



NJW LIVE PROJECT (SEMINAR 6) OFFICIAL BOOKLET

2025



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ABOUT US

Northern Justice Watch (NJW) is a Canada-based collective founded in 2023. We bring together human-rights activists, legal practitioners, educators, journalists, and subject-matter experts with lived and professional experience from Ukraine, Syria, China, Afghanistan, Turkey, and Canada. United by a common purpose, we document serious violations, support survivors, and pursue accountability using tools available under Canadian and international law.

Our mission. NJW works to confront crimes against humanity and related mass-atrocity harms by challenging impunity and advancing the rights, safety, and dignity of victims and affected communities. From our base in Canada, we respond to global abuses through Canadian processes and international mechanisms, ensuring that credible allegations do not go unnoticed or unchallenged.

Where and how we work. While our focus spans multiple countries, our activities—case development, evidence handling, legal filings, and survivor support—are organized and carried out in Canada. We provide free legal support and informed referrals, partnering with clinics, pro bono counsel, and community organizations. Our approach is survivor-centred and do-no-harm: informed consent, confidentiality, and safety planning guide every step.

Legal frameworks we use. We honour Canada’s human-rights legacy by using mechanisms such as the Crimes Against Humanity and War Crimes Act and the Justice for Victims of Corrupt Foreign Officials (Magnitsky) Act, alongside other domestic and international avenues. Where appropriate, we pursue criminal and civil accountability before national courts and international bodies, including through principles of universal and extraterritorial jurisdiction. We also advocate for thorough investigations and prosecutions at the national level.



WHAT WE DO

- Help survivors and communities document safely, preserve evidence, and navigate complaint and filing options.
- File and support criminal and civil actions where viable; prepare sanctions-ready dossiers when targeted measures are appropriate.
- Engage the UN and other international mechanisms to elevate patterns of abuse and press for concrete remedies.
- Work with media and civil society—ethically and securely—to ensure credible information informs public and policy responses.

Our commitment. NJW stands with victims of atrocity crimes. We use Canadian and international law to challenge impunity, amplify silenced voices, and pursue remedies that protect people and uphold fundamental rights.





Northern Justice Watch (NJW) proudly presents the **LIVE Project**, a transformative initiative made possible through the support of The Law Foundation of Ontario. The LIVE Project is committed to empowering marginalized communities affected by atrocity crimes—such as members of the Hizmet Movement, Yazidis, Hazaras, and Tigray populations—by deepening their understanding of legal rights and access to justice.

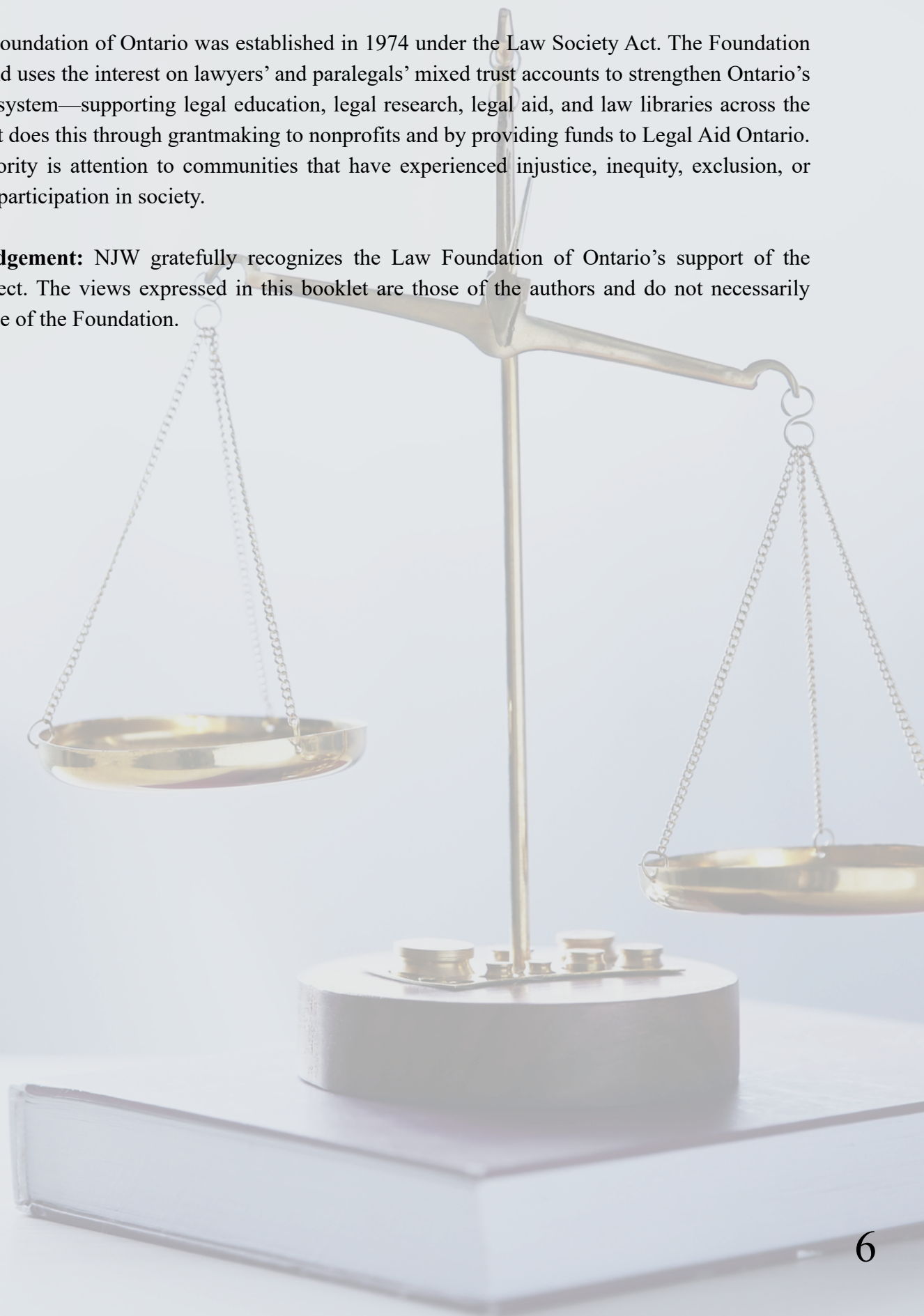
Through a comprehensive program of tailored workshops, outreach initiatives, and community support networks, the LIVE Project bridges critical gaps in legal knowledge and capacity for those who have endured severe human rights violations. By helping participants navigate both Canadian and international legal systems, the project fosters resilience, advocacy, and empowerment. Its holistic approach ensures that affected individuals are not only informed about their rights but are also equipped to pursue justice and contribute to systemic change within and beyond their communities.



The Law Foundation of Ontario (Funder Acknowledgement)

The Law Foundation of Ontario was established in 1974 under the Law Society Act. The Foundation receives and uses the interest on lawyers' and paralegals' mixed trust accounts to strengthen Ontario's justice ecosystem—supporting legal education, legal research, legal aid, and law libraries across the province. It does this through grantmaking to nonprofits and by providing funds to Legal Aid Ontario. A core priority is attention to communities that have experienced injustice, inequity, exclusion, or barriers to participation in society.

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SEMINAR 6:

DOCUMENTING AND REPORTING HUMAN RIGHTS VIOLATIONS

KEYNOTE SPEAKER:

TOBY MENDEL

(FOUNDER AND EXECUTIVE DIRECTOR OF THE CENTRE FOR LAW
AND DEMOCRACY - AN INTERNATIONAL HUMAN RIGHTS NGO
WHICH PROVIDES LEGAL AND CAPACITY BUILDING EXPERTISE
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SEMINAR 6

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I: SOURCES OF HUMAN RIGHTS

I. Sources of Human Rights

Both national and international sources of law operate within hierarchies that determine their authority and application.

At the national level, Canada's foundational legal document is the *Canadian Charter of Rights and Freedoms*, which was adopted in 1982 as part of the **Constitution Act**. Before the Charter, Canada had the *Canadian Bill of Rights*, enacted in 1960, but it held the status of an ordinary statute rather than a constitutional document, meaning it did not have the same binding authority over other laws.

It is noteworthy that other Commonwealth countries such as the United Kingdom, Australia, and New Zealand do not have a constitutional charter or bill of rights. Instead, they rely primarily on legislation and common law principles to protect individual rights. This distinguishes Canada from much of the Commonwealth—and indeed from most countries around the world—which have incorporated formal constitutional rights protections into their legal frameworks.

1. National Level

At the national level, the Canadian Charter of Rights and Freedoms provides **guarantees** of fundamental rights and freedom that is often expressed in brief terms. For example, Section 2 states: “Everyone has the following fundamental freedoms: (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication.” While these guarantees are concise, their meaning and scope are shaped through judicial interpretation.

The courts play a **central role** in **interpreting** the Charter, determining how its provisions apply in specific contexts and balancing individual rights against broader societal interests. Beyond the courts, other forms of high-level interpretation also influence how the Charter is understood and applied.

Academics, civil society organizations (CSOs), and legal scholars contribute significantly to this discourse through research, commentary, and advocacy, helping to shape public understanding and inform future judicial reasoning.

Beneath the Canadian Charter of Rights and Freedoms, there are various layers of law that form part of Canada's national legal framework. These include statutory laws such as the *Canadian Human Rights Act* and the *Criminal Code*, as well as common law principles developed through judicial decisions, such as those governing defamation or contempt of court.

Unlike the Charter, which is entrenched in the **Constitution** and therefore difficult to change, ordinary statutes are easier to amend through the legislative process. However, these laws remain subject to the Charter and the rest of the Constitution, ensuring that legislative and executive actions conform to constitutional rights and principles.

These statutes and common law rules are also subject to interpretation by the courts, which clarify their meaning and application in specific cases. Beyond the judiciary, administrative bodies are often empowered to interpret and apply these laws within their respective jurisdictions. Examples include the Canadian Human Rights Commission, the Information Commissioner, and the Privacy Commissioner. These bodies not only interpret the laws they administer but may also possess the authority to sanction violations and provide remedies to individuals whose rights have been infringed.

2. International Level

At the international level, there are two main sources of law: **treaties** and **customary international law**. **Treaties** are formal agreements between states that establish binding legal obligations, while **customary international law** arises from consistent state practice accepted as law, such as the law of the sea. Like domestic constitutional guarantees, these international sources are often broadly worded and therefore require significant interpretation to determine their practical meaning and scope.

There are some judicial and quasi-judicial bodies that interpret and apply international law, such as regional human rights courts and the *UN Human Rights Committee (HRC)*. However, these mechanisms are far more limited in reach and authority compared to national-level courts.

Despite this, the international system has developed a robust framework of less formal or “soft law” processes that help monitor and promote compliance with international norms. These include treaty committees that review state implementation of specific conventions, the **Universal Periodic Review (UPR)** conducted by the *UN Human Rights Council*, and declarations issued by bodies such as the *UN General Assembly* and *UNESCO*.

Additionally, Special Rapporteurs and Joint Declarations made by independent experts play a vital role in interpreting human rights standards, providing guidance, and holding states accountable on the international stage.

3. International and National Interactions

The interaction between international and national law varies across countries, with two main approaches: **monism** and **dualism**.

In a **monist** system, international law automatically becomes part of national law once a treaty is ratified or customary law is recognized. In such systems, international law often holds a higher status than ordinary statutes, sometimes even being placed above them in the constitutional hierarchy. This means that individuals can directly invoke international law before domestic courts without the need for additional legislation.

By contrast, Canada follows a **dualist approach**, where international law does not automatically become part of domestic law. For international treaties or conventions to have legal effect within Canada, Parliament must incorporate them through specific legislation. However, there have been notable instances of broad or wholesale incorporation of international principles into Canadian law.

One example is the *United Nations Declaration on the Rights of Indigenous Peoples Act*, which commits the government to “take all measures necessary to ensure that the laws of Canada are consistent with the Declaration.” This represents a significant step toward aligning domestic law with international standards.

It is also important to distinguish between different areas of international law. Human rights law—which focuses on the protection of individuals and groups—is distinct from international humanitarian law (which governs conduct during armed conflict) and international criminal law (which addresses individual accountability for grave crimes such as genocide and war crimes). While there is considerable overlap among these fields, they each serve different purposes and operate through distinct legal mechanisms.



II. KEY TYPES OF HUMAN RIGHTS

II. Key Types of Human Rights

1. Key Human Rights

While the scope of national human rights protections depends on a country's constitution—such as the Canadian Charter of Rights and Freedoms in Canada—the scope of international human rights depends in part on which treaties a state has ratified. Canada has ratified **13 of the 18 core international human rights treaties**, including several optional protocols, which the United Nations identifies as the most important global instruments. However, customary international law (CIL) applies to all states, regardless of treaty ratification, since it is derived from consistent international practice accepted as legally binding.

In Canada, the Charter primarily protects **civil** and **political** rights, such as freedom of expression, equality before the law, and protection against arbitrary detention. Canadian courts have generally been reluctant to interpret the Charter as extending to economic, social, or cultural rights, which concern areas like health care, housing, and education.

By contrast, international human rights law takes a broader approach, encompassing both civil and political rights (as found in the *International Covenant on Civil and Political Rights*) and economic, social, and cultural rights (as found in the *International Covenant on Economic, Social and Cultural Rights*). Together, these two instruments form part of what is often referred to as the *International Bill of Rights*, representing the full spectrum of human rights recognized under international law.

Some key rights in the ICCPR include:

- Self-determination
- Non-discrimination and gender equality, right to recognition
- Emergency derogations
- Criminal and civil due process rights, including right to life and against cruel or unusual punishment
- No slavery and right to life, liberty and security of the person
- Freedoms: religion, expression, assembly, association, movement, privacy – but prohibition on hate speech
- Marriage and family, and rights of child
- Vote and stand for election (and limit of 5 years)
- Right to culture



Quality Control Issues

There is a clear, though continually developing, body of human rights law at both the national and international levels. However, it is important to recognize that not everything people wish to label as a “human right” truly qualifies as one under established legal frameworks. For instance, public debates such as those surrounding the Air Canada strike demonstrate how complex social or labour issues can sometimes be framed in human rights terms, even when they do not strictly fall within that category. That said, **certain aspects—such as the denial of the right to strike—could indeed raise legitimate human rights concerns**, particularly in relation to freedom of association and labour rights.

It is therefore crucial for civil society actors to be **responsible** and **accurate** when invoking the language of human rights. Overextending or misusing the concept risks degrading the legitimacy and moral weight of genuine human rights claims. When human rights terminology is used carelessly, it can dilute public understanding, weaken advocacy efforts, and reduce accountability for actual rights violations.

Moreover, civil society organizations that frequently misuse human rights language may find that their credibility and influence diminish. If an organization is not careful and consistent in aligning its positions with recognized human rights standards, it may not be respected or taken seriously by policymakers, the public, or international institutions.

Beyond the legal quality control issues already discussed, it is equally important to **collect as much solid evidence** as possible when documenting human rights violations. **Reliable evidence** forms the foundation for **credible advocacy, reporting, and accountability**. However, this task can be challenging, as gathering evidence in situations involving abuse or repression often entails significant risk and logistical difficulty.

The amount and type of evidence required will depend on the purpose of the documentation. In some cases, it may be sufficient simply to alert an oversight body or monitoring organization to a potential violation—though even then, these bodies typically require at least a basic indication that abuse has occurred. In contrast, bringing a formal legal case before a court or tribunal demands substantially more evidence, often verified and corroborated through multiple sources.

Given the prevalence of digital media, it is increasingly important to ensure that **digital evidence is protected from tampering or alteration**. This can involve “**fixing**” or **preserving data** with **time, location, and device stamps**, or **using secure platforms** designed to maintain the authenticity and chain of custody of photos, videos, and documents. Proper handling of evidence not only strengthens the credibility of human rights claims but also safeguards the integrity of those working to expose abuses.

III. KEY ACTORS INVOLVED IN DOCUMENTING AND REPORTING ON HUMAN RIGHTS

III. Key Actors Involved in Documenting and Reporting on Human Rights

1. Key Actors

A variety of actors play roles in documenting and reporting human rights violations, each with different capacities and responsibilities.

State actors include the government itself, encompassing the legislature, executive agencies, and other official bodies responsible for creating, implementing, and monitoring laws. Within this category, official oversight bodies such as human rights commissions are tasked with investigating complaints, promoting compliance, and sometimes providing remedies for violations.

Non-official actors also play a critical role. These include civil society organizations (CSOs), academics, religious organizations, and other independent groups. They often document abuses, raise public awareness, and advocate for legal and policy changes.

Canada produces several key state reports as part of its human rights obligations. Examples include reports by the **Standing Senate Committee on Human Rights**, as well as periodic reports to international treaty bodies such as the **Human Rights Committee (HRC)**, **CEDAW**, **CERD**, and the **CRC**. Canada also participates in the **Universal Periodic Review (UPR)** process at the United Nations, although this process has been noted to be heavily skewed toward equality rights, sometimes giving less attention to other areas of human rights.

2. Key Official Oversight Bodies in Canada

Canada has several official bodies responsible for monitoring and enforcing human rights and related obligations:

- **Canadian Human Rights Commission** – focuses on anti-discrimination and the promotion of equality.
- **Information Commissioner** – oversees access to information, ensuring transparency and accountability in government operations.
- **Privacy Commissioner** – monitors the protection of personal information and privacy rights.

These bodies produce different types of reports to inform the public and guide policy:

- **Annual reports** – provide an overview of activities, trends, and systemic issues over the year.
- **Special reports** – usually focus on specific themes or examine the practices of particular public authorities.
- **Case reports** – detail the outcomes of individual investigations, highlighting examples of compliance or violations.

IV.OPTIONS FOR CSOs TO DOCUMENT AND REPORT ON HUMAN RIGHTS

IV.OPTIONS FOR CSOs TO DOCUMENT AND REPORT ON HUMAN RIGHTS

Civil society organizations (CSOs) play a crucial role in documenting and reporting human rights issues, and their reporting generally falls into three main areas:

1. **To national official bodies** – CSOs can submit information and evidence to domestic oversight bodies, such as human rights commissions or parliamentary committees, to inform investigations, policy-making, or legislative reform.
2. **To international bodies** – CSOs report to UN treaty bodies, regional human rights mechanisms, and other international organizations to highlight violations, provide alternative perspectives to state reports, and advocate for stronger protections.
3. **Non-official reporting** – CSOs also engage in independent reporting through research publications, media, or advocacy campaigns, raising public awareness and influencing discourse on human rights issues.

CSOs can also report to Canadian official actors about violations in other countries. For instance, they may provide information to **Global Affairs Canada (GAC)** to shape Canada's foreign policy, or to inform Canada's participation in international processes. In the Universal Periodic Review (UPR) process, which is largely driven by recommendations from other countries, CSO reporting is particularly valuable: while many recommendations are often broad or generic, CSO input can hone and specify recommendations, making them more actionable and relevant.

1.CSO Reporting to National Bodies

CSOs can engage with national official bodies in several ways:

- **Ongoing consultations** – Participating in policy or legislative reviews, such as the Treasury Board Secretariat (TBS) review of the **Access to Information Act (ATIA)**.
- **Contributing to annual and special reports** – Providing information or data to help shape annual reports or thematic/special reports produced by oversight bodies.
- **Lodging and supporting individual case files** – Assisting individuals in bringing complaints or cases before bodies like the **Canadian Human Rights Commission (CHRC)**, particularly on matters such as discrimination.

2. CSO Reporting to International Bodies

Reporting to international human rights bodies requires adherence to specific procedural rules, which often cover **timing (deadlines), length, subject matter, and other formal requirements**. CSOs must **carefully follow these rules** to ensure their submissions are accepted and considered.

A key opportunity for CSO engagement is the Universal Periodic Review (UPR) process. This process is designed to occur roughly **every 4½ years** for each country; for example, Canada was last reviewed in 2023, with the next review expected around 2028. CSOs can submit parallel reports addressing any human rights issues, broadly interpreted, to complement or critique the official state report.

A central element of the UPR is that **States make recommendations to other States** based on the review. The reviewed State then responds by **accepting, noting, or rejecting** each recommendation. CSO reports can help inform and shape these recommendations, making them more specific and actionable.

3. Human Rights Committee (HRC) Process

Canada is scheduled for review by the HRC in March 2026. The scope of this process is limited to rights guaranteed by the ICCPR.

The review begins with the creation of a **List of Issues**, for which submissions are due by 5 January 2026. Following this, full submissions, often called “alternative reports”, must address the points raised in the List of Issues; the deadline for these reports is 2 February 2026.

After considering the state report and alternative submissions, the HRC adopts concluding observations, highlighting both strengths and areas for improvement in Canada’s implementation of ICCPR rights.

4. Individual Complaints to the HRC

Under the First Optional Protocol to the ICCPR, to which 119 States are parties, individuals can submit complaints concerning alleged violations of their ICCPR rights. The scope is limited to rights guaranteed by the ICCPR.

Before submitting a complaint, individuals generally must exhaust domestic remedies, usually by pursuing legal action through the national courts. However, this requirement may be waived if there is no realistic possibility of success at the domestic level.

The process is contentious and primarily written, involving a back-and-forth exchange between the complainant and the State, but it does not include oral hearings. These proceedings can take a very long time due to the procedural complexity and caseload. For example, CLD currently has a case against Germany under this mechanism.

5. Non-Official Monitoring and Documentation

There are virtually unlimited options for non-official actors to monitor and document human rights issues. This can include:

- **Reporting on a particular case or a specific theme**, such as discrimination against a particular minority group, or focusing on the human rights situation in a particular country.
- **Maintaining a database of violations**, either internally or online, which can serve as a resource for other actors or for potential future use in research, advocacy, or legal processes.
- **Contributing information or evidence to other CSOs**, working in collaboration to strengthen advocacy, reporting, or litigation efforts. These activities allow non-official actors to play a vital role in documenting abuses and supporting accountability, even without formal authority.

6. CSO Goals in Documenting Violations

Civil society organizations (CSOs) typically document human rights violations with a “change” goal in mind. Common objectives include:

- **Contributing to advocacy campaigns** aimed at influencing official actors to change their policies, practices, or behaviour.
- **Raising public awareness** about specific human rights issues, helping to inform and mobilize communities.
- **Developing collaborative networks with other CSOs**, fostering coordination, shared expertise, and joint action.
- **Bringing violations to the attention of official actors** capable of taking action, such as the police, human rights commissions, or other oversight bodies.

These efforts help ensure that documentation is not purely descriptive but serves a practical purpose in advancing human rights protections.

Conclusion

Human rights monitoring and documentation is a very broad and complex field, encompassing multiple legal frameworks, actors, and processes at both the national and international levels.

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Protect.
Empower.

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