Court File No.: 37208

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE FEDERAL COURT OF APPEAL)

BETWEEN:

CANADIAN HUMAN RIGHTS COMMISSION

APPELLANT
(Appellant)

- and -

ATTORNEY GENERAL OF CANADA

RESPONDENT
(Respondent)

- and -

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PART I - OVERVIEW

1. Canada's international obligations must be respected in the interpretation and application of section 5(a) of the *Canadian Human Rights Act* (the "*CHRA*").[1] In particular, the proper interpretation of s. 5(a) must respect the seriousness of the prohibition against both formal and substantive discrimination on the basis of sex or marital status, and the need for effective remedies where such discrimination occurs. A broad interpretation of the jurisdiction of human rights tribunals is essential to upholding Canada's international obligations to provide effective remedies for human rights violations.

2. Although international law always informs statutory interpretation, this approach is particularly appropriate here, given Canada's reliance on the *CHRA* to meet its international human rights obligations, and its explicit statements to U.N. treaty bodies concerning the scope of the *CHRA*. Indeed, in 2014 Canada represented to the U.N. Committee on the Elimination of Discrimination Against Women that First Nations individuals "**now have full access to human rights protection**" of the *CHRA*,[2] following the repeal of s. 67 of the *CHRA* (which had previously shielded provisions of the *Indian Act*[3] from review by the Canadian Human Rights Tribunal ("CHRT")).[4]

PART II - QUESTIONS AT ISSUE

3. Amnesty's submissions are limited to three points:

(a) The interpretation and application of s. 5(a) of the *CHRA* must respect Canada's obligations under international law.

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[1] RSC 1985, c H-6.

[2] Committee on the Elimination of Discrimination against Women, ***Consideration of reports submitted by States parties under article 18 of the Convention: Eighth and ninth periodic reports of States parties due in 2014***, (2015) CEDAW/C/CAN/8-9 at para 31 (emphasis added).

[3] RSC 1985, c I-5.

[4] This position is diametrically opposed to what Canada now argues before this Court – see especially paras. 93-97 of Canada's factum, where it denies the interpretative significance of the repeal of s. 67 that it had itself advanced before the Committee.

(b) Discrimination on the basis of sex and marital status in registration under the *Indian Act* violates Canada's international human rights obligations.

(c) A broad interpretation of s. 5(a) of the *CHRA* is required to meet Canada's obligations to provide effective remedies for human rights violations.

PART III - STATEMENT OF ARGUMENT

A. The interpretation and application of s. 5 of the *CHRA* must respect Canada's obligations under international law

4. This Court has long recognized that the values and principles enshrined in its international legal obligations are a "relevant and persuasive" source of law for the purpose of interpreting domestic statutes.[5] International law is particularly important to consider when interpreting and applying quasi-constitutional domestic human rights legislation like the *CHRA*, since such statutes are an essential means through which Canada implements its international human rights obligations. Courts[6] and human rights tribunals[7] – including the CHRT[8] – have referred to and relied upon a broad range of relevant international legal sources to interpret and apply domestic human rights legislation.

5. One important means by which international human rights obligations influence statutory interpretation is through the presumption of conformity. That presumption has two key aspects.[9] First, Parliament is presumed to act in compliance with Canada's international obligations when enacting domestic legislation, such that "in deciding between possible interpretations…courts will avoid a construction that would put Canada in breach of [its] obligations."[10] Second, the legislature is presumed to comply with the "values and principles"

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[5] ***Reference re Public Service Employee Relations Act (Alberta)***, [1987] 1 SCR 313 (per Dickson CJ, dissenting on other grounds) at 348; ***R v Sharpe***, [2001] 1 SCR 45 at paras. 175, 178; ***R v Hape***, [2007] 2 SCR 292 ("***Hape***") at paras. 35-39, 53-56; ***Divito v Canada (Public Safety and Emergency Preparedness)***, [2013] 3 SCR 157 at paras. 22-28 ("***Divito***"); ***B010 v Canada (Citizenship and Immigration)***, [2015] 3 SCR 704 at paras. 47-49 ("**B010**").

[6] ***Canada (Human Rights Commission) v Canada (Attorney General)***, 2012 FC 445 at para. 355, aff'd 2013 FCA 75 (***"First Nations Child and Family Caring Society Canada" or "FNCFCSC"***).

[7] ***Yuill v Canadian Union of Public Employees***, 2011 HRTO 126 at para. 11; ***Commission des droits de la personne et des droits de la jeunesse c Laverdière***, 2008 QCTDP 15 at para. 16; ***Commission des droits de la personne et des droits de la jeunesse v Maksteel Québec Inc***, 1997 CanLII 49 (QC TDP) at paras. 12-18.

[8] ***Day v Canada (Department of National Defence)***, 2002 CanLII 45923 (CHRT) at para. 37; ***Nealy v Johnston***, (1989) C.H.R.R. D/10 (CHRT) at 35-37; ***Stanley v Canada (Royal Canadian Mounted Police)*** (1987), (1987) CanLII 98 (CHRT) at 80, 86; ***Bailey v Canada (Minister of National Revenue)***, 1980 CanLII 5 (CHRT) at 62.

[9] Ruth Sullivan, *The Construction of Statutes* 6th ed (Markham: LexisNexis, 2014) at 568-570.

[10] ***Hape***, at para. 53.

of international law, which "form part of the context in which statutes are enacted, and courts will therefore prefer a construction that reflects them."[11] Canadian courts have previously found the presumption of conformity may only be rebutted where there is "**an unequivocal legislative intent to default on an international obligation**".[12] No such intention can be found in anywhere in the language of the *CHRA*.

B. Discrimination on the basis of sex and marital status in registration under the *Indian Act* violates Canada's international human rights obligations

6. The registration requirements under s. 6 of the *Indian Act* discriminate on the grounds of sex and marital status, both of which are clearly prohibited under international law. This principle has been codified and incorporated into a wide variety of international legal treaties and declarations to which Canada is a signatory, including the *International Covenant on Civil and Political Rights* ("*ICCPR*"),[13] the *International Covenant on Economic, Social and Cultural Rights* ("*ICESCR*"),[14] the *Convention on the Rights of the Child* ("*CRC*"),[15] the *Convention on the Elimination of Discrimination Against Women* ("*CEDAW*"),[16] the *Universal Declaration on Human Rights* ("*UDHR*"),[17] and the *U.N. Declaration on the Rights of Indigenous Peoples* ("*UNDRIP*").[18]

7. Under international law, "discrimination" occurs when an individual or group is subject to "any distinction, exclusion, restriction or preference that is directly or indirectly" based on an enumerated or analogous ground (which the various instruments have expanded in various ways) and "which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing" of rights protected under domestic or international law.[19] Discrimination may be direct/formal (inequality caused by unequal

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[11] ***Hape***, at para. 53. See also ***FNCFCSC,*** *supra*, 2012 FC 445 at paras. 351-354.

[12] ***Hape***, *ibid* (emphasis added).

[13] ***ICCPR***, 16 December 1966, 999 U.N.T.S. 171, Can. T.S. 1976 No. 47, 6 I.L.M. 368 (entered into force 23 Mar. 1976, accession by Canada 19 May 1976), articles 2(1), 2(2), 3, 24(1), 24(3).

[14] ***ICESCR***, 16 December 1966, 993 U.N.T.S. 3, Can. T.S. 1976 No. 46, 6 I.L.M. 360 (entered into force 3 Jan. 1976, accession by Canada 19 May 1976), articles 2(2), 3, 9, 10.

[15] ***CRC***, 44/25 of 20 November 1989, (entered into force 2 September, 1990), articles 2(2), 8.

[16] ***CEDAW***, articles 2, 5(a), 9.

[17] ***UDHR***, General Assembly, 10 December 1948, 217 A (III), articles 2, 7.

[18] ***UNDRIP*****,** General Assembly, 2 October 2007, A/RES/61/295, articles 2, 6, 9.

[19] Committee on Economic, Social and Cultural Rights, ***General Comment No. 20: Non-discrimination in economic, social and cultural rights,*** U.N. Doc. E/C.12/GC/20 (2009) ("***CESCR No. 20***") at para. 7. For similar language, see: ***ICERD***, Art

treatment) or indirect/substantive (inequality caused by the equal treatment for groups with relative differences).[20] Both forms are prohibited.[21]

8. Canadian courts have recognized that Indian status under the *Indian Act* is analogous to nationality.[22] Several international treaties expressly prohibit sex-based discrimination in the transmission of nationality.[23] Numerous treaty bodies have criticized States parties that have failed to abolish this form of discrimination.[24] In 1985, the European Court of Human Rights ruled that disparate treatment of men and women in the United Kingdom with respect to the ability of non-citizen spouses to enter and remain in the country violated equality rights under the *European Convention on Human Rights*.[25]

9. In *Benner v Canada (Secretary of State)*, this Court invalidated legislation that preserved historical discrimination in the transmission of Canadian citizenship (preferential treatment for children born abroad to male citizens compared with female citizens).[26] The United States Supreme Court recently struck down a law that preserved sex-based discrimination in the transmission of nationality in *Sessions v Morales-Santana*, where Ginsburg J. wrote that such provisions "date from an era when the lawbooks of our Nation were rife with overbroad generalizations about the way men and women are".[27]

1.1; Human Rights Committee, ***General Comment No. 18: Non-discrimination*** (4 October 1990) HR/GENI/Rev.9 (Vol. I) (Supp), at 196, paras. 6-7 ("***HRC No. 18***").

[20] Committee on the Elimination of Racial Discrimination, ***General Recommendation No. 32: The meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination***, (24 September 2009), CERD/C/GC/32 ("***CERD No. 32***"), at paras. 7-8.

[21] See, for example: ***HRC No. 18***, at paras. 8, 10; ***CESCR No. 20***, at para. 8; ***CERD No. 32*** at paras. 7-10; U.N. Committee on the Rights of the Child, ***General comment No. 14 (2013) on the right of the child to have his or her best interests taken a s a primary consideration (art. 3, para. 1)*, 29 May 2013**, CRC/C/GC/14, at para. 41.

[22] ***McIvor v Canada (Registrar of Indian and Northern Affairs)***, 2009 BCCA 153 at para. 55; ***Descheneaux c. Canada (Procureur Général)***, 2015 QCCS 3555 at paras. 103-104.

[23] ***CEDAW***, article 9(2) ("State Parties shall grant women equal rights with men with respect to the nationality of their children"); *ICCPR*, article 24(3); Human Rights Committee, ***General Comment No. 17: Article 24 (Rights of the Child)***, Thirty-Fifth Session (7 April 1989) at para. 8; ***Human Rights Council res. "The Right to a Nationality: Women's Equal Nationality Rights in Law and in Practice"*** (urges States parties to ensure gender equal nationality rights).

[24] See, ***Concluding Observations of the Committee on the Elimination of Discrimination Against Women: Algeria*** (1999) (A/54/38/Rev.1) at para. 83; ***Concluding Observations of the Committee on the Rights of the Child: Kuwait*** (1998) CRC/C/15/Add.96 at para. 20; ***Concluding Observations of the Committee on the Elimination of Discrimination Against Women: Iraq (2000) (A/55/38(SUPP)*** at para. 187***; Concluding Observations of the Committee on the Elimination of Discrimination Against Women: Jordan*** (2000) (A/55/38(SUPP) at para. 172; and ***Concluding Observations of the Committee on the Elimination of Discrimination Against Women: Morocco*** (1997) (A/52/38/REV.1SUPP) at para. 64.

[25] ***Abdulaziz et al. v United Kingdom***, (1985) 94 Eur. Ct. H.R. (ser. A).

[26] ***Benner v. Canada (Secretary of State)***, [1997] 1 S.C.R. 358.

[27] ***Sessions v. Morales-Santana*, 137 S. Ct. 1678**

10. U.N. treaty bodies have repeatedly found that continued sex-based discrimination under the *Indian Act* is a breach of Canada's international human rights obligations. In 1975, Sandra Lovelace, a Maliseet woman who lost her Indian status upon marriage to a non-Aboriginal man, challenged the "marrying out" provision of the *Indian Act*. The U.N. Human Rights Committee found Canada in violation of article 27 of the *ICCPR* because it effectively denied Ms. Lovelace the right to access her culture, her religion, and her language.[28] In 1999 the same Committee expressed concern about ongoing discrimination against Aboriginal women, and in particular that the 1985 amendments to the *Indian Act* continued to discriminate against Indigenous women by denying status to descendants of Indigenous women.[29] Canada continues to be routinely criticized by U.N. treaty bodies,[30] and by the Special Rapporteur on the Rights of Indigenous Peoples,[31] for the ongoing discrimination against individuals like the Matsons in the transmission of Indian status. To interpret s. 5(a) of the *CHRA* so narrowly as to deny an effective remedy under the *CHRA* – in the face of the concerns of international human rights bodies – would render the CHRT unable to discharge its role in upholding Canada's human rights obligations.

C. A broad interpretation of the *CHRA* is required to meet Canada's obligations to provide effective remedies for breaches of international human rights law

11. Canada's obligations under international human rights law to provide effective remedies for breaches of the prohibition against discrimination do not support the narrow, restrictive reading of s. 5(a) of the *CHRA* adopted by the Federal Court of Appeal in this case. International law requires that States establish effective national remedial mechanisms to address instances of discrimination. The *CHRA* is a key aspect of the remedial system in

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[28] ***Lovelace v. Canada***, Communication No. R.6/24, U.N. Doc. Supp. No. 40 (A/36/40) at 166 (1981).

[29] Human Rights Committee, ***Concluding Observations: Canada*** (7 April 1999) (CCPR/C/79/Add.105) at para. 19.

[30] Human Rights Committee, ***Concluding Observations on the sixth periodic report of Canada*** (13 August 2015), U.N. Doc. CCPR/C/Can/CO/6 at para. 17; ***Concluding observations of the Committee on the Elimination of Racial Discrimination—Canada*** (4 April 2012), U.N. Doc. CERD/C/CAN/19-20 at para. 18; ***Concluding observations on the combine eighth and ninth periodic reports of Canada***, (25 November 2016), U.N. Doc. CEDAW/C/CAN/CO/8-9 at paras. 12-13; ***Report of the inquiry concerning Canada of the Committee on the Elimination of Discrimination Against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women*** (30 March 2015) U.N. Doc. CEDAW/C/OP.8/CAN/1 at para. 24.

[31] ***Report of the Special Rapporteur on the Rights of Indigenous Peoples, James Anaya*** (4 July 2014), U.N. Doc. A/HRC/27/52/Add.2 at paras. 55, 94.

Canada, as recognized by international treaty bodies, the CHRT[32] and Canada. In order to effectively discharge Canada's international legal obligations, however, the CHRT's jurisdiction to hear complaints regarding discrimination under the *CHRA* must be broadly interpreted.

12. In many cases, the *CHRA* regime is preferable to a s. 15 *Charter* challenge, particularly where access to justice for a marginalized group is a concern. The *CHRA* allows for a more flexible procedure and greater resources in the investigation of complaints and representation of parties. These advantages are well canvassed by other parties before the Court. This section will outline how Canada and U.N. treaty bodies have understood the unique role of the *CHRA* in fulfilling Canada's international obligations.

i. Canada's representations on the role of human rights tribunals

13. The Government of Canada has repeatedly recognized the necessity of regimes like the *CHRA* to meeting its obligations under international human rights law. In its most recent Core Document, provided to the United Nations as part of Canada's reporting obligations to various committees monitoring compliance with international treaties, the government emphasizes the role of human rights legislation in fulfilling Canada's obligations to prevent discrimination under international human rights law.[33]

14. Of particular significance to this appeal are Canada's representations in reports to the Committee on the Elimination of Discrimination against Women and other U.N. treaty bodies, where Canada stressed the ability of Indigenous individuals to challenge government actions before the CHRT. Against the backdrop of ongoing criticism by the CEDAW Committee of sex-based discrimination in the transmission of Indian status, Canada specifically assured the Committee that challenges by First Nations individuals before the CHRT would now be possible, as a result of the repeal of s. 67 of the *CHRA*:[34]

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[32] ***Nealy v Johnston***, 1989 CanLII 151 (CHRT), at 37; ***Brown v Canada (Royal Canadian Mounted Police)***, (2004) CanLII 30 (CHRT) at para. 81.

[33] Canada, *Core Document forming part of the reports of State Parties* (28 November 2013) at paras. 99-104, 166.

[34] Committee on the Elimination of Discrimination against Women, ***Consideration of reports submitted by States parties under article 18 of the Convention: Eighth and ninth periodic reports of States parties due in 2014***, (2015) CEDAW/C/CAN/8-9 6/37 at para. 31 (emphasis added); see also Committee on the Elimination of Racial Discrimination, ***Reports submitted by States parties under article 9 of the Convention: Nineteenth and twentieth periodic reports of States***

> In 2008, section 67 of the *Canadian Human Rights Act*, which shielded the provisions of the *Indian Act* and any decisions made or actions taken by the federal government and Indian Band Councils under or, pursuant to, the *Indian Act* from the application of the *Canadian Human Rights Act*, was repealed….**First Nations individuals now have full access to human rights protection and are able to file complaints with the Canadian Human Rights Commission alleging discrimination on a prohibited ground arising from actions taken or decisions made under or pursuant to the *Indian Act.***

15. Registration as an "Indian" is governed by s. 6 of the *Indian Act*, which sets eligibility criteria that have a differential impact on descendants of males and females. Registration is a "decision made…pursuant to the *Indian Act*" and so based on Canada's submissions to the CEDAW Committee can no longer be shielded from scrutiny under the *CHRA.*

ii. A narrow interpretation is inconsistent with the role of national human rights legislation as an effective remedy for rights violations

16. The language of international treaties and the statements of their supporting Committees demonstrate that domestic human rights schemes like the *CHRA* are important means of fulfilling Canada's international obligations. The *CHRA* should be given a broad interpretation that will allow it to achieve this purpose. A narrow construction of the CHRT's jurisdiction – one that restricts its ability to address violations of the prohibition against discrimination, simply because other legal challenges may be available – is not consistent with the role these bodies are intended to play under international law.

17. International treaties and declarations require Canada to take legislative measures and administrative action to ensure compliance with its obligations. For example, the *ICCPR* requires each State party:

- "to take the necessary steps … to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present covenant" (article 2.2);
- "to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy" (article 2.3(a)); and

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parties due in 2009,(2011) CERD/C/CAN/19-20, 28 at para 3; Committee on Economic, Social and Cultural Rights, *C**onsideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights: Sixth Periodic reports of States parties due in 2010***, (2013) E/C.12/CAN/6, 19 at para. 62.

- "to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities" (Article 2.3(b));

There are similar provisions in other international human rights instruments.[35]

18. Canada's obligations under these treaties – particularly with respect to providing effective enforcement mechanisms for the prohibition against discrimination – include establishing domestic human rights tribunals, and ensuring that they serve as a reliable and effective means of redress for victims of discrimination. This point has been made on a number of occasions by the international bodies responsible for commenting on the scope of the relevant treaties and reporting on the implementation of Canada's obligations under them.[36]

19. The Committee on the Rights of the Child has confirmed that national human rights institutions are "**an important mechanism to promote and ensure the implementation of the Convention**" and their establishment "fall[s] within the commitment by States parties upon ratification to ensure the implementation of the Convention".[37] The mandate of such institutions is to be broad:

> [National human rights institutions] should, if possible, be constitutionally entrenched and must at least be legislatively mandated. **It is the view of the Committee that their mandate should include as broad a scope as possible for promoting and protecting human rights… NHRIs should be accorded such powers as are necessary to enable them to discharge their mandate effectively**, including the power to hear any person and obtain any information and document necessary for assessing the situations falling within their competence. [Emphasis added].[38]

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[35] *ICESCR*, article 2(1); *CEDAW* , articles 2(c); *CRC*, articles 2.2, 4, *UNDRIP*, articles 28 and 30.

[36] These and other non-binding international legal sources have guided courts and tribunals in determining the legislative intent underlying certain sections of domestic legislation. Indeed, the Supreme Court of Canada has relied on these sources in assessing the legislative objective underlying the *CHRA*: see ***Canada (Human Rights Commission) v Taylor***, [1990] 3 SCR 892 at pp. 31-32 (relying on decisions of the Human Rights Committee and several provisions of the European Convention of Human Rights to affirm that the eradication of discrimination includes preventing harms caused by hate propaganda); ***Canadian Foundation for Children, Youth and the Law v Canada (Attorney General)***, [2004] 1 SCR 76.

[37] Committee on the Rights of the Child***, General Comment No. 2: The role of independent national human rights institutions in the protection and promotion of the rights of the child***, U.N. Doc. CRC/GC/2002/2 (2002) at para. 1 (emphasis added)

[38] Committee on the Rights of the Child, ***General Comment No. 2: The role of independent national human rights institutions in the protection and promotion of the rights of the child***, U.N. Doc. CRC/GC/2002/2 (2002) at para. 9. See

20. In a General Comment focused on indigenous children, the Committee on the Rights of the Child went on to note that state parties have an "obligation to ensure that the principle of non-discrimination is reflected in **all domestic legislation**, and can be directly applied and appropriately monitored and enforced through judicial **and administrative bodies**".[39]

21. The U.N. Human Rights Committee has recently recognized that national human rights institutions have a role "in bridging the gap between international and national human rights systems".[40] Furthermore, the Committee on Economic, Social and Cultural Rights has stated that it is "essential" that national human rights institutions give "full attention" to the *ICESCR* in their activities, including when "examining complaints alleging infringements of applicable economic, social and cultural rights within a state."[41] According to the Committee, national human rights institutions, including tribunals, "should adjudicate or investigate complaints promptly, impartially and independently", and that "[d]omestic legal guarantees of equality and non-discrimination should be interpreted by these institutions in ways which facilitate and promote the full protection of economic, social and cultural rights."[42] This necessity for broad and robust national remedial regimes is put at great risk by the narrow interpretation of the *CHRA* adopted by the lower courts. Should this interpretation stand, it may prevent Canada's national remedial regime from fulfilling its intended function and may place Canada in violation of its international obligations.

22. International law is clear that States have a duty to ensure that remedies for human rights violations are accessible and address financial barriers to remedy.[43] An interpretation of Canadian law that would preclude victims from obtaining the assistance of the Canadian Human Rights Commission in making a claim before the CHRT for a finding that legislation

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also: Committee on the Rights of the Child, ***General Comment No. 5: General measures of implementation of the Convention on the Rights of the Child***, U.N. Doc. CRC/GC/2003/5 (2003), at para. 65.

[39] Committee on the Rights of the Child, ***General Comment No. 11: Indigenous Children and their Rights under the Convention***, U.N. Doc. CRC/C/GC/11 (2009), at paras. 23, 25 (emphasis added).

[40] Human Rights Committee, ***Paper on the relationship of the Human Rights Committee with national human rights institutions***, 106th session (2012) at Part A, para 2.

[41] Committee on Economic, Social and Cultural Rights, ***General Comment No. 10: The role of national human rights institutions in the protection of economic, social and cultural rights***, U.N. Doc. E/C.12/1998/25 (1998), at para. 3.

[42] *Ibid.*, at para. 40.

[43] Committee on Economic, Social and Cultural Rights, ***General Comment No. 24 on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities,*** U.N. Doc. E/C.12/GC/24 (2017), at para 44; Committee on Economic, Social and Cultural Rights, ***General Comment No. 9: The domestic application of the Covenant***, U.N. Doc. E/C.12/1998/24 (1998), at para 9.

is discriminatory would run counter to this duty. The alternative would be to expect individuals to identify and fund counsel to support them through several levels of court proceedings. Such an approach would imply that justice is dependent on a victim's wealth, or their situation falling within the priorities and plans of a well-resourced non-governmental organization, of which there is no guarantee.

23. The continued discrimination in the transmission of Indian status by Indigenous women is a clear violation of Canada's international human rights obligations. Amnesty International respectfully requests this Court to interpret s. 5(a) of the *CHRA* broadly and purposively, in a manner that will provide for an effective remedy for these and other discriminatory practices, and so secure compliance with Canada's obligations under international law.

PART IV - SUBMISSIONS ON COST

24. Amnesty International does not seek costs and respectfully requests no costs be ordered against it.

PART V - ORDER REQUESTED

25. Amnesty International respectfully requests that its submissions be considered in deciding legal issues on this appeal.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 5th day of October, 2017.

pour: **Justin Safayeni / Stephen Aylward**
Lawyers for the Intervener,
Amnesty International

PART VI – TABLE OF AUTHORITIES

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PART VII – STATUTORY PROVISIONS

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