

Faisal Bhabha

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EDUCATION, QUALIFICATIONS & AWARDS

- 2006-2007 **HARVARD LAW SCHOOL**, Cambridge, (MA, United States)
Master of Laws (LL.M.) – Thesis Title: “Culture, Rights, and Liberal Constitutionalism: Toward a Theory of Multiculturalism Under the Canadian Charter of Rights and Freedoms
- *Harvard Human Rights Fellowship*
- 2002-2003 **LAW SOCIETY OF UPPER CANADA PROFESSIONAL SCHOOL**, Kingston (ON, Canada)
Called to the Bar of Ontario as a licensed barrister and solicitor (2003)
- 1997-1999,
2001-2002 **QUEEN’S UNIVERSITY**, Kingston (ON, Canada)
Bachelor of Laws (LL.B.)
- *Cassels Brock & Blackwell Centennial Award in Constitutional Law and Human Rights*
 - *George Norman Leipnik Award in International Legal Studies*
 - *J.S.D. Tory Writing Award*
 - *Law Society of Upper Canada Education Equity Award*
 - *First Place Factum, Wilson Moot on Equality Law*
- 1993-1997 **UNIVERSITY OF TORONTO (TRINITY COLLEGE)**, Toronto, ON, Canada)
Bachelor of Arts (B.A. Hon.) in History and Political Science
- Graduated with Distinction
 - *Trinity College Bursary* (for outstanding academic achievement)

ACADEMIC AND RESEARCH EXPERIENCE

- 2011-Present **OSGOODE HALL LAW SCHOOL OF YORK UNIVERSITY**, Toronto (ON, Canada)
Assistant Professor
Courses Taught:
- Ethical Lawyering in a Global Community
 - Law & Social Change: Community Action Across Borders
- 2008-2011 **OSGOODE HALL LAW SCHOOL OF YORK UNIVERSITY**, Toronto (ON, Canada)
Adjunct Professor
Courses Taught:
- Law & Social Change: Community Action Across Borders
 - Discrimination and the Law
- 2007 **UNIVERSITY OF THE WITWATERSRAND**, Johannesburg (South Africa)
Visiting Researcher, Centre for Applied Legal Studies
- 2006-2007 **UNBOUND-HARVARD JOURNAL OF THE LEGAL LEFT**, Cambridge (MA, United States)
Editor
- 2001-2002 **QUEEN’S UNIVERSITY, DEPARTMENT OF POLITICAL STUDIES**, Kingston (ON, Canada)
Teaching Assistant, Introduction to Canadian Politics

- 2000-2001 **WOMEN'S CENTRE FOR LEGAL AID AND COUNSELLING**, Jerusalem (Palestinian Territories)
Researcher—public policy and advocacy unit
- 1999-2000 **LAW-THE PALESTINIAN SOCIETY FOR HUMAN RIGHTS AND THE ENVIRONMENT**, Jerusalem (Palestinian Territories)
Project manager of international academic conference; editor of English-language publications

PROFESSIONAL EXPERIENCE

- 2008-2011 **HUMAN RIGHTS TRIBUNAL OF ONTARIO**, Toronto (ON, Canada)
Vice-Chair
- Adjudicated cases brought to the Tribunal under the *Human Rights Code*
 - Conducted public hearings, and alternative dispute resolution, using a variety of techniques tailored to the needs and abilities of the parties in litigation
 - Authored more than 150 published decisions and conducted nearly 200 mediations
- 2003-2006 **BAKERLAW – BARRISTERS AND SOLICITORS**, Toronto (ON, Canada)
2007-2008 Lawyer
- Worked on constitutional, human rights, civil litigation and administrative law matters in public interest law firm, focusing on equality and anti-discrimination issues
 - Appeared before various administrative tribunals and courts
 - Developed and managed the firm's articling program; supervised and mentored students
- 2002-2003 **SACK GOLDBLATT MITCHELL – BARRISTERS AND SOLICITORS**, Toronto (ON, Canada)
Articling Student
- Worked on labour, employment and civil litigation files

NOTABLE ADVOCACY

- 2008 Counsel to Egale Canada, the Council of Canadians with Disabilities (CCD), the National Anti-Racism Council of Canada (NARCC), the Canadian Feminist Alliance for International Action (FAFIA), the DisAbled Women's Network of Canada (DAWN-RAFH Canada), the Metro Toronto Chinese and Southeast Asian Legal Clinic (MTCALC), the Charter Committee on Poverty Issues (CCPI), the Women's Legal Education and Action Fund (LEAF) and the South Asian Legal Clinic of Ontario (SALCO).
Appeared in Federal Court seeking intervenor status in challenge to federal government's cancellation of the Court Challenges Program.
- 2008 Counsel to Bob Brown, Complainant in human rights case against the National Capital Commission.
Appeared in Federal Court in support of a judicial review of a Canadian Human Rights Tribunal decision finding that the NCC had discriminated against Brown and other people with mobility-related disabilities.
- 2008 Co-counsel in class action lawsuit on behalf of children with autism and their parents.
Commenced class proceedings in *Sagharian et al. v. Ontario et al.*, alleging failures by the provincial government and school boards to accommodate autistic children in public schools. Appeared before the Ontario Court of Appeal.

- 2006 Co-counsel to CAIR-CAN and the Canadian Muslim Civil Liberties Association. Appeared as intervenor before the Supreme Court of Canada in *Charkaoui, Almrei and Harkat*, a joint constitutional challenge to indefinite detention pursuant to security certificates.
- 2006 Co-counsel to Amnesty International and the International Human Rights Law Clinic (University of Toronto). Appeared in Federal Court seeking intervenor status in support of refugee appeal by American army deserter in *Hinzman v. Canada*.
- 2003 Co-counsel to Democracy Watch and the National Anti-Poverty Organization (NAPO). Appeared as intervenors before the Supreme Court of Canada in *Harper v. Canada*, an elections advertising case involving *Charter* issues of freedom of expression and equality.

PUBLICATIONS

Journal Articles

“Disability Equality Rights in South Africa: Concepts, Interpretation and the Transformation Imperative” (2009) 25 S. African J. Hum. Rts. 218

“Between Exclusion and Assimilation: Experimentalizing Multiculturalism” (2009) 54 McGill L.J. 3

“Navigating the Spheres of Multiculturalism, Bilingualism and Federalism: Theoretical, Doctrinal and Constitutional Perspectives on the ‘Reasonable Accommodation’ Debate” (2008) 43 Sup. Ct. L.R. (2d) 499

“Institutionalizing Access to Justice: Judicial, Legislative and Grassroots Dimensions” (2007) 33 Queen’s L. J. 139

“The Chill Sets In: National Security and the Decline of Equality in Canada” (2005) 54 U. New Brunswick L. J. 191

“Universality and Medical Necessity: Statutory and *Charter* Remedies to Individual Claims to Ontario Health Insurance Funding” (2004) 13 Health L. Rev. 25 (co-authored with David Baker)

“Tracking ‘Terrorists’ or Solidifying Stereotypes? Canada’s *Anti-Terrorism Act* in Light of the *Charter*’s Equality Guarantee” (2003) 16 Windsor Rev. Leg. & Soc. Issues 95

Book Reviews

Access to Justice as a Human Right by Francesco Francioni, ed. (2008) 24 Windsor Rev. Leg. & Soc. Issues 87

Technical Reports & Policy Papers

“Plain Language Guide to the *Accessibility for Ontarians With Disabilities Act, 2005*”
Commissioned by the Government of Ontario, March 2008

“Human Rights Issues in National Security: An Inventory of Agency Considerations” [co-authored]
Report for the Canadian Human Rights Commission, June 2007

“Second-Class Workers, Second-Class Mothers: The Exclusion of Self-Employed Women from Employment Insurance Special Benefits”
Case Development Report prepared for the Court Challenges Program of Canada, July 2006

“National Security and Anti-Terrorism” [chapter]

Racialized Communities in Canada: The Status of Compliance by the Canadian Government with the International Covenant on Civil and Political Rights
National Anti-Racism Council of Canada (NARCC) submission to the Human Rights Committee of the United Nations, October 2005

“Protecting Seniors’ Self-Determination in Employment: The *Canadian Human Rights Act* and Mandatory Retirement”
Report prepared for Canada’s Association for the 50-Plus (CARP), September 2005

“Legal Considerations for Establishing a Therapeutic Residential Facility for Adolescents with Mental Health and/or Addictions Issues”
Report prepared for the Toronto Adolescent Recovery Centre, April 2004

UNPUBLISHED WORK AND APPEARANCES

Academic Conferences, Presentations and Papers

“Towards a Pedagogy of Diversity”
Conference of the International Journal of Clinical Legal Education and Global Alliance for Justice in Education
Panellist, July 13, 2011 (Valencia, Spain)

“Critical Self-Reflection in the Classroom”
Osgoode Course Design Institute (OCDI)
Panellist, *Innovative Teaching Methods*, June 17, 2010 (Toronto, Ontario)

“Disability Equality under the South African Bill of Rights”
Harvard Law School
Guest Lecture, *Disability Reading Group*, April 21, 2008 (Cambridge, Massachusetts)

“Experimentalizing Multiculturalism under the Canadian Charter of Rights and Freedoms”
University of Toronto, Faculty of Law
Panellist, *Toronto Group for the Study of International, Transnational, and Comparative Law Conference*, January 11-13, 2008 (Toronto, Ontario)

“The Limits of Constitutional Borrowing”
University of the Witwatersrand, Law School
Presentation, Centre for Applied Legal Studies (CALS), November 2007 (Johannesburg, South Africa)

“Access to Justice in Canada: A Comparative Perspective”
Harvard Legal Aid Bureau, Harvard Law School
Panellist, *Comparative Poverty Law*, April 11, 2007 (Cambridge, Massachusetts)

“The Influence of U.S. Constitutional Law at the Supreme Court of Canada”
American Constitution Society, Harvard Law School
Panellist, *Comparative Constitutional Law Roundtable*
March 20, 2007 (Cambridge, Massachusetts)

“Reconstructing the Third Wave: Transformation, Entrenchment and Deliberation in Access to Justice”
Osgoode Hall Law School, York University
Faculty Presentation, January 25, 2007 (Toronto, Ontario)

Non-Academic Presentations and Papers

“Human Rights Adjudication in Ontario “
Ontario Justice Education Network (OJEN)
Summer Law Institute for Secondary School Teachers, August 31, 2010 (Toronto, Ontario)

“A Long and Winding Road: Enforcing Human Rights for Children with Disabilities”
SMILE – Advocacy for Children with Disabilities
Keynote address, Annual Gala Dinner, April 16, 2010 (Toronto, Ontario)

“Diversity in the Legal Profession”
Ministry of the Attorney General for Ontario
South Asian Heritage Month, May 15, 2008 (Toronto, Ontario)

“The Rights of Domestic Workers Under the *Employment Standards Act*”
Presentation to the 22nd Newcomers’ Orientation Program for Filipino Immigrants, Contract Workers
and Their Dependents, November 19, 2005 (Toronto, Ontario)

“The Duty to Accommodate Employees with Disabilities”
Presentation to Epilepsy Toronto, Job Seekers Group, September 22, 2005

“Accommodating Employees with Emotional Disabilities” [co-authored]
The Canadian Institute, National Forum on the Duty to Accommodate, April 2005

“Universality and Medical Necessity: Statutory and *Charter* Remedies to Individual Claims to Ontario
Health Insurance Funding” [co-authored]
Ontario Bar Association Continuing Legal Education
Health Law and Medical Malpractice: Essential Decisions, March 2004

MEDIA

Authored Newspaper Op-eds

“Don’t fear religious schools” *National Post* (August 24, 2007)
“What Canada should do” *Toronto Star* (July 26, 2006)
“Don’t isolate the Palestinians” *The Globe and Mail* (April 17, 2006)

Newspaper Interviews

“Fighting to restore legal funding” by Krishna Rau, Xtra (December 20, 2007)
“War dodger’s supporters rally outside court” CTV Television News (February 8, 2006)
“Two human rights groups to support U.S. deserter” by Colin Perkel, Canadian Press (February 6, 2006)
“Interest in Islamic law creating opportunities for Muslim lawyers” by Sarah Efron, The Law Times (August 12, 2005)
“Will redefining marriage open the door to polygamy?” by Terry O’Neill, The Western Standard (March 14, 2005)

COMMUNITY SERVICE

2011-Present **PARKDALE COMMUNITY LEGAL SERVICES**, Toronto (ON, Canada)
Member, Board of Directors

2005-2008 **LAW SOCIETY OF UPPER CANADA (LSUC)**, Toronto (ON, Canada)
Member, Equity Advisory Group (EAG)

2003-2006 **INTERNATIONAL DEVELOPMENT AND RELIEF FOUNDATION (IDRF)**, Toronto (ON, Canada)
Member, Program Committee

PEER REVIEW

2011 Windsor Review of Legal and Social Issues

2010 Queen's Law Journal

2009 Law & Social Inquiry

LANGUAGES

Conversational French and basic Arabic