

# REPORT OF ACTIVITIES 2011-2012



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 \$ :  
Programme de recherche sur « 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

- CRÉPEAU, François, “Migrants’ Rights are Human Rights”, 2012, 17.1 *Interights Bulletin* 4-5.
- CRÉPEAU, François, “Migration et sécurité frontalière”, in: LEUPRECHT, Christian, HATALEY, Todd, NOSSAL, Kim Richard, *Évolution des menaces transnationales et sécurité frontalière : un nouveau programme de recherche*, Martello Papers no 37, Kingston: Centre for International and Defence Policy (Queen’s University), 2012.
- CRÉPEAU, François, “Movement of Persons and Border Security”, in: LEUPRECHT, Christian, HATALEY, Todd, NOSSAL, Kim Richard, *Evolving Transnational Threats and Border Security: A New Research Agenda*, Martello Papers no 37, Kingston: Centre for International and Defence Policy (Queen’s University), 2012.
- CRÉPEAU François, GAYET, Anne-Claire, “Human Rights Standards Relevant to Mental Health and How They Can Be Made More Effective”, in: DUDLEY, Michael, SILOVE, Derrick, GALE, Fran, *Mental Health and Human Rights: Vision, Praxis and Courage*, Oxford: Oxford University Press, 2012, 538-553.
- CRÉPEAU, François, HOLLAND, Leanne, “‘Little Bee’ or the Rejection of Refugees in the Global North”, in: DELAS, Olivier, LEUPRECHT, Michaela (dir.), *Liber Amicorum Peter Leuprecht*, Collection “Mondialisation et Droit international” n° 21, Bruxelles : Bruylant/RQDI, 2012.
- CRÉPEAU, François, RANGER, Julie (eds.), *Recueil de droit des réfugiés : Instruments, Jurisprudences et Documents (The Refugee Law Reader)*, 2e édition en français, Budapest : Hungarian Helsinki Committee, 2012.

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## RECENT PUBLICATIONS OF CHAIR MEMBERS (CONTINUED)

- CRÉPEAU, François, « Les droits des migrants sont des droits de l'homme », in : *Bulletin de veille stratégique*, Volume 9, numéro 1, mars 2012, 5-7 (Direction de la recherche et de l'analyse prospective, Immigration et Communautés Culturelles Québec).
- CRÉPEAU, François, "Anti-Terrorism Measures and Refugee Law Challenges in Canada", 29(4) *Refugee Survey Quarterly*, 2011, 31-44.
- CRÉPEAU, François, CÔTÉ, René, REEHAG, Sean, "Article 71 of the 1969 and 1986 Vienna Conventions on the Law of Treaties: Consequences of the invalidity of a treaty which conflicts with a peremptory norm of general international law", in: CORTEN, Olivier, KLEIN, Pierre (ed.), *The Vienna Conventions on the Law of Treaties – A Commentary*, Oxford: Oxford University Press, 2011, 1613-1626.
- CRÉPEAU, François, SAMADDAR, Ranabir, "Recognizing the Dignity of Migrants", 37 *Refugee Watch - A South Asian Journal on Forced Migration*, 2011, 55-67.
- CRÉPEAU François, ATAŞ, İdil, « La régulation de l'immigration irrégulière dans le respect du droit international des droits de l'homme », in : Jean-François Flauss (dir.), *Migrations de populations et droits de l'homme*, Cours thématiques de la session d'enseignement de juillet 2007 de l'Institut international des droits de l'homme, Collection « Droit et justice » n° 90, Bruxelles : Bruylant/Nemesis, 2011, 219-260.
- CRÉPEAU, François, « Le multiculturalisme, un acte politique », in : *L'Atlas des minorités*, Paris : Hors-Série Le Monde – La Vie, 2011, 48-49.
- KRIVENKO YAHYAOUİ, Ekaterina, "The Islamic Veil and Its Discontents: How Do They Undermine Gender Equality" 7 (1) *Religion and Human Rights*, 2012, 11-29.
- MANIRABONA, Amissi M., CRÉPEAU, François, "Enhancing the Implementation of Human Rights Treaties in Canadian Law: The Need for a National Monitoring Body", *Canadian Journal of Human Rights* 1.1, 2012, 25-59.
- PICHÉ, Victor, "Catégories ethniques et linguistiques au Québec: quand compter est une question de survie", *Cahiers québécois de démographie*, 40 (1), 2011, 139-154.
- SIMON, Patrick, PICHÉ, Victor, "Accounting for ethnic and racial diversity: the challenge of enumeration", *Ethnic and Racial Studies*, 2011.
- PICHÉ, Victor, KABBANJI, Lama, OUÉDRAOGO, Dieudonné, CORDELL, Dennis, "From Colonial to National and Multilateral Management of Migration: A Century of International Migration Between Burkina Faso and Côte d'Ivoire", in Oucho, John O. (ed), *Migration in the Service of African Development; A Book in honour of Professor Aderanti Adepoju*, 2012.
- PICHÉ, Victor, "In and Out the Back Door: Canada's Temporary Workers Programs in a Global Perspective", in Geiger, M. & Pécoud, A. (eds), *The New Politics of International Mobility : Migration Management and its Discontents*, Osnabrück (Germany), University of Osnabrück Press, Institute for Migration Research and Intercultural Studies), 2012.
- PURKEY, Anna Lise. "Whose Right to What Justice? The Administration of Justice in Refugee Camps", *New England Journal of International and Comparative Law* 17:1, 2011.
- RUIZ-CASARES, Monica, ROUSSEAU, Cécile, LAURIN-LAMOTHE, Audrey, RUMMENS, Joanna Anneke, ZELKOWITZ, Phyllis, CRÉPEAU, François, STEINMETZ, Nicolas, "Access to Health Care for Undocumented Migrant Children and Pregnant Women: The Paradox between Values and Attitudes of Health Care Professionals", *Maternal & Child Health Journal*, 2012.

## ACTIVITIES

### Brown-bag seminars

**October 12, 2011**

*Louis-Phillippe Jannard*

La gestion des flux migratoires mixtes au Costa Rica

**October 17, 2011**

*Will Colish*

Marginal Oversight: Rethinking the Inclusion/Exclusion Debate over National Minorities

&

*Caylee Hong*

Regulating Religious Minorities, Defining Quebec's Identity: Feminist Organizations' Approaches to Multiculturalism

**October 26, 2011**

*Aranzazu Recalde*

Experiences of legality among MERCOSUR migrants in Argentina by the late 2000s

**November 7, 2011**

*Monica Ruiz-Casares*

It Makes Our Children Loose: Children's Rights Challenges and Dilemmas in Liberia

**November 10, 2011**

*Rathana peou van den Heuvel*

Climate-Induced Migration, Sustainable Livelihoods and Poverty Reduction Intervention and Policy in Bangladesh

**November 15, 2011**

*Martin Geiger*

From Migration Governance to Migration Management: International Organizations and the Regulation of Migration

**November 16, 2011**

*Chowra Makaremi*

Aziz's Notebook: At the Heart of the Iranian Revolution

**February 13, 2012**

*Ana María López-Sala*

Building the Wall: The New Political Architecture of Migration Control in Southern Europe

**February 29, 2012**

*Veena Verma*

Responding to the Precarious Rights of Migrant Workers in Canada

**March 19, 2012**

*Roxane Caron*

Palestinian refugees in Lebanon

**March 28, 2012**

*Ekaterina Yahyaoui Krivenko*

New Spaces of Hospitality and Sovereignty

**April 4, 2012**

*Juliet Stumpf*

Getting to Work: Governing the Workplace through Immigration Law

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## ACTIVITIES (CONTINUED)

### Seminar “Out of Place: Law, Literature and Migration”

Pr. François Crépeau and Pr. Simon Harel, Director of the Department of Comparative Literature at the University of Montreal, have initiated the creation of a co-taught, bi-university, multidisciplinary, bilingual experimental seminar entitled “Out of Place: Law, Literature and Migration”, which will examine the intricate relationship between law and literature in seven works of literature, exploring 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 will take place from 1 October 2012 to 15 April 2013. The syllabus has been posted. The seminar was prepared by a number of activities throughout 2011-2012, including three sessions with prestigious guests who were invited to present their views on the central issues of the seminar:

#### **February 16, 2012**

*Dr Joël Des Rosiers, psychiatrist and poet, Governor General’s Award for Poetry 2005*

Migrance, errence et poésie;

View online (2 parts): [Part 1](#), [Part 2](#).

#### **March 1, 2012**

*Evelyne de la Chenelière, author of Bashir Lahzar*

Car je est un autre.

View [online](#).

#### **May 31, 2012**

*Professor Paul Yachnin, McGill University*

What is Law in the Merchant of Venice?

View online (2 parts): [Part 1](#), [Part 2](#).

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## RESEARCHERS WELCOMED

**Chowra Makaremi** is a researcher at the Centre National de la Recherche Scientifique (CNRS) in Paris. She holds a PhD in anthropology from the Université de Montréal. She works on issues of migration and security, the anthropology of law and the state, and processes of subjectivation at the margins. She is the author of *Le cahier d’Aziz : Au cœur de la révolution iranienne* (Paris: Gallimard, 2011). She was received for several weeks on two occasions in 2012.

**Juliet Stumpf** is a Professor of Law at Lewis & Clark Law School. Stumpf’s current research explores the intersection of immigration law with criminal law and other substantive areas including constitutional law, civil rights, and employment law. Her research is interdisciplinary, examining the insights that sociology, psychology, criminology, and political science bring to the study of immigration law. She was on sabbatical in 2012 and spent several months in Montreal doing research at the Chair.

## 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 is a post-doctoral researcher at UQAM in 2012-2013. She works on border controls and migrants’ rights. She is 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 is 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.

**Celina Kilgallen-Asencio** is a BCL-LLB student at the Faculty of Law of McGill University. She was the coordinator of the Chair for 2011-2012.

**Corri Longridge** is a BCL-LLB student at the Faculty of Law of McGill University. She did an internship with the Open Society Institute - Justice Initiative (Budapest) during the summer of 2012.

**William Martin-Chin** is a BCL-LLB student at the Faculty of Law of McGill University. He is the coordinator of the Chair for 2012-2013.

**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.

## 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-Chin** coordinates the Hans & Tamar Oppenheimer Chair in Public International Law. He is a third 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.

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## CHAIR MEMBERS (CONTINUED)

### Researchers

**Idil Atak** holds a LL.D. in international law, is a postdoctoral researcher at Université du Québec à Montréal (UQAM) and a sessional lecturer at the University of Montreal and McGill University. She studies the rights of irregular migrants in Europe

**Janet Cleveland** is a psychologist, legal scholar and anthropologist who studies 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 guest professor at the School of Criminology at the University of Montreal. She also is associate professor at the Faculty of Law at the University of Sherbrooke. She teaches and conducts research in the fields of immigration and refugee law.

**Noura Karazivan** is a professor at the Faculty of Law of Université de Montréal. Her 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 teaches human rights, public international law.

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

### Students

**Anne-Claire Gayet** 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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