



Call for Proposals for 2011-2012 IHRP Working Groups

The International Human Rights Program (“IHRP”) enhances the legal protection of existing and emerging international human rights obligations through advocacy, knowledge-exchange, and capacity-building initiatives that provide experiential learning opportunities for students and legal expertise to civil society.

IHRP Volunteer Student Working Groups

Working groups are an important means of providing experiential learning opportunities for students, cultivating student leadership, and providing legal expertise to civil society.

Working Groups are led by upper year J.D., LL.M., or S.J.D. students who:

- (1) develop a project that will advance the field of international human rights law,
- (2) apply to the IHRP to become an official IHRP working group,
- (3) recruit student volunteers (who are predominantly first year law students), and
- (4) complete their project by the end of the academic year.

IHRP working groups are eligible to receive a small budget, will be profiled on the IHRP website and in *Rights Review*, and will receive support and guidance from the Director.

Last year’s projects and deliverables were as follows:

- *Rights for Refugees Fleeing Persecution on the Basis of their Sexual Orientation or Gender Identity (“SOGI”)* - Through this project, which was in its fourth year, students provided country-specific research to refugee lawyers advancing claims based on sexual orientation and gender identity persecution. Last year, the SOGI group launched a research portal on the IHRP website to host all its past reports.
- *Accountability for Mining Companies Overseas* – Students partnered with KAIROS to create a guide for grassroots NGOs in developing countries who wish to access the review mechanism established by the new Corporate Social Responsibility for the Extractive Sector Counsellor’s Office. The IHRP is publishing the Guide this spring.
- *Rights for Prisoners with Disabling Mental Health Issues* – Students partnered with the Canadian Association of Elizabeth Fry Societies to prepare a memo that analyzed international remedies for the unjust treatment of mentally ill prisoners in Canadian penitentiaries.
- *Globalization and Human Rights* - Together with Professor David Schneiderman, students launched an empirical study to determine the extent to which human rights are considered in international investment arbitration decisions. Students defined the human rights obligations that could arise in the context of the complex commercial disputes, and coded approximately fifty reported decisions. The goal is to shed light on the way in which human rights standards are systematically absent from international investment disputes. We hope to discuss this trend in an interim report to be published this summer.

Submitting a Proposal

Working Groups can only be created by upper year J.D., LL.M., or S.J.D. students enrolled in the Faculty of Law for the 2011-2012 academic year.

The IHRP requires the leaders of all potential working groups (including existing and past working groups) to submit a written proposal for consideration to the IHRP Working Group Selection Committee (“the Committee”). The Selection Committee includes the Director of the IHRP, Chair of the IHRP Faculty Advisory Committee (Audrey Macklin), and the Assistant Dean, Students (Alexis Archbold).

Proposals will be evaluated on the following criteria:

- The extent to which they advance the field;
- The extent to which they build the capacity of civil society;
- The project’s feasibility; and
- The experiential learning experience for volunteer students.

Proposals should be sent via email to ihrp.law@utoronto.ca. The deadline for submission is **5:00 p.m. on August 1, 2011**. Successful groups will be notified prior to the start of term and will be required to sign an agreement form (see attached sample).

Information to Include in the Proposal

There is no required template for proposals. However, proposals should identify the following:

1. **Title**: title and subject matter of group
2. **Student Leaders**: Name(s), degree program and year, and brief background information (including participation in past working groups, experience in international human rights law, etc.)
3. **Substantive Background**: The issue the group will be working on, and how this issue will advance the field of international human rights law (i.e. why you see a need for this group—for example, will the group address important gaps in the research or awareness?)
4. **Partner Organization**: Name and description of the partnership organization, and letter of support from the organization (if applicable)
5. **The Project**:
 - a. *Goals* – Set out defined, realistic, and measurable project goals (especially in light of the fact that most volunteers will be first year students)
 - b. *Means* – Set out the means by which you will meet these goals (i.e. hosting community workshops, speakers or a special event; preparing a final report, or research memos for an organization)
 - c. *Work plan* – Provide a draft work plan that sets out key dates and deliverables
6. **Supervision**: Name and contact information for project supervisor and, if the project supervisor is not legally trained, a lawyer supervisor as well. This is required for all groups.
7. **Budget**: If you are requesting funding, please provide a budget (to a maximum of \$300).

To assist with preparation, please find attached a sample proposal from last year’s Accountability for Mining Companies Overseas working group.

Tips for Developing your Proposal

Build on your Interests and Expertise: You are encouraged to draw on your previous education and experiences to develop a proposal. A strong proposal capitalizes on the qualities and experiences of the leaders that are unique:

- What were you interested in and what did you study before coming to law? What work experience, internship, or volunteer experiences do you have?
- What interests have you developed in law school? What topics have grabbed your attention? Could particular topics, courses, or volunteer experiences form the basis of an interesting project?
- Have you travelled internationally? If so, where?
- Do you have particular life experiences that may be useful in terms of advocacy on behalf of particular vulnerable groups?
- Can you speak another language?
- Who do you know? Do you know anyone doing interested work who might benefit from working group support?

Advancing the Field: The best proposals will advance the field of international human rights law, for example, by:

- extending human rights protection to marginalized or vulnerable populations;
- addressing pervasive, complicated, or taboo violations;
- addressing widespread, high-profile, or persistent instances of impunity;
- extending the umbrella of human rights to cover new actors or fields;
- expanding state, individual, and non-state responsibility and accountability;
- using new forums to pursue accountability; or
- otherwise changing the international human rights landscape.

Often the strongest proposals are those that continue, expand, or deepen work commenced through another working group, internship, clinic project, or research paper, or draw on personal experiences and connections.

Tangible Outcomes: Projects should be discrete and result in a tangible product or outcome at the end of the year.

Duration: Projects should be designed to be completed within one academic year, which roughly translates into approximately 5 months of working time (little work is done in September, December, and April).

Feasibility: Remember that the vast majority of the working group volunteers will be first year law students who, upon signing up for the working group in September, will have very little experience with legal research or advocacy, let alone in the international setting! For this reason, the best proposals often have quite discrete and realistic goals, do not require extensive legal training, and can be easily divided amongst students. Such projects might include creation of bibliographies, development of public legal education materials, or broader awareness raising, rather than conventional legal research or advocacy.

Substantive Topics: The Committee will consider proposals in any substantive area of international human rights law, though preference will be given to projects that play to our Faculty's research strengths and our location in Canada. This year, the IHRP will be adopting a special focus on **human rights, business, and the state** and we particularly encourage projects that build on this theme.

Students should avoid duplicating substantive topics and are encouraged to share their ideas with one another and to collaborate on group proposals wherever possible.

Civil Society Partner: It is important to have a strong civil society partner, which may be a faculty member, non-governmental association, or government entity. Ideally, the project will increase the capacity of the civil society partner by drawing on the faculty's legal expertise. If you are uncertain about how to approach a potential civil society partner, contact the IHRP Director. To assist in finding a partner consider the following:

- Look at the IHRP Internship Partner Organizations list, which is available online.
- Brainstorm people you already know who work in public interest organizations. Approach these people and ask them for information about potential partners.
- Do some research to isolate those organizations that are already working on the issues in which you are interested. Google, google, google!
- Consult the list of past summer internships on the IHRP website and determine whether any of the organizations on the list share your interests.
- Contact previous interns to learn more about the organization they worked for and other organizations that they may have developed connections with. (To obtain up-to-date contact information for past interns, contact the Director of the IHRP.)
- Speak with the Director of the IHRP about possible contacts or ideas she may have.

Project Supervisor/Lawyer Supervisor: Most often, the project supervisor will be a staff person at the civil society partner organization. If this person is not a lawyer, you will be required to find an appropriate lawyer supervisor. Your civil society partner may be able to assist by recommending an appropriate supervisor, or you may contact the IHRP Director for some ideas.

Contributing to the IHRP: All Working Groups are expected to contribute more broadly to the IHRP. For example, leaders are required to contribute a substantive article to *Rights Review* and to partner with the LAWS Program to present the annual LAWS Global Citizenship Conference for Grade 10 students. Proposals should highlight other ways you believe the Working Group might contribute to the IHRP (for example, through future internships, clinic projects, etc.)



WORKING GROUP LEADER'S AGREEMENT

International Human Rights Program Working Groups ("Working Groups") offer experiential learning opportunities to volunteer law students under the direct supervision of the Director, partner organizations, practitioners, and/or faculty members ("partner organizations"). IHRP Working Group Leaders ("Leaders") are responsible for coordinating with the student volunteers to ensure completion of the project deliverable.

As IHRP Working Group Leaders for the _____ project, we agree as follows:

1. We understand that the Director has authority over all aspects of the Working Group.
2. We understand that law student volunteers are not qualified as lawyers, do not have professional liability insurance and are restricted from providing legal advice or otherwise holding themselves out as lawyers or legal professionals.
3. We understand that it is our responsibility to recruit both first year and upper year law student volunteers, including at the Clubs Fair during Orientation Week in September. We will provide the Director with the email addresses for all student volunteers.
4. Given that Working Groups are usually comprised of both first year and upper year law students, we will work with the Director to ensure that the particular tasks assigned to student volunteers is in accordance with their particular skill-set and knowledge base.
5. At the commencement of the project, we will work with the Director and partner organization (if applicable) to create a detailed work plan that sets out all deadlines and expectations of the Director, the Leaders, the student volunteers, and the partner organization (if applicable).
6. At the commencement of the project, we will submit a detailed budget request to the Director outlining all anticipated expenses. If the Director authorizes a budget, we will ensure that the Working Group does not exceed the allotted funds. We will provide original receipts for all expenses and submit reimbursement requests in a timely manner. We will provide the Director with a final expense report at the end of the academic year.
7. We will correspond and meet with the Director on a regular basis as determined by the Director (and no less than once per month).
8. We will monitor volunteer students(s)' progress with a view to identifying and resolving actual or potential problems and will communicate promptly with the Director in relation to any anticipated or actual problems.
9. We will submit a draft of the final project deliverable to the Director *prior* to its release, including release to any partner organization or posting on the internet.
10. Where the Working Group has a partner organization, we will copy the Director on all correspondence with the partner organization and facilitate direct communication between the Director and the partner organization.
11. We will complete all forms provided by the IHRP and to return them to in a timely fashion.
12. We understand that Leaders may be required to contribute to the IHRP newsletter, *Rights Review*.

13. We understand that Leaders are expected to collaborate with the Law in Action in Schools ("LAWS") Program, which may include assisting with the Annual LAWS Global Citizenship Conference for grade 10 students, preparing workshop presentations, et cetera.
14. We understand that we may be required to present our work to the law school community.
15. We understand that we cannot establish an independent web presence and will work with the Director to establish a presence on the IHRP's website.
16. We agree that the IHRP may advertise the name of our Working Group, our names, and provide information regarding the project (including the final project deliverable) for the purpose of recruiting student volunteers and promoting the IHRP (subject to issues of confidentiality).

DATED as of the ____ day of _____, 2011

Name

Signature

Name

Signature

SAMPLE PROPOSAL

IHRP Working Group Proposal, 2010-2011

Working Group Subject:

Domestic accountability for the Canadian extractive sector abroad – a group to explore avenues by which Canadian mining companies can be held accountable under domestic law for human rights abuses committed in foreign countries, in particular via the complaints process to the government CSR Counsellor for the extractive sector.

The proposed name for our group is ACMO: Accountability for Mining Companies Overseas.

Student Leaders:

Pete Smiley – 2L, involved in Law and Armed Conflict working group, Downtown Legal Services volunteer student case worker (Criminal Division), Law and Armed Conflict working group, Responsible Investment working group, CRISES working group, and IHRP-funded summer internship with the Burma Lawyer's Council.

Ben Liston – 2L; involved in Law and Armed Conflict working group; comparative research for IHRP autumn 2009 China research project; Downtown Legal Services volunteer and summer student case worker, Refugee and Immigration division;

We hope to be included under the umbrella of the Corporate Social Responsibility Working Group, which will carry on the work of the North-South Institute and Responsible Investment Committee working groups from last year, in association with Chris Somerville, Professor Mariana Prado and the Law and Development Society.

Issue:

Over 75% of the world's exploration and mining companies are headquartered in Canada, in large part due to preferential listings criteria on the Toronto Stock Exchange, and also owing to the Canadian government's extensive support of the industry (embassies and trade commissioners abroad, public support and financial backing from Export Development Canada, etc). Canada undeniably benefits from the activities of the extractive sector domestically, which generates over 139,000 jobs in Canada alone.¹ The government also benefits fiscally from the sector, receiving an estimated \$3.3 billion from mining company taxes and royalties in 2007/08.² Add to these numbers the promise of strengthening bilateral relations with the often developing countries where Canadian mining companies operate, and support for the extractive sector develops an air of political inevitability.

These facts tend to obscure equally compelling criticisms of the industry. For all of the potential economic benefits that the extractive sector could bring to a country, there are undeniably grave social and environmental costs for many of the countries and communities that host Canadian mining operations. Our interest in the social, cultural and environmental impacts of the Canadian extractive sector is not motivated by a hostility to the industry per se, but rather by a desire to see these costs internalised by the companies concerned, while supporting local populations abroad who want to maximize and retain the economic and social benefits associated with resource extraction projects developed with their consent. Canada's reputation as a rights-

¹ Canadian Mining Association, Briefing on Bill C-300. November, 2009.

² ENTRANS Policy Research Group, 'Revenues to Governments from the Canadian Mining Industry.' May, 2008.

respecting, responsible international citizen is jeopardized when politicians and embassies support unscrupulous or exploitative mining operations in foreign countries, or when Export and Development Canada (EDC) secures funding and insures credit for such projects. All Canadian mining companies, even those with unimpeachable human rights records, are being tarnished with the same brush, and until CSR protocols are mandated and enforced in some way the entire sector, and Canada more broadly, will carry the stigma of human and environmental rights violations.

Canadian corporations are intimately affecting communities from the Philippines to Peru to the Democratic Republic of Congo, often without proper regard for local concerns and without local consent. Soldiers and hired mercenaries intimidate communities and forcibly deter resistance to extraction projects; lands with cultural, historical, spiritual and economic significance for local or indigenous communities are torn apart by exploration and rendered toxic by expansive tailings ponds. A list of recent ecological and human rights abuses by Canadian mining companies highlights the myriad negative impacts of the sector: paramilitaries in Colombia responsible for the deaths of 19 locals in small towns near the Simiti gold mine, including the Vice-President of the small-scale miner's association; a Canadian mining company in the DRC supplying planes, personnel and food to the Armed Forces, who subsequently employed the resources to carry out numerous human rights abuses against rebel organizations, including summary executions; millions of cubic meters of toxic mine waste spilling from a tailings dam and into the Essequibo River, Guyana's main waterway; two villages being forcibly relocated to make way for a massive mine in Mali; and privately contracted security forces clearing mine sites of settlers in the Philippines.³

This list is a small sample of particular abuses occurring around the world, all tracing back to Canadian corporations. The focus of our group is to determine how such Canadian entities can be held responsible for such actions, particularly through the soon-to-be-released Canadian CSR Counsellor complaints procedure.

Partner Organization:

We have secured a partnership with KAIROS: Canadian Ecumenical Justice Initiatives and their advocacy partners in the Canadian Network on Corporate Accountability (CNCA). Ian Thomson, our external group supervisor, is the Ecological Justice through Corporate Accountability Coordinator for KAIROS and a member of the CNCA steering committee.

KAIROS is an ecumenical global justice organization that supports advocacy, education and research initiatives on a range of global social and environmental issues. The organization unites 11 Canadian churches and religious organizations, and has longstanding partnerships with 21 partner organizations around the world.

The CNCA is the largest collection of NGOs in Canada dedicated to the issue of Corporate Accountability in the extractive sector. The general focus of the CNCA is to advocate for a more robust regulatory model for CSR issues, especially abroad, moving beyond mere voluntary measures. Member organizations within the CNCA include NGOs (e.g. Mining Watch Canada, Amnesty International Canada), trade unions (the CAW, Steelworkers), think tanks (e.g. the North-South Institute) and faith based organizations (e.g. KAIROS, Development & Peace).

This partnership with Mr. Thomson, KAIROS and the CNCA will be invaluable. There is obvious expertise and experience that the group will be able to access and contribute to. Perhaps the most appealing aspect of working with KAIROS and the CNCA is the opportunity to craft practical, applicable projects for member organizations. Students will work on well-defined, pragmatic and relevant assignments, and, ideally, receive feedback from connected organizations currently working for and with local communities abroad.

We also hope to access the human resources of the CNCA to line up potential speakers and presenters for the law school. More narrowly, we anticipate organizing, through CNCA contacts, working group specific

³ Mining Watch Canada, "A sample of Canadian mining companies operating in developing countries accused of human rights and environmental abuses." June, 2007.

training or information sessions with CSR and/or extractive sector-connected lawyers, experts, activists and politicians.

Overall, Mr. Thomson and KAIROS offer great support, guidance and direction for our working group, and considering that CSR within the extractive sector is a specific focus area for the CNCA, the potential for a long-term working group partnership is in place.

Proposed Research Project for 2010-2011:

The Office of the Extractive Sector Corporate Social Responsibility Counsellor was created in response to recommendations from a government-appointed advisory group two years ago. That government-commissioned roundtable group, after 10 months of consultations with the industry, investors, academics and social-interest organizations, issued a report in March 2007.⁴ The report addressed growing concerns (often expressed through CNCA member groups) that Canadian mining companies were not meeting environmental, labour or human rights standards in other countries.

It was not until March 2009 that the government responded to the recommendations made in this report by creating the CSR Counsellor Office. Civil society organizations involved in the Roundtable process were extremely disappointed with the relatively toothless powers granted to the CSR Counsellor. It is true that the Counsellor will be constrained by a need for consensus and voluntary cooperation from the extractive sector. While this mandate falls far short of the recommendations offered in roundtable deliberations held in advance of the creation of this post, the true value and/or insignificance of the post will only be known once the full procedure/mechanism for bringing forward a complaint is in place and understood.

The new CSR Counsellor is Dr. Marketa Evans, who is currently developing a framework for a CSR complaints procedure or "Dispute Resolution Mechanism", based on the mandate afforded to the CSR Counsellor in its establishing Order in Council. This process will include public consultations across Canada through this summer, as well as private consultations with stakeholders. On August 5, 2010 Dr. Evans will hold a full day consultation in Toronto based on a draft proposal of the working rules for a CSR complaints procedure.

From the Order in Council and the draft Rules of Procedure⁵ we know that the CSR Counsellor will not be able to investigate activity that happened prior to her appointment (October 2009), make policy or legislative recommendations, or begin an investigation unless both the company and the complainant give their consent. Beyond that, the structure of the review process will be shaped by the above mentioned public consultations this summer, though the precise nature of the rules will not be known until Dr. Evans releases them this autumn. The Office of the CSR Counsellor has announced that the rules of procedure will be "finalized" in September and "established" (i.e. in place for use) by Fall 2010. NGO's anticipate this will occur at some point before the one-year anniversary of Dr. Evans's appointment on October 19, 2009. This anticipated announcement of the CSR Counsellor process forms the basis of the initial project we are proposing.

In effect the CSR Counsellor gets to write out the whole set of procedural guidelines that will shape the review process. Our group will begin work as soon as the review procedures are published in order to create a type of workable "rough guide" to the process for use by CNCA partners and other NGO's who will be making use of the complaints mechanism. Setting out an initial guide to be used by all interested parties in Canada and abroad would be highly practical and an appropriate, manageable introduction to the working group for all members. The basics of the initial project would include a division of research and writing in the following areas:

4 National Roundtables on CSR and the Canadian Extractive Industry in Developing Countries, "Advisory Group Report." March, 2007.

5 Office of the Extractive Sector CSR Counsellor, "Draft Rules of Procedure for the Review Mechanism of the Office of the Extractive Sector Corporate Social Responsibility Counsellor." May 30, 2010.

- Interpretation of the published CSR Counsellor review process into ‘plain English’ language and easily followed step-by-step guide. This will need to include potential pitfalls and obstacles to be anticipated in the process, which will hopefully be made clear to us through the consultation process.
- Editing and layout of a published guidebook.
- Translation of guidebook for use by affected communities abroad (Spanish, French, Philippine).
- Potentially assisting an affected community in making an initial complaint through the Dispute Resolution Mechanism.

It is our plan to have Ben attend the public consultation in Toronto on August 5, 2010. He has already participated in an earlier web seminar hosted by Dr. Evans related to the complaints procedure. This participation will hopefully give us a good perspective on the general form that the rules of procedure will take when officially released in the fall. This will allow for advanced planning on the project, and therefore immediate group involvement, even before the rules are properly released.

As of now, based on the draft Rules of Procedure, we know that the basic Performance Standards which potential complaints will be measured against will derive from three established international standards: The International Financial Corporation's Performance Standards, the Voluntary Principles on Human Rights and Security, and the Global Reporting Initiative. It appears that some violation of these standards, in whole or in part, will be required before any complaints moves beyond the submission and assessment stage. Breaches of these standards will need to be substantiated by groups filing requests for review, and then, provided that the Counsellor deems the issue to be sufficiently serious and relevant, will move along to further stages in the process, such as mediation and public reporting.

There are many questions to be answered over the upcoming consultations, but with this basic information our group at least knows what a useful guide will generally include. Group members will need to divide research and into the three separate Performance Standards and then properly communicate those Standards that are applicable for extractive sector CSR so that communities and NGOs can be aware of any and all potential breaches. Once actual rules are set as to the type and nature of requests that will be accepted, our group will work to clearly explain the threshold for a successful request/complaint, along with any obstacles that might lead to a request's dismissal.

In addition to examining the procedural thresholds, the guide will also explore other barriers related to equity and accessibility. For example, what levels of literacy does the process assume? How will language barriers be overcome to allow access for complainants from non-anglophone or non-francophone communities? Will the Counselor have the capacity to travel to foreign countries and collect evidence firsthand? Will travel subsidies be provided to complainants to attend meetings in Canada regarding the investigation into their complaints?

The ultimate goal will be to consolidate all of this information into a thorough, but user-friendly educational and practical guide or pamphlet. This will need to be done as quickly as possible, within the Fall term, so that it can be translated and distributed to proper NGOs and, ideally, the communities they are advocating on behalf of.

Once the Dispute Resolution Mechanism is up and running, and our group has provided the CNCA and associated communities with a proper guide to the process, further projects can be taken up by the group, (in particular the filing of an actual request for review to the CSR Counsellor on behalf of an affected community or group).

Potential Supervisors

In addition to the CSR working group/LDS network, Professor Audrey Macklin has expressed an interest in this particular project and is willing to help in the capacity of developing more long term projects and organizing speakers and presentations for the upcoming academic year.

As mentioned, Mr. Thomson will be the primary supervisor of the group. He is very interested in participating as much as possible in shaping the initial project and offering all possible external support. He is well-versed in the field of CSR and especially the Canadian extractive sector, and so will continue to provide valuable input on the longer term research and advocacy angles we are interested in pursuing with the group. A letter from Mr. Thomson, explaining the role that this working group will play in relation to KAIROS and the CNCA, is attached.

Potential Budget

Speakers and lunches: Through the CNCA we hope to be able to bring in speakers to meet with our working group and/or to present a lunch hour talk on mining and CSR issues. Potential speakers who Mr. Thomson is connected with through the CNCA include lawyers who helped to draft MP Peter Julian's private members bill for corporate accountability for international human rights violations, and Catherine Coumans from Mining Watch Canada, who has been involved in the Philippines Marcopper case that was recently granted standing in a U.S. court. The anticipated costs of such a presentation would be the price of a lunch (likely pizza) and hopefully a small honorarium for the speaker involved.

Initial lunch for recruiting group: The price of a lunch for approximately 8-12 people. Perhaps something like sandwiches or burritos, to break up the September 1L pizza inundation.