

# Lawyers' Rights Watch Canada

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

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Dean Edward Iacobucci  
University of Toronto Faculty of Law  
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Toronto, ON, M5S 2C5  
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Dear Dean Iacobucci,

## **Re: Canada: International Human Rights Program, U of T Faculty of Law**

I write on behalf of Lawyers' Rights Watch Canada (LRWC), a committee of lawyers and other human rights defenders who promote international human rights law and the rule of law through advocacy, legal research, and education. LRWC is a volunteer-run non-governmental organization (NGO) in Special Consultative Status with the Economic and Social Council of the United Nations.

LRWC has been monitoring reports about the recruitment process for a Director of the University of Toronto's International Human Rights Program (IHRP). We note with concern recent allegations that the decision of the hiring committee to hire the respected international human rights scholar Dr. Valentina Azarova was rescinded by the University after a verbal offer and acceptance were made, and after both the University and Dr. Azarova had taken steps to implement the details of that agreement.

Reportedly, the decision to rescind the verbal agreement was made after external pressure from a donor to the University who expressed concern about Dr. Azarova's research on international human rights and international humanitarian law related to Israel and Occupied Palestinian Territories. It has been reported that the external pressure came from a sitting judge of the Tax Court of Canada. We understand that complaints about the judge's conduct have been made to the Canadian Judicial Council.

If the allegations are true, the University is in violation of a core tenet of the *Universal Declaration of Human Rights* (UDHR) that:

... every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their

universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.<sup>1</sup>

The *International Covenant on Civil and Political Rights*,<sup>2</sup> which guarantees the right to freedoms of opinion and expression,<sup>3</sup> states that “the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant...”

We also draw your attention to the UN Declaration on Human Rights Defenders,<sup>4</sup> a consensus resolution of the UN General Assembly adopted in 1998. In addition to setting out duties of States, Articles 10, 11, and 18 of the Declaration specifically recognize “the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels.”

Article 11 states that:

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms.

Article 18 states:

Individuals, groups, institutions and non-governmental organizations also have an important role and responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Right and other human rights instruments can be fully realized.

Given that the IHRP is a clinical program, we also draw to your attention to the the UN *Basic Principles on the Role of Lawyers*<sup>5</sup> which safeguard legal practitioners’ freedoms of speech and of association. Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of

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<sup>1</sup> UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), Preamble, available at: <https://www.un.org/en/universal-declaration-human-rights/>.

<sup>2</sup> UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

<sup>3</sup> *Ibid*, Article 19.

<sup>4</sup> UN General Assembly, *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms : resolution / adopted by the General Assembly*, 8 March 1999, A/RES/53/144, available at: <https://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>.

<sup>5</sup> United Nations, *Basic Principles on the Role of Lawyers*, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, September 1990, online: 7 September 1990, available at: <https://www.ohchr.org/en/professionalinterest/pages/roleoflawyers.aspx>

matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

The Basic Principles are also clear that legal practitioners should be free from intimidation, hindrance, harassment, and other interference in carrying out their advocacy (Article 16).

The legal profession and legal academic communities have an important role to play in ensuring respect for international human rights law and international humanitarian law. Unpopularity of the implications of international law within some sectors of society is an illegitimate reason for failure to uphold it.

We respectfully suggest that the University of Toronto undertake an urgent review led by an independent, external investigator to determine the facts and to make its findings public. Given the controversial nature of this matter, such an investigator should be agreeable both to the University and to the individual academics involved.

We look forward to your substantive response.

Sincerely,

*<signed electronically>*

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