



#### ESTABLISHMENT 2005

#### OBJECTIVES

- To advance innovative research on human rights and the role of law in a legally plural world
- To enrich the nexus of scholarship and teaching by engaging students in research projects, internships and advanced scholarship
- To communicate research results and provide a forum for the exchange of ideas through scholarly publications, public conferences, seminars, and workshops

#### MEMBERS

Director: René Provost · Director of research: Colleen Sheppard · Executive director: Nandini Ramanujam · Members: Payam Akhavan, Kirsten Anker, Mark Antaki, Shari Brontman (School of Social Work), Angela Campbell, Irwin Cotler, Evan Fox-Decent, Jane Glenn, H. Patrick Glenn, Patrick Healy, Volker Heins (Political Science), David Howes (Sociology and Anthropology, Concordia), Jacob Levy (Political Science), James Ron (Sociology, Carleton), Victor Muniz-Fraticelli, Aristide Nononsi (Centre for Development-Area Studies), Shaheen Shariff (Education), Stephen Toope (UBC), John Uruh (Geography) and Shauna Van Praagh · Associate members: Armand de Mestral, Pierre Deschamps, Elobaid Ahmed Elobaid, Ram Jakhu and Philip Oxhorn (Political Science)

# CENTRE FOR HUMAN RIGHTS AND LEGAL PLURALISM

The Centre for Human Rights and Legal Pluralism (CHRLP) continues in the McGill Faculty of Law's tradition of supporting international human rights, which dates back to Professor J. P. Humphrey drafting the United Nations Declaration of Human Rights in 1948. The Centre is a focal point for innovative legal and interdisciplinary research, dialogue, and outreach on human rights and legal pluralism. Its mission is to provide students, professors and the larger community with a locus of intellectual and physical resources for engaging critically with some of the most compelling social challenges of our modern era. Human rights concepts are increasingly being applied in diverse social and cultural contexts, reflecting a legally plural world. Connecting the study of human rights to legal pluralism brings to light the importance of multiple legal and normative orders, ethical inquiry, local knowledge, individual and systemic relationships, and social power within the institutions and communities of civil society.

## AXES OF RESEARCH

### INTERNATIONAL HUMANITARIAN LAW, POST-CONFLICT JUSTICE, RECONCILIATION IN CULTURALLY DIVERSE SOCIETIES

This axis explores the diversity debate of international humanitarian law in post-conflict contexts. The law has tended to privilege universal norms without adequately considering legal plurality and cultural diversity. In contrast, there is a robust debate in international public law about universal legal norms in culturally and socially diverse settings. The significance of cultural diversity to the effectiveness of international humanitarian law and post-conflict justice and reconciliation is thus an emerging and critically important domain of human rights research. The challenge is to develop a more complex international humanitarian regime, embodying norms endowed with greater cultural legitimacy, which will thereby more successfully secure compliance in the field.

### COMPARATIVE CONSTITUTIONALISM INTERCULTURALISM, IDENTITY AND HUMAN RIGHTS

This axis examines the migration of constitutional ideas across national borders, focusing on how constitutional law and practice manage to recognize community identity within the larger framework of human rights, and how constitutions can ensure recognition of the rights of cultural, religious and minority language communities while protecting civil liberties,

equality and individual rights. The shift from multiculturalism to interculturalism reflects the insight that group-based identities are dynamic, complex and constantly recreated through interaction: increasingly, individual identity is multiple, plural and intersectional. This more complex understanding of identity can allow constitutional law to mediate the tension between collective and individual rights. Also, constitution-building is influenced by the legal culture and legal regimes of different nations as well as by international law. Furthermore, constitutional protection of distinctive national minorities is often premised on recognition of the importance of other social norms and customs beyond formal state law.

#### **SYSTEMIC INEQUALITIES IN SOCIAL INSTITUTIONS RETHINKING HUMAN RIGHTS AND RELATIONSHIPS**

This axis examines human rights in the plural institutional contexts of everyday life. Increasingly, legal reformers and government policy-makers are recognizing that legislation and 'command and control' enforcement policies are insufficient to secure effective human rights protection. As the systemic dimensions of inequality and human rights violations become apparent, new governance and non-traditional regulatory strategies are emerging. In addition to exploring these innovative forms of regulation, this axis investigates the dynamic, relational and systemic dimension of human rights violations, focusing on equality rights. Such a focus reveals the importance of looking at how law structures relationships that reproduce inequality.

#### **HUMAN RIGHTS DISCOURSE LEGAL HISTORY AND LEGAL THEORY**

Human rights are a historically situated legal form belonging to our modern condition. While human rights are often associated with individual rights, the rule of law, and classical liberal political theory, more recently, human rights are being reconceptualized to embrace collective rights, positive rights and social, cultural and economic rights. Inquiry into the historical and theoretical dimensions of the legal language we use is an important part of research on human rights and legal pluralism. This axis of research examines fundamental theoretical questions that are foundational to modern legal discourse on human rights, drawing on legal history and legal theory.

*In October 2007, the Centre hosted the first major non-governmental **Global Conference on the Prevention of Genocide** since the UN, in 1948, first moved to label and criminalize what Winston Churchill once called 'the crime that has no name'. The conference, supported by the Echenberg Family Foundation, brought together from around the world survivors, witnesses, legislators, diplomats, activists and others whose lives have been forever changed by one of these crime. It opened a dialogue between decision-makers and genocide survivors, between the leaders of this generation and those of the next, with the goal of exploring means of preventing genocidal violence, rather than focusing on ad hoc intervention.*



#### **PARTNER ORGANIZATIONS**

Equitas · Rights and Democracy  
· International Centre for Ethnic Studies  
in Colombo · Human Rights Commission  
of Pakistan · The Cambodian League for  
the Promotion and Defence of Human  
Rights · Canadian HIV/AIDS Legal  
Network · Inter-American Court for  
Human Rights in San José · Human  
Rights Watch · The International  
Criminal Tribunal for Rwanda in Arusha

#### **LECTURES, CONFERENCES & WORKSHOPS**

The Centre organizes a series of  
annual public lectures: · Humphrey  
Lecture · Cassin Lecture · Wallenberg  
Lecture · Litvack Award and Lecture,  
which have seen speakers of national  
and international renown. It also runs  
many workshops often in conjunction  
with diverse student groups, and other  
Faculty seminars, such as the Annie  
Macdonald Langstaff and Legal Theory  
Workshops.