

Center for International Human Rights

Newsletter • Fall 2019

Letter from the Interim Director



THOMAS F. GERAGHTY

The Center for International Human Rights (CIHR) continues to focus on projects that have meaningful impact and that train and encourage students to be effective human rights advocates. Our core belief is that student

participation alongside our faculty members on projects involving international criminal law, freedom of expression, LGBTQ rights, environmental justice, health and human rights, access to justice, legal aid, and training for human rights advocates, together with more traditional classroom learning, is the optimal training for human rights defenders and advocates.

The Center works closely with a variety of local and international human rights organizations in order to advance the cause of human rights and to provide our students—undergraduate and graduate—with meaningful opportunities. Notably, we hold consultative status with the U.N. that allows our students and faculty to engage with the U.N.'s various commissions and agencies, including UNICEF, UNDP, and UNODC.

We also enjoy constructive partnerships with organizations on the ground such as Malawi's Paralegal Advisory Service, the Legal and Human Rights Centre in Dar es Salaam, Tanzania, and law schools in Ethiopia including Addis Ababa University's College of Law & Governance Studies and the Haramaya University Law School. We work closely with private NGO's such as the Governance & Justice Group (GJG) on legal aid and criminal justice reform, and we collaborate with the National Institute for Trial Advocacy (NITA) on advocacy training for lawyers and judges around

the world. Finally, we collaborate with international law firms, including Baker & McKenzie and DLA Piper, who can offer valuable expertise and resources.

Our goal, as always, is to take on an increasing array of challenging and important projects both here and abroad,



projects that offer educational value to our students and advance a positive human rights agenda. We also continue to expand and strengthen the classroom components of the CIHR's program, involving the Law School's faculty in the enterprise of providing solid doctrinal background for the work of our undergraduate and graduate students.

It is truly a privilege to serve as the interim director of the CIHR. I am so very proud of the work of our faculty and students, and I look forward to supporting the Center's efforts in this role. We have a broad range of initiatives underway, and I hope you will visit the CIHR's web site at www.law.northwestern.edu/legalclinic/humanrights/ to learn more.



CIHR Project Snapshots

LEGA DEMBI GOLD MINE, ETHIOPIA

Working in collaboration with Ethiopian NGO partners, students in **Professor Bridget Arimond**'s International Human Rights Advocacy Clinic are using international advocacy to assist Lega Dembi gold mine communities living near Ethiopia's privately-owned Lega Dembi gold mine. For twenty years, Ethiopia allowed the mine to operate without effective environmental oversight or regulation. As a result, the mine has poisoned the water, soil and air in the rural area that is home to the indigenous, agro-pastoral Guji people. Tragically, people have died, and many more have suffered serious health problems from the mine's environmental contaminants. Area women have suffered a very high rate of miscarriages, and many children have been born with severe physical and developmental disabilities. Livestock, wildlife, and crops have suffered, threatening the livelihood and food supply of the people living near or downstream from the mine.

Professor Arimond and her students have traveled to Ethiopia on multiple occasions, most recently in October 2019, to work with communities and NGOs that are attempting to address these serious problems. They met with NGO partners and Ethiopian lawyers to discuss possible remedies for those affected by the mining operation, particularly for families with children born with severe disabilities. Clinic students are also preparing complaints to several of the UN Human Rights Council's "Special Procedures."

FUNDING INITIATIVE FOR VICTIMS OF ATROCITY CRIMES

Professor David Scheffer led consultations with 20 European governments, the European Union, the World Bank, the International Criminal Court, the Trust Fund for Victims, investment advisers and law firms acting on a pro bono basis, to develop a new financing mechanism for funding the needs of victim populations following mass atrocities.

The conventional means of raising funds through government assessments and, more often, voluntary government funding are inadequate to meet the increasing needs of justice and remedies. The project is developing new models of revenue-raising capacities by focusing on "humanitarian investing," a concept now being explored by



CURRENT CIHR PROJECT SITES

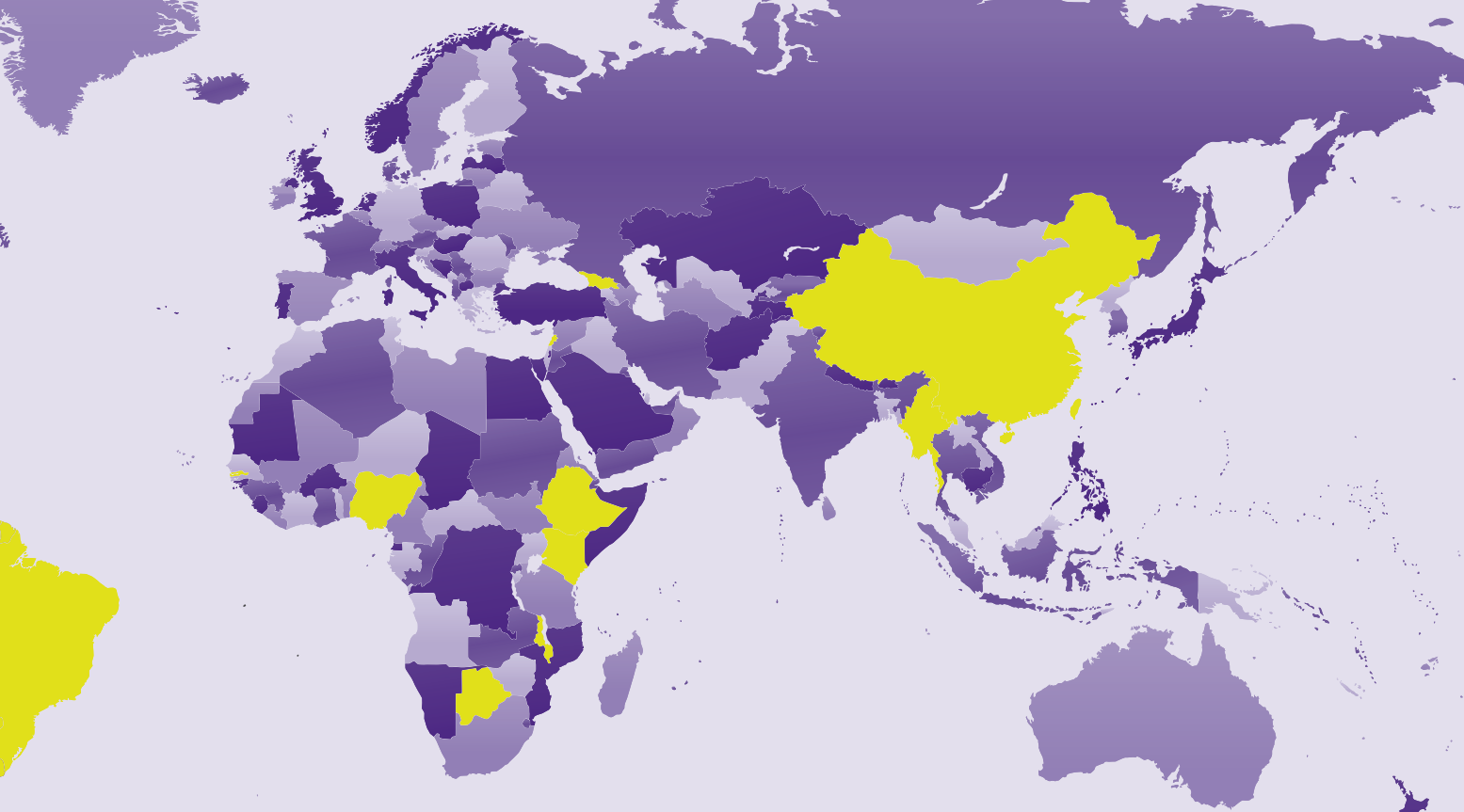
- Botswana – Miners Right to Health Project
- Brazil – Collaboration with Greenpeace International and Greenpeace Brazil in challenging crimes against humanity committed against indigenous peoples
- China – Engagement and Advocacy for Health Law and Policy Reform
- Ethiopia – Legal Education; Justice Audit; Justice Sector Reform; Lega Dembi Gold Mine
- The Gambia – Training for Public Defenders
- Republic of Georgia – Human rights education and training
- Lebanon – Access to Health
- Malawi – Access to Justice for Youth in Pretrial Detention
- Myanmar – Support for the Independent Lawyers of Myanmar
- Kenya – Strategy on Tuberculosis and Human Rights

the World Bank, ICRC, the World Economic Forum, UNHCR, and other international organizations as a mindset shift from government funding to private sector or "blended" investing options (such as social bonds).

Over the next academic year, the goal is to bring the needs of victims of atrocities and of the tribunals that prosecute atrocity crimes cases to the forefront of the humanitarian investing initiative. Professor Scheffer will be writing a report outlining a roadmap for financial assistance for tribunals and atrocity crimes victims.

NORTHWESTERN ACCESS TO HEALTH IN NIGERIA AND LEBANON

Under the leadership of **Professor Juliet Sorensen**, the University-wide interdisciplinary Access to Health Project



- Nigeria – Access to Health; Support for Reform of the Police Force; Tuberculosis Legal Environment Assessment Validation Workshop

- South America – Engagement with Members of Congress on Health and Human Rights; Accessing Safe, Legal Abortion

- United States/Mexico: Human rights violations by private security companies involved in the migrant situation at the U.S./Mexico border

- Chicago – Chicago Department of Public Health Know Your Rights Work and Training

- International advocacy on LGBTIQ human rights issues

- Support for the UN Special Rapporteur on the Sale and Sexual Exploitation of Children in challenging illegal adoption leads to landmark ruling on illegal adoption as a form of trafficking children

- Global Trainings for Government, Lawyers, Civil Society and Community Members on a Human Rights-Based Response to Tuberculosis

- Training for Attorneys at the U.S. Equal Employment Opportunity Commission

continues its work at the intersection of health, human rights, and development in Nigeria and Lebanon.

Access to Health has worked in Lagos, Nigeria for four years, in partnership with the Justice & Empowerment Initiative and the Nigerian Federation of Slums and Informal Settlements. Professor Sorensen, Schuette Fellows, and numerous Northwestern Law, Kellogg and Feinberg students designed and implemented a health and human rights curriculum to train community health educators and advocates in Lagos to deliver educational programming and drive advocacy.

In Lebanon, Access to Health faculty and students are working with the Lebanese Center for Human Rights on an initiative exposing torture and judicial corruption. They also advised Shatila Studios, a local social enterprise that employs Syrian refugee women in artisanal work, on building a sustainable revenue strategy.

SEXUAL AND REPRODUCTIVE HEALTH RIGHTS PROJECTS

Latin American and Caribbean countries have some of the most restrictive abortion laws in the world, severely impact the health and rights of women, adolescents and young girls. **Professor Brian Citro** is leading the Sexual and Reproductive Health Rights Project to protect and promote the human rights of women, adolescents and young girls in these nations, including victims of sexual violence, who are subject to laws that criminalize and restrict access to safe and legal abortion.

The project is focused on three key outputs:

1. An amicus brief submitted to the UN Human Rights Committee in support of the four complaints constituting an initiative led by the Center for Reproductive Rights (CRR)

CIHR Updates, continued

and Planned Parenthood Global (PPG) called *El Gope*. Specifically, the amicus brief focuses on the right to life interpreted broadly to include the right to a life with dignity. This focus highlights the negative impacts that forced pregnancy and forced motherhood have on the right to life. The brief builds on standards already developed in the UN Human Rights Committee's General Comment No. 36 and in Inter-American jurisprudence, while also drawing support from other national, regional and international standards.

2. Student advocacy during a close briefing with members with the Human Rights Committee (HRCttee). This presentation addressed i) the severe physical, mental and social health impacts of forced pregnancies and forced motherhood on girls and adolescents in Latin America, and (ii) the context of impunity that prevails around the issue of sexual violence.

3. The development of talking points and key considerations used by the UN Special Rapporteur on the Right to Health during his UN Mission in Ecuador and his UN Country Report.

CLINICAL TRAINING AND JUSTICE SECTOR REFORM IN ETHIOPIA

For the past 30 years, **Professor Tom Geraghty** has been working with Ethiopian law schools on clinical education, holding workshops for clinical teachers from Ethiopia's approximately 30 law schools. In March 2019, 30 Ethiopian law teachers attended the session, which was co-led by Northwestern Law faculty and staff Maria Hawilo, Carolyn Frazier, Shericka Pringle, and Laurie Mikva, along with three Northwestern Law students. The next training training for Ethiopian clinical teachers will be held in March 2020 in Addis Ababa.

In May 2019, Professor Geraghty attended a program on justice sector reform in Ethiopia, at the Ethiopian Embassy in Washington D.C. He participated in a panel with the newly appointed president of the Federal Supreme Court of Ethiopia, Justice Meaza Ashenafi, the Ethiopian Ambassador to the United States, the former head of Ethiopia's Federal Bar Association, and the head of ABA-ROLI. The focus of the panel was on new initiatives to support the rule of law in Ethiopia, including a newly drafted (and yet to be enacted) proclamation authorizing and regulating bar associations in Ethiopia.

MALAWI: ACCESS TO JUSTICE FOR YOUTH IN PRETRIAL DETENTION

Professor Carolyn Frazier recently launched a new project to address pretrial detention issues in Malawi. Because Malawi is one of the poorest countries in the world, its legal aid program is severely underfunded and unable to meet the needs of youth facing criminal charges. Children often linger in detention awaiting trial, sometimes for a longer period of time than they would have served if they had been found guilty and sentenced to the maximum allowable penalty. Such prolonged detention has a traumatic effect on these youth, as they are separated from family, prohibited from attending school, and exposed to unhealthy and sometimes dangerous conditions while locked up.

Professor Frazier's students will form relationships with Malawian partners, learn relevant domestic and international human rights law, and practice their interviewing and advocacy skills before traveling to Malawi to interview youth in detention facilities and aid local partners in advocating for their fair treatment under domestic law and the Convention on the Rights of the Child.



Comparative Learning in Ethiopia

BY MAYA RAHWANJI (JD '19)

In law school, we spend so much time learning and evaluating the American legal system that you somewhat forget about the many other legal systems around the world. It wasn't until I traveled to Addis Abba that I was reminded of that. By experiencing other countries' legal systems, their successes, and their problems, I think that American law students grow because it not only allows them to think more critically about the issues facing the U.S. but also about legal issues worldwide and how the U.S. compares, particularly with respect to access to justice.

In Ethiopia, access to justice is minimal. I was dismayed to learn about the overpopulation of Ethiopian jails, and while the notion of a speedy trial may exist on paper, in practice, it is non-existent with Ethiopians waiting in jail for years before they are presented in front of a judge. Even seemingly less drastic practices, like the requirement that all federal court filings be in Amharic, hinder Ethiopians' access to justice. These stories are so heart-breaking and anger-inducing that despite its many shortcomings, I felt a renewed appreciation for the American legal system.

Opportunities like this one are imperative for law students because they encourage and expand student diversity – diversity meaning experience and exposure to new people, cultures, and legal issues all of which give law students new



perspectives. These new perspectives allow law students to reflect and comment on issues in more informed ways than by focusing their studies exclusively on the American legal system.

Following the conference in Addis, I've thought more about access to justice, particularly in the civil context. One thing that I think Ethiopia does better than the U.S. is provide its citizens physical and knowledgeable access to legal services for non-criminal matters. Because Ethiopian universities partner with local legal aid centers, Ethiopian communities across the country have some known and specified place to go to seek legal advice; the same is not true in the U.S. It is unlikely that a low-income person faced with a housing issue, for example, would know how to find legal assistance, let alone know

a lawyer who could help. I wonder if Ethiopia's law school / legal aid partnership model could work for rural communities in the U.S. For example, in Wyoming, there is only one law school, and according to the Wyoming Bar website, there are only 4 legal aid centers in the state that deal with civil matters, one of which is the university legal clinic. While I'm not suggesting that Wyoming should create more law schools, maybe the law school could partner with the existing legal aid centers and thereby serve as the initial point of entry for indigent civil legal services so that communities would know where to go to find legal help. Even if ultimately this idea is totally unfeasible, without my experience in Ethiopia, I don't know if I would have thought of this as a possible solution to improving access to justice.



Advancing Trial Ad in Nigeria

BY ASHA GRAYSON (JD '19)

My experience at the National Institute for Trial Advocacy (NITA) training in Nigeria was incredible. The opportunity to learn trial advocacy techniques from some of the most consummate lawyers and judges I have ever interacted with made me so grateful to be a part of this program. The majority of the participants were defense attorneys, with the exception of a few prosecutors.

One female participant explained to me that they do not have opportunities during law school to get practical experience the way we do in our clinics, so this training was very valuable for them. I think direct examinations were a bit easier for the groups to grasp than cross-examinations. It was hard for the groups to stick with leading questions. I recently prepared a cross-examination myself and I also asked non-leading questions without realizing it, so I can understand how and why they struggled.

We obtained a lot of good feedback from participants regarding the absence of plea bargaining. Participants explained that some of the challenges for implementing plea bargaining is the lack of awareness of the process, lawyers' failure to explain the process, misinformation given to defendants, lack of clear procedures, perception there is no negotiation, lack of attention given to victims, not knowing who to involve/ when to involve the court, the inconsistency of sentencing, and delays between the receipt of the plea bargaining application and the approval.

Publications

DAVID SCHEFFER

The Sit Room: In the Theater of War and Peace. 2019.

"A Retreat From NATO?" *The New York Times.* 2019.

"Leadership Initiative on Corporate Engagement with Public Policy." *Chicago Council on Global Affairs* (with Caroline Kaeb). 2019.

"Bullhorns for Humanity: The Rise of CEOs as Social Activists." *Knowledge@Wharton* (with Caroline Kaeb). 2019.

"Grandstanding in the Situation Room." *Chicago Council on Global Affairs Insight.* 2019.

"New Financial Vehicles for Assisting Victims of Atrocity Crimes: A Bold Move for International Justice." *Just Security.* 2019.

"The Rising Challenge of Funding Victims' Needs at the International Criminal Court." *Just Security.* 2018.

"Ambass. David Scheffer on John Bolton's Announcement of 'Ugly and Dangerous' Punitive Actions Against Judges, Prosecutors of Int'l Criminal Court." *Just Security.* 2018.

"Critical Rulings on International Criminal Justice." *Chicago Council on Global Affairs Working Paper.* 2019.

"What are the Key Obstacles That Undermine the Implementation of the Principles Arising From the 2007 Nuremberg Declaration on Peace and Justice?" *Conference Report, Nuremberg Forum 2017.* 2018.

JULIET SORENSEN

"America's Opioid Epidemic: A Rights-Based Approach," *Health and Human Rights*, March 2019

"Truth, Lies and Climate Change," *Northwestern Law Review Of Note*, Fall 2018

"Corruption in an Era of Climate Change: Rebuilding Sint Maarten after Hurricane Irma" (SSRN, Small Island Developing States Research Platform), May 2018

BRIAN CITRO

Health Care Gaps in the Global Burden of Drug-Resistant Tuberculosis (International Journal on Tuberculosis and Lung Disease, 2019).

Tuberculosis and the Law in Latin America and the Caribbean: Guidelines for Legislators and Civil Society (Global Fund to Fight Aids, TB and Malaria; UN Stop TB Partnership, 2019)

Key Considerations for Tuberculosis Legislation (Global Fund to Fight AIDS, TB and Malaria, Stop TB Partnership, 2019)

Declaration of the Rights of People Affected by Tuberculosis (UN Stop TB Partnership, TBpeople, 2019)

Measuring Structural Stigma: Human Rights and Legal Discrimination, Chapter in "TB Stigma Measurement Guidance" (USAID, 2018)

Ending Tuberculosis Will Take Lower Drug Prices and a New, Improved Innovation Ecosystem (STAT, 2018)

Know Your Rights: Tuberculosis, Brochure (Chicago Department of Public Health, 2018)

News and notes from our graduates...

Settasak Akanimart (LLM 2010)

is a child protection specialist with the United Nations Children's Fund (UNICEF). He is currently based in the UNICEF Regional office for South Asia, Kathmandu, Nepal.

Gianluca Atzori (LLM 2009) is an associate in the Milan office of Cleary Gottlieb Steen & Hamilton. He specializes in environmental law and regulatory matters.

Bernardo de Souza Dantas Fico (LLM 2019) is working with Opice Blum Advogados, the very first office in Brazil dedicated solely to digital rights. He works with company compliance with data protection legislation.

Heather Goldsmith (JD 2008) is Senior Technical Advisor with USAID promoting Rule of Law. She works in Myanmar.

Syeda Viqar-Un-Nisa Hashmi (LLM 2009) is currently serving as Hon. Advisor, Commissioner for Transgender and Commissioner / Focal Person, Wafaqi Mohtasib (Ombudsman)'s Secretariat for the Federal Government of Pakistan in Islamabad.

Charles Holt (LLM 2015) is Legal Counsel for Campaigns at Greenpeace International in Amsterdam, the Netherlands.

Eric Moss Husketh (JD 2005) is Human Rights Officer, Human Rights Office, Erbil, UN Assistance Mission in Iraq (UNAMI) / Office of UN High Commissioner for Human Rights in Iraq

Najd Ibrahim (LLM 2015) is a regional gender advisor with ARK Group for the Middle East and North Africa region. She is located in Amman, Jordan.

Shimelis Mulugeta Kene (LLM 2010) is Doctor of Civil Law Candidate, Institute of Comparative Law, O'Brien Fellow, Centre for Human Rights and Legal Pluralism, McGill University.

Adi Lerner (LLM 2016) is the Deputy Director of the Westside Justice Center, here in Chicago.

Antanina Maslyka (LLM 2013) is a Programme Officer for the Human Rights Defence Programme at the Netherlands Helsinki Committee. She is located in Amsterdam.

Ashley Fiona McKinnon (LLM 2015) is Editor-in-Chief of the Rights in Exile Newsletter in Addis Ababa, Ethiopia.

Alice Murgier (LLM 2016) is working in rotating internship placements as part of the Paris (France) Bar requirements.

Henri Nzedom (LLM 2010) is an independent human rights consultant, specializing on the rights of children. He is based in Montreal, Canada, although his assignments take him around the world. His current assignment is with UNICEF Comoros, and it entails a child rights training for the Comoros police and gendarmerie, and drafting standard operating procedures that will assist in handling cases involving children.

Puspa Pokharel (LLM 2012) is the Director of the Civil Law and Human Rights Research Centre and Director of the College at the National Law College in Nepal.

Dr. Charles Riziki Majinge currently works as a Legal Adviser for the UN Human Rights Council mandated Commission of Inquiry in South Sudan. He advises the Commission on issues related to the investigation of gross abuse of human rights and atrocity crimes that were and are being committed in the ongoing violence in South Sudan. It is hoped that, building on the work of this Commission, the international community will take measures to establish accountability mechanisms to hold to account perpetrators of these crimes in South Sudan.

Heru Susetyo (LLM 2003) is an Associate Professor at the Faculty of Law Universitas Indonesia, Jakarta. He is currently teaching human rights, victimology, law and social welfare, children protection law, Law and Society and Legal Research Method.

Call for Nominations: The 2020 Global Jurist of the Year Award

The Center for International Human Rights invites nominations for its 2020 Global Jurist of the Year Award. The Award is granted annually to a sitting judge in recognition of that judge's contribution to the advancement of international human rights law or international criminal law. Special account is taken of those who have shown outstanding dedication to the rule of law and courage in the face of adversity, including personal risk. Jurists from all nations and tribunals are eligible for consideration. Past winners include Justice Dikgang Moseneke of the South African Constitutional Court, Justice Shireen Avis Fisher of the Special Court for Sierra Leone, Judge Gloria Porras of the Guatemalan Constitutional Court, and Justice Rosalie Silberman Abella of the Supreme Court of Canada.

Nominations should contain a brief statement supporting the nomination and may include relevant documentation evidencing the nominee's accomplishments. Nominations can be submitted electronically to tgeraghty@law.northwestern.edu or by mail to Professor Thomas Geraghty, Center for International Human Rights, Northwestern Pritzker School of Law, 375 East Chicago Avenue, Chicago, IL 60611, USA. The deadline for the submission of nominations is December 15, 2019. The Global Jurist of the Year will be presented with the award during a visit to Northwestern Pritzker School of Law in February 2020.

Northwestern

PRITZKER SCHOOL OF LAW Bluhm Legal Clinic

Center for International Human Rights
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Chicago, IL 60611

Faculty

Thomas Geraghty

Class of 1967 James B. Haddad Professor of Law; Director Emeritus Bluhm Legal Clinic; Interim Director Center for International Human Rights

David Scheffer

Mayer Brown/Robert A. Helman Professor of Law

Bridget Arimond

Clinical Professor of Law; Director, LLM Program for International Human Rights

Stephen Sawyer

Clinical Associate Professor of Law

Juliet Sorensen

Clinical Professor of Law; Director, Northwestern Access to Health Project; Clinical Professor of Strategy, Kellogg School of Management (Courtesy)

Brian Citro

Assistant Clinical Professor of Law; Clinical Assistant Professor of Social Impact, Kellogg School of Management (Courtesy)

Carolyn Frazier

Clinical Associate Professor of Law

Alexandra Tarzikhan

Schuette Clinical Fellow in Health & Human Rights

Classes

A New World Order: the Role of the United Nations in Advancing the Rule of Law and Individual Rights

Colloquium: International Human Rights Health and Human Rights

Human Rights Advocacy: Legal Analysis and Writing

International Children's Rights Advocacy

International Criminal Law

International Human Rights

International Human Rights Advocacy

International Human Rights Law and Practice

International Human Rights Law: Differing Perspectives, Europe, the Americas, the US



Joint Training of Lagos, Nigeria Public Defenders held by the National Institute for Trial Advocacy, Baker McKenzie, and the Bluhm Legal Clinic.

Announcements

Alexandra (“Alex”) Tarzikhan joined the CIHR as the new Schuette Clinical Fellow in Health and Human Rights. Alex holds a JD from Northeastern University and a Masters in Public Health from Tufts University. She is fluent in French, Spanish, and Arabic, and has extensive experience working in the fields of international human rights, refugee issues, and public health and humanitarian law. During her fellowship, Alex will work on a range of health and human rights projects with Professors Juliet Sorensen and Brian Citro.

Professor Carolyn Frazier joins the CIHR this year to expand the Center’s capacity in international children’s rights. Professor Frazier was previously a member of the Bluhm Legal Clinic’s Children and Family Justice Center (CFJC).

A **symposium on human rights and access to justice in Ethiopia**, sponsored by Northwestern’s Journal of Human Rights and Addis Ababa’s Journal of Ethiopian Law, will be held at the Northwestern Pritzker School of Law on February 18, 2020. Participants in the symposium will include leading Ethiopian scholars and lawyers, as well as members of Ethiopia’s judiciary. The event will be open to the public. Please contact Professor Thomas F. Geraghty (tgeraghty@law.northwestern.edu) for further information.

Professor Geraghty, with CIHR students, will lead a training for members of the Independent Lawyers Association of Myanmar who represent human rights defenders in Yangon and Mandalay in January 2020, in Yangon and Mandalay.

The Bluhm Legal Clinic’s faculty will again collaborate with the Addis Ababa University Law School on a training for Ethiopian clinicians in March, 2020 in Addis Ababa.