of Human Rights towards independent and integrity of the legal profession*, joint statement by LRWC and L4L, presented on 28 September 2017 by Catherine Morris.

#### D. The 37<sup>th</sup> Session of the UN Human Rights Council: 26 February – 23 March 2018

Ms. Dharsha Jegatheeswaran represented LRWC. LRWC worked in cooperation with other NGOs to produce four oral statements for presentation during this session of Council. Despite being registered to make specific oral interventions, scheduling difficulties prevented the actual presentation of all four oral statements. LRWC and partner NGOs tried to compensate through other means of distribution.

##### i. Oral interventions at the 37<sup>th</sup> Session

- **Sri Lanka:** *Need to use universal jurisdiction to ensure accountability for atrocities*, statement scheduled presentation on 10 March 2018 did not take place.
- **Universal Periodic Review Process:** *State Action need to promote global implementation of rights including of LGBTQ people*. Presentation of the joint statement by LRWC, the IBA/HRI, and The International Lesbian, Gay, Bisexual, Trans and Intersex Association scheduled for 1 March 2018 did not take place.
- **China, Turkey, Azerbaijan, Kazakhstan:** *Attacks on the legal profession in China, Azerbaijan, Kazakhstan and Turkey*. Presentation of the joint statement by The International Commission of Jurists (ICJ), IBAHRI, Union Internationale des Avocats (UIA), L4L, LSEW, LRWC, and The Bar Human Rights Committee of England and Wales (BHRC), scheduled for 1 March 2018 did not take place.
- **Turkey:** *Immediately cease and remedy arbitrary arrest, detention and wrongful prosecution of legal professionals and the use of torture*. Presentation of the joint statement by IBAHRI, BHRC, Judges for Judges, L4L, LRWC, LSEW and UIA scheduled for 28 February 2018 did not take place.

##### ii. Written Statements to the 37<sup>th</sup> Session

- **China:** *The arrest, detention, conviction, and imprisonment of lawyers and human rights defenders in China: the silencing of human rights defenders through criminal law and executive controlled courts*, written by Jing Song and Maree Bullivant, February 2018.
- **Turkey:** *The situation of lawyers and other human rights defenders in the Republic of Turkey since July 2016*, written by Carolyn McCool, February 2018.

#### E. The 38<sup>th</sup> Session of the UN Human Rights Council, 18 June – 6 July 2018

Although no LRWC representatives attended the 38<sup>th</sup> session, LRWC was able to make two oral statements with the help of colleagues from other NGOs.

**i. Oral Interventions at the 38<sup>th</sup> Session**

- **Myanmar:** *[The global crisis of impunity for atrocities in Myanmar](#)*, joint Statement by LRWC and the IBA/HRI presented by H el ene Ramos dos Santos on 27 June 2018.
- **Turkey:** *[Widespread violations against lawyers in Turkey](#)*, joint statement of IBAHRI, LSEW, BHRC, UIA, L4L, and LRWC presented by H el ene Ramos dos Santos on 22 June 2018.

**F. The 39<sup>th</sup> Session of the UN Human Rights Council: 10 – 28 September 2018**

Three LRWC representatives attended the 29<sup>th</sup> session of Council: Catherine Morris and Paul Scambler Q.C. attended from 19 to 27 September 2018 and Felix Agbor Nkongho—based in Buea, Cameroon—attended from 17 to 21 September 2018. LRWC representatives participated in side events and meetings with State and NGO representatives on issues of concern in Cameroon, Yemen, Cambodia, Canada, Turkey, Saudi Arabia, and Honduras. Felix Agbor Nkongho, Cameroon barrister and founder of the Centre for Human Rights and Democracy in Africa, spoke at a side event co-sponsored by The International Service for Human Rights, The International Federation for Human Rights, and others about the crisis in Cameroon.

In addition to filing two written statements for consideration at this session, LRWC prepared and presented eight oral statements. Follow the video links below to view each LRWC oral statement and the respective country’s response. Paul Scambler also delivered oral statements for L4L.

**i. Oral Interventions at the 39<sup>th</sup> Session**

- **Canada:** *[Rights of Indigenous Peoples and Victims of Abuses by Canadian Corporations Abroad](#)*, presented by Paul Scambler Q.C. on 20 September 2018. Video available [here](#).
- **Cambodia:** *[Marked Regression of Civil and Political Rights in Cambodia](#)*, presented by Catherine Morris on 26 September 2018. Video available [here](#).
- **Cameroon:** *[Humanitarian crisis for Anglophones facing persistent discrimination and inequality](#)*, presented by Felix Agbor Nkongho on 20 September 2018. Video available [here](#).
- **Colombia:** *[Protection of Human Rights Lawyers and Defenders](#)*, joint statement of L4L and LRWC presented by Paul Scambler Q.C. on 21 September 2018. Video available [here](#)
- **Myanmar:** *[Investigate and Prosecute of Military Officials for Genocide, Crimes Against Humanity and War Crimes](#)*, presented by Felix Agbor Nkongho on 18 September 2018. Video [here](#).
- **Saudi Arabia and China:** *[Continued Widespread, Systematic, and Grave Human Rights Violations in Saudi Arabia and China.](#)*, presented by Catherine Morris on 19 September 2018. Video available [here](#).
- **UNHRC:** *[LRWC Urges UNHRC to Institute Specific Protocols to protect civil society throughout the UPR](#)*, presented by Catherine Morris on 20 September 2018. Video available [here](#).
- **Yemen:** *[Investigate Violations of International Human Rights and Humanitarian Law in Yemen](#)*, presented by Catherine Morris on 26 September 2018. Video available [here](#).

**ii. Written Statements to the 39<sup>th</sup> Session**

- **Saudi Arabia:** *[Persistent gross, widespread and systematic violations of human rights while a member of the Human Rights Council](#)*, joint written statement by LRWC and the Gulf Centre for Human Rights (GCHR) prepared by Catherine Morris and Gail Davidson, 22 August 2018.
- **Turkey:** *[Lawyers and human rights defenders in Turkey: Continued violation of non-derogable rights after lifting of State of Emergency](#)*, joint written statement by LRWC, L4L, and the LSEW prepared by Catherine Morris and Gail Davidson, 22 August 2018.

### III. REPORTS TO TREATY MONITORING BODIES AND SPECIAL PROCEDURES

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#### A. UNIVERSAL PERIODIC REVIEW (UPR) WORKING GROUP

The UPR is a periodic review of the human rights records of each UN Member State conducted under the auspices of the Human Rights Council (HRC) with a view to improving human rights compliance in each state through identifying and recommending remediation of violations during the UPR. The UPR of each state is overseen by a working group (Troika) composed of representatives of three states and is conducted by states, not by a treaty monitoring body. NGOs can file reports but cannot attend the actual UPR session at which states pose questions about and make recommendations for remediation of persistent human rights violations by the state under review. However, identification by states of specific rights abuses and the remedies recommended are often based on NGO reports. During this reporting period, LRWC worked with other NGOs to generate reports in relation to the UPRs of Viet Nam, Canada, and China.

##### i. VIET NAM

On 12 May 2017, LRWC, L4L and LSEW released [a report on Viet Nam](#) that identified Viet Nam's failure to comply with recommendations made during the 2014 UPR and cited examples of ongoing grave abuses against HRDs. 2014 recommendations accepted by Viet Nam and not implemented include: (1) granting detainees access to legal counsel; (2) upholding freedom of expression rights; and (3) providing a favourable working environment for human rights defenders and lawyers. The report cites examples of Viet Nam continuing to arbitrarily imprison HRDs for exercising internationally protected rights to voice opinions, engage in human rights education and advocacy, promote reform, and represent government critics and concludes that Viet Nam has failed to take any significant steps to implement changes accepted during 2<sup>nd</sup> UPR.

On 30 July 2018, LRWC, L4L and Viet Tân filed Joint Submissions, [Failure to Comply with International Law Obligations](#), for consideration during the 3<sup>rd</sup> UPR of Viet Nam, scheduled to take place during January-February 2019. This Joint UPR report recommended: (1) the release and revocation of sentences imposed on Nguyễn Văn Đài, Lê Thu Hà, and other HRDs; (2) the repeal of overly broad Penal Code provisions such as sections 109 and 117 (formerly Articles 79 and 88); and (3) introduction measures to protect the safety of lawyers and HRDs..

On 22 December 2018, LRWC and L4L released a summary of the July 2018 report ([The Advocacy Charter](#)), for distribution among state representatives attending the 3<sup>rd</sup> UPR cycle for Viet Nam.

##### ii. CANADA

On 10 October 2017, LRWC and Lawyers Without Borders Canada (LWBC) filed [Joint Submissions](#) for consideration on the 3<sup>rd</sup> UPR of Canada. The joint reports focused on the need for Canada to: (1) adopt mechanisms to ensure monitoring of accountability for human rights violations committed by Canadian corporations operating abroad; (2) ratify the *American Convention on Human Rights* (ACHR); and (3) comply with the Truth and Reconciliation Commission (TRC) Calls to Action and fully implement the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

The 3<sup>rd</sup> UPR cycle of Canada took place on 11 May 2018 and the [UPR Report \(A/HRC/39/11\)](#) was published 11 July 2018. Several states recommended that Canada introduce measures to ensure the accountability of Canadian corporations for the human rights impacts of operations abroad—mainly

extractive industries—and access by victims to remedies in Canada. Failure to ratify the ACHR restricts access for such victims to the Inter-American Court of Human Rights for remedies. Several states recommended that Canada implement measures to account for and actively improve the disadvantageous conditions of indigenous people. Prior to the 3<sup>rd</sup> UPR, on 14 February 2018, Canada announced that it “will develop—in full partnership with First Nations, Inuit, and Métis Peoples—a Recognition and Implementation of Rights Framework.” Perhaps because of that, there were no recommendations that Canada comply with the TRC recommendations or implement UNDRIP beyond Denmark’s recommendation that Canada develop a national action plan on violence against indigenous women and girls in accordance with UNDRIP.

iii. **CHINA**

On 30 March 2018, LRWC and L4L filed a [Joint Report for the 3<sup>rd</sup> UPR of China](#). The report focused on the urgent need for reform in China to provide: an independent judiciary; fair trials; freedom from malicious prosecution, abolition of Residential Surveillance at a Designated Location (RSDL); effective measures to prevent and punish the torture and other prohibited treatment of lawyers and other HRDs; the release of unlawfully imprisoned lawyers; and measure to ensure the independence and safety of lawyers.

L4L attended the 6 November 2018 UPR pre-session for China to lobby state representatives to pose questions and make recommendations on the issues raised in the LRWC/L4L Joint Report. L4L distributed a summary, [Information Handout](#), of the joint concerns of LRWC and L4L.

The China [UPR Report, 26 December 2018 \(A/HRC/40/6\)](#), records recommendations that match those of LRWC and L4L, including: to abolish RSDL and arbitrary detention; provide judicial guarantees for human rights and fair trials; release lawyers and others imprisoned for their human rights advocacy; guarantee protection for and independence of lawyers; provide unhindered access to lawyers of choice; and allow the exercise of expression without reprisal. China has not yet responded to these recommendations.

## **B. UN HUMAN RIGHTS COMMITTEE**

The UN Human Rights Committee (HR Committee) is a body of 18 experts that monitors the compliance of countries (State Parties) that have ratified the International Covenant on Civil and Political Rights (ICCPR) every four years and makes recommendations for remedial actions necessary to cure non-compliance. NGOs can file reports for consideration on the review. During this reporting period, LRWC filed reports to the HR Committee on Viet Nam.

i. **VIET NAM**

LRWC and L4L filed a joint report on 1 May 2018 for consideration by the HR Committee to consider when preparing the List of Issues for Viet Nam’s responses preparatory to the Committee’s review in March 2019. The joint report asked that Viet Nam address ICCPR requirements for: (1) an independent, impartial and competent tribunal to determine rights and criminal charges; (2) the independence and safety of lawyers; and (3) fair trials rights.

## **C. UN COMMITTEE AGAINST TORTURE (CAT)**

CAT is a body of [10 independent experts](#) that monitors implementation of the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (UNCAT) by its State Parties. NGOs and

individuals may file reports for consideration during a State’s review regarding issues of concern. During this reporting period, LRWC and the International Monitoring Group (ICLMG) filed one report with CAT.

On 17 October 2018, LRWC and ICLMG submitted a joint briefing, [Canada’s failure to fully comply with the 2012 recommendations of the Committee Against Torture](#), to CAT outlining Canada’s failure to provide the full redress to Omar Khadr required by UNCAT and as recommended by the [2012 CAT recommendations](#) (CAT/C/CAN/CO/6, 24 June 2014 at para. 16), following the [2012 joint report of LRWC and ICLMG](#). The 2018 joint briefing identifies Canada’s failure to: provide public disclosure of the facts; identify and hold accountable those responsible; acknowledge the responsibility of state agents; and make an apology that restores the dignity, reputation and rights of the victim. Although lack of funds prevented LRWC from attending the pre-session meeting with CAT, an oral summary was presented by a representative of the World Organization Against Torture—OMCT.

The CAT’s conclusions about Canada’s duty under UNCAT to provide full redress ([CAT’s Concluding Observations \(A/C/CAN/CO/7, 21 December 2018\)](#)), mirrored many of those cited by the joint report (paras. 38, 39, 41 and 54) that Canada. CAT also cited (para. 39) “an official declaration or judicial decision” to restore the dignity, reputation and rights of the victim, along with “judicial and administrative sanctions against persons liable for the violations” as part of the UNCAT requirements in the Khadr case. CAT also noted Canada’s failure to provide adequate information about compliance with the 2012 CAT recommendations and requested an additional report from Canada by 7 December 2019.

#### **D. UN WORKING GROUP ON ARBITRARY DETENTION (WGAD)**

The WGAD is a group of five independent experts mandated to investigate and make recommendations for remediation in cases of deprivation of liberty alleged to be in violation of international human rights law (IHRL), which include the Universal Declaration of Human Rights (UDHR), the ICCPR, and other relevant instruments. Investigations can be initiated by complaint filed by individual(s) or group(s) or by the WGAD. On occasion, the WGAD has initiated investigations on the basis of a letter from LRWC. During this reporting period, LRWC in cooperation with other NGOs provided the WGAD with supplemental reports to a complaint filed in 2016 regarding Viet Nam lawyer Nguyễn Văn Đài and a complaint filed in 2015 regarding Saudi Arabian lawyer Waleed Abu al-Khair. WGAD released Opinions of both cases.

##### **i. VIET NAM**

LRWC, L4L, Media Legal Defence Initiative, PEN International, and Viet Tân filed [a response on 18 April 2017](#) to submissions made by Viet Nam in response to the Joint Petition filed by the parties on 20 November 2016. The joint response stated that the Vietnamese law relied on did not provide a legal justification for the detention.

[The WGAD Opinion](#) (A/HRC/WGAD/2017/26) released on 8 June 2017 concluded that the detention of Nguyễn Văn Đài is arbitrary under categories I, II, III and IV and the result of the lawful exercise of rights to expression, assembly, and association. The WGAD recommended his immediate release and compensation, and observed, “under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of the rules of international law may constitute crimes against humanity.”

On 29 November 2017, LRWC and Media Legal Defence Initiative filed a further [report](#) with the WGAD because Nguyễn Văn Đài remained in detention and Viet Nam had added an accusation of ‘attempting overthrow of government’ to the original charge of ‘propaganda against the state’.

Following a summary one-day trial of eight HRDs, in April 2018, Nguyễn Văn Đài and his colleague, human rights activist Lê Thu Hà, were pronounced guilty of ‘carrying out activities aimed at overthrowing the people’s administration.’ Nguyễn Văn Đài was sentenced to 15-years in prison and 5 years probation. On 7 June 2018, Nguyễn Văn Đài and Lê Thu Hà were released from prison and exiled to Germany along with Nguyễn Văn Đài’s wife. Other LRWC advocacy on behalf of Nguyễn Văn Đài can be found [here](#). The UDHR prohibits exile as a form of deprivation of liberty.

ii. **SAUDI ARABIA**

The WGAD released a groundbreaking [Opinion](#) (A/HRC/WGAD/2018/10) on 4 July 2018 in response to [complaint filed in April 2015](#) regarding the imprisonment of lawyer Waleed Abu al-Khair by LRWC, L4L, the Law Society of Ontario, LSEW, FIDH & OMCT, Human Rights Watch, the International Association of Democratic Lawyers, and the UIA. The WGAD recommended immediate release and compensation after determining that Waleed Abu al-Khair’s arrest, prosecution, conviction, and sentencing lacked any legal basis and were carried out and enforced in violation of applicable international human rights laws. The WGAD also ruled that the Specialized Criminal Court lacked the independence to try and determine the charges.

## **E. UN WORKING GROUP ON BUSINESS AND HUMAN RIGHTS**

The Working Group on the issue of human rights and transnational corporations and other business enterprises, also referred to as The Working Group on Business and Human Rights (WG/BHR), is a body of five independent experts with a mandate to monitor, report on, and make recommendations to ensure the prevention and remediation of human rights abuses by corporate actors.

The WG/BHR made its first official visit to Canada, from 23 May to 1 June 2017 to examine efforts to prevent and address adverse human rights impacts of business operations. On 29 May 2017 presentations were made to the WG/BHR by LRWC, the Union of BC Indian Chiefs, the Tsleil-Waututh, Coldwater, Gitwilyoots and Tk’emlúps te Secwepemc Nations, Amnesty International, the David Suzuki Foundation, Northern Confluence, Mining Justice Alliance, the Canada-Philippine Solidarity for Human Rights, CoDevelopment Canada and the United Steelworkers.

[LRWC’s presentation](#) focused on Canada’s failures to adequately protect human rights impacted by commercial activities both within and outside Canada. Several presentations remarked on the extent to which Canadian laws and legal systems continue to serve their original colonial purpose of enabling seizure of lands for private profit, silencing opposition and preventing remediation. In the past, this was called “nation building” whereas today it is justified as “growing the economy.” The Kinder Morgan Trans Mountain Pipeline, Site C dam, and the Pacific North West LNG were BC mega-projects cited as approved without the free, prior, and informed consent of affected First Nations as required by the UN Declaration on the Rights of Indigenous Peoples, without adequate public consultations, and contrary to long-term public interests. Further highlighted were concerns regarding the need to reform mining laws to place long-term public benefit ahead of short-term private profit and ensure access to clean land, air and water. The 1 June 2017 [Statement at the end of visit to Canada by the United Nations Working Group on Business and Human Rights](#), identified the need for reform on these and other issues.

## **F. INTERNATIONAL CRIMINAL COURT (ICC)**

LRWC representative Melissa Tessler attended and [reported on](#) the Assembly of State Parties' (ASP) annual meeting. At the 16th ASP Session, parties to the Rome Statute—after intense debate and a year of ‘facilitation process’—passed by consensus a resolution (on 17 July 2018) to activate restricted jurisdiction for the ICC over the crime of aggression. The crime of aggression will only apply to states that have ratified amendment; “manifest” violations of the U.N. Charter; and persons in senior leadership, defined as those “in a position effectively to exercise control over or to direct the political or military action of a State.” Additionally, states ratifying the aggression amendment can elect at any time to opt out of the aggression jurisdictional regime.

## **IV. INTERNATIONAL CONFERENCES AND DELEGATIONS**

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### **A. Spain, 2018: LRWC Attends the Viet Nam Cyber Dialogue Conference**

LRWC was invited to participate in the 2nd annual Viet Nam Cyber Dialogue (VCD), a side event of the Internet Freedom Festival. The event was held March 3-6 2018 in Valencia, Spain, and was attended by the Viet Nam Monitor for LRWC, Joshua Lam. The VCD was hosted by Viet Tân and co-sponsored by Reporters Without Borders, Article 19, and Radio-Free Asia. The purpose of the conference was to discuss ongoing issues in Viet Nam related to digital security, the crackdown on freedom of expression, and the threats against HRDs. Speakers and topics ranged from HRDs using tech tools to circumvent state surveillance and internet censorship measures, to NGO’s working to use UN Special Procedures to advocate for HRDs.

### **B. Argentina, 2018: Delegation Visits Milagro Sala and Calls For Her Release**

LRWC-endorsed delegation of lawyers and HRDs from Canada, Colombia, and the United States seeking to investigate the detention of Milagro Amalia Ángela Sala and other HRDs in Argentina. Ms. Sala, an indigenous leader, elected Member of Parliament and founder of the Organización Barrial Túpac Amaru, part of the Network of Social Organizations of Jujuy that provides housing, health, education and employment services to disadvantaged people. She was arrested on 16 January 2016. Delegates visited Ms. Sala and other HRDs in prison and met with government officials and human rights organizations, with efforts concentrated on reviewing the legal situation of Ms. Sala and other detainees and securing their release. Meetings occurred with members of Argentine Congress, the Ambassador of Canada and the Deputy Chief of Mission for the US Embassy. The WGAD released an Opinion on 2 November 2016 (A/HRC/WGAD/2016/31) that the detention of Ms Salas was arbitrary and recommended immediate release and compensation.

## **V. AMICUS BRIEFS AND INTERVENTIONS**

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### **A. Canada: Supreme Court of Canada Intervention**

On 30 November and 1 December 2017, LRWC attended at the Supreme Court of Canada (SCC) to intervene in the twin appeals: Trinity Western University (TWU) vs the Law Society of Ontario (LSO), and the Law Society of BC (LSBC) v TWU. The issue was whether the LSO and the LSBC were required and had the authority to refuse to accredit TWU’s proposed law school on the basis of discriminatory admission and discipline policies created by TWU’s mandatory Community Covenant. The LSO had denied and the LSBC had allowed accreditation of TWU. The Covenant prohibits sexual intimacy (undefined) other than between a married man and women, requires students to report non-compliance by other students, and empowers

disciplinary measures, including expulsion, for breaches. TWU claimed to be protected by, but not bound by, the Charter, and therefore not capable of committing Charter breaches. LRWC, intervening in both appeals argued that as public bodies, the Law Societies were required by international human rights law (IHRL) to protect and prevent infringement of, rights violated by the Covenant to equality and non-discrimination; privacy and family life; hold and practice a belief contrary to the Covenant; be free from coercion that would impair holding a belief of choice; and to equal access to education, particularly to education required for admission to the legal profession. [LRWC's factum](#) noted that while rights to equality and non-discrimination, freedom of thought, conscience, and religion, and freedom from coercion are non-derogable, IHRL requires restrictions of the manifestation of religious beliefs when restrictions are necessary to protect the fundamental rights of others. LRWC submissions also cited a pressing social need to give special attention to historically disadvantaged members of the LGBTQ communities when considering the necessity of restrictions.

The SCC dismissed the TWU v LSO appeal and allowed the LSBC appeal on 15 June 2018, ruling that the LSO and LSBC have a statutory duty to protect the public interest in promoting equal access to the legal profession, supporting diversity, and preventing harm to members of the LGBTQ community. The decisions to refuse accreditation of the proposed TWU law school on the basis of the discriminatory Community Covenant represented proportionate balancing (Brown and Cote dissenting).

## **B. Cambodia: Joint Amicus Brief to the Supreme Court of Cambodia**

LRWC and the ICJ filed a joint amicus brief for consideration by the Supreme Court of Cambodia in the appeal by Mr. NY Chakrya from conviction for three charges: defamation, malicious denunciation, and publication of commentaries intended to unlawfully coerce judicial authorities. The charges were based on criticism by Ny Chakrya—then head of the human rights section of the Cambodian Human Rights and Development Association—of the conviction for trespass of two villagers involved in a land dispute with a corporation. In reliance on a ruling that the company did not own the disputed land, the villagers had re-entered the land previously occupied by them and were subsequently convicted. The joint [amicus brief](#) examines the applicable domestic and international law and concludes that the Criminal Code provisions do not comply with international standards due to being overly broad, non-compliant with the requirement of certainty, and/or applied for the illegitimate purpose of using criminal sanctions to punish the lawful exercise of the internationally protected right to freedom of expression. On 13 March the Supreme Court upheld the 28 November 2016 decision of the Court of Appeal to extend the pre-trial detention of Ny Chakrya and three other ADHOC staff members for a further six months and severed their appeals.

## **C. Colombia: Amicus Brief on Compliance of Special Jurisdiction for Peace Act with International Law**

A [joint amicus brief](#) was filed on 26 July 2017 in the Constitutional Court of Colombia by LWBC with the support of LRWC, Global Rights Compliance, and the Laval University Clinic of International and Humanitarian Law. The Amicus Brief examines the compliance of the proposed Special Jurisdiction for Peace Act with Colombia's international obligations. The brief also pays particular attention to the way in which the proposed bill may limit the criminal liability of commanding officers for international crimes presumably committed by troops under their authority.

## VI. NOMINATIONS AND AWARDS FOR DEFENDERS AT RISK

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International awards are important to HRDs subject to or threatened with, reprisals for their advocacy. Awards to defenders suffering or threatened with illegitimate charges, unfair trials, and arbitrary imprisonment helps acknowledge the legitimacy and importance of the human rights advocacy and focuses international attention on the injustice faced by the targeted HDRs. In addition, as stated by an arbitrarily imprisoned lawyer, “knowing I am remembered, and my work valued gives me hope and keeps me alive.”

- **Waleed Abu al-Khair of Saudi Arabia**
  - *The Law Society of Ontario Human Rights Award* (February 2017) – was nominated by LRWC and the Union Internationale des Avocats with the LSEW’s endorsement and letters of support from Amnesty International Canada and Human Rights Watch. The award, which also went to Dr. Cindy Blackstock, recognized his efforts to gain protections for human and democracy rights for all people in Saudi Arabia.
  - The ABA 2017 International Human Rights Award (Nomination) – LRWC, LSEW, L4L, and the UIA joined to nominate imprisoned lawyer Waleed Abu al-Khair, which was further supported by a letter from Human Rights Watch.
- **Sirikan Choensiri of Thailand** – LRWC provided a letter supporting the nomination of Sirikan Choensiri for *2017 Martin Ennals Award for Human Rights Defenders*.
- **Nguyen Văn Đài of Viet Nam** – LRWC nominated imprisoned lawyer Nguyen Văn Đài for the *2017 Lawyers for Lawyers Human Rights Award*. The nomination was supported by reference letters from the Media Legal Defence Initiative and Viet Tân.

## VII. INTERNATIONAL HUMAN RIGHTS LAW REPORTS TO CANADIAN GOVERNMENTS

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### A. Canada: Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (SDIR)

LRWC submitted a report in March 2018 to the SDIR for consideration on the review of ‘Provision of Assistance to Canadians in Difficulty Abroad (Consular Affairs)’. The LRWC Report, [\*Consular protection and diplomatic intervention: International law duties to provide access to remedies for human rights violations against Canadians abroad\*](#), summarizes Canada’s international law obligations to ensure the rights of citizens to life, liberty, freedoms from torture, enforced disappearance and hostage-taking, and access to effective remedies when these rights are violated abroad. Canada does not currently recognize consular protection or diplomatic intervention as the right of all Canadians subjected to grave violations of internationally protected rights. To discuss the need for reform, LRWC participated in a 29 November 2018 round-table discussion organized by the Parliamentary Secretary to the Minister of Foreign Affairs for Consular Affairs.

Cameroon barrister and LRWC member Felix Agbor Nkongho appeared as a witness before the SIDR on 30 October 2018. He urged Canadian parliamentarians to assist in finding a solution to the grave human rights violations taking place in Cameroon. Mr. Nkongho views Canada is well-positioned to assist because of Cameroon’s and Canada’s membership in the Commonwealth and Canada’s influence among both Anglophone and Francophone countries.

## **B. British Columbia Legal Aid Services Review**

LRWC filed submissions with the British Columbia (BC) Legal Aid Review: [\*The Right to Legal Aid: Recommendations for Reform of BC's Legal Aid System in accordance with International Human Rights Obligations\*](#). Under international human rights law binding on BC, legal aid is a right and BC has a mandatory duty to provide adequate legal aid as a necessary component of ensuring equality before the law and the equal and non-discriminatory protection of the law. International human rights law requires states to ensure legal aid in all criminal, civil, and administrative proceedings to determine rights where legal representative is indispensable to a fair hearing. Legal aid in BC has been sharply criticized by UN treaty monitoring bodies as inadequate and resulting in injustice.

## **VIII. LETTERS FOR LAWYERS**

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During the reporting period LRWC intervened on behalf of HRDs and people who were the subject of violations in: Bahrain, Brazil, Bangladesh, Cambodia, Cameroon, Canada, China, Colombia, Egypt, Indonesia, Israel, Kenya, Maldives, Myanmar, Pakistan, The Philippines, Saudi Arabia, South Africa, South Sudan, Sudan, Syria, Tajikistan, Thailand, Turkey, United Arab Emirates, Viet Nam and Zimbabwe.

LRWC members wrote, contributed to and endorsed more than 50 letters and statements in 2017 and just under 50 in 2018. Letters were sent in support of HRDs subjected to grave abuses that included: enforced disappearances, arbitrary detentions, wrongful prosecutions, assaults, torture, threats, murder, illegitimate charges; unfair trials, trials before executive-controlled courts, and denial of due process. The attacks were directed at advocates engaged in exposing or opposing rights violations and in representing victims. Letters were also written to object to state failures to prevent and punish violations, provide and maintain independent courts, protect the independence of lawyers and allow access by victims and their representatives to remedies. LRWC letters expose abuses, enhance understanding of international human rights laws and identify remedies for violations. LRWC also joined letters advocating reform at the UN Human Rights Council. A basic advocacy tool, letters can be the foundation for complaints and reports to monitoring bodies and amicus briefs and often inspire working relationships with other human rights NGOs.

## **IX. INTERNATIONAL HUMAN RIGHTS LAW EDUCATION**

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Providing education about international human rights laws and standards—particularly in relation to the rule of law, integrity of legal systems, and rights to engage in and access independent advocacy—is central to all LRWC work. During this reporting period, LRWC collaborated with others in hosting several education events about international human rights standards impacted by a variety of issues of public concerns regarding rights to due process, legal aid, legal representation, remedies for human rights violations, the rights of indigenous peoples, and rights to security and liberty. These educational presentations were made available through classroom presentations and, when resources allowed, through production and distribution of webcasts, podcasts, and online posting of PowerPoints and speaking notes accompanying the presentations. Below is a list of international human rights law education events that LRWC was involved with:

### **INTERNATIONAL HUMAN RIGHTS LAW EDUCATION EVENTS**

- **HORROR AND HATE**: Presentations and a photo exhibit about the persecution of the Rohingya in Burma on 5 May 2017 in Mississauga featured presentations from Jean-Nicolas Beuze, Representative of the United Nations High Commissioner for Refugees in Canada; Anwar Arkani,

Founder Rohingya Association of Canada; Ahmed Ramadan, Outreach Coordinator Burma Task Force; and a message from Paul D. Copeland, Burma Monitor for LRWC. The free event was hosted by Canadians in Support of Refugees in Dire Need (CSRDN) and the Burma Task Force. The event was also supported by the Union of Medical Care and Relief Organizations (UOSSM), the Rohingya Association of Canada, Amnesty International Canada, and LRWC.

- **END LABOUR EXPLOITATION DINNER:** On 16 November 2017, LRWC, the West Coast Domestic Workers Association and Migrante BC co-sponsored an event to raise awareness about labour trafficking in British Columbia. The keynote speaker was Velma Valoria, a former Washington State Representative, who was instrumental in passing legislation at state level to make human trafficking illegal.
- **DAY OF THE ENDANGERED LAWYER 2018:** The Day of the Endangered Lawyer, on 24 January each year, is a time to reflect on the safety of lawyers around the world facing mounting persecution, prosecution, arbitrary detention, threats, torture, assaults, and death in reprisal for their work to protect rights and secure justice. LRWC co-hosted three events across Canada in Halifax, Victoria, and Toronto to honour and discuss issues regarding our legal colleagues in Egypt; and to call on authorities to respect and protect advocacy rights and ensure freedom from “intimidation, hindrance, harassment or improper interference.”
- **CRISIS IN CAMEROON:** On 25 October 2018, LRWC and the Law Society of Ontario organized a discussion with Felix Agbor Nkongho, human rights lawyer and advocate for Anglophone rights in Cameroon. The conversation focused on the long-standing persecution of Anglophones in Cameroon and the resulting crisis.
- **FELIX NKONGHO AT THE UNIVERSITY OF OTTAWA:** On 30 October 2018, Felix Agbor Nkongho spoke at the University of Ottawa Human Rights Research and Education Centre.
- **FELIX NKONGHO AT MCGILL UNIVERSITY:** On 1 November 2018, the McGill University Centre for Human Rights and Legal Pluralism hosted Felix Agbor Nkongho for a discussion on his work in Cameroon.
- **WE WILL NOT BE SILENT:** POLI 464A students from the University of British Columbia (UBC) and Amnesty International Canada hosted a panel discussion about human rights in the Middle East on 29 November 2018 at UBC’s Lui Institute for Global Affairs. Featured panelists were: Professor André Elias Mazawi, LRWC Saudi Arabia Monitor Maya Duvage, Atiya Jafar and Ely Bahhade.

## **X. LEGAL RESEARCH/PUBLICATIONS**

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LRWC reports, statements, complaints, amicus briefs and other written materials are available online at [www.lrwc.org](http://www.lrwc.org) in the Library section and/or in one of the Country sections and can be reproduced free of charge. The Right to Dissent is also available in print and ebook form through Amazon. Hard copies of guides on international law rights to legal aid and pre-trial release can be purchased from LRWC. Written and oral statements by LRWC to the UN Human Rights Council and written reports to UN treaty monitoring bodies can also be accessed on UN websites. LRWC research publications are produced for public use and are not protected by copyright. People are free to copy, distribute and display LRWC work and to make derivative works, with appropriate credit.

### LRWC PUBLICATIONS

- **Global:** [\*The Right to Dissent: International law obligations to respect, protect and fulfill the right to participate in public affairs by engaging in criticism, opposition and dissent\*](#), Lois Leslie, April 2017, made available on [Amazon](#) in print and as an eBook, and as a [PDF](#) on the [LRWC site](#).
- **Canada:** [\*Consular Protection and Diplomatic Intervention\*](#), submission to the Standing Committee on Foreign Affairs and International Development, Catherine Morris, 12 March 2018
- **Global:** [\*Canadian Child Hostages Overseas: The Ultimate Commodity\*](#), Catherine Morris, 11 September 2017.
- **Global:** [\*Protective Measures in the Inter-American Human Rights System\*](#), Isabela Piacentini de Andrade, 10 July 2018.
- **British Columbia:** [\*The Right to Legal Aid: Recommendations for Reform of BC's Legal Aid System in accordance with International Human Rights Obligations\*](#), Lois Leslie, 4 October 2018.

### Amicus Briefs and Interventions

- **Cambodia:** [\*Amicus brief regarding certain criminal charges against Mr. Ny Chakrya\*](#), LRWC and the International Commission of Jurists, 16 February 2017.
- **Colombia:** [\*Joint Amicus Brief on Compliance of Special Jurisdiction for Peace Act\*](#) with International Law, Lawyers Without Borders Canada, LRWC, Global Rights Compliance and the Laval University Clinic of International and Humanitarian Law, 26 July 2017, Spanish.
- **Canada:** [\*Factum of the Intervener, Lawyers' Rights Watch Canada in TWU case\*](#), LRWC, 6 September 2017.

### Reports to UN Special Mandate Holders and Treaty Monitoring Groups

- **Canada:** CAT-[\*Canada's Failure to fully comply with the 2012 recommendations of the Committee Against Torture\*](#), ICLMG and LRWC, 17 October 2018.
- **Canada:** UPR-[\*Joint submissions for the UPR of Canada\*](#), L4L and LRWC, 10 October 2017.
- **China:** UPR-[\*Joint submission to the 31st session of the UPR of China\*](#), L4L and LRWC, 30 March 2018.
- **China:** [\*UPR of China: Information Handout for the UPR Pre-session\*](#), L4L and LRWC, 12 October 2018.
- **Global:** WG/BHR-[\*Statement to the Working Group on the issue of human rights and transnational corporations and other business enterprises\*](#), LRWC, 29 May 2017.
- **Viet Nam:** HR Committee-[\*Joint thematic report for the adoption of the list of issues\*](#), L4L and LRWC, 30 April 2018.
- **Viet Nam:** UPR-[\*Failure to comply with international human rights obligations\*](#), L4L, LRWC and Việ̣t Tân, 30 July 2018.
- **Viet Nam:** WGAD-[\*Follow-up procedure on the failure to comply with WGAD opinion to immediately release Nguyen Van Dai\*](#), Media Legal Defence Initiative and LRWC, 29 November 2017.
- **Viet Nam:** WGAD-[\*Response to submissions made by the Government of Viet Nam in the matter of Nguyen Van Dai\*](#), LRWC, L4L, Media Legal Defence Initiative, PEN International, and Việ̣t Tân, 17 April 2017.

- Viet Nam: [UPR-Review of the implementation of recommendations with respect to the rule of law and the role of human rights defenders accepted by Viet Nam during the UPR in 2014](#), L4L, LSEW, and LRWC, 12 May 2017.

## **Statements To The UN Human Rights Council**

### **Written Statements:**

- China: [The arrest, detention, conviction, and imprisonment of lawyers and human rights defenders in China: the silencing of human rights defenders through criminal law and executive controlled courts](#), by Jing Song and Maree Bullivant, February 2018.
- Saudi Arabia: [Persistent gross, widespread and systematic violations of human rights while a member of the Human Rights Council](#), joint written statement by LRWC and the Gulf Centre for Human Rights (GCHR), prepared by Catherine Morris and Gail Davidson, 22 August 2018.
- Turkey: [Continued violation of non-derogable rights after lifting of State of Emergency](#), joint written statement by LRWC, L4L, and LSEW; prepared by Catherine Morris and Gail Davidson, 22 August 2018.

### **Oral Statements:**

- Bahrain: [Continuing Failure to comply with UPR recommendations](#), LRWC statement presented by Paul Scambler Q.C. during UPR Outcomes on 21 September 2017.
- Cambodia: [Cambodia urged to cooperate with HRC Special Procedures mandate holders toward independence of the judiciary and respect for right to freedoms of expression, association and assembly](#), LRWC statement by Catherine Morris, presented during Item 10 – Interactive Dialogue with Special Rapporteur on 27 September 2017.
- Cambodia: [Marked Regression of Civil and Political Rights in Cambodia](#), LRWC statement written and presented to the HRC by Catherine Morris on 26 September 2018.
- Cameroon: [Humanitarian crisis for Anglophones facing persistent discrimination and inequality](#), LRWC statement (Robert Lapper Q.C., Felix Agbor Nkongho, Gail Davidson) presented to the HRC by Felix Agbor Nkongho on 20 September 2018.
- Canada: [Rights of Indigenous Peoples and Victims of Abuses by Canadian Corporations Abroad](#), LRWC statement (Gail Davidson, Catherine Morris) presented to the HRC by Paul Scambler Q.C. on 20 September 2018.
- Canada/US/Afghanistan/Pakistan: [Hostages and other illegally-detained persons entitled to protection and advocacy by their home states](#), LRWC statement presented by Catherine Morris during Item 5 – General Debate on 22 September 2017.
- China, Turkey, Azerbaijan, Kazakhstan: [Attacks on the legal profession in China, Azerbaijan, Kazakhstan and Turkey](#), joint statement by LRWC, ICJ, IBAHRI, L4L, LSEW, UIA, and BHRC; scheduled for presentation by a representative of ICJ during the Interactive Dialogue with the Special Rapporteurs on Human Rights Defenders and Torture on 1 March 2018.
- Colombia: [Protection of Human Rights Lawyers and Defenders](#), joint statement of L4L and LRWC (Gail Davidson) presented to the HRC by Paul Scambler Q.C. on 21 September 2018.
- Global: [Accountability for non-complying members of Council: China, Egypt, the Philippines, Saudi Arabia](#), delivered by Renée Mulligan during the General Debate on the High Commissioner's oral update on 7 June 2017.
- Global: [Effective protection for human rights defenders needed](#), delivered by Abdul Khan to the UN Human Rights Council on 3 March 2017.
- Global: [Human Rights Council must move to address non-compliance by members](#), delivered by Joey Doyle during Item 3 – General Debate on 12 June 2017.

- **Global:** *Implement accountability measures for members of the Human Rights Council*, delivered by Joseph Doyle during Item 5 – General Debate on 17 June 2017.
- **Global:** *Lack of access to effective remedies for victims of forced labour and victims of kidnapping for ransom*, delivered by Angela Walker during the Interactive Dialogue with the Special Rapporteur on trafficking in persons, especially women and children on 9 June 2017.
- **Global:** *Need to develop a mandatory Code of Conduct for members of the HRC*, LRWC statement presented by Catherine Morris during Item 4 – General Debate on 19 September 2017.
- **Global:** *States must ensure independence of judiciary*, a joint statement by the IBAHRI, delivered by Laure Elmaleh on 12 June 2017 during the Interactive Dialogue with Special Rapporteur on the independence of judges and lawyers. This statement was endorsed by LRWC, L4L, LSEW, the Commonwealth Magistrates' and Judges' Association, Judges for Judges, and the Southern Africa Litigation Centre.
- **Myanmar:** *Commission of inquiry into persecution of Rohingya needed*, joint statement by LRWC, IBAHRI, and ICJ; delivered by Zar Li Ayeon to the UN Human Rights Council on 13 March 2017.
- **Myanmar:** *Cooperation with Fact-Finding Mission essential to determining facts and ensuring accountability*, this joint statement of LRWC and IBAHRI was presented by Catherine Morris on 19 September 2017.
- **Myanmar:** *Ensure independent legal profession and remedy attacks and threats against lawyers*, delivered by Joseph Doyle during the Interactive Dialogue with the Special Rapporteur on the Situation of human rights in Myanmar on 15 June 2017.
- **Myanmar:** *Investigate and Prosecute of Military Officials for Genocide, Crimes Against Humanity and War Crimes*, LRWC statement (Gail Davidson, Catherine Morris) presented to the HRC by Felix Agbor Nkongho on 18 September 2018.
- **Myanmar:** *The global crisis of impunity for atrocities in Myanmar*, joint statement by LRWC and IBAHRI, presented Hélène Ramos dos Santos of IBAHRI on 27 June 2018.
- **Pakistan and Cameroon:** *Systematic failure to ensure protection of lawyers and defenders*, delivered by Joseph Doyle during the Item 4 – General Debate about Human rights situations that require the Council's attention on 15 June 2017.
- **Saudi Arabia and China:** *Continued Widespread, Systematic, and Grave Human Rights Violations in Saudi Arabia and China*, LRWC statement (Gail Davidson, Catherine Morris) presented to the HRC by Catherine Morris on 19 September 2018.
- **Sri Lanka:** *Need to use universal jurisdiction to ensure accountability for atrocities*, statement that was scheduled for presentation by Ms. Dharsha Jegatheeswaran during the General Debate on 10 March 2018.
- **Thailand/Cambodia/Turkey/Saudi Arabia:** *States must cooperate with UN Advisory Services and Technical Cooperation in the Field of Human Rights towards independent and integrity of the legal profession*, joint statement by LRWC and L4L, presented by Catherine Morris during Item 10 – Interactive Dialogue with the Special Rapporteur on 28 September 2017.
- **Turkey:** *Immediately cease and remedy arbitrary arrest, detention and wrongful prosecution of legal professionals and the use of torture*, joint statement by the IBAHRI, BHRC, Judges for Judges, L4L, LRWC, LSEW and UIA; scheduled for delivery during the Interactive Dialogue with the SR on Torture on 28 February 2018.
- **Turkey:** *Widespread violations against lawyers in Turkey*, joint statement of the IBAHRI, LSEW, BHRC, UIA, L4L, and LRWC (Catherine Morris & Gail Davidson); was presented by Hélène Ramos dos Santos on 22 June 2018.

- **UNHRC:** [\*LRWC Urges UNHRC to Institute Specific Protocols to protect civil society throughout the UPR\*](#), LRWC statement written and presented by Catherine Morris on 20 September 2018.
- **Universal Periodic Review Process:** [\*State Action need to promote global implementation of rights including of LGBTQ people\*](#), joint statement by LRWC, IBAHRI, and the International Lesbian, Gay, Bisexual, Trans and Intersex Association scheduled for presentation by a representative of IBAHRI on 1 March 2018.
- **Yemen:** [\*Investigate Violations of International Human Rights and Humanitarian Law in Yemen\*](#), LRWC statement (Gail Davidson, Catherine Morris) presented to the HRC by Catherine Morris on 26 September 2018.

## **XI. WORK WITH OTHER NGOS**

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In accordance with LRWC's constitution, working in cooperation with other NGOs strengthens LRWC's advocacy and ensures that LRWC's research and education about international human rights laws and standards reaches and benefits as many people as possible, such as human rights advocates, governments officials, judicial system workers, jurists, journalists, students, teachers, and victims of human rights violations. During this reporting period, LRWC worked with hundreds of organizations, some of which are listed below:

- |  |  |
|--|--|
| - Amnesty International Canada                   | - International Lesbian, Gay, Bisexual, Trans and Intersex Association |
| - Bar Human Rights Committee                     | - Judges for Judges  |
| - Colombia Caravana                              | - Lawyers for Lawyers  |
| - Fundación de la Abogacía Española              | - Law Society of England and Wales                                     |
| - Global Witness                                 | - Media Legal Defence Initiative                                       |
| - Gulf Centre for Human Rights                   | - PEN International  |
| - International Bar Association                  | - Southern Africa Litigation Centre                                    |
| - International Civil Liberties Monitoring Group | - Union Internationale des Avocats                                     |
| - International Commission of Jurists            | - Việ̣t Tân  |

## **XII. IN MEMORIUM**

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Carolyn McCool, lawyer and human rights advocate, passed away on 29 May 2018. Carolyn will be sadly missed by LRWC and many other organizations and individuals who benefited from her contributions and support. An active member of LRWC since 2014, Carolyn served as a Director Monitor of human rights in Turkey. She worked tirelessly in support of equality and non-discrimination on the LRWC interventions in the Trinity Western University cases before the Ontario Court of Appeal and the Supreme Court of Canada. We are grateful for the legacy of her human rights advocacy and lament the gap left by her death.

## **XIII. CONSTITUTIONS**

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### ***Lawyers' Rights Watch Canada***

- To provide support internationally to lawyers and other human rights defenders whose rights, freedoms, or independence are threatened as a result of their human rights advocacy;
- To promote and protect the rights of lawyers and other human rights defenders to engage in independent advocacy;

- To preserve and enhance the rule of law;
- To encourage governments and other institutions to respect fair trial rights, including the rights of lawyers to engage in independent advocacy;
- To encourage ratification, implementation, and enforcement of international human rights treaties that impact on legal advocacy rights, the integrity of legal systems, and fair trial rights;
- To encourage constitutional and legislative amendments necessary for conformity with international human rights standards relevant to lawyers, judges, and human rights defenders, and the integrity of legal systems and fair trial rights;
- To provide research, education, and public analyses with respect to the above; and
- To work with other human rights organizations to achieve these purposes.

***Lawyers’ Rights Watch (Legal Research) Canada***

- To do legal research on jurisprudence, national laws, and international laws and standards related to the integrity of legal systems and the right of lawyers and other human rights defenders to engage in independent advocacy;
- To make such research is assessible by and available to the public; and
- To provide public legal education on the above topics.

**XIV. BOARD OF DIRECTORS**

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Directors of LRWC and LRW(LR)C are elected each year at the Annual General Meeting held in April and serve until the next election.

<b>2017</b>	<b>LRWC</b>	<b>LRW(LR)C</b>
	Marjorie Cohn	Clive Ansley
	Gail Davidson	Siobhan Airey
	Julius Grey	Maya Duvage
	Monia Mazigh	Gavin Magrath
	Carolyn McCool	Renée Mulligan
	Leo McGrady Q.C.	Brian Samuels Q.C.
	David Sutherland Q.C.	Vani Selvarajah
	Isabel Stramwasser	Maureen Web
	Grace Woo	
<hr/>		
<b>2018</b>	<b>LRWC</b>	<b>LRW(LR)C</b>
	Marjorie Cohn	Clive Ansley
	Gail Davidson	Joshua Lam
	Julius Grey	Gavin Magrath
	Monia Mazigh	Renée Mulligan
	Leo McGrady Q.C.	Margaret Stanier
	Paul Schabas	Brian Samuels Q.C.
	David Sutherland Q.C.	Angela Walker
	Isabel Stramwasser	Maureen Webb
	Grace Woo	

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## XV. LRWC DONORS, CONTRIBUTORS AND VOLUNTEERS

LRWC has no paid staff other than students who work part-time for a modest hourly rate. All LRWC work is done pro bono by volunteers. LRWC funds come from members' fees and donations from LRWC members and others. Total expenditures during this reporting period were under \$30,000 annually. It is not possible to put a dollar value on the time spent, the outcomes achieved, and progress made by the pro bono work of our members. Volunteers are not asked to keep records of their time and the value of the successful developments and outcomes that LRWC contributes to cannot be assessed. This section acknowledges and thanks some of those—LRWC members and others—who contributed money, time, and expertise to the successful enhancement of international human rights worldwide.

### 2017

In 2017 single donations ranged from \$25 to \$12,000 (from and donor who wants to remain anonymous): 10 members contributed monthly in amounts ranging from \$5 to \$100.

#### *Monthly Donors*

Leo McGrady Q.C.  
David Sutherland Q.C.  
Matthew Stacey  
Margaret Stanier  
Heather Neun  
Catherine Morris  
Lois Leslie  
Clive Ansley  
Wenzhou Hou

#### *Other Donors*

W. Graham Allen	Marilyn Sandford Q.C.
Penny Ballem	R.A.F. Sutherland Q.C.
Pinder Cheema Q.C.	Grace Woo
Claire L'Heureux-Dubé	John M. White
Jane Henderson	Anonymous
Joseph Hoffer	
Steven Kelliher	
Anne Rowles	

### 2018

In 2018, single donations ranged from \$5 to \$5,050.

#### *Monthly Donors*

Leo McGrady Q.C.  
David Sutherland Q.C.  
Margaret Stanier  
Matthew Stacey  
Mark Battersby  
Heather Neun  
Catherine Morris  
Lois Leslie  
Isabel Stramwasser  
Clive Ansley  
Wenzhou Hou  
Michael Mulligan  
Urmaz Anniko

Charlotte Munk  
Yude Henteleff  
Joseph Murphy Q.C.  
Claire L'Heureux-Dubé  
William J. Andrews  
Kyong-Ae Kim  
W. Graham Allen  
Pinder Cheema Q.C.  
Carol M. Huddart  
Paul Calarco  
William Holmes  
Illahie Foundation  
David R. Paterson

Rachel Mayer  
Steven Kelliher  
Abdul Hamid Khan  
Maureen Webb  
Brian Samuels Q.C.  
Grace Woo  
John M. White  
Robert Lapper Q.C.  
Jenny Reid  
Susannah B. Roth  
Ian Donaldson Q.C.  
Eloise Spitzer  
Anthony Des Lauriers

#### *Donors of Time and Money for LRWC Travel 2017-2018*

Joseph Doyle	Joshua Lam	Felix Agbor Nkongho	Angela Walker
Dharsha Jegatheeswaran	Catherine Morris	Paul Scambler Q.C.	

Abdul Hamid Khan

Renee Mulligan

Melissa Tessler

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***Pro Bono Work 2017-2018***

Siobhan Airey

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***Computer Maintenance and Repair***

Stephen Schramm of Strategic Network Systems Inc.

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# Lawyers' Rights Watch Canada

*NGO in Special Consultative Status with the Economic and Social Council of the United Nations*  
**Promoting human rights by protecting those who defend them**

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## CONTACT US

For information about how you can:

- Defend Human Rights Defenders in danger around the world
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