McGill Centre for Human Rights and Legal Pluralism

Created in September 2005, the Centre for Human Rights and Legal Pluralism was formed to provide students, professors and the larger community with a locus of intellectual and physical resources for engaging critically with the ways in which law affects some of the most compelling social problems of our modern era, most notably human rights issues. Since then, the Centre has distinguished itself by its innovative legal and interdisciplinary approach to understanding and advancing human rights in a complex and legally plural global community.

www.mcgill.ca/humanrights
This report covers the period January—December 2012.
CENTRE FOR HUMAN RIGHTS AND LEGAL PLURALISM
ANNUAL REPORT 2012
HIGHLIGHTS OF 2012

- Publication of *Dialogues on Human Rights and Legal Pluralism* (Springer Press, 2012), a book project edited by René Provost and Colleen Sheppard which explores the potential for legal pluralism to bring innovative perspectives to our understanding of access to human rights justice.

- International internships for thirteen undergraduate law students with human rights organizations around the world; agreements with six new partner organizations for 2013.


- Second Annual McGill University/Hebrew University of Jerusalem International Summer Program in Human Rights, an international study experience that brought together twenty Israeli and Canadian law students for an intensive summer program on “Human Rights and Armed Conflicts.”

Kampala—Molly Joeck (second from right) spent the summer interning with the Refugee Law Project, an organization that seeks to ensure fundamental human rights for asylum seekers, refugees, and internally displaced persons within Uganda.
Launch of the Disability, Human Rights and the Law 2012-13 Seminar Series, in which the Centre invites scholars, activists, practitioners and students to engage with some of the most compelling issues in disability rights and policy during four panel discussions over two semesters.

Fourth annual national RightsWatch conference, Civil Liberties: People, Power and Protest, in partnership with the Canadian Civil Liberties Association, on the freedom of peaceful assembly, policing and protest, racial and social profiling, and privacy issues around the right to dissent.

Professor Abdullahi An-Na‘im, Professor at Emory University School of Law and a leading authority on the place of secularism in Islam and of human rights in cross-cultural perspectives, delivered the Faculty’s John Peters Humphrey Lecture in Human Rights, entitled “The Ends and Means of Human Rights: From State-Centric to People-Centered.”

First O’Brien Fellow-in-Residence, Professor Esmeralda M.A. Thornhill of Dalhousie Law School, an expert on critical race and legal theory.

Toronto—Jihyun Rosel Kim spent the summer interning at the Canadian HIV/AIDS Legal Network, a non-profit organization that promotes the human rights of people living with and vulnerable to HIV/AIDS.
LEADERSHIP AND MEMBERS

Professor Colleen Sheppard
Centre Director

Professor François Crépeau
Director of Research

Dr. Nandini Ramanujam
Executive Director

27 Full Members
6 Associate Members

The Centre is based at the Faculty of Law, McGill University, but is committed to an interdisciplinary vision of human rights. Full members include 17 professors from the Faculty of Law. An additional 7 members are professors in other faculties and departments, including political science, sociology, anthropology, education, philosophy, and social work. Members of the Centre outside the University include eminent scholars, judges, practitioners, and other experts in their respective fields.

For a full list of current members, visit
www.mcgill.ca/humanrights/aboutus/members/

OPENING REMARKS

In 2012, the Centre for Human Rights and Legal Pluralism remained committed to deepening trans-disciplinary collaboration on the complex social, ethical, political and philosophical dimensions of human rights. Centre members remain extensively involved in research and scholarship on international and domestic human rights law, humanitarian law, comparative constitutional protection of human rights, indigenous rights, and theoretical and historical approaches to human rights. The Centre also runs a broad program of human rights activities and initiatives critical to community outreach and to the education of students as future leaders in human rights.
FELLOWS

The Centre is host to O’Brien Fellows in Residence, O’Brien Graduate Fellows, Postdoctoral Fellows, Banting Fellows in Residence, Associate Fellows, Visiting Fellows, Aisenstadt Fellows, and Rathlyn Fellows.

1 O’Brien Fellow in Residence
10 O’Brien Fellows
2 Postdoctoral Fellows
1 Banting Fellow in Residence
3 Associate Fellows
4 Visiting Fellows
4 Aisenstadt Fellows
1 Rathlyn Fellow

O’Brien Fellow in Residence

Professor Esmeralda M.A. Thornhill, of Dalhousie Law School, served as the Centre’s first-ever O’Brien Fellow in Residence. She was the first holder of the James Robinson Johnston Endowed Chair in Black Canadian Studies at Dalhousie. At McGill, she worked on a two-fold research-writing project that consists of refining for publication both a study on the Fundamentals of Racism and a Compendium of ‘Race’ and Law in Canada.

The Centre also invited applications for the next O’Brien Fellow in Residence. The Selection Committee recently approved two candidates for the program.

O’Brien Fellows

Thanks to the generosity of alumnus David O’Brien, the Centre also awards O’Brien Fellowships to a select group of graduate students. O’Brien Fellows are provided scholarship funds and office space within the Centre. They also contribute to the activities of the Centre as part of the terms of the fellowship. The Centre advertises the Fellowship Program in the Human Rights Quarterly and in the Legal Scholarship Network. In addition, the advertisement is circulated in English, French and Spanish on over 80 listserves. Selection of O’Brien Fellows is made pursuant to the recommendations of a committee chaired by the Executive Director of the Centre. Current O’Brien Fellows include: Futsum Testafion Abbay (DCL Candidate, Eritrea), Marika Giles Samson (DCL Candidate, Canada), Katherine Glover (DCL Candidate, Canada), Jing Guan (DCL Candidate, China), Claris Harbon (DCL Candidate, Israel), John Hursh (LLM, United States), Bethany Hastie (DCL Candidate, Canada), Róisín Hennessy (DCL Candidate, Ireland), Sabaa Khan (DCL Candidate, Canada), and Amar Khoday (DCL Candidate, Canada).

Postdoctoral Fellows

The Centre hosted two Postdoctoral Fellows: Jean-Baptiste Jeangène Vilmer, BA, MA, LLB, LLM, PhD (philosophy), PhD (political science) (Banting Postdoctoral Fellow) and Idil Atak, LLD (SHRC Postdoctoral Fellow, Research Associate, Hans and Tamar Oppenheimer Chair in Public International Law at McGill).
Associate Fellows

Associate Fellows are individuals whose work and interests intersect directly with those of the Centre. The Centre has three Associate Fellows: Adam Etinson, graduate of the DPhil program at Oxford, 2011-12 Postdoctoral Fellow at the Centre for Research in Ethics at the University of Montreal, Course Lecturer in the Department of Philosophy at McGill; Sébastien Jodoin, a doctoral student at Yale University Law School, graduate of the McGill BCL/LLB program, former legal officer with the International Criminal Tribunals for Rwanda and Yugoslavia, current Director of the Campaign to End Crimes against Future Generations as well as Lead Counsel at the Centre for International Sustainable Development Law (until September 2012) and Grégoire Webber, a graduate of the McGill BCL/LLB program, Trudeau Scholar, former clerk to Justice Ian Binnie of the Supreme Court of Canada, policy analyst with the democratic reform unit of the Privy Council, and now a Lecturer in the School of Law of the London School of Economics.

Rathlyn Fellow

The Centre awarded a Rathlyn Fellowship to Nicholas Caivano (BCom, BCL/LLB Candidate, McGill) to work on projects related to human rights and disability law during the summer and academic year.

Visiting Fellows

Each year the Centre welcomes a number of Visiting Fellows, who are in residence at McGill for a limited time period. In 2012, the Centre welcomed four Visiting Fellows: Benedict Wray, PhD Candidate at the European University Institute; Macarena Iribarne, Lecturer, Carlos III de Madrid University, Research Group on Law and Justice; Sofie Johannesson, BA Candidate at Copenhagen University; and Me Beatrice Vizkelety, Former Director of the Legal Department at the Quebec Commission des droits de la personne et des droits de la jeunesse.

Aisenstadt Fellows

The Centre awards several fellowships to law students to spend a summer providing research and operations assistance. For the fourth year, Aisenstadt Fellowships were attributed thanks to a generous gift from the Nussia and André Aisenstadt Foundation. This year, two fellowships were awarded to current students at the McGill Faculty of Law and two were awarded to graduates of the Université de Montréal, Faculté de droit: Audrey Mocle (BCom, MSc, BCL/LLB Candidate, McGill), Nicholas Caivano (BCom, BCL/LLB Candidate, McGill), Stéphanie Hachez (LLB, Université de Montréal), and Benjamin Prud'homme (LLB, LLM Candidate, Université de Montréal).
GRADUATE STUDENTS

Every year, Members and Associate Members of the Centre, in Law and other disciplines, are invited to sponsor graduate students working under their supervision on issues related to the field of human rights and legal pluralism. The Centre is currently hosting 38 graduate and doctoral students.

2012 DOCTORAL DEFENSES

Disability Rights in Africa: Towards a Citizenship Approach
Futsum Tesfatsion Abbay (DCL)
7 November 2012
Supervised by Professor Colleen Sheppard

Turning the Kaleidoscope: Fractured Narratives and Altered Presumptions in Anti-Terrorism Detention Practices
Maureen T. Duffy (DCL)
6 December 2012
Supervised by Professor René Provost

CURRENT GRADUATE STUDENTS

Futsum Tesfatsion Abbay
Ayodele Akenroye
Idil Atak
Enrique Boone Barrera
Julie Cousineau
Erin Crandall
Maria del Pilar Vanegas Guzman
Maude Choko
Isabelle Deschamps
Maureen T. Duffy
Eric Folot
Carlos Iván Fuentes
Marika Giles Samson
Kate Glover
Arthur Green
Jing Guan
Claris Harbon
Alexandra Harrington
Bethany Hastie

Róisín Hennessy
Edin Hodžić
John Hursh
Ivana Isailovic
Graciela Jasa-Silveira
Philipp Kastner
Sabaa Khan
Amar Khoday
Vanessa Lentz
Isabelle Martin
Ugochi Nnadozie
Catalina Peralta
Matthew Pritchard
Anna Purkey
Jeffrey Sachs
Mohamed Sesay
Mourad Shalaby
Jean-Baptiste Jeangène Vilmer
Jon Waind
HUMAN RIGHTS PROGRAMS AND INITIATIVES

International Human Rights Internships Program

The International Human Rights Internship Program is a 6-credit law course that requires the completion of a 12-week placement with a human rights organization, a report on the placement, and a related research paper. Many prospective and present students cite the Internship Program as a factor in their decision to study law at McGill, and the opportunities it affords create a unique and important contribution to our students’ education in human rights.

The Internship Program is open to all undergraduate law students and aims to provide students with hands-on experience in human rights work abroad. In the summer of 2012, thirteen students participated in the Internship Program, with placements in Toronto, Montreal, Kampala, New York City, Nairobi, Phnom Penh, Manila, San Jose, Cameroon, Ottawa, and Buenos Aires. Students receive bursaries to help defray the costs of the internship.

San Jose—Anne-Claire Gayet (top row, fourth from left) spent her summer interning at the Inter-American Court of Human Rights, an autonomous judicial institution which serves to promote basic rights and freedoms in the Americas.
2012 SUMMER INTERNS

Melissa Austen  
*Ateneo Centre, Manila*

Edward Béchard-Torres  
*Cameroun Oeuvrant dans le Domaine des Etablissements Humains, Yaoundé*

Roger Bill  
*Disability Rights International, Mexico City*

William Colish  
*Human Rights Watch, New York City*

Chris Durrant  
*Mali regain Tukisiiniakvik Legal Services, Iqaluitm Mali regain Tukisiiniakvik Bursary*

Anne-Claire Gayet  
*Inter-American Court, San Jose*

Miatta Gorvie  
*League Action for Persons with Disabilities, Kampala*

Molly Joeck  
*Refugee Law Project, Kampala*

Celina Kilgallen-Asencio  
*Truth and Reconciliation Commission of Canada, Winnipeg*

Jihyun Rosel Kim  
*HIV AIDS Legal Network, Toronto*

Jeanne Mageau-Taylor  
*Equitas, Montreal*

Shantha Priya Morley  
*The Equality Effect, Nairobi*

Éloïse Ouellet-Décoste  
*League for the Promotion and Defense of Human Rights, Phnom Penh*

Participating interns shared their experiences on a blog set up by the Centre: http://blogs.mcgill.ca/humanrightsinterns. The blog serves as a virtual community of past, present and future interns and as an effective platform for sharing insights and experiences among the interns and with the outside community.

Students participating in the International Human Rights Internship Program may enrol in a corresponding seminar, entitled “Critical Engagement with Discourses of Human Rights.” The seminar serves to provide students with a structured and supportive environment in which to reflect on their internship experience in collaboration with their peers, and to place their experience within the broader context of critical engagements with human rights law in theory and in practice. The seminar was taught in Fall 2012 by Nandini Ramanujam, Executive Director at the Centre.

To date, the Centre enjoys collaboration with a wide spectrum of human rights organizations based in Canada, North America, South America, Africa and Asia. The Centre is also identifying human rights organizations in the Middle East and North Africa that could receive interns in the next few years, since the Centre does not yet have partner organizations in these regions. Target organizations are mainly in Jordan, Egypt, and Morocco.
The Centre is pleased to have partnered with six new host organizations for summer 2013 internships:

- Institute for Human Rights and Development in Africa, Banjul
- Oceans Beyond Piracy - One Earth Future Foundation, Colorado
- Responsibility to Protect Program - One Earth Future Foundation, Colorado
- Oppenheimer Chair Internship - Calcutta Research Group, Calcutta
- LLDRL Internship on Decent Domestic Work - LAWA-Ghana, Accra
- Avocats sans frontières Canada, Quebec City

**Scholars at Risk Network**

The international Scholars at Risk Network (SAR) is an initiative designed to assist scholars around the world whose academic freedom and freedom of expression is at risk. McGill University has now formally signed onto the initiative, and the Centre is in the process of reviewing profiles with the goal of hosting its first scholar in 2013.

**Responsibility to Connect:**
**Human Rights Abuses and Indigenous Communities in Canada**

In the wake of the establishment in 2009 of the Truth and Reconciliation Commission of Canada (TRCC), the Centre received Provost Priority Pool Funding for an initiative that addresses human rights and Indigenous peoples in Canada. Over the next five years, the TRCC has a mandate that includes working to “promote awareness and public education of Canadians about the Indian Residential School system and its impacts.” Through our initiative, we seek to contribute to this important work. The residential schools are part of our shared history and yet even amongst our students, there is limited awareness and understanding about this system. The initiative includes a number of public education events, films, workshops, research projects, and two student internships, as noted in other parts of this report. In the summer of 2012, the Centre placed an intern, Celina Kilgallen-Asencio, at the Truth and Reconciliation Commission of Canada in Winnipeg. The Centre will be hosting an event for the Truth and Reconciliation Events in March 2013.

**McGill International Criminal Justice Clinic**

The International Criminal Justice Clinic continued to provide legal research in support of international criminal tribunals over the past year. Thanks to funding received from DFAIT’s Global Peace and Security Fund, a mixed team of undergraduate and graduate students of the Faculty of Law wrote several legal memoranda, as requested by its partner institutions. The Clinic, above all, strengthened its collaboration with the Defence Office of the Special Tribunal for Lebanon, where the first trial is scheduled to begin in 2013. The Director of the Clinic is Professor René Provost. The Executive Director of the Clinic in 2011-2012 was DCL candidate Amar Khoday; DCL candidate Philipp Kastner has assumed this position for the 2012-2013 academic year.
Aisienstadt Equality and Community Initiative

The primary objectives of the initiative include: (i) generating insights and new knowledge about the contextual realities of inequality, social and economic exclusion, and obstacles to effective access to justice within local communities; (ii) strengthening the capacity of community-based organizations to identify and contest the systemic and recurrent violations of equality and social and economic rights; and; (iii) promoting transformative human rights education, which engages students, professors and community-based organizations.

The initiative is bringing together an interdisciplinary network of university researchers and students, as well as community-based advocates, working on issues related to the effective protection of equality and economic and social rights. It also seeks to provide a forum for exchange across diverse fields of expertise and different disciplinary backgrounds, including law, social work, education, and community development. Activities in 2012 included two public conferences, several research funding applications, and an interdisciplinary workshop.

McGill/Hebrew University Summer Program in Human Rights

In August 2012, twenty Israeli and Canadian law students participated in the second Annual McGill University/Hebrew University of Jerusalem International Summer Program in Human Rights, organized jointly by the McGill Centre for Human Rights and Legal Pluralism and the Minerva Center for Human Rights at the Hebrew University of Jerusalem’s Faculty of Law. An international study experience worth five credits, the program rotates annually between Jerusalem and Montreal. Designed to encourage dialogue between law students across international lines, the program immersed participants in a world of intense studies and related activities. Students visited the Mohawk community at Kahnawake, the department of Foreign Affairs in Ottawa and the Royal 22e Regiment in Quebec City, as well as Montreal’s civil society organizations and legal institutions. They heard experts in the field, community leaders, Justice Marshall Rothstein of the Supreme Court of Canada and renowned scholars speak about the issues, processes, challenges and innovations relating to human rights.

Echenberg Global Conferences on Human Rights and Young Leaders Program

This past year has involved extensive organizing for the next Global Conference on Democracy, Human Rights and the Fragility of Freedom to be held at McGill on March 21-23, 2013. This will be the third Echenberg Family Conference on Human Rights. Colleen Sheppard, Centre Director, is Chair of the Conference. Honourary Co-Chairs include the Honorable Irwin Cotler and Me Raymond Chretien.

Before each of these conferences, a Young Leaders Forum is held, run by Nandini Ramanujam, Executive Director of the Centre. The Young Leaders will address key issues around democratic citizenship, the protection of fundamental rights and freedoms, including the violent repression of democracy and economic and social rights, as well as the role of transnationalism, globalization and foreign policy in democracy. One of the main goals of the International Forum for Young Leaders is to share practical tools and experiences while engaging with the Conference themes. Alumni of each Young Leaders Forum become McGill Echenberg Human Rights Fellows and remain active in a vibrant community of human rights professionals around the world.
EVENTS

PUBLIC LECTURES

Wallenberg Lecture in Human Rights
Taking Liberties: The War on Terror, Civil Liberties and the American Courts
22 March 2012
Speaker: Susan N. Herman (President of the American Civil Liberties Union)

Susan Herman discussed how, during the decade since 9/11, American antiterrorism efforts have led to gross abuses of human rights including use of torture and extraordinary rendition, and to enhancement of government power over individuals through aggressive use of surveillance and watchlists. As victims of antiterrorism efforts have sought judicial review of these actions, the American courts have developed procedural excuses for avoiding hearing challenges on their merits: the state secrets privilege, the standing doctrine, immunity doctrines, and special pleading rules. Comparing treatment of the claims of Canadian citizen Maher Arar in Canada and the United States raises serious questions about the role of courts in checking human rights violations and the need for political accountability.

John Humphrey Human Rights Lecture
The Ends and Means of Human Rights: From State-centric to People-centered
11 October 2012
Speaker: Abdullahi Ahmed An-Na’im (Charles Howard Candler Professor of Law at Emory University School of Law)

Professor An-Na’im delivered McGill University’s 2012 John Peters Humphrey Lecture in Human Rights. He argued that a more proactive, preventive approach to defending international human rights through legal means would address the underlying causes of human rights violations and promote a culture in which respect for the dignity of others is the norm, not the exception.

CONFERENCES

16-17 March 2012

Judge Juanita Westmoreland-Traoré was the first Black Canadian to become dean of a faculty of law and the first Black Canadian appointed to the bench in Quebec. The Social Justice, Law and Equality conference at the Faculty of Law celebrated the career of this groundbreaking jurist. The conference covered themes championed by the Honourable Westmoreland-Traoré, such as equality in everyday life and at work, as well as justice in racialized and globalized communities. This event was co-sponsored by the Law ’63 Fund, the Labour Law and Development Research Laboratory, and by the Aisenstadt Equality and Community Initiative.
National RightsWatch Conference - Civil Liberties: People, Power and Protest
12-13 October 2012

The 4th Annual National RightsWatch Conference was hosted by the Centre for Human Rights and Legal Pluralism in partnership with the Canadian Civil Liberties Association. This year's conference invited a wide range of national and international speakers to share their perspectives on numerous facets of civil liberties. The conference focused on issues relating to civil liberties issues arising in contexts of popular protest and demonstrations. It was designed to expose law students, lawyers and those interested in civil liberties and human rights issues to the important public interest cases and issues and to encourage critical discussion and reflection. Prominent speakers from academic institutions, law firms, governmental and public interest organizations participated in the conference. The conference was sold out with over 150 people in attendance.

WORKSHOPS AND SEMINAR SERIES

Seminar Series: From the Field to the Faculty: Experiential Learning through Human Rights Internships

This speaker series provided an opportunity for the Centre's human rights interns of summer 2011 to share their experiences with the McGill community.

The Politics of Grassroots Engagement: From Cambodia to Pakistan
January 16, 2012
Siena Anastis (LICADHO), Caylee Hong (independent internship in Pakistan)

Acting as Legal Advocates in Different Cultural Communities
January 18, 2012
Joannie Jacob (Maliiganik Tukisiiniakvik Legal Services), Sasha Hart (Equality Effect), Nelly Marcoux (Refugee Law Project)

Translating Research into Concrete Contributions: The Responsibilities of Lawyers and Research Bodies
January 25, 2012
Bill Shipley (Amnesty International, CCIJ & EQUITAS), Jean-Paul Saucier Calderón (Inter-American Court of Human Rights).

Truth and Reconciliation Commission of Canada
January 30, 2012
Cassandra Porter, Eden Alexander

Canada, Mexico and Cameroon: Working with Marginalized Groups for Access to Justice in Mental Health, Legal Services and Housing Rights
February 8, 2012
Karine Azoulay (EQUITAS), Keiran Gibbs (Disability Rights International), Frédérique Lissoir (CONGEH)
Workshop: Interdisciplinary Perspectives on Discrimination: Critical Reflections
10 July 2012

To begin an interdisciplinary dialogue about the theoretical, methodological and practical challenges regarding the concept of discrimination, the Centre for Human Rights and Legal Pluralism organized an informal forum to share research directions, questions and critical reflections about the complexities of the concept of discrimination.

The concept of discrimination emerged to address and redress a range of contemporary problems of inequality. While its meaning continues to evolve to include direct, indirect and systemic forms of discrimination, there is growing recognition of its conceptual and practical complexities and inadequacies. Issues such as unconscious or implicit bias, intersectionality, the limits of the categories of discrimination, the complex connections between macro and structural inequities and individual discrimination, as well as the difficulties of proving discrimination, raise complex theoretical and practical questions. Some kinds of inequalities risk falling through the cracks of anti-discrimination law.

Participants included, Lisa Spanierman (Department of Educational and Counselling Psychology, McGill), Jill Hanley (McGill School of Social Work), Zoua Vang (Sociology, McGill), Marie-Thérèse Chicha (École des relations industrielles, Université de Montréal), Suzanne Gagnon (Desautels Faculty of Management, McGill), Béatrice Vizkelety (Commission des droits de la personne et des droits de la jeunesse), Myriam Dumont Robillard (LLM candidate, Université de Montréal, former Aisenstadt Fellow), Sarah Malik & Tynan Jarrett (Social Equity and Diversity Education Office, SEDE, McGill), Lisa Spanierman (Department of Educational and Counselling Psychology, McGill), Eugénie Depatie-Pelletier (Doctoral Candidate, Université de Montréal), Tamara Thérmitus (Justice Canada, LLM Candidate), Benjamin Prud'homme (LLM Université de Montréal, Aisenstadt Fellow).


The Centre for Human Rights and Legal Pluralism initiated a seminar series on selected issues of human rights and disability law in the wake of the United Nations Convention on the Rights of Persons with Disabilities (CRPD). The Centre organized this series to engage in one of the most compelling human rights issues of our day. This interdisciplinary series aims to identify and discuss key human rights issues, norms, strategies and challenges to implementation of CRDP standards and to educate ourselves—legal scholars, community members, students, and institutional players—with interdisciplinary and pluralistic insights.

The seminar series unfolds with an initial overarching look at implementing the Convention, followed by three particular contexts on the frontiers of change.

From Rhetoric to Practice: Implementing the UN Convention on the Rights of Persons with Disabilities
September 24, 2012
Resource Persons: Frédéric Mégret (CHRLP), Yolanda Muñoz Gonzalez (Program Officer, Latin America and Middle East Regions at Disability Rights Fund), Futsum Abbay (CHRLP)
Equal Citizenship for Persons with Disabilities: Recognizing Legal Capacity
November 7, 2012
Resource Persons: Anna MacQuarrie (Human Rights Officer at Inclusion International), Michael Bergman (Advisory Committee on Access to Justice of the Federal Minister of Justice; Board of Directors of MLIC), Roger Bill (BCL/LLB Student, McGill Law)

Beyond Stigma and Exclusion: International Reforms for Mental Health in the Workplace
January 30, 2013
Resource Persons: Anna Lawson (Leeds UK), Colleen Sheppard (CHRLP), Derek J. Jones (Research Group on Health and the Law, CHRLP)

‘Mainstreaming’ Disability: Inclusive Education
February 18, 2013
Resource Persons: Tara Flanagan (Faculty of Education), Cristobal Vignal (Chairperson of the Governing Board at the Mackay Centre School), Frédéric Fovet (Office for Students with Disabilities)

BOOK LAUNCHES

L’Européanisation de la lutte contre la migration irrégulière et les droits humains: Une étude des politiques de renvois forcés en France, au Royaume-Uni et en Turquie (Emile Bruylant: 2011)
1 February 2012
Idil Atak (SSHRC Post-doctoral Fellow, Research Associate, Hans and Tamar Oppenheimer Chair in Public International Law at McGill)

28 March 2012
Professor Payam Akhavan (Centre Member)

OTHER CO-SPONSORED TALKS AND WORKSHOPS

Inception of a Global Migration Management Regime
1 February 2012
François Crépeau (UN Special Rapporteur on the Human Rights of Migrants, Centre Member)

Stopping Genocide: A Panel Discussion On Mobilizing International Intervention in Cases Of Mass Atrocities
8 February 2012
Kyle Matthews (Senior Deputy Director, Montreal Institute for Genocide Studies), Rebecca Hamilton (Author of Fighting for Darfur: Public Action and the Struggle to Stop Genocide and McGill Echenberg Fellow) and Payam Akhavan (Professor, Centre Member)

Plan Nord: Perspectives, Challenges and Promises for Northern Indigenous Communities
11 February 2012
(Co-sponsored by the Aboriginal Law Students’ Association, Environmental Law McGill, and the International Journal on Sustainable Development Law and Policy)
Professors Jaye Ellis and Colin Scott, Mr. Harry Tulugak, Aurélie Arnaud, Ugo Lapointe, Me. John Paul Murdoch and Chief Ghislain Picard
Annie MacDonald Langstaff Workshop Series: Sexual Assault and Civil Liability
15 February 2012
(Student-initiated seminar on sexual assault law, co-sponsored with the Hans & Tamar Oppenheimer Chair in Public International Law)
Nathalie Des Rosiers (General Counsel of the Canadian Civil Liberties Association)

The Challenge of Expert Evidence in Criminal Justice
6 March 2012
Justice Stephan Goudge (Ontario Court of Appeal)

A Discussion on Ethical Engagement: Kony 2012
21 March 2012
Nandini Ramanujam (Executive Director at the Centre), Payam Akhavan (Professor, Centre Member), Siena Anstis (BCL/LLB student at McGill)

Cohen Doctoral Seminar in International Law: The Politics of International Law
15-16 June 2012
The Dean Maxwell and Isle Cohen Doctoral Seminar in International Law offers doctoral and postdoctoral researchers with a keen interest in international law the opportunity to present and discuss their research ideas with fellow researchers and professors from the Faculty. This second seminar allowed twelve scholars to explore the relationships between law and politics at the international level, with a focus on the competing themes of realism and idealism.

Wrestling with Free Speech, Religious Freedom, and Democracy in Turkey: The Political Trials and Times of Fethullah Gülen
17 October 2012
James C. Harrington (Adjunct Professor, University of Texas, School of Law)

Panel Discussion on Criminalization of HIV Non-Disclosure
6 November 2012
Alana Klein (Assistant Professor at McGill Law), Stéphanie Claivaz-Loranger (Coordinator of Droits de la personne et VIH at the Coalition des organismes communautaires Québécois de lutte contre le SIDA), Dr. Mark A. Wainberg (Head of AIDS research at the Lady Davis Institute, the Director of the McGill University AIDS Centre at the Montreal Jewish General Hospital and Professor of Medicine and Microbiology at McGill) and Michael Foster (President of the Board of Directors of AIDS Community Care Montréal)

Annie MacDonald Langstaff Workshop Series: 'Race' Literacy and the Legal Profession: An Ethical Imperative for Cap, Bar, and Bench
9 November 2012
(Co-sponsored with the Black Law Students’ Association of McGill)
Dr. Esmeralda Thornhill (Professor at Dalhousie University, O’Brien Fellow in Residence at the Centre)

Robotization of Armed Conflicts: Ethical and Legal Challenges
21 November 2012
Jean-Baptiste Jeangène Vilmer (Banting Postdoctoral Fellow at the Centre)
TEAM-BASED RESEARCH AND BOOK PROJECTS

Book: *Dialogues on Human Rights and Legal Pluralism*

Editors: Colleen Sheppard, René Provost (Springer, 2012)
Contributors: Colleen Sheppard (CHRLP), René Provost (CHRLP), Roderick Macdonald, Frédéric Mégret (CHRLP), Jean Guy Belley, Sally Engle Merry (New York University), Val Napoleon (Victoria), Jane Matthews Glenn (CHRLP), Angela Campbell (CHRLP), Julie Desrosiers (Laval), Carlos Ivan Fuentes (McGill), Samuel G. Walker (McGill), Guylaine Vallee (Université de Montréal)

Human rights have transformed the way in which we conceive the place of the individual within the community and in relation to the state in a vast array of disciplines, including law, philosophy, politics, sociology, and geography. The published output on human rights over the last five decades has been enormous, but has remained tightly bound to a notion of human rights as dialectically linking the individual and the state. Because of human rights’ focus on the state and its actions, they have very seldom attracted the attention of legal pluralists. Indeed, some may have viewed the two as simply incompatible or relating to wholly distinct phenomena. This collection of essays is the first to bring together authors in the fields of legal pluralism and human rights, to explore the ways in which these concepts can be mutually reinforcing, delegitimizing, or competing. The essays in this book reveal that there is no facile conclusion to reach but that the question opens avenues which are likely to be mined for years to come by those interested in how human rights can affect the behaviour of individuals and institutions.

Religious Freedom and Equality: Intercultural Encounters and Continuing Challenges

Centre Researchers: Vrinda Narain and Colleen Sheppard

Drawing on recent Supreme Court of Canada jurisprudence and public policy and law reform developments in Quebec, the ways in which religious freedom and equality rights are being addressed in contemporary Canadian legal contexts are examined. The research retraces the establishment of a human rights framework for protecting religious minorities in Canada, highlighting the historic recognition of adverse effects discrimination and the duty to accommodate. The emergence of an effects-based approach to constitutional protection for freedom of religion and the duty of accommodation is also reviewed. These legal developments, moreover, have occurred within a broader public policy framework that endorses multiculturalism in federal law and policy and interculturalism in Quebec. *(Funded by the Ontario Law Foundation Grant)*

Religious Revival in a Post-Multicultural Age

Centre Researchers: René Provost, Shauna Van Praagh, Angela Campbell, and Victor Muniz-Fraticelli

This research initiative, co-researched with Tel Aviv University, involved a two-stage research project on “Religious Revival in Post-Multicultural Societies.” The first stage took place in Israel in June 2009, with three Centre members (Angela Cambell, Victor Muniz-Fraticelli, and Shauna Van Praagh) joining nine scholars from Israel and abroad for a two-day closed workshop. The second stage occurred in January 2011 at McGill University with a public conference at which written papers were presented. A book manuscript is currently being prepared.
**Book: Human Rights and Diverse Societies: Challenges and Possibilities**

Editors: Colleen Sheppard, François Crépeau  
(Forthcoming, Cambridge Scholars Press)

Contributors: Colleen Sheppard (CHRLP) François Crépeau (CHRLP), Peter Leuprecht, (Université du Québec à Montréal), Boaventura de Sousa Santos (Professor of Sociology at the School of Economics, University of Coimbra), Ranabir Samaddar (Founder and Director of the Calcutta Research Group and Refugee Watch), Isabel Altamirano-Jimenez (Faculty of Native Studies, University of Alberta), Vrinda Narain (CHRLP), Yossi Yonah (Department of Education, Ben Gurion University of the Negev), Anna Sevortian (Human Rights Watch, Russia), Didier Bigo (Professor of International Relations at Sciences Po, Paris), Joris de Bres (Race Relations Commissioner, New Zealand Human Rights Commission), Pearl Eliadis (International human rights lawyer, CHRLP)

This book project emerged from the Echenberg Global Conference on Human Rights and Diverse Societies, held in the fall of 2010. Scholars and activists from around the world convened to discuss complex issues linked to human rights and social diversity. In engaging with theoretical perspectives that question the “universality” of human rights as well as the practicality of diverse applications of human rights, this collection of essays explores how human rights can be employed to empower historically excluded/marginalized groups. It also examines how human rights can be invoked to further social inclusion. The essays reveal that the claim for universality of human rights is far from complete when faced with diverse (and diversifying) societies; in this way, the question is no longer about attaining universality, but much more about the discourse and challenges that surround it in the twenty-first century.  

*(Funded with the Assistance of the Echenberg Family Conference Fund)*

**Legacies of Injustice and Residential Schools: Responsibilities and Relationships through the Lens of Law**

Centre Researchers: Colleen Sheppard, Kirsten Anker, Mark Antaki, with the collaboration of Evan Fox-Decent

In response to the call for research proposals by the Truth and Reconciliation Commission of Canada, the Centre submitted a proposal for three working papers on issues related to “Legacies of Injustice and Indian Residential Schools: Responsibilities and Relationships through the Lens of Law” in August 2010. In 2012, the research is ongoing. The primary objective of the research is to enhance understanding of human rights abuses that occurred during the Indian Residential Schools era through advanced legal and interdisciplinary research. We also aim to examine how these human rights violations implicate both constitutional and international law and how we can begin to recognize and redress historic wrongs without creating or perpetuating further harms. This research initiative draws on the expertise and research commitments of members of the McGill Centre for Human Rights and Legal Pluralism, and is part of a larger, emerging commitment at the Centre for Human Rights and Legal Pluralism to work on indigenous rights.  

*(Funded by the Truth and Reconciliation Commission)*

**Indignation, Socio-Economic Inequality and the Role of Law, Oñati International Institute for the Sociology of Law Workshop, and Proposed Book Project**

(An international and interdisciplinary socio-legal workshop)  
Workshop Coordinators: Jane Matthews Glenn (McGill), Anneke Smit (Windsor) and Véronique Fortin (University of California)  
Centre Researchers: Colleen Sheppard and Jane Matthews Glenn
Centaur Jurisprudence Research Project
Researchers: René Provost (CHRLP), Kirsten Anker (CHRLP), David Howes (Concordia), Eric Reiter (Concordia)

The encounters of law and culture within legal institutions are complex and dynamic, intersecting at multiple sites. We have identified three distinct sites, understood as normative sites in which legal knowledge is produced. The project proposes to critically analyze each of these sites by combining legal and anthropological perspectives. The first site, “translation of cultures,” relates to the process of representing cultures as facts that fall into categories known to law. The second, “acculturation of justice,” centres on the ways in which legal institutions react and adapt in an attempt to be culturally sensitive. This includes experimenting with alternative modes of conflict resolution, where legal processes are adapted to local cultural exigencies. The third, “pluralized narratives of law and cultures,” touches on the impact within a given community of the narrative created by legal institutions in the process of applying legal norms. In this respect, the project seeks to assess the rayonnement of legal culture beyond the boundaries of legal institutions and, by the same process, analyze the extent to which legal culture itself is shaped through these encounters.

(Social Justice, Law and Equality: Honouring Judge Juanita Westmoreland-Traoré (Special Symposium of articles, McGill Law Journal Project)
Researchers: Colleen Sheppard (CHRLP), Adelle Blackett (CHRLP), Tamara Thermitus (Justice Canada, LLM McGill), Marie-Therese Chîcha Pontbriand (Université de Montréal), Vrinda Narain (CHRLP)

Following the conference to honour Judge Juanita Westmoreland-Traoré, the McGill Law Journal is committed to publishing a compendium of articles based on presentations made at the conference on issues related to social justice, law and equality.

(Funded by the Aisenstadt Equality and Community Initiative and the Labour Law and Development Research Laboratory)

Define the Line: Clarifying the Blurred Lines Between Cyberbullying and Digital Citizenship
Centre Researchers: Shaheen Shariff (Department of Integrated Studies in Education, McGill) and Shauna Van Praagh

Define the Line is a research program directed by Dr. Shaheen Shariff, an international expert who has pioneered research on cyberbullying over the last decade. Through its website (definetheline.ca), its research projects (Facebook, SSHRC), and its outreach initiatives, the program aim to help clarify the blurred lines between cyberbullying and digital citizenship, with a focus on policymaking, education and law. The program aims to share its research findings and expertise with policymakers, educators, and jurists to help them understand the complex nature of cyberbullying and address the existing policy vacuum on the legal and ethical limits of online expression. Effective policymaking, which is grounded in an understanding of digital natives and prioritizes education over legislation, will help to reduce occurrences of cyberbullying and foster digital citizenship in youth from a young age.

(SSSHRC Standard Research Grant)
**Transformative Justice: Mental Health and Human Rights in the Workplace**

Centre Researchers: Colleen Sheppard and Derek J. Jones  
(Presented at the Together Against Stigma: Changing How We See Mental Illness, 5th International Stigma Conference, Mental Health Commission of Canada, June 2012, Ottawa)

As part of the Centre’s emerging commitment to examining the rights of persons with disabilities, this research initiative focuses on mental health and the workplace. It assesses issues related to privacy and equality rights at various stages of work relationships, including, pre-employment and/or entry into a profession, reasonable accommodation at work, and return to work policies. The research explores the dilemma of difference whereby individuals are stigmatized if they disclose their mental illness, but denied necessary accommodation if they do not.  
*(Research Assistance of Nicholas Caivano, Rathlyn Fellow at the Centre)*

**Rule of Law Project**

Researcher: Nandini Ramanujam (CHRLP, Principal Researcher of Russia Legal Research Team)  
Centre Research Collaborators: Patrick Healy and René Provost

This initiative involves interdisciplinary research across Brazil, Russia, India, and China (the so-called BRIC countries) to compare the systems and structures in which law operates, and evaluates the current climate of rule of law and its relationship to economic development within each country. The year-long research has culminated in a report entitled “Rule of Law and Economic Development: A Comparative Analysis of Approaches to Sustainable Economic Development Across BRIC.” Comprehensive in scope, the report comprises eight sections in total including preface, introduction, five main sections (governance, institutions, the judiciary, media and civil society organizations, and corruption), and conclusion. As a complement to the corruption section, a compilation of relevant international and domestic laws and agencies provides an overview of anti-corruption efforts across Brazil, Russia, India and China and is located in the Appendix.

**Migration and Mobility Rights Initiative**

Researchers: Adelle Blackett (CHRLP), François Crépeau (CHRLP), Evan Fox-Decent (CHRLP), Alana Klein (CHRLP), Frédéric Mégret (CHRLP), René Provost (CHRLP), Colleen Sheppard (CHRLP), Jaye Ellis (Law, McGill), Arash Abizadeh (McGill, Political Science)

This interdisciplinary initiative was founded around the idea of mobility and migration, with a focus on the rights, freedoms and responsibilities of migrants. Migration touches and is embedded in many other human rights issues, such as women’s rights, children’s rights, labour law, administrative due process, refugee law, and humanitarian law. Migration is a complex human experience that must be addressed from the angle of several disciplines and must not be simplified.  
*(Hans & Tamar Oppenheimer Professor in Public International Law at the Faculty of Law of McGill University)*

Beyond the team-based initiatives outlined above, our Centre members have extensive research funding based on individual research grants as well as affiliation and engagement with other team grants. Additional information is posted on individual Centre member webpages.
CONCLUSION

The Centre for Human Rights and Legal Pluralism builds on the legacy of enormous scholarly engagement with human rights at the Faculty of Law at McGill. Rooted in the Faculty’s fundamental and overarching mission in legal traditions, comparative law, and legal pluralism, the priority of human rights reflects McGill’s distinctive strengths in understanding law as a social phenomenon that transcends territory and state-based institutions. The Faculty currently offers approximately fifteen courses centred specifically on issues of human rights and social diversity. Moreover, human rights and cultural diversity is also an area of concentration within the Graduate Law Program. The Centre, therefore, provides an important source of enrichment to course-based learning on human rights.

In 2012, the Centre made significant progress to better position McGill as a central international hub for research and programs on human rights. The Centre’s activities are not only directed towards staff and students at the Faculty of Law; its lectures and conferences are attended by students and faculty from other disciplines as well as the public at large.
McGill Centre for Human Rights and Legal Pluralism

Centre sur les droits de la personne et le pluralisme juridique de McGill

www.mcgill.ca/humanrights