



HUMAN RIGHTS PROGRAM

HARVARD LAW SCHOOL

Annual Report
2016-2017

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HRP *Breadth and Focus*

Founded in 1984 as a center for human rights scholarship, the Harvard Law School Human Rights Program (HRP) now comprises both the Academic Program and the International Human Rights Clinic (the Clinic), which together bridge theory with practice and reflect on the current state of human rights. As part of the broader human rights community at Harvard, HRP works closely with other faculty, graduate students, and research centers at the Law School and University.

As a center for critical thinking, HRP's Academic Program organizes conferences and other events; publishes working papers and books; offers summer and post-graduate fellowships to help launch students into human rights careers; and draws advocates and scholars from around the world to conduct primary research through the Visiting Fellows Program.

"The main goal of the Academic Program is critical engagement with issues of human rights," says Gerald L. Neuman, JD '80, Co-Director of HRP and J. Sinclair Armstrong Professor of International, Foreign, and Comparative Law. "That may mean thinking about problems that the field of human rights addresses, but it also means thinking critically about human rights law, defects in human rights law, and ways in which the law can be improved."

Students are at the heart of the Clinic, which works to protect the human rights of clients and communities around the world. Under the supervision of seasoned practitioners, students work in small project teams and receive constant feedback and guidance from experienced clinicians.

This year, the Clinic engaged more than 90 students on 25 clinical projects. Instructors supervised 56 students on 26 fact-finding and advocacy trips around the world, in Bolivia, Canada, Colombia, Jordan, Kenya, Kosovo, Myanmar, the Netherlands, South Africa, Switzerland, and Ukraine, as well as in the U.S.

"When students enroll in the Clinic, they become part of a community of advocates working together to advance social justice," says Susan Farbstain, JD '04, Co-Director of the Clinic and Clinical Professor of Law. "Through projects and clinical seminars, they develop a wide range of skills—fact-finding, reporting, litigation, media advocacy, negotiation, community engagement—necessary to be strategic and creative human rights practitioners."

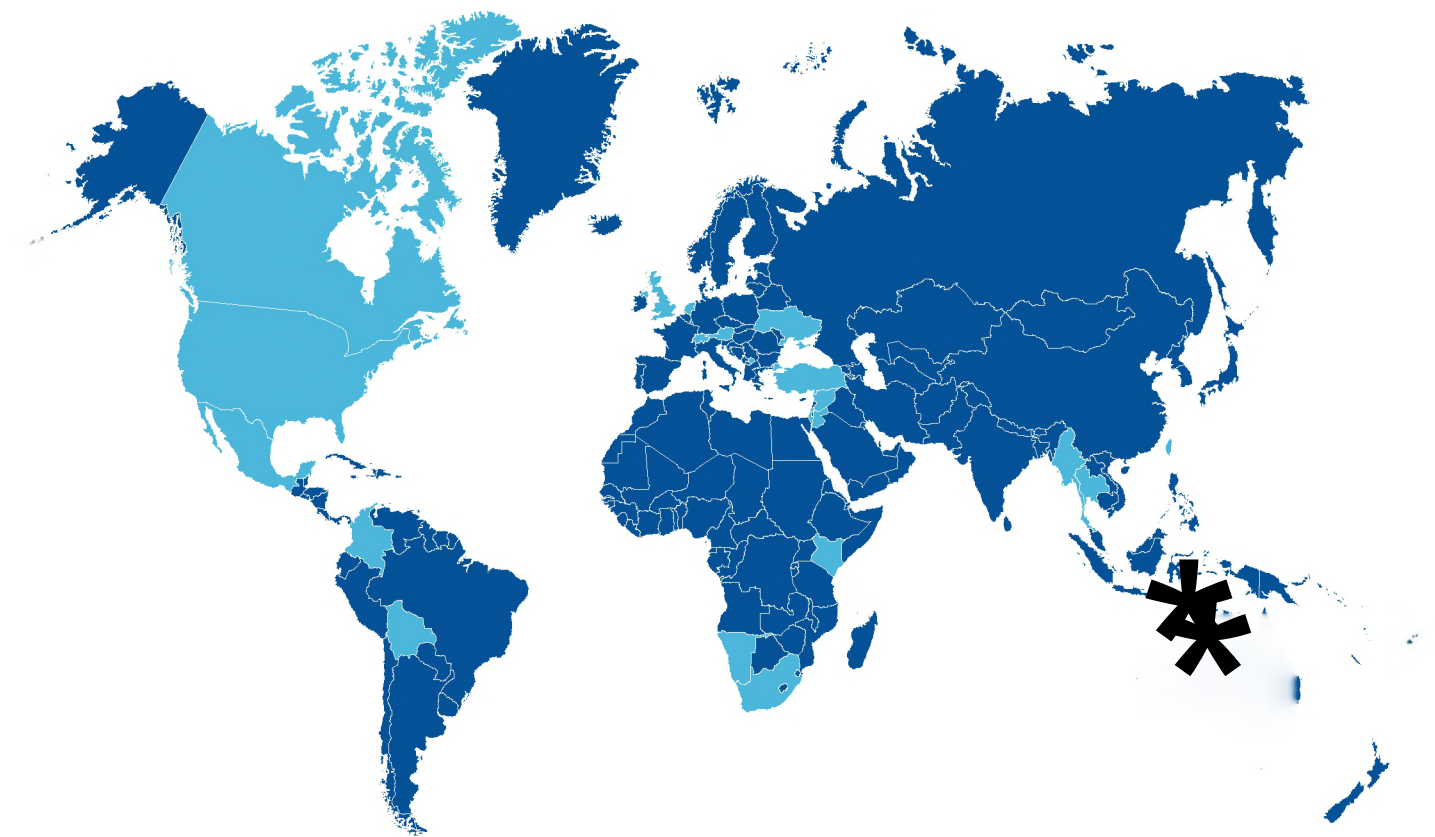
The Clinic is also focused on mentorship and student development over time.

"We meet the students where they are and tailor their learning experience so that they're able to do the work they love at a higher level over time," says Tyler Giannini, Co-Director of HRP and the Clinic and Clinical Professor of Law. "The Clinic is a safe space to make and learn from mistakes, so by the time students graduate, they're really ready to hit the ground running."

Many students join the HRP community as soon as they matriculate at HLS, often by joining HLS Advocates for Human Rights, a student practice organization open to 1Ls during the first semester. Starting as 2Ls, students can enroll in the Clinic, where they have the opportunity to pursue up to six semesters of clinical work, including January term. They may also participate in summer fellowships.

Countries of work, 2016-2017

The scope of HRP is deep and broad, with a global reach on a wide range of issues connected to human rights, from accountability litigation and treaty bodies to civilian protection in armed conflict and gender justice.



■ Countries of work

Banning Nuclear Weapons

Last fall, the United Nations General Assembly agreed to initiate negotiations on a new treaty banning nuclear weapons. If successful, it would be a landmark agreement, and something anti-nuclear activists had been working towards for a decade. But the timeline was tight: negotiations were set for the summer of 2017.

So in January, the Clinic set to work. Bonnie Docherty, JD '01, Lecturer on Law and now the Clinic's Associate Director of Armed Conflict and Civilian Protection, and Anna Crowe, LLM '12, Clinical Instructor and Lecturer on Law, led a team of four students. They joined with a U.K. organization, Article 36, and other partners to try to get key humanitarian provisions included in the treaty.

In particular, they wanted "positive obligations" that would require countries that are party to the treaty to take action to assist victims and remediate environmental harms caused by the use or testing of nuclear weapons. Earlier treaties regarding weapons of mass destruction had not included such obligations.

The team published several legal advocacy papers over the spring semester arguing that the positive obligations were essential and offering draft language. In making their case, the students looked to similar provisions in a 2008 treaty banning cluster munitions, in which the Clinic was very involved.



Members of the International Human Rights Clinic team (second to right), including Bonnie Docherty, Associate Director of Armed Conflict and Civilian Protection, Anna Crowe, Clinical Instructor, and Lan Mei, JD '17, in a negotiating session of the new treaty to ban nuclear weapons.

"It was one of the most prolific teams I've had in 12 years of teaching," says Docherty, noting that student teams usually produce one major publication over a semester. "They produced both high-quality and high-quantity work."

In March, the clinical team traveled to New York City for the first week of negotiations, where they provided support to a civil society coalition, the International Campaign to Abolish Nuclear Weapons (ICAN).

Then, in June and July, three of the students

returned to New York City to work on the treaty, including Lan Mei, JD '17, who was studying for the bar at the time. Mei and the other students did spot research on legal questions, analyzed proposed language, and developed advocacy talking points for use by members of ICAN.



The signing ceremony for the treaty took place on Sept. 20, 2017.

"As a student you don't really have many opportunities to be at the U.N. and not only observe, but have an impact," says Mei. "Bonnie actually asked me what I thought about her proposed language, and took my opinions into account, and I could see our work product change as a result of that."

On July 7—with the positive obligations included—the treaty passed overwhelmingly, with 122 nations voting in favor, although the United States and other nuclear weapons states had boycotted the process.

"It sets a new legal norm, meaning that nuclear weapons, long considered immoral, are now also illegal under this treaty," says Crowe. "It's a remarkable achievement."

On September 20, 2017, there was a signing ceremony at the U.N. Less than three weeks later, ICAN received the Nobel Peace Prize for its role in driving the process that led to the treaty.

Reflecting on the positive obligations team, Docherty says it was one of the most effective civil society collaborations she had ever seen in her 16 years working in the humanitarian disarmament arena.

"We started with an issue that a year ago no one thought would be in the treaty, and by the end, we got all the core obligations we wanted," she says. "Without the efforts of our team, these provisions wouldn't be in here—at least not of the same quality."

For the Clinic and HRP, it was one of many highlights from the 2016-2017 academic year.

Focus *on the rights of foreign nationals*



“The idea of human rights is that all human beings have human rights, and it shouldn’t be only that citizens have them.”

Gerald L. Neuman, Co-Director, HRP, with Marissa Brodney, JD '18.

A U.S. border patrol agent in El Paso, Texas, fires across the U.S.-Mexican border and kills an unarmed Mexican teenager. Do the Fourth and Fifth Amendments of the U.S. Constitution protect a non-citizen's right to life against a cross-border shooting by a U.S. agent?

“Our claim is that he had a constitutional right not to be murdered,” says Neuman, principal author of an *amicus curiae* brief in *Hernandez v. Mesa*, which was filed in December 2016 on behalf of 12 constitutional scholars, including HLS Professor Laurence Tribe. Neuman previously worked on another U.S.-Mexico cross-border shooting case with similar facts.

“U.S. constitutional law is not always as protective as international standards are in the area of rights of non-citizens,” says Neuman, who has been writing about and advocating for the rights of foreign nationals under U.S. law for more than 30 years.

The *Hernandez* brief explains how the U.S. Supreme Court's “functional approach” to the extraterritoriality of constitutional rights, articulated in the Guantánamo detainee case *Boumediene v. Bush* (2008), should apply in cross-border shooting situations. It also invokes international human rights principles on excessive use of force by law enforcement.

Neuman also applied his expertise during the spring of 2017 to oppose President Trump's efforts to ban refugees and visitors from six Muslim nations from entering the U.S. An expert in extremely specialized constitutional doctrines related to this area of immigration law, Neuman helped advise the ACLU and joined several *amicus curiae* briefs opposing the ban.

“It's important when a minority is being targeted that there's a broad coalition of people, not just the minority members, who are coming forward and making arguments on their behalf,” says Neuman.

Focus *on the rights of women*

In March, three women from HRP—Emily Nagisa Keehn, Associate Director of the Academic Program, Yee Htun, Clinical Advocacy Fellow, and Crowe—organized a celebration of International Women's Day at HLS. The theme for 2017 was “Be Bold for Change.”

“After many of us participated in the post-inauguration women's marches, we felt it was necessary to convene a space for students, staff, and faculty to mark this moment,” says Crowe. “We wanted to both reflect on recent setbacks in the movement, and to strategize ways to move forward together.”

More than 100 students, staff, and faculty gathered to hear women from the HLS community give powerful testimonies about the current state of women's rights. According to the World Economic Forum, the gender gap in the areas of health, education, and economic and political power is not estimated to close until 2186.

“We know that women's rights are being curtailed,” said Farbstain, who shared anecdotes from her own experience. Quoting U.S. Senator Elizabeth Warren, an HLS professor emerita, who said “If you don't have a seat at the table, you're probably on the menu,” Farbstain added, “I hope that everybody will use your power and your intelligence and your strength to be brave and to be bold.”

This year, HRP added substantial expertise in gender justice and an increased focus on human rights issues related to gender.

Clinical Advocacy Fellow Salma Waheedi focused on women's rights in Islamic legal systems, working in partnership with Musawah, a global movement for justice and equality in the Muslim family, as well as local women's rights activists and advocates in 24 Muslim majority and minority countries.



Students and staff gather to celebrate International Women's Day at HLS.



Zainah Anwar, Executive Director of Musawah, speaks at HLS on the challenges faced by women's groups living in Muslim contexts.

"It's energizing to work alongside Muslim feminist scholars and advocates around the world who are finding ways to reclaim their religion and advocate for their rights from within the Muslim legal tradition," says Waheedi.

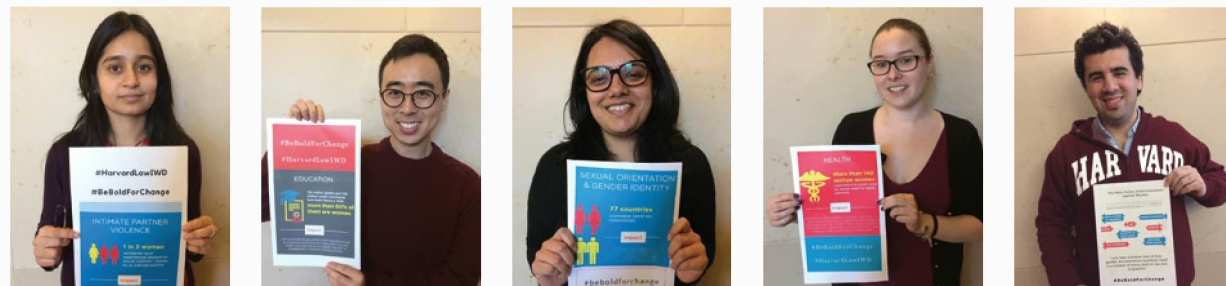
Her first team worked to produce country reports on family laws, policies, and practice in each of the 24 countries, a compendium now used as a tool for comparative women's rights advocacy across Muslim countries. Her second team focused on international women's rights advocacy, producing reports to the U.N. Committee for the Elimination of Discrimination Against Women (CEDAW) to assist advocates in Nigeria and Southern Thailand working for family law reform. That team also compiled

the Good Practices in Muslim Family Law guide, which was used as a tool to train activists from across the Muslim world.

Htun, who joined the Clinic while also serving as the Director of the Myanmar Program for Justice Trust, worked with students to advance gender justice in Myanmar. Her team examined a range of issues, from endemic violence against women to lack of gender sensitivity within the criminal justice system to various forms of discrimination against women. Then the students compiled a list of laws protecting women in other countries for a handbook, "Best Practices to Advance Women's Rights" which they later presented to members of parliament, civil servants from different ministries, civil society actors, and lawyers.

"Decades of military rule, combined with Myanmar's patriarchal society, has ensured that women are second class citizens" says Htun. "We need to have the rights of marginalized people at the forefront as we work towards democracy in the country"

Htun also worked with students on a law reform project for Colors Rainbow that focused on the protection of LGBTQI rights in Myanmar. The team offered trainings to roughly 100 LGBTQI activists, allies, lawyers, and survivors, creating new linkages between lawyers and the LGBTQI community.



Students and staff expressing their solidarity on International Women's Day 2017.

Focus *on accountability*

For the past 10 years, primarily under the direction of Giannini and Farbstein, the Clinic and its partners have been litigating a case against former Bolivian President Gonzalo Sánchez de Lozada and his former Minister of Defense José Carlos Sánchez Berzaín.

Mamani et al. v. Sánchez de Lozada and Sánchez Berzaín, which was brought under the Alien Tort Statute (ATS) and Torture Victim Protection Act (TVPA), alleges that, in an attempt to suppress opposition to the government's controversial economic policy, the defendants planned and carried out attacks on Bolivian civilians that left dozens dead and hundreds injured in 2003. While Bolivian courts convicted seven military and government officials in criminal cases, Sánchez de Lozada and Sánchez Berzaín fled to the United States, where they have found a safe harbor from justice for nearly 14 years.

After working in Bolivia with communities affected by the attacks, Thomas Becker, JD '08, then a clinical student, raised the idea of litigation. In 2007, the Clinic filed the U.S. case in federal court.

Despite a series of jurisdictional and procedural hurdles, the case has survived under the TVPA claim—and in June 2016, the U.S. Court of Appeals for the Eleventh Circuit rejected the defendants' effort to scuttle the lawsuit and sent it back to the district court with a mandate to proceed to discovery. Dozens of clinical students have worked on the case over the past 10 years, including eight students over the past year. Many are fluent Spanish speakers who traveled to Bolivia to build relationships with clients and witnesses. Becker continues to be closely involved with the case and supervised students this past year, along with Clinical Advocacy Fellow Juan Pablo Calderón-Meza.



Supervisor, Thomas Becker, JD '08, discusses the legal framework of *Mamani* with students Amy Volz, JD '18, Silvia Ruiz, JD '17, and plaintiff Etelvina Ramos Mamani in her village of Warisata, Bolivia.

"I can't emphasize enough how instrumental the students have been" says Becker, remarking on the strength of this past year's clinical teams, which stood out for both their legal analysis and their interpersonal skills. "We just wouldn't be where we are now without them" He noted that attorneys from the Clinic's partners on the case, including the Center for Constitutional Rights and the pro bono practice group at Akin Gump Strauss Hauer & Feld LLP, also had high praise for the students.

The plaintiffs' team expects the defendants to file a motion for summary judgment; if the case survives it, trial is scheduled to begin in the spring of 2018, in Florida, with the Clinic heavily involved in all aspects of pre-trial and trial work.

"Through these cases, we're building the next generation of human rights practitioners" Farbstein says, "so no matter what the outcome is on this case—and obviously we hope it's successful—these students will be equipped to think creatively about opportunities to do similar work on similar cases in the future"

Focus *on human rights and climate change*



Mary Robinson, former President of Ireland, President of the Mary Robinson Foundation-Climate Justice, in conversation with HLS Dean Martha Minow.

The most pressing problems facing the world today—including global climate change—will require the collaborative efforts of stakeholders and experts from a variety of fields working together for effective solutions.

With that in mind, Giannini and Docherty teamed up with their colleagues at the Emmett Environmental Law and Policy Clinic and the Harvard Immigration and Refugee Clinic in October 2016 to organize a three-day conference, “Climate Change Displacement: Finding Solutions to an Emerging Crisis.”

In closed-door workshops, experts from around the world explored governance challenges through the lens of four case studies: Alaskan Native villages, some of which urgently need to relocate because of coastal erosion, melting permafrost, and loss of winter sea ice; Boston and other East Coast cities, where rising sea levels are forcing communities to contemplate coastal retreat; Somalia, which is navigating the challenges of internal displacement in a failed state; and Mexico and Central America, where the focus remains cross-border displacement.

In a conversation with Dean Martha Minow, Mrs. Mary Robinson, former President of Ireland, former U.N. High Commissioner for Human Rights and the current president of the Mary Robinson Foundation—Climate Justice, described climate change as an “existential threat” that is expected to affect millions of people in the years to come.

Robinson stressed the importance of a “bottom-up” approach in crafting policy solutions. She said it was critical to learn from indigenous communities and others directly affected, from farmers in Honduras diversifying their crops to villagers in Vietnam who harvest fruits of the forest.

The conference fit into the Clinic’s broader focus on human rights and the environment, which this past year included the work of Clinical Advocacy Fellow Rebecca Agule, JD ’10, on toxic remnants of war. Agule’s work included drafting principles for assisting victims of toxic remnants of war, as well as field research in Kosovo on the effects of depleted uranium.



Professor Jane McAdam, Scientia Professor of Law and Director of the Andrew & Renata Kaldor Centre for International Refugee Law at University of New South Wales, speaking with other conference participants.

Focus *on business and human rights*

The Clinic continued its focus on business and human rights this past year, with projects reaching from Papua New Guinea to South Africa.

In one groundbreaking effort, the Clinic and its partners called on the Prosecutor of the International Criminal Court (ICC) this past spring to investigate the complicity of 14 Chiquita executives in crimes against humanity.

Chiquita Brands International paid a \$25 million fine a decade ago, after pleading guilty to funneling millions of dollars to a right-wing paramilitary group in Colombia that killed, raped, and disappeared civilians. The payments to these groups, which took place between 1997 and 2004, continued even after outside counsel and the U.S. Department of Justice said they were illegal under U.S. law. But to date, no Chiquita executives have been prosecuted. If the ICC agrees to investigate, it will mark the first time the court has moved against corporate executives for assisting in crimes against humanity.

The May submission to the court was the culmination of two years of work at the Clinic begun by Calderón-Meza and his partners, the International

Federation for Human Rights and the Corporación Colectiva de Abogados José Alvear Restrepo. Giannini and Crowe also supported the work throughout the two years. “So many people came together to work on this critical project,” says Calderón-Meza, noting that more than two dozen students contributed. “As Colombia focuses on accountability for human rights abuses throughout the conflict, it’s important not to forget the role that international actors played in that conflict.”

MacKenna Graziano, JD ’17, and Kelsey Jost-Creegan, JD’17, traveled to Colombia with Giannini in May to release the report and meet with stakeholders. Jost-Creegan, who speaks fluent Spanish, acted as the Clinic’s representative at a press conference announcing the submission to the ICC, which received significant media attention.

“It was a unique opportunity,” says Jost-Creegan. “I was given a lot of responsibility, but always with the support to undertake that responsibility.”

The next day, Jost-Creegan—who had done legal research and writing for the project and interviewed stakeholders in Colombia—gave a 40-minute radio



Kelsey Jost-Creegan, JD ’17, acted as the Clinic’s representative during a press conference about the coalition’s call for an ICC investigation into Chiquita Brands International.

interview. She and others on the team also met with Colombian government officials to present their findings.

“She represented the Clinic in a way that fits into the best tradition of what we *we’re* trying to do,” says Giannini. “She knew the issues inside and out, and showed a humility and poise that hid the fact that it was her first press conference.”

Several months earlier, students worked on another piece of the business and human rights puzzle in South Africa. Under the supervision of Dr. Fola Adeleke, Clinical Advocacy Fellow, they partnered with the Mandela Institute at the University of Witwatersrand to release a report in Cape Town, “Public Regulation and Corporate Practices in the Extractive Industry: a South-South Advocacy Report on Community Engagement.”

ALUMNA SPOTLIGHT: SARAH "POPPY" ALEXANDER, JD '12



From left, at the 2012 *Kiobel* hearing at the U.S. Supreme Court: Tyler Giannini, Yonina Alexander, JD '12, Sarah "Poppy" Alexander, JD '12, Russell Kornblith, JD '12, Daniel Saver, JD '12, and Susan Farbstein.

Since 2004, the Clinic has been a leader in litigating corporate ATS cases, including its central involvement in the landmark case *Kiobel v. Royal Dutch Petroleum Co.*

In *Kiobel*, the U.S. Supreme Court did not directly address whether corporations can be sued under

the ATS, but a case in the October 2017 term, *Jesner v. Arab Bank*, presents an opportunity for the Court to revisit that specific issue.

In June, the Clinic filed an *amicus curiae* brief with the Supreme Court in *Jesner* on behalf of a group of legal historians. The case seeks to hold Arab Bank, Jordan's largest financial institution, liable under the ATS for allegedly supporting terrorism. Given her standout work as a student on *Kiobel*, Giannini and Farbstein asked Sarah "Poppy" Alexander, JD '12, now an associate with Constantine Cannon in San Francisco, to be counsel of record on the *Jesner* brief. It was the first U.S. Supreme Court brief she filed.

“My work with HRP, first as a student and later as co-counsel, taught me so much about how to think through legal problems creatively,” says Alexander, whose private practice focuses on representing whistleblowers in state and federal court. “Susan and Tyler’s emphasis on collaboration taught me how to write, think, and work collectively with my colleagues in complex cases.”

Programming Highlights

This year, as every year, HRP sponsored and presented dozens of events to explore a wide range of issues in human rights and to foster community among students, faculty, staff, advocates, scholars, policy-makers, and others. Among the highlights in programming this year:

Shifting Ground in International Human Rights *What is the future of the human rights movement under the new U.S. president?*

In March and April 2017, in a collaboration between the Academic Program and the Clinic, HRP presented “Shifting Ground,” a three-part speaker series that explored the changing international human rights landscape since President Trump took office. This series was part of HRP’s ongoing institutional examination of the topic, which also included a reflective piece on HRP’s blog by Keehn, Crowe, and Htun entitled, “Investing in International Human Rights in the Age of Trump.”

“The 2016 presidential election and the rise of nationalist movements in other parts of the world

created and reflected paradigmatic shifts in the way we view global institutions,” says Keehn, who conceptualized the series with Neuman. “We felt it was important for HRP to have public discussions about what these shifts mean for our work as human rights scholars and practitioners, here and abroad.”

In March 2017, Neuman moderated a panel discussion with Htun and Waheedi to examine the impact that the change in the presidential administration is having on the work of international human rights scholars, lawyers, and activists. Htun and Waheedi discussed a wide range of topics, including women’s rights, LGBTQI rights, and the rights of religious minorities, examining these issues in contexts where human rights are already under threat.

Also in March, Maria McFarland Sanchez-Moreno, the then Co-Director for the U.S. program at Human Rights Watch, spoke about human rights in the U.S. under the Trump administration. She discussed how Human Rights Watch is responding to presidential policies that would harm rights protections, and also considered broader questions emerging about the role of the human rights movement today.

Human Rights in the U.S. under President Trump

Tuesday, March 21
12pm - 1pm
WCC 3034

Please join us for a talk with Maria McFarland Sanchez-Moreno, Deputy Washington Director for Human Rights Watch, on human rights in the U.S. under the Trump administration. Ms. McFarland Sanchez-Moreno will reflect on the President's policies that would harm rights protections, and her points on vis-à-vis institutions of law that are essential to the functioning of democracy. She will discuss how Human Rights Watch is responding to these challenges, and consider broader questions arising about the role of the human rights movement today. Lunch will be provided.

HUMAN RIGHTS WATCH

Is There an Existential Threat to Human Rights?

Tuesday, April 4
12pm - 1pm
WCC 4059

Please join the Human Rights Program for a discussion with Tyler Giannini and Susan Farbstein, Co-Directors of the Human Rights Program. Susan Farbstein will examine global needs and the changing nature of US exceptionalism and human rights. Tyler Giannini will discuss how broadly they've broader whether there are "enormous threat" to human rights and the human rights movement. This is the final event in the "Shifting Ground" series which reflects on the human rights landscape after the election of President Trump. Lunch will be provided.

HRP

Shifting Ground in International Human Rights

Wednesday, March 1
12pm - 1pm
WCC 3016

Please join the Human Rights Program for a panel discussion on how the international human rights landscape has changed since President Trump took office. HRP's resident scholars and advocates will examine the question: what impact is the change of administration having on the work of international human rights scholars, lawyers, and activists working internationally?

Panelists: Maria McFarland Sanchez-Moreno, Deputy Director for the U.S. Program at Human Rights Watch; Htun and Waheedi, HRP scholars and activists.

Lunch will be provided.

HRP



Professor James Cavallaro, then President of the Inter-American Commission for Human Rights, and the former Executive Director of HRP, speaking at HLS on November 16, 2016.

In an April conversation moderated by Neuman, Farbstein and Giannini examined the future of the international human rights movement through the lens of the question, “Is there an existential threat to human rights?” They discussed global trends, the changing nature of U.S. exceptionalism, and human rights methods in the post-truth atmosphere.

As a whole, the series emphasized that human rights activists must continue to be engaged internationally and domestically in the face of setbacks for the international human rights system.

Regional Court Systems: Speaker Series

This year, HRP also presented a speaker series on regional court systems in relationship to human rights litigation.

In November, James Cavallaro, former Executive Director of HRP, discussed the future of the Inter-American Commission for Human Rights, of which he was then president. Cavallaro, Professor of Law at Stanford Law School and Founding Director of the International Human Rights and Conflict Resolution Clinic and the Stanford Human Rights Center, examined the recent funding crisis that threatens the commission's institutional stability and reach.

He also addressed the potential consequences of shifting U.S. policy under the new administration for human rights in Latin America.

Also in November, Nani Jansen Reventlow, 2016-17 fellow at the Berkman Klein Center for Internet & Society, spoke on the topic of regional courts in Africa, with a focus on freedom of expression cases. As the head of the Media Legal Defence Initiative's global litigation practice, Reventlow led litigation that resulted in the first freedom of expression judgments at the African Court on Human and Peoples' Rights and the East African Court of Justice. She has also led cases before the European Court of Human Rights, the U.N. Human Rights Committee, the U.N. Working Group on Arbitrary Detention, and several African regional courts.

In April, HRP presented a talk on the European Court of Human Rights with Professor Dr. iur. Helen Keller, a judge of the European Court of Human Rights. A professor of law at the University of Zurich, a leading scholar of human rights law, and a former member of the U.N. Human Rights Committee, Judge Keller reflected on the challenges and achievements of serving on the world's most advanced—and over-worked—international human rights court.

HRP Coursework 2016-2017

HRP offers a variety of human rights-related courses, seminars, reading groups, and other courses and educational opportunities. Clinical courses accompany practical training in real-world projects related to human rights.

Students also have the opportunity to participate in two intensive tracks: the **LLM Concentration in Human Rights** and a Semester in Human Rights in the Clinic.

The LLM Concentration in Human Rights, offered by the Law School, provides LLM students with

in-depth training in human rights from a critical perspective.

The Clinic also offers a **Semester in Human Rights**, a full-time program for 3Ls who have previously spent at least one semester in the Clinic and who are contemplating careers in human rights.

Students participate in a small seminar, Advanced Skills Training for Human Rights Advocacy, while working eight to 20 hours a week on clinical projects. The seminar focuses on leadership, strategic decision-making, ethics, and practical skills, and culminates in a final paper or project.

HRP Courses, Clinical Seminars, and Reading Groups, 2016-2017

Advanced Skills Training for Human Rights Advocacy
(Clinical Seminar, Fall 2016)

Armed Conflict and Humanitarian Protection
(Clinical Seminar, Fall 2016)

Human Rights Advocacy
(Clinical Seminar, Fall 2016, Spring 2017)

Human Rights and International Law
(Spring 2017)

Human Rights in the U.N. Treaty Bodies
(Fall 2016, Spring 2017)

Becoming a Human Rights Advocate
(1L Reading Group, Fall 2016)

Communities and Human Rights Advocacy
(1L Reading Group, Spring 2017)

HRP *Fellowships*

Under the direction of the Academic Program, HRP offers an array of fellowships for students interested in human rights work, including:

Summer Fellowships

HRP awards summer fellowships for students to work for at least eight weeks with nongovernmental or intergovernmental organizations concerned with human rights, exclusively outside the U.S.

Summer 2017 Fellows

Allie Brudney, JD '19, worked at the Parliamentary Assembly of the Council of Europe in the Committee on Legal Affairs and Human Rights.

Niku Jafarnia, JD '19, worked at the United Nations High Commissioner for Refugees in Ankara, Turkey.

Alisan Oliver-Li, JD '19, worked in Windhoek, Namibia, at the Legal Assistance Centre with the Gender Research & Advocacy Project.

Claudia Torres, LLM '16, SJD '20, worked at Brigada Callejera de Apoyo a la Mujer "Elisa Martinez," a non-profit organization advocating for low-income sex workers' human rights in Mexico City.

Thaya Uthayophas, JD '18, worked in England at Privacy International.

Evelyn Zheng, JD '18, worked in Yangon, Myanmar at Justice Base.

Summer 2016 Fellows

Nadia Raynes, JD '18, worked in Cape Town, South Africa, at the Legal Resources Centre.

Marissa R. Brodney, JD '18, worked in The Hague for the International Criminal Court in the Jurisdiction, Complementarity and Cooperation Division (JCCD) within the Office of the Prosecutor.

MacKenna Graziano, JD '17, worked in Johannesburg, South Africa, at the Southern Africa Litigation Centre.

Alyssa Oravec, JD '18, worked in Nairobi, Kenya, at the Kenya Legal & Ethical Issues Network on HIV and Aids.

Kelsey Jost-Creegan, JD '17, worked in Bogotá, Colombia, at the Centro de Estudios para la Justicia Social 'Tierra Digna'.

Winter Fellowships

HRP awards winter term fellowships for students to undertake internships or independent research projects.

Winter 2017 Fellows

Robert Gustafson, JD '18, undertook an internship to support the Asia Foundation's projects on extrajudicial killings and other human rights abuses tied to the war on drugs in the Philippines.

Michelle Nance, JD '18, conducted independent research on surveillance in response to recent terror attacks in Belgium.

Rebecca Ratner, JD '18, undertook an internship with the Public International Law & Policy Group in Myanmar supporting a range of human rights advocacy projects.

Post-Graduate Opportunities

The Satter Human Rights Fellowship and the Henigson Human Rights Fellowship

Satter Human Rights Fellowship

This year, the Satter Human Rights Fellowship program marks its 10th anniversary of supporting and promoting human rights defense in response to mass atrocity or widespread and severe patterns of rights abuse. The fellowships support high-impact

work in developing countries classified as "Not Free" on the Freedom House index, with work in the Middle East and Africa preferred. Over the past decade, 23 HLS students have been awarded Satter Fellowships, which are made possible by a generous gift by Muneer A. Satter, JD '87, and his wife, Kristen H. Hertel.

Satter Fellows 2016-2017

Peter Stavros, JD '16, worked in Jordan with the United Nations Children's Fund and the International Refugee Assistance Project.

Danae Paterson, JD '16, worked in Turkey and Myanmar with the Public International Law & Policy Group (PILPG).

Sam Koplewicz, JD '16, worked in Jordan with Human Rights Watch.

Marian Ingrams, JD '16, worked in Myanmar with Landesa.

"We are honored to support the dedicated, smart, and courageous Satter Fellows as they work to protect the rights of the world's most vulnerable people. We are proud of the significant impact they have made and that the fellowship is strengthening the pipeline of talent in the field of human rights law"

- Muneer A. Satter and Kristen H. Hertel,
the Satter Foundation



Peter Stavros, JD '16, Satter Fellow from 2016-2017.

Satter Fellows 2017-2018

Güley Bor, LLM '17, is working in Iraq with Yazda.

Catherine Cooper, JD '14, is working in Myanmar with Justice Base.

Lisa Dicker, JD '17, is working in Turkey with PILPG.

ALUMNA SPOTLIGHT: DANA PATERSON, JD '16

Supporting the moderate Syrian opposition and the Syrian High Negotiations Committee in peace negotiations is “my dream job in every possible way,” says Danae Paterson, JD '16, who is working with the PILPG, a global pro bono law firm that is providing legal assistance to states and governments involved in the Syrian peace process.

As a 2016-2017 Satter Fellow at PILPG, and now continuing there as a program manager, Paterson is based in Istanbul, where she provides direct legal and technical support to her clients, including traveling with the Syrian delegation to Geneva.

“They say one year with PILPG is like three to five years of professional experience elsewhere, and it’s so true,” says Paterson, who worked at PILPG during her 1L and 2L summers.

HRP has placed several Satter Fellows with PILPG over the years. While the organization is well-prepared to take young lawyers and launch them into the professional world, Paterson says it would be very difficult for the non-profit to hire recent graduates without Satter funding.

“I feel incredibly privileged,” says Paterson, who came to HLS to work in the Clinic, which she did for two years. “Not many people get the opportunity to do this kind of work.”

As her way of giving back, Paterson now serves as a supervising partner on PILPG’s projects with HLS Advocates for Human Rights, the student practice organization she once led as president.

“Not many people get the opportunity to do this kind of work.”

Henigson Human Rights Fellowship

The Henigson Human Rights Fellowships are for HLS students and recent graduates with a demonstrated commitment to international human rights and an interest in working in the field. They are intended to enable students to make a valuable contribution to human rights during the year of the fellowship and to help students build human rights work into their careers. Henigson Fellows spend 12 months working with a non-governmental human rights organization in the developing world.

Henigson Fellowships are made possible by a generous gift from Robert Henigson, JD '55, and Phyllis Henigson. HRP has awarded 43 Henigson Fellowships since 2001.

Henigson Fellows 2016-2017

Emily Norman, JD '15, worked in Mexico with the Institute for Women in Migration (El Instituto para las Mujeres en la Migración).

Henigson Fellows 2017-2018

Roni Druks, JD '17, is working in the Palestinian Territories with Yesh Din.

Lan Mei, JD '17, is working in Guyana with the Forest Peoples Programme.

Mentorship

Starting with the 2017-2018 academic year, HRP is launching a mentorship program to support post-graduate fellows in their placement. Teams of mentors drawn from both HRP staff and alumni will advise fellows on their projects and their professional development throughout their fellowship year.

“HRP’s alumni and network include highly accomplished human rights lawyers who are an invaluable resource for our graduates,” says Keehn. “This program gives post-graduate fellows the benefit of that significant expertise and experience.”

HRP Visiting Fellows Program

Through the Visiting Fellows Program, HRP provides thoughtful individuals with a demonstrated commitment to human rights an opportunity to step back and conduct a serious inquiry in the human rights field. The fellows, who typically come from outside the U.S., spend a semester or year in residence at the Law School, where they are an integral part of the HRP community.

Visiting Fellows 2016-2017

Blinne Ní Ghrálaigh (Ireland, based in the U.K.) Barrister, Matrix Chambers.

Marie-Luisa Frick (Austria) Associate Professor, Department of Philosophy, University of Innsbruck.

Sandra Brunner (Austria, based in the U.K.) Fellow in Law and Anthropology, Lecturer, St. Edmund’s College, Cambridge.

Yi-Li Lee (Taiwan) Post-doctoral Fellow, College of Law, National Taiwan University.

Antti Korkeakivi (Finland, based in Switzerland) Chief, Indigenous Peoples and Minorities Section Office of the U.N. High Commissioner for Human Rights in Geneva.

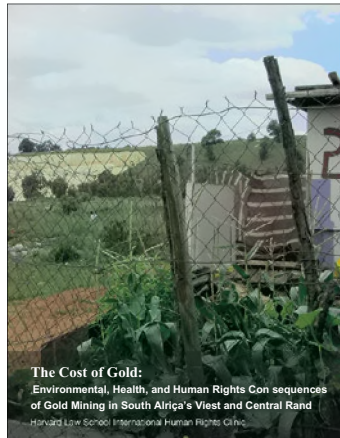
Joanne Neenan (U.K.) Joint Wasserstein and HRP Visiting Fellow; Senior Assistant Legal Adviser, U.K. Foreign Commonwealth Office.

Publications

This year, the Clinic produced a range of publications. In addition to faculty, staff, and fellows, students were integrally involved in many of these publications. A sample of our publications from 2016-2017 includes:

The Cost of Gold: Environmental, Health, and Human Rights Consequences of Gold Mining in South Africa's West and Central Rand (October 2016)

International Human Rights Clinic



Legal Opinion Regarding Abuses Against Civilians in Non-Ceasefire Areas as Potential Violations of the Myanmar Nationwide Ceasefire Agreement (October 2016)

International Human Rights Clinic

Securing Status: Syrian Refugees and the Documentation of Legal Status, Identity and Family Relationships in Jordan (November 2016)

**International Human Rights Clinic,
Norwegian Refugee Council Jordan**

Time to Act Against Incendiary Weapons (December 2016)

**International Human Rights Clinic,
Human Rights Watch**

Making the Case: The Dangers of Killer Robots and the Need for a Preemptive Ban (December 2016)

International Human Rights Clinic, Human Rights Watch



Operating under Fire: The Effects of Explosive Weapons on Health Care in the East of Ukraine (May 2017)

International Human Rights Clinic, PAX

Environmental Remediation in the Nuclear Weapon Ban Treaty: A Comprehensive and Detailed Approach (June 2017)

International Human Rights Clinic

Victim Assistance in the Nuclear Weapon Ban Treaty: A Comprehensive and Detailed Approach (June 2017)

International Human Rights Clinic, Article 36

A Prohibition on Financing in the Nuclear Weapon Ban Treaty (June 2017)

International Human Rights Clinic, Article 36

Public Regulation and Corporate Practices in the Extractive Industry: a South-South Advocacy Report on Community Engagement (June 2017)

**International Human Rights Clinic,
The Mandela Institute, University of
Witwatersrand**

U.S. Supreme Court Briefs

The Clinic served as counsel for three *amicus curiae* briefs this year:

Brief of *Amici Curiae* Professors of Legal History William R. Casto, Martin S. Flaherty, Stanley N. Katz, Samuel Moyn, and Anne-Marie Slaughter in Support of Petitioners, *Joseph Jesner, et al., v. Arab Bank PLC.* (2016) (No. 16-499).

Brief of *Amici Curiae* Professors of Legal History Barbara Aronstein Black, William R. Casto, Martin S. Flaherty, Stanley N. Katz, Michael Lobban, Samuel Moyn, and Anne-Marie Slaughter in Support of Petitioners, *Joseph Jesner, et al., v. Arab Bank PLC.* (2017) (No. 16-499).

Brief of *Amici Curiae* Professors of Legal History Barbara Aronstein Black, William R. Casto, Stanley N. Katz, Michael Lobban, Samuel Moyn, and Anne-Marie Slaughter in Support of Petitioners, *Ramchandra Adhikari, et al., v. Kellogg Brown & Root, Incorporated, et al.* (2017) (No. 16-1461).

In addition, Neuman was the lead author of an *amicus curiae* brief in the **U.S. Supreme Court**, written on behalf of a dozen prominent scholars of constitutional law:

Brief of Constitutional Law Scholars as *Amici Curiae* in Support of Petitioners, *Jesus C. Hernandez, et al., v. Jesus Mesa, Jr., et al.*, (2016) (No. 15-118).

Research Working Papers

Anna Crowe, *All the Regard Due their Sex: Women in the Geneva Conventions*, HRP Research Working Paper Series, HRP 16-001, December 2016.

Gerald L. Neuman, *Giving Meaning and Effect to Human Rights: the Contributions of Human Rights Committee Members*, HRP Research Working Paper Series, HRP 16-002, December 2016.

Harvard Human Rights Journal

In a follow-up to a major event from the 2015-2016 academic year, the *Harvard Human Rights Journal* published hard copy articles based on a workshop HRP held on the International Law Commission's Draft Articles on the Expulsion of Aliens, which took place on March 10, 2016. The articles reflect on the nature and content of the Commission's "Draft Articles," and compare them with other human rights standards. Earlier versions of these articles were published in the online version of the *Harvard Human Rights Journal* last year.

Opinion Pieces and Media Coverage

This year, HRP faculty and staff published a number of high-profile opinion pieces in publications around the world, including:

"Losing control: the dangers of killer robots" by Bonnie Docherty, in *The Conversation*, June 16, 2016.

"Justice is long overdue for the widows of South African mineworkers," by Emily Nagisa Keehn and Dean Peacock, in *The Guardian*, October 25, 2016.

"U.N. investigation can help move Myanmar down the path of democracy," by Yee Mon Htun and Tyler Giannini, in *The Irrawaddy*, March 29, 2017.

"Neither facially legitimate nor bona fide—why the very text of the travel ban shows it's unconstitutional," by Gerald Neuman, in *Just Security*, June 9, 2017.

The Harvard Gazette also profiled Crowe's work on Syrian refugees, and the documentation of their legal status, identity, and family relationships in Jordan.

Faculty and Staff 2016-2017



Gerald L. Neuman
Co-Director, Human Rights Program, and J. Sinclair Armstrong Professor of International, Foreign, and Comparative Law

Neuman specializes in international human rights law, immigration and nationality law, and U.S. Constitutional law. He was a member of the U.N. Human Rights Committee from 2011-14.



Tyler Giannini
Co-Director, Human Rights Program, Co-Director, International Human Rights Clinic, and Clinical Professor of Law

Giannini specializes in community lawyering, accountability litigation, including under the Alien Tort Statute, business and human rights, human rights and the environment, as well as Myanmar.



Emily Nagisa Keehn
Associate Director, Academic Program

Keehn specializes in the intersection of human rights issues with criminal justice, gender, sexuality, and health, as well as South Africa.



Susan Farbstein
Co-Director, International Human Rights Clinic and Clinical Professor of Law

Farbstein specializes in South Africa, transitional justice, Alien Tort Statute litigation, community lawyering, as well as economic, social, and cultural rights.



Bonnie Docherty
Associate Director, Armed Conflict and Civilian Protection, and Lecturer on Law

Docherty specializes in arms and armed conflict issues, focusing on the protection of civilians and humanitarian disarmament. She is also a senior researcher in the Arms Division of Human Rights Watch.



Fernando Ribeiro Delgado
Senior Clinical Instructor and Lecturer on Law

Ribeiro Delgado, JD '08, specializes in a range of criminal justice issues with a focus on rampant over-incarceration and abuse in prisons in Brazil.



Anna Crowe
Clinical Instructor and Lecturer on Law

Crowe focuses on the right to privacy and the right to a legal identity, as well as humanitarian disarmament and transitional justice.



Cara Solomon
Communications Manager
Solomon specializes in storytelling and media advocacy.



Maureen Corrigan
Finance Manager

Corrigan specializes in streamlining accounting practices to ensure program efficiency.



Katherine Talbot Young
Program Manager

Young specializes in the management of clinical and academic programs and the facilitation of experiential education.



Gabriela Follett
Program Coordinator

Follett specializes in events coordination and diversity and inclusion initiatives.



Juan Pablo Calderón-Meza
Clinical Advocacy Fellow

Calderón-Meza, a former Visiting Fellow with HRP, focuses on accountability for corporations and executives implicated in human rights abuses.



Rebecca Agule
Clinical Advocacy Fellow

Agule, an alumna of the Clinic, focuses on armed conflict and the environment, including victim assistance.



Yee Htun
Clinical Advocacy Fellow

Htun specializes in gender justice and refugee and migrants' rights with a focus on Myanmar.



Fola Adeleke
Clinical Advocacy Fellow

Adeleke specializes in human rights protection in investment treaties and reconfiguring the licensing process of mining to include more consultation with communities.



Salma Waheedi
Clinical Advocacy Fellow

Waheedi specializes in Islamic law, gender justice, family law, and comparative constitutional law.

Transitions

In August 2016, **Keehn** joined HRP as Associate Director for the Academic Program. Her role includes innovating and implementing academic activities including the speaker series, conferences, and the Academic Program's various fellowships. Keehn joined HRP from Sonke Gender Justice in Cape Town, South Africa, where she was the head of policy development and advocacy. She specializes in gender justice, health and human rights, and criminal justice.

In January 2017, **Delgado**, Senior Clinical Instructor and Lecturer on Law, left HRP after seven years to become a Scholar in Residence at New York University School of Law. **Crowe** was appointed a Lecturer on Law the same month.

Maureen Corrigan, HRP's longtime financial manager, left in March 2017 to move to California with her family, where she is working in the financial department of Chapman University.

This spring, **Docherty** was named Associate Director of Armed Conflict and Civilian Protection at the Clinic. A Senior Clinical Instructor and Lecturer on Law, Docherty has worked at the Clinic since 2005, where she has engaged students in field

research about the effects of armed conflict and negotiations of new disarmament treaties.

In June 2017, **Htun** and **Waheedi**, who were Clinical Advocacy Fellows during the 2016-2017 academic year, were named as Clinical Instructors in the Clinic. Born in Myanmar and trained as a lawyer in Canada, Htun specializes in gender justice and works on behalf of refugee and migrant communities. Born in Bahrain and trained as a lawyer in the U.S., Waheedi held a joint appointment in 2016-2017 with the HLS Islamic Legal Studies Program: Law and Social Change, where she focused on family relations in Islamic jurisprudence and judicial review in Islamic legal systems.

In July 2017, **Katherine Talbot Young** was promoted to Program Manager, responsible for financial management for HRP and programmatic management for the Clinic.

Paul Hoffman, a leading civil rights attorney, joined the Clinic as Lecturer on Law for Fall 2017. Hoffman is a partner in the Los Angeles law firm of Schonbrun Seplow Harris and Hoffman LLP where he handles a wide range of cases, including police misconduct, wrongful conviction, freedom of speech and assembly, and international human rights.

Donors

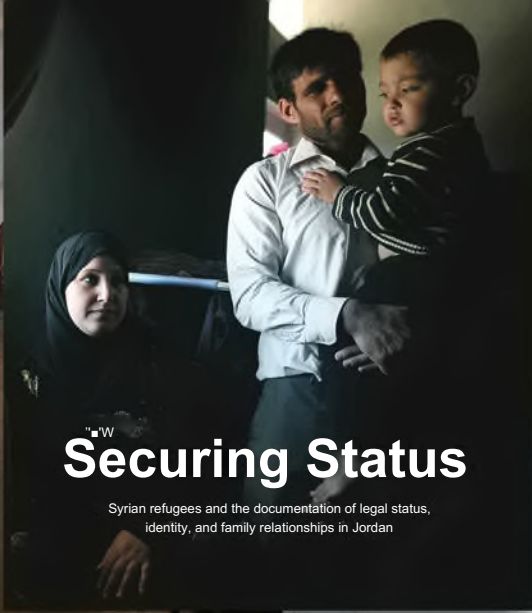
The global work of HRP is made possible by the generosity of its donors, including the Henigsons; Henry Steiner, JD '55, HRP's founder; Gustave M. and Rita E. Hauser; and Muneer Satter, JD '87, and Kristen H. Hertel.

In June 2017, HLS announced that the family of Samuel Pizar, LLM '55, SJD '59, had endowed a new Professorship of Law as well as a fund to support the Clinic. The professorship will have a focus on human rights in honor of Samuel Pizar, a renowned international attorney, presidential adviser, and Holocaust survivor who died in 2015. The fund will support a range of activities at the Clinic, including research, scholarship, events, fellowships, internships, travel, and exchanges with peer institutions.

We greatly appreciate all of the support we receive, including from anonymous donors.



Paul Hoffman, leading civil rights attorney, is teaching in the International Human Rights Clinic this fall.

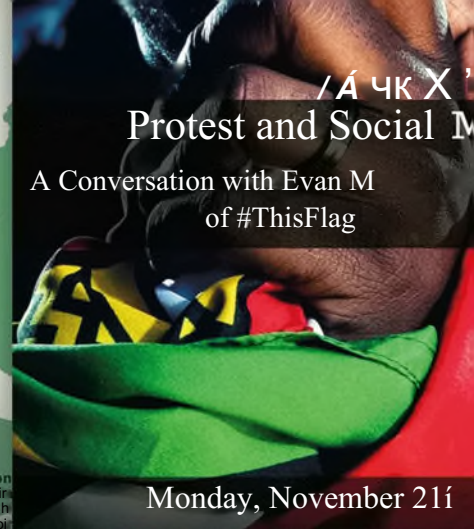
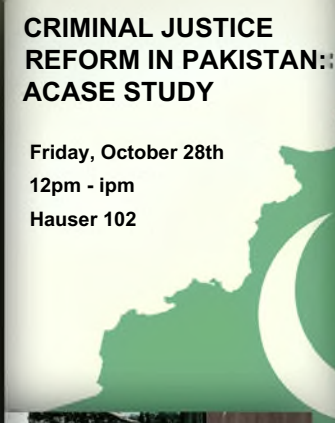


Securing Status

Syrian refugees and the documentation of legal status, identity, and family relationships in Jordan

CRIMINAL JUSTICE REFORM IN PAKISTAN: A CASE STUDY

Friday, October 28th
12pm - 1pm
Hauser 102



Protest and Social M

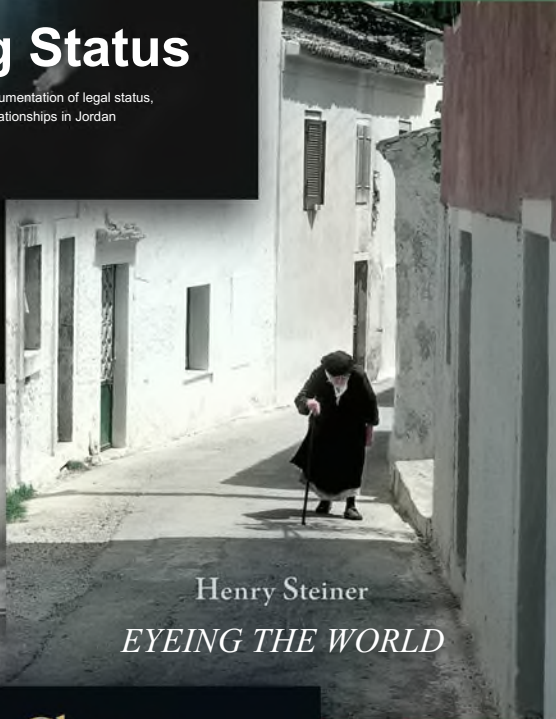
A Conversation with Evan M of #ThisFlag

Monday, November 21st

Operating under Fire:

The Effects of Explosive Weapons on Health Care in the East of Ukraine

Harvard Law School International Human Rights Clinic and PAX



Henry Steiner
EYEING THE WORLD



TREADMILL TO SOMEWHERE

The Experience of a Judge at the European Court of Human Rights

Judge Helen Keller

BANNING NUCLEAR WEAPONS: A Milestone for Disarmament



Monday, March 20th
12pm - 1pm
Harvard Law School
Wasserstein Building
Lunch will be provided

Climate Change Displacement:

Finding Solutions to an Emerging Crisis

A conversation with
Mary Robinson
Former President of Ireland,
President of The Mary Robinson
Foundation - Climate Justice,
and current UN Special Envoy
on El Niño and Climate

and
Martha Minow
Dean, Harvard Law School



Litigating Free Speech Cases in African Regional Courts

Panelists: Nan Johnson Ravnoski, Felice Anzures, Alenato Tanan at Ouchry SM, Oaston, et al. at the African Court of Justice

WHAT ISLAM, WHOSE ISLAM?

THE STRUGGLE FOR WOMEN'S RIGHT TO EQUALITY AND JUSTICE IN MUSLIM CONTEXTS

MONDAY, MARCH 27TH
12PM - 1PM
WCC B015



Please join us for a talk by Zamah Anwar, Executive Director of Musawah, who will speak on the challenges faced by women's groups living in Muslim contexts and their struggle to reform laws and practices made in the name of Islam that discriminate against women

She will share the initiatives of activists and scholars who are engaged in the production of new feminist and rights based knowledge, and the efforts to create a public voice at the national and international levels that pushes for the possibility and necessity of reform for women's equality.

Sponsored by the Human Rights Program and Islamic Legal Studies: Law and

Human Rights in Myanmar



A year in: An examination of Myanmar's democratic transition
A talk with May Sabe Phyu

ONE YEAR IN:

An examination of Myanmar's democratic transition



MONDAY, APRIL 10TH
12PM - 1PM
WCC 4059

Human Rights in Zimbabwe: A Conversation with Dzie Chimba

Tuesday, February 14th

12pm - 1pm

MONDAY, MARCH 20

12PM - 1PM