

REPORT OF ACTIVITIES 2012-2013



CHAIRE HANS ET TAMAR OPPENHEIMER
EN DROIT INTERNATIONAL PUBLIC

HANS & TAMAR OPPENHEIMER CHAIR
IN PUBLIC INTERNATIONAL LAW

COMPLEMENTARY FUNDING

Team grants :

- 2010-2013: *Canadian Institutes of Health Research*: \$182 148:
Grant for a team lead by Cécile Rousseau (Transcultural Psychiatry, McGill), and composed of François Crépeau, Janet Cleveland (Psychologist, McGill University, and project manager), Delphine Nakache (School of International Development and Global Studies, University of Ottawa), and Lisa Andermann (Psychiatry, University of Toronto), for a project on “Detention of vulnerable adult asylum seekers: impact on mental and psychosocial status.”

Individual grants :

- 2011-2014: *Conseil de recherche en sciences humaines du Canada (CRSH)* : \$86 805:
Research project entitled « La coopération internationale sur le contrôle des migrations internationales, entre souveraineté et protection des droits et libertés ».
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RECENT PUBLICATIONS OF CHAIR MEMBERS

ATAK, Idil, CRÉPEAU, François, “The Securitization of Asylum and Human Rights in Canada and the European Union”, Chapter 8 in JUSS, Satvinder Singh, HARVEY, Colin, *Contemporary Issues in Refugee Law*, London: Edward Elgar Publishing, 2013.

CARLIER, Jean-Yves, CRÉPEAU, François, « Le droit européen des migrations: Exemple d'un droit en mouvement ? », *Annuaire français de droit international*, Vol. LVII – 2011, 641-674 (2012).

CRÉPEAU, François, Report of the Special Rapporteur on the human rights of migrants (Regional study: Management of the external borders of the European Union and its impact on the human rights of migrants), Human Rights Council, Twenty-third session, Agenda item 3 (Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development), A/HRC/23/46, 24 April 2013, <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/AnnualReports.aspx>

CRÉPEAU, François, Report of the Special Rapporteur on the human rights of migrants (Addendum: Mission to Tunisia (4-9 June 2012)), Human Rights Council, Twenty-third session, Agenda item 3 (Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development), A/HRC/23/46/Add.1, 3 May 2013. <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/AnnualReports.aspx>

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RECENT PUBLICATIONS OF CHAIR MEMBERS (CONTINUED)

CRÉPEAU, François, Report of the Special Rapporteur on the human rights of migrants (Addendum: Mission to Turkey (25–29 June 2012)), Human Rights Council, Twenty-third session, Agenda item 3 (Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development), A/HRC/23/46/Add.2, 17 April 2013. <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/AnnualReports.aspx>

CRÉPEAU, François, Report of the Special Rapporteur on the human rights of migrants (Addendum: Mission to Italy (29 September – 8 October 2012)), Human Rights Council, Twenty-third session, Agenda item 3 (Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development), A/HRC/23/46/Add.3, 30 April 2013. <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/AnnualReports.aspx>

CRÉPEAU, François, Report of the Special Rapporteur on the human rights of migrants (Addendum: Mission to Greece (25 November – 3 December 2012)), Human Rights Council, Twenty-third session, Agenda item 3 (Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development), A/HRC/23/46/Add.4, 17 April 2013. <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/AnnualReports.aspx>

CRÉPEAU, François, “The rights of all children in the context of international migration”, Preface to: International Organisation for Migration, *Children on the Move*, Geneva, 2013, 1-4. http://maejt.org/pdfs/Children_on_the_Move_English.pdf

CRÉPEAU, François, Report by the Special Rapporteur on the human rights of migrants to the United Nations General Assembly: Climate change and migration, A/67/299, 13 August 2012, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N12/460/71/PDF/N1246071.pdf?OpenElement>

FORCESE, Craig, CRÉPEAU, François (eds.), *Terrorism, Law and Democracy : 10 Years after 9/11 – Terrorisme, Droit et Démocratie : 10 ans après le 11 septembre 2001*, 2011, Montreal: Canadian Institute for the Administration of Justice, 2012.

JIMENEZ, Estibalitz, CRÉPEAU, François (dir.), « Introduction », in : « La criminalisation de l’immigration », numéro thématique (2013) 46.1 *Criminologie*.

JIMENEZ, Estibalitz, CRÉPEAU, François (dir.), « La criminalisation de l’immigration », (2013) 46.1 *Criminologie*.

NAKACHE, Delphine, "The Canadian Temporary Foreign Worker Program: Regulations, Practices and Protection Gaps", in Luin Goldring and Patricia Landolt, eds, *Producing and Negotiating Non-Citizenship: Precarious Legal Status in Canada* (Toronto, University of Toronto Press, 2013) 71-95.

NAKACHE, Delphine, «La détention des demandeurs d'asile au Canada : vers une convergence des logiques pénales et administratives» (2013) 46.1 *Criminologie* 83-105.

PETERSON, Michel, Intermedia Project: Roads of Bones and Ashes, <http://oppenheimer.mcgill.ca/Roads-of-Bones-and-Ashes>.

SIMON, Patrick, PICHÉ, Victor, *Accounting for Ethnic and Racial Diversity: The Challenge of Enumeration* (Routledge, 2013) (formerly published as a special issue of *Ethnic and Racial Studies* in 2012).

PICHÉ, Victor, "Contemporary Migration Theories as Reflected in their Founding Texts" (2013) 68:1 *Population* 141-164.

PICHÉ, Victor, ed, *Les théories de la migration* (2013) (Paris: INED, Collection Les Manuels, Série des Textes Fondamentaux).

PICHÉ, Victor, « Les fondements des théories migratoires contemporaines », in Piché, Victor, éd, *Les théories de la migration*, (2013) (Paris: INED, Collection Les Manuels, Série des Textes Fondamentaux) 15-60.

YAHYAOUI KRIVENKO, Ekaterina, "The ‘Reservations Dialogue’ as a Constitution-Making Process" (2013) 15 *International Community Law Review* 381-403.

YAHYAOUI KRIVENKO, Ekaterina, "The Process of Constitution-ization of International Law: Theories and Reality" (2013) 89 *Russian Juridical Journal* 63-70 (in Russian).

YAHYAOUI KRIVENKO, Ekaterina, "The Indian Gang-Rape Case: Do Human Rights Go Global?", 9 February 2013, e-*International Relations*.

YAHYAOUI KRIVENKO, Ekaterina, "Will we forget Malala, as we’ve forgotten other young victims?", 17 October 2012, *thejournal.ie*.

YAHYAOUI KRIVENKO, Ekaterina, "Parrainage privé des réfugiés au Canada : Quel passé? Quel avenir?" 9:3 *Bulletin de veille stratégique*, septembre 2012.

YAHYAOUI KRIVENKO, Ekaterina, “Individual Contributions to Fault Lines of International Legitimacy” (2012) 23 *European Journal of International Law* 887-906.

YAHYAOUI KRIVENKO, Ekaterina, "Hospitality and Sovereignty: What Can We Learn from the Canadian Private Sponsorship of Refugees Program?" (2012) 24 (3) *International Journal of Refugee Law*.

ACTIVITIES

Brown-Bag Seminars

September 25, 2012

Luc Legoux

L’évolution du système international de protection des réfugiés à la lumière des statistiques du HCR

October 31, 2012

Janet Cleveland

Impacts of Cuts to the Interim Federal Health Program (IFHP) on Refugees

November 7, 2012

Victor Piché

Production/gestion de l’incertain: la migration internationale comme course à obstacles

March 12, 2013

Ekaterina Yahyaoui Krivenko

Cultural Practices and Egalitarian Discourses: What Role for Human Rights?

March 20, 2013

Idil Atak

Le système d’asile en Algérie: Retour vers une mission d’expertise

Meetings Hosted

May 9, 2013

Canadian Association of Refugee Lawyers

Board of Directors Meeting

ROBAA Project

The Chair supports the ROBAA project, lead by *Michel and Christian Peterson*. The *Road of Bones and Ashes* is a multimedia project (books, photo exhibitions, movie, blog) on the history of crimes against humanity, spectrality and collective and individual traumatic transmission, from a humanistic and personal perspective. See : www.robbaa.org (continued on next page)

ACTIVITIES (CONTINUED)

Seminar "Out of Place: Law, Literature and Migration"

Professor François Crépeau and Professor Simon Harel, Director of the Department of Comparative Literature at the University of Montreal, initiated the creation of a co-taught, bi-university, multidisciplinary, bilingual experimental seminar entitled "Out of Place: Law, Literature and Migration." The seminar examined the intricate relationship between law and literature in seven works of literature, and explored in particular the importance of the concepts of 'violence' and 'narratives' which are crucial in both disciplines, as migration challenges the human rights and dignity of individuals, as well as their ability to tell their story in a way that makes sense for themselves and for others.

This credited seminar took place from 1 October 2012 to 15 April 2013, with 13 students from both universities.

The following guests were hosted as part of the seminar.

January 14, 2013

Denise Otis, UNHCR, Montreal
The International Protection of Refugees

January 28, 2013

Edem Awumey (Ottawa)
Les Pieds Sales: le parcours migratoire

February 11, 2013

Robert Barsky, Vanderbilt U. (Nashville, TN)
Narrating Violence and the Violence of Narrating: From "Illegal" Immigrants to Ariel Dorfman's "Death and the Maiden"

March 23, 2013

Student Colloquium

March 25, 2013

Ching Selao, U. of Vermont
La migration dans le roman asiatique d'ici

FINANCIAL SUPPORT PROVIDED

Idil Atak was post-doctoral researcher with the McGill Centre for Human Rights and Legal Pluralism 2010-2012 and lecturer at the Faculty of Law of the University of Montreal. She was a post-doctoral researcher at UQAM in 2012-2013. She works on border controls and migrants' rights. She was the co-coordinator of the seminar "Out of Place: Law, Literature and Migration".

Marie-Pierre Bouchard is a doctoral student in Literature at UQAM. She works on African literary perspectives on Law, Justice and post-colonial violence. She was the co-coordinator of the seminar "Out of Place: Law, Literature and Migration".

Bethany Hastie is a doctoral student at the Faculty of Law of McGill University. She works on the fight against human trafficking for labour exploitation. She was research assistant at the Chair.

Corri Longridge is a BCL-LLB student at the Faculty of Law of McGill University. She was research assistant at the Chair.

William Martin is a BCL-LLB student at the Faculty of Law of McGill University. He is the coordinator of the Chair for 2013-2014.

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CHAIR MEMBERS

Holder of the Chair

François Crépeau is the Hans & Tamar Oppenheimer Professor in Public International Law at the Faculty of Law of McGill University. In 2011, he was appointed United Nations Special Rapporteur on the Human Rights of Migrants. The focus of his current research includes migration control mechanisms, the rights of foreigners, the conceptualization of security as it applies to migrants, and the Rule of Law in the face of globalization.

Coordinator

William Martin coordinates the Hans & Tamar Oppenheimer Chair in Public International Law since 2012. He is a fourth year student in the Bachelor of Civil Law/Bachelor of Laws (B.C.L./LL.B.) programme at the Faculty of Law of McGill University.

Researchers

Idil Atak is assistant professor in the Department of Criminal Justice and Criminology at Ryerson University in Toronto. She studies international human rights law and migrants' rights, particularly in Europe.

Janet Cleveland is a psychologist, legal scholar and anthropologist who works on various aspects of the refugee status determination process in Canada, the situation of psychologically vulnerable persons, and the detention of asylum seekers. She is currently conducting a study on the impact of detention on asylum seekers' psychological health and the need for alternatives to detention.

Estibaliz Jimenez is professor at the Department of Psychoeducation at the University of Quebec in Trois-Rivières (UQTR). She teaches and conducts research in the fields of immigration and refugee law and policy, diversity and multiculturalism.

Noura Karazivan is a professor at the Faculty of Law of Université de Montréal. Her recent research bears on the extraterritoriality of human rights.

Ekaterina Krivenko Yahyaoui is a Lecturer at the Irish Centre for Human Rights (ICHR), School of Law, National University of Ireland, Galway, where she heads the graduate programmes and teaches human rights and public international law.

Delphine Nakache is professor at the School of International Development and Globalisation of the University of Ottawa. She teaches public international law and immigration and refugee law.

Michel Peterson is a psychoanalyst, social worker and professor of literature. He is also a clinician for asylum seekers who were victims of organized violence.

Victor Piché is a sociologist and a demographer specialized in international migrations. Honorary Professor of the University of Montreal, he now works specifically on migrant workers' rights.

Martin Provencher is a regular professor of philosophy at the College de Rosemont. He works on three interrelated themes: freedom of movement and the reduction of socio-economic inequalities in the theories of global justice, moral justification of alternatives statuses to citizenship for migrants and forced migration induced by climate change.

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FINANCIAL SUPPORT PROVIDED (CONTINUED)

Benoît Mayer is a doctoral student at the National University of Singapore, after having been an LLM student at McGill. He works on climate-change induced migration. He was research assistant at the Chair.

Charlotte-Anne Malischewski is a BCL-LLB student at the Faculty of Law of McGill University and completed, during the summer of 2013, a human rights internship with the *Mahanirban Calcutta Research Group* (Kolkata, India), working on issues of refugees, minorities and statelessness.

CHAIR MEMBERS (CONTINUED)

Students

Anne-Claire Gayet has an MA in International Studies from the University of Montreal and is a student in the Bachelor of Civil Law/Bachelor of Laws (B.C.L./LL.B.) programme at the Faculty of Law of McGill University.

Bethany Hastie is a DCL student at McGill University, where she is an O'Brien Fellow in Human Rights and Legal Pluralism. She is currently researching issues of human trafficking for labour exploitation under Canada's Temporary Foreign Worker Programs.

Karine Mac Allister is a PhD student at the University of Montreal. Her research focuses on international standards applicable to population transfers.

Anna-Lise Purkey is a DCL student at McGill University. She works on the role of refugees in the diverse post-conflict transitional justice processes. Her research focuses primarily on justice in the context of protracted refugee situations.



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