2015–2016 Academic Year

PART ONE: REPORT OF ACTIVITIES

I. EXECUTIVE SUMMARY

During the past academic year, the Human Rights Program (HRP or the Program) continued to serve as the center for critical thought and active engagement in human rights at Harvard Law School (HLS), and remains one of the nation’s leading law school centers on human rights. Its major achievements in 2015–2016 include the following:

- Engaged over 90 clinical students on more than 20 clinical projects as part of its International Human Rights Clinic (the Clinic), including supervising 38 students on 21 fact-finding and advocacy trips in different countries. Additional information on these clinical projects appears in Section II.

- Offered four clinical seminars on human rights topics, including Human Rights Advocacy, Human Rights and Criminal Justice, and Promises and Challenges of Disarmament.

- Oversaw the LLM Concentration in Human Rights.

- Hosted six Visiting Fellows from Brazil, Colombia, Germany, Spain, and the United Kingdom, and coordinated presentations of their research.

- Organized 27 speaking events, including two major conferences and one high-level workshop.

- Provided a range of fellowship opportunities for students and alumni to work with nongovernmental and inter-governmental organizations abroad, including two winter fellowships, five summer fellowships for students, and six post-graduate fellowships for alumni.

- Offered two 1L reading groups: Becoming a Human Rights Advocate and Communities and Human Rights Advocacy; and one upper-level reading group: Armed Conflict and World Heritage.

In addition, HRP staff continued to support the work of the Harvard Law Student Advocates for Human Rights (HLS Advocates), a student practice organization housed in the HRP suite. HLS Advocates offers students, and particularly 1Ls, an opportunity to begin to develop human rights lawyering and advocacy skills and to reflect critically on their role through student-led initiatives, speakers, and panels. Student-led initiatives include projects developed and led by students under the supervision of partner attorneys.

HRP’s varied activities enhance its expressed goals: to make international human rights an integral part of an HLS education and to ensure that HLS is truly a global law school with dedicated
attention to international, comparative, and human rights law.

During the 2015–2016 academic year, most HRP teaching staff continued in their same capacities: Professor Gerald Neuman and Clinical Professor Tyler Giannini served as Co-Directors of HRP; Giannini and Clinical Professor Susan Farbstein served as Co-Directors of the Clinic; Bonnie Docherty served as Senior Clinical Instructor and Lecturer on Law; Deborah Popowski and Fernando Delgado served as Clinical Instructors and Lecturers on Law. In terms of new developments, Anna Crowe received a promotion and was appointed Clinical Instructor for the 2016-2017 year, and Academic Director Mindy Roseman moved to a position at another university in February 2016.

HRP support staff for the 2015–2016 academic year were: Cara Solomon, Communications Manager; Maureen Corrigan, Financial Manager; Katherine Talbot, Program Associate; and Gabriela Follett, Program Assistant.

The remainder of this narrative report is divided into the following sections: (II) research and scholarship; (III) contributions to the HLS teaching program; (IV) participation of HLS students in HRP activities; (V) law reform and advocacy; (VI) connections with the profession; (VII) collaboration with other Harvard schools and departments; and (VIII) other activities. Rather than summarizing last year’s engagement in each of the seven categories and detailing our plans for each of these same categories in a subsequent section of the report, we have merged the retrospective summary with our plans. Thus, each of the categories below begins with a description of our work in the area thus far and is followed by a brief outline of our plans for the 2016–2017 academic year.

II. RESEARCH AND SCHOLARSHIP

HRP’s contributions to research and scholarship described below include: (a) its Visiting Fellows program, which brings scholars and activists representing diverse regions, perspectives, and experience to HRP to pursue research and writing; (b) scholarship support for graduates; (c) high-level conferences, speaking events, publications and sponsored research; (d) clinical and academic training sessions; and (e) student-initiated conferences, panels, and practice.

As a caveat, the description of HRP’s contributions to research and scholarship omits scholarly works written by JD and graduate students for seminars or independently, as well as scholarly writing by Visiting Fellows in their individual capacity. It also omits scholarly writing and research undertaken outside of HRP projects by HRP faculty, instructors, and staff. Moreover, the description covers only research and educational activities at HLS that were undertaken with HRP’s financial support and through its institutional activities. It therefore also omits detailed information about the many courses and seminars offered in 2015–2016 and those to be offered in the 2016–2017 academic year that focus predominantly on human rights issues. Such course offerings are part of the general HLS curriculum, with instructors’ salaries or stipends generally paid by HLS.

A. Visiting Fellows Program
During 2015–2016, HRP hosted seven Visiting Fellows—academics and practitioners in the field of human rights—who spent their time at the Program engaged in their own research and writing projects, assisted at times by HRP staff. Fellows during the 2015–2016 academic year were Juan Pablo Calderon Meza (Colombia), Maria Diaz Crego (Spain), Carmen Draghici (United Kingdom), Vanice Lirio do Valle (Brazil), Blinne Ni Ghrálaigh (United Kingdom), Ian Park (United Kingdom), and Silja Voeneky (Germany).

Visiting Fellows pay no fee to HRP; receive desk space, equipment, and library privileges without charge; and are often able to audit courses at HLS and other schools within the University. Visiting Fellows stay for at least one semester and often up to ten months. In 2015–2016, HRP provided $15,240 in support to Visiting Fellows. Additionally, HRP awards the Eleanor Roosevelt Fellowship to a meritorious Fellow from a low- or middle-income country. In 2015–2016, this $18,000 fellowship was awarded to Juan Pablo Calderon Meza from Colombia.

In 2016–2017, HRP will host six Visiting Fellows: Blinne Ni Ghrálaigh (United Kingdom), Marie-Luisa Frick (Austria), Antti Korkeakivi (Switzerland), Yi-Li Lee (Taiwan), and Sandra Brunnegger (United Kingdom). We will host Joanne Neenan (United Kingdom) as a joint HRP-Wasserstein Fellow for the Fall 2016 semester with the Office of Public Interest Advising (OPIA).

HRP holds a bi-monthly Visiting Fellows lunch colloquium, during which the Fellows present their work to a group of invited students, faculty, and HRP staff. Visiting Fellows are expected to present at least once during their appointment. Professor Neuman ordinarily presides over and moderates the discussions.

**B. Scholarship Support for Graduates**

Each year since 2001, HRP has offered post-graduate Henigson Human Rights Fellowships to graduating JDs or LLMs (or, within stated limits, to JD and LLM graduates who are up to two years out of school). Henigson Fellows spend 12 months working with a nongovernmental organization (NGO) in a developing country. Applicants must evidence a commitment to human rights work and an intention to pursue a career in human rights. Fellows receive up to $29,000 over the course of the fellowship, which covers a living stipend, health insurance, and reimbursement for vaccinations.

Our 2015–2016 Henigson Fellow was Elizabeth Carthy, LLM ‘15, who worked with Lawyers Against Abuse in South Africa. A second recipient accepted the fellowship but later took up a paid position with a different international organization, thus foregoing funding support from the fellowship.

For 2016–2017, HRP awarded two Henigson Fellowships, one to Fabiane Baxewanos, LLM ‘16, who will work in Jordan with the Danish Refugee Council, and Emily Norman, JD’15, who will work with the Institute for Women in Migration in Mexico.

Prior Henigson fellows have engaged in human rights defense and promotion with local organizations in Afghanistan, Brazil, Cambodia, China, Colombia, Costa Rica, the Democratic
Republic of the Congo, Egypt, Guatemala, Haiti, Hungary, India, Mexico, Myanmar, Paraguay, Peru, Rwanda, South Africa, Sri Lanka, Uganda, Zambia, and Zimbabwe. The HRP website lists the names and projects of all Henigson Human Rights Fellows for the past decade. These can be found at http://hrp.law.harvard.edu/fellowships/post-graduate-fellowships/henigson-human-right-fellowships/henigson-fellows/.

In 2015–2016, HRP also awarded three Satter Human Rights Fellowships: Erin Bloom, JD ’15, who worked with the Public International Law Policy Group in Turkey; Anjali Mohan, JD ’12, who worked with the Women’s Peace Network—Arakan in Myanmar; and Sasha Pippenger, JD ’15, who worked with the Center for Humanitarian Dialogue in Kenya. The fellowship, named after Muneer Satter, JD ’87, allows post-graduates to spend a year working on the defense of human rights in response to mass atrocities or widespread and severe patterns of rights abuse occurring in countries classified as “unfree” by Freedom House.

For 2016–2017, HRP awarded four Satter Fellowships: Peter Stavros, JD ’16, will work with the United Nations Children’s Fund (UNICEF) in Jordan; Courtney Paterson, JD ’16, will work with the Public Interest Law and Policy Law Group in Turkey; Sam Koplewicz, JD ’16, will work with Human Rights Watch in Jordan; and Marian Ingrams, JD ’16, will work with Landesa in Myanmar. More information on fellows can be found here: http://hrp.law.harvard.edu/fellowships/post-graduate-fellowships/satter-human-rights-fellowship/satter-fellows/.

In 2015–2016, HRP also awarded two HRP Fellowships: Eva Bitran, JD ’14, who worked with the European Center for Constitutional and Human Rights in Berlin; and Alexandra Garcia Tabernero, LLM ’15, who worked with the International Criminal Court and the International Criminal Tribunal for the former Yugoslavia in the Netherlands.

The total amount of HRP’s post-graduate fellowship funding in 2015–2016 was $23,950 for Henigson Fellows, $60,545 for Satter Fellows, and $54,000 for HRP Fellows.

C. High-Level Conferences, Speaking Events, and Sponsored Research

HRP continued to support scholarship through high-level conferences, speaking events, and sponsored research.

1. High-Level Events

HRP hosted two major conferences and one high-level workshop in 2015–2016.

Our first major event, a workshop on the intersection between Human Rights and Administrative Law, took place on September 26, 2015. During the workshop, participants considered a set of preliminary questions about the linkages between administrative law and regulation and human rights: How are human rights advocates and scholars currently using administrative law? In what ways can current administrative law research, theory, and scholarship inform human rights advocacy, practice, and scholarship? How might human rights advocacy, scholarship, and pedagogy
be improved by making more explicit the links between human rights and administrative law and regulation? The workshop was hosted by Harvard Law School’s Human Rights Program, and its International Human Rights Clinic, along with the Center on the Legal Profession. The workshop organizers were Professors Lucie White and Tyler Giannini along with Nick Robinson, a fellow at the Center.

Our second major event, a workshop on the International Law Commission’s Draft Articles on the Expulsion of Aliens, took place on March 10, 2016. In this open workshop, international law experts discussed a series of papers reflecting on the nature and content of the ILC’s “Draft Articles,” and compared them with other human rights standards. Participants included: Prof. Jacqueline Bhabha, Harvard; Prof. Mathias Forteau, University of Paris Ouest, and Member, International Law Commission; Prof. Daniel Kanstroom, Boston College; Prof. Won Kidane, Seattle University; Prof. Sean D. Murphy, George Washington University, and Member, International Law Commission; and Prof. Gerald L. Neuman, Harvard Law School. The revised papers were published in the online version of the Harvard Human Rights Journal.

Lastly, on May 3-4, 2016, HRP hosted a symposium titled “Human Rights, Democracy, and Legitimacy in the 21st Century.” This interdisciplinary symposium explored the linkages and tensions between human rights, democracy, and legitimacy in the destabilized world order of the 21st century. Part I, on May 3, included an assessment of basic concepts. Speakers included: Professors Norman Daniels (HSPH), Richard Fallon (HLS), Wilfried Hinsch (Cologne University), Sheila Jasanoff (HKS), Frank Michelman (HLS), Samuel Moyn (HLS), Gerald Neuman (HLS), Mathias Risse (HKS), Thomas Scanlon (FAS), Cass Sunstein (HLS), and Jonathan Zittrain (HLS). Part II of the symposium, on May 4, included the following panels: New Actors, New Risks, New Legitimacy?; Challenges of Global Health Law; and, European Union Law, Human Rights, and Immigration. Panelists included: Professors Glenn Cohen (HLS), Tyler Giannini (HLS), Iris Goldner Lang (Zagreb University), Vlad Perju (Boston College), Silja Vöneky (Freiburg University), and Alicia Ely Yamin (HSPH). Selected papers from the symposium will be collected in a book to be published in the coming year, edited by Silja Vöneky and Gerald Neuman, the symposium organizers.

### 2. Speaking Events

This past year, HRP hosted 27 events—including talks, workshops, roundtables, and film screenings—addressing a range of human rights topics, such as the rights of persons with disabilities; the judicial enforcement of the right to health and its implications for achieving universal health coverage; the impact of the European Court of Human Rights case law on the democratization processes in Eastern Europe, with Judge Ganna Yudkivska; and, a discussion about the future challenges of the ICC with former ICC Prosecutor Luis Moreno-Ocampo, Tim McCormack, and Alex Whiting.

Several of HRP’s most well-attended talks were organized in response to current events, such as “Don’t Look Away: Images of Systematic Torture in the Syrian Regime.” This event included a photo exhibit and panel discussion that explored the role of photography in documenting and
raising international awareness about torture, mass killings, and other atrocities committed by the Assad regime. The photo exhibit included 30 images taken by a former Syrian military police photographer, code named “Caesar,” who was tasked with photographing corpses of victims who died inside facilities run by the Assad regime. Panelists included: Stephen J. Rapp, Former U.S. Ambassador-at-Large for War Crimes Issue; Mouaz Moustafa, Executive Director, Syrian Emergency Task Force; Tyler Jess Thompson, Policy Director, United for A Free Syria; Naomi Kikoler, Deputy Director, Center for Prevention of Genocide, U.S. Holocaust Memorial Museum; and Professor Susan Farbstein, the event organizer.

Following terror attacks in France, HRP hosted “After the Paris Attacks: What is the Future for French Society?” Professor Patrick Weil, senior research fellow at the French National Research Center, University of Paris-1 (Pantheon-Sorbonne), spoke about the challenges of achieving common citizenship and healing divisions in French society.

Ongoing disputes about the use of international investment and trade treaties to restrict the power of states to protect the health and human rights of their people provided the context for an unusual joint talk by Professor Harold Hongju Koh (HLS ’80) and his brother Professor Howard Kyongju Koh MD MPH, both former high officials in the Obama administration, on “Global Tobacco Control as a Public Health and Human Rights Imperative.”

“American Torture and Institutional Corruption: Psychology, Law, and the Power of Professional Complicity and Resistance,” was a panel discussion of a recent independent investigation that found collusion between the American Psychological Association (APA) and the U.S. government in relation to interrogation policies that enabled the torture of Muslims by American officials. Panelists, including Clinical Instructor Deborah Popowski and David Luban, Professor at Georgetown University Law Center, discussed the findings of the “Hoffman” report and its implications for psychologists and also for the legal profession.

Additionally, HRP hosted a private meeting with Pierre Krahenbuhl, the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), at which he discussed with experts from throughout the University the ongoing difficulties of UNRWA’s mission, intensified by the conflict in Syria.

HRP faculty participated widely in events both at the law school and elsewhere on Harvard’s campus. For example, in Spring 2016, Professor Giannini spoke about the Alien Tort Statute and storytelling at the Harvard Human Rights Colloquium, and Professor Neuman took part in an event to celebrate and discuss a new book on the right to health by Alicia Ely Yamin of the School of Public Health.

HRP also collaborated with other programs to organize events, including a panel discussion on refugees and crisis in Europe and the Americas. Coordinated by HRP, the Immigration and Refugee Clinic, and HLS Advocates, this panel explored the legal and normative frameworks that apply to refugees and their reception, and the inadequate government responses to the current crises. Panelists included Professors Deborah Anker, Iris Goldner Lang, and Gerald Neuman.
HRP also participated in an off-campus event, "MSIs, Institutional Design, and Institutional Efficacy," hosted by the Kenan Institute for Ethics at Duke University on May 26, 2016. Deval Desai, HRP Research Fellow and HLS SJD candidate, helped organize the gathering. The workshop explored how the emergence of multi-stakeholder initiatives (MSIs) is intertwined with the history of global “governance gaps” and examined resulting questions including what institutional design features are becoming typical for an MSI; what do they do, and to whose benefit; and what sort of standardization of MSIs might be desirable, and what sort should be resisted.

HRP keeps an archive of all media coverage of its events at [http://hrp.law.harvard.edu/in-depth/](http://hrp.law.harvard.edu/in-depth/) (under “Events”). A complete list of events from 2015–2016 may be found at [http://hrp.law.harvard.edu/events/?past-events=2016](http://hrp.law.harvard.edu/events/?past-events=2016) and a list of all past events may be found at [http://hrp.law.harvard.edu/events/?past-events=2015](http://hrp.law.harvard.edu/events/?past-events=2015).

Events already planned for 2016–2017 include a talk by Judge Keller of the European Court of Human Rights; a presentation by the President of Inter-American Commission on Human Rights, James Cavallaro; and talks by noted human rights lawyers Philippe Sands and Amal Clooney.

### 3. Ongoing Sponsored Research

During 2015–2016, HRP did not receive any new sponsored research support but continued to work towards delivering the agreed upon outputs.

HRP continued its sponsored research in the area of accountability of U.S. health and medical professionals involved in torture. Now at the end of its two-year, $100,000 grant from the Skirball Foundation, HRP has been a leader in the accountability movement in recent years, advancing efforts on the legal and academic fronts. In 2015–2016, HRP worked with Kate Nicholson, JD ’08, a former Skirball fellow, to create and disseminate a tool-kit for state-level anti-torture legislation; In light of the American Psychological Association’s sponsored “Hoffman” report, revealing collusion of psychologists in torture, and the Association’s subsequent resolution prohibiting psychologists from assisting in national security interrogations, the Clinic, under Clinical Instructor Deborah Popowski’s leadership, also continued its work in this arena during 2015–2016.

In addition, HRP had previously received a multi-year grant of $120,000 from an anonymous donor to support research on the global trend of using criminal law to regulate gender, sexuality, and reproduction. HRP is still at work preparing an edited manuscript featuring essays and case studies tailored to support advocates, policy makers, and legislators in their efforts to promote and protect sexual and reproductive rights in the face of increased criminalization. It will be submitted for publication in 2016–2017, and will provide the focus for additional speaking events at HRP.

HRP faculty and clinicians are in the process of evaluating sponsored research opportunities for the coming academic years.

### 4. Publications
In addition to the foregoing, HRP and its Visiting Fellow Juan Pablo Calderon Meza, along with clinical students Sarah Lee and Angel Gabriel Cabrera Silva, inspired the Harvard International Law Journal Online to present its Online Symposium, “An International Jurisdiction for Corporate Atrocity Crimes.” This special feature series, which gathers short contributions from distinguished academics and practitioners in relevant fields, explores the topic of an international jurisdiction for corporate atrocity crimes, which is the subject of Calderon Meza’s research at HRP. The full text is available at http://www.harvardilj.org/2016/07/online-symposium-an-international-jurisdiction-for-corporate-atrocity-crimes/.

D. Clinical and Academic Training Sessions

Throughout the academic year, the Clinic advised HLS Advocates. In September 2015, the Clinic collaborated with HLS Advocates to organize its kick-off event for students interested in human rights. Clinicians attended this event, along with other events Advocates hosted throughout the year. These events provided an opportunity for HRP faculty to connect personally with first-year students.

Much of the Clinic’s support this year was focused on strengthening the HLS Advocates’ externship program. The Clinic liaison, Anna Crowe, and other clinicians worked with Advocates board members to identify suitable host organizations and to prepare project leaders for their coordinating roles. These externships enabled students to research the criminalization of homelessness in Massachusetts, work on a confidential case to explore corporate accountability mechanisms in international criminal law and address conflict of laws questions, and advocate for legislation in Massachusetts to extend the statute of limitations for wrongful death claims to create additional avenues for human rights litigation in the Commonwealth. Host organizations and supervising attorneys included the National Law Center on Homelessness & Poverty, the International Corporate Accountability Roundtable, the Human Rights Awareness and Promotion Forum Uganda, the Women’s Peace Network-Arakan, and renowned Alien Tort Statute attorney, Judith Chomsky. In 2015–2016, students completed 1,176 hours of pro bono work through Advocates’ externship program. In the Spring, Advocates also ran a skills-based, training-oriented project to help students develop the skills involved in international lawyering. Clinicians provided mentorship and support to project leaders throughout the year.

Over Spring Break, the Office of Clinical and Pro Bono Programs sponsored an Advocates’ project team to travel to Kampala, Uganda, where students worked with attorneys and human rights activists who are fighting to defend the liberty of lesbian, gay, bisexual, transgender, and intersex (LGBTI) Ugandans. After researching Ugandan and international law and meeting with attorneys and clients, the five-member team produced a 55-page report for a pending strategic litigation case. Anna Crowe assisted in the project and accompanied the team to Uganda.

In 2016–2017, the Clinic will continue to support HLS Advocates as it develops new externships and plans community programing, including the annual orientation in the Fall. See Section IV.E. for more on HRP’s involvement with HLS Advocates.
E. Student-Initiated Conferences, Panels, and Practice

Each year, the Program provides support to student groups and journals as they organize events and conferences.

HRP also supported other student groups—including HLS Advocates, the Law and International Development Society (LIDS), Law Students for Reproductive Justice, *Unbound: Harvard Journal of the Legal Left*, and the Women’s Law Association—in the organization of several events during the 2015–2016 academic year. For example, Professor Giannini and Lecturer on Law Delgado advised student organizers and for the *Harvard Human Rights Journal*’s annual symposium titled, “Whose Security: Must the Security of Some Depend on the Insecurity of Others?” A panel on police violence and ethnic and racial minorities was monitored by Professor Giannini and included Lecturer on Law Delgado as a panelist. The program can be found here: [http://harvardhrj.com/2016-symposium/](http://harvardhrj.com/2016-symposium/).

HRP will continue to work with students on proposals for other student-initiated conferences to ensure their intellectual quality and breadth of participation.

III. CONTRIBUTIONS TO THE HLS TEACHING PROGRAM

A. Clinical Opportunities

Through the years, HRP has fostered a major expansion not only in courses offered to and research undertaken by students but also in clinical opportunities in international human rights. Last year, the Clinic undertook more than 20 projects focusing on litigation, on-site investigations, legal and policy analysis, report drafting for international oversight bodies, treaty negotiation, and the development of advocacy strategies in partnership with survivors of rights abuses and organizations around the world. Through supervised work on these clinical projects, students learn the strategies, skills, and law essential to becoming successful human rights attorneys.

In 2015–2016, students participated in more than 20 clinical projects, some spanning multiple terms. Highlights of clinical work from this past year include the following:

- The Clinic worked to advance the protection of civilians in armed conflict in several ways. In March 2016, it published a major report entitled *Tackling Tough Calls: Lessons from Recent Conflicts on Hostile Intent and Civilian Protection*. Troops have the right to fire in self-defense if someone demonstrates hostile intent, but identifying a “threat of imminent use of force” presents significant challenges. Based on interviews with U.S. military personnel and veterans, the report showed how the military could do more to improve civilian protection in this area without jeopardizing its troops’ lives.

- The Clinic also produced several significant publications in the field of humanitarian disarmament, all in partnership with Human Rights Watch. The Clinic continued its
groundbreaking work on fully autonomous weapons, which are weapons systems that could select and fire on targets without meaningful human control. It released two briefing papers that were well received in the diplomatic community. The first showed that the 1995 preemptive ban on blinding laser weapons was motivated by many of the same concerns raised by fully autonomous weapons; the second examined the importance of and legal precedent for requiring meaningful human control over targeting. In addition, the Clinic bolstered its case for stronger international law on incendiary weapons through an in-depth review of use and policy developments over the past five years. In conjunction with these projects, the Clinic took students to international disarmament meetings at the UN in Geneva and New York.

- The Clinic continued its significant work on Alien Tort Statute (ATS) and Torture Victim Protection Act (TVPA) cases. First, the Clinic and co-counsel won an appeal before the Eleventh Circuit Court of Appeals in Mamani v. Sánchez de Lozada, a case against the former Bolivian president and minister of defense for a civilian massacre committed in 2003. The victory upheld the decision of the lower court, and allows the case to proceed to discovery. Second, the Clinic filed petition for writ of certiorari with the U.S. Supreme Court to appeal the Second Circuit dismissal of the In re South African Apartheid Litigation, an ATS case involving claims against Ford and IBM for the substantial assistance that these companies provided to the apartheid state to commit human rights violations. In the dismissal, the Second Circuit had affirmed that corporations are immune from ATS suit in the case. The petition was denied, however, bringing the case to an end after almost fifteen years of litigation. Despite the setback, the Clinic will continue to engage in ATS litigation and advocate to bring the U.S. jurisprudence back in line with international human rights principles.

- The Clinic continued its four-year collaboration with Equal Education Law Centre (EELC) in South Africa, this year with a primary focus on the issues of scholar transport and nutrition. With respect to transport, the Clinic built on prior fieldwork and the launch of a national advocacy campaign to help secure a rare and tangible two-fold victory: the provincial government of KwaZulu-Natal provided buses to the rural schools that we had visited in January 2015 and, after more than six years of delays and obstruction, South Africa's parliament finally passed a national scholar transport policy. With respect to school nutrition, the Clinic collaborated with the law school’s Food Law and Policy Clinic to prepare a comprehensive briefing paper that examined the quintile funding system and offered recommendations for reform to ensure proper coverage of all needy learners, in preparation for advocacy and potential litigation.

- The Clinic continued its prison reform project in Brazil, which has included research, litigation, and advocacy at the national level on notoriously abusive detention centers in several states. For example, the Clinic continued its litigation efforts with the Inter-American Court of Human Rights around the Aníbal Bruno Prison Complex (renamed Curado Complex), one of the largest prisons in Latin America. The past year’s work included highlighting the effects of three major prison riots and the continuation of grave abuses at the Complex, including at least sixteen deaths (including one police officer killed and one prisoner quartered), decapitations, gang rapes, beatings, and knife attacks. The Court has ordered the
Brazilian state to protect the life and integrity of prisoners, staff, and visitors of the notorious prison since May 2014, when it analyzed hundreds of complaints of abuse presented by a coalition of human rights organizations. The coalition has documented chronic abuses, such as the presence of the so-called *chaveiros*: prisoners who effectively carry out official functions in the cellblocks, and are granted the authority to maintain order and discipline in the facility, often through the use of violence. A window into the crisis of the Brazilian prison system, Aníbal Bruno incarcerates more than 7,000 men in space designated for fewer than 1,900, with an insufficient number of officers to adequately ensure security.

- The Clinic continued its long-standing work with Myanmar as well. In October 2015, the Clinic and Fortify Rights released a report concluding that Myanmar police officers used excessive force during a crackdown on protesters, in which they arrested more than 100 individuals in Letpadan, Bago Region in March. The report, “Crackdown at Letpadan: Excessive Force and Violation of the Rights to Freedom of Peaceful Assembly and Expression,” called on authorities to release individuals wrongfully detained for exercising their rights to freedom of peaceful assembly and freedom of expression. In a significant development, the Letpadan protesters were among nearly 200 political prisoners that the recently elected Government of Myanmar—led by the National League for Democracy (NLD)—either pardoned or dropped charges against on April 8, 2016. While welcoming the release, Fortify Rights and the Clinic continued to urge authorities to open a formal investigation into the violent police crackdown against protesters in March 2015 in Letpadan. In April 2016, the Clinic also sponsored a three-day workshop in Yangon for women human rights advocates. The workshop, entitled “Write to Change the World,” was led by The Op-Ed Project. It brought together pioneering women in various fields pushing for change and focused on voice and messaging in the media’s opinion sections, where women’s bylines are too rarely found.

- In November 2015, the International Human Rights Clinic and Columbia Law School’s Human Rights Clinic published a report, “Righting Wrongs?,” finding a controversial process created by one of the world’s largest gold mining companies to compensate women for rapes and gang rapes in Papua New Guinea was deeply flawed. The three-year study of Barrick Gold’s remedy mechanism at its Porgera gold mine found that the effort to provide packages to 120 rape survivors was flawed from the start and fell far short of international standards. Most women were offered less than $6,000 USD each in compensation, and were also given some counseling and healthcare. Among its findings, the report found the women should not have had to sign away their legal rights to sue in order to receive remedies. In addition, the process excluded survivors of many other, non-sexual assaults by company guards, and had insufficient outreach, so some survivors did not know about the mechanism in time to bring their cases. The report also found that inadequate security measures were put in place for survivors, and that some women have reported being threatened and beaten up by family members when their rapes were discovered. The process did include some positive features, but that necessary safeguards such as consultation and prior engagement with the survivors and robust legal counsel for the women were either unimplemented or poorly implemented. Rather than company-created models, the report suggested a different approach that would bring
companies, survivors, and communities into the joint design of the remedy process. This approach centers the survivors in the process from the outset, and can help address power differentials. The Porgera mine has been open since 1989. Barrick Gold became majority-owner and operator of the mine in 2006. Since then, the Clinics have actively investigated allegations of abuse at the mine.

- In October 2015, the International Human Rights Clinic and the Norwegian Refugee Council (Jordan) published a report, Registering Rights, that examined the processes, challenges, and significance of birth, marriage, and death registration for Syrian refugees in Jordan. The report focused primarily on birth registration and highlighted a number of challenges Syrian refugees face in registration processes, including: refugees’ lack awareness or information about birth registration in Jordan; the inability to produce official documents, such as identity documents, that are required to complete a registration process; inconsistency in official practices; and possible onerous costs associated with the process. The report found that unregistered children faced a host of potential consequences, such as restricted access to services, particularly healthcare. Many refugee families who were interviewed for the report were also concerned that unregistered children would be unable to return to Syria without a birth certificate, putting family unity at risk. The report noted that in the longer term, children without birth certificates are at increased risk of statelessness and other adverse consequences. The report found that some refugee families had resorted to risky coping strategies to overcome registration challenges, such as borrowing identity documents, or returning to Syria to retrieve documents. The report contained a number of policy recommendations for the Government of Jordan and humanitarian agencies. Its findings were based on desk research and interviews with Syrian refugees carried out in Jordan in March 2015.

These are just a handful of the clinical projects undertaken by the Clinic in 2015–2016.

**B. Courses Offered**

This past year, the Clinic offered four clinical seminars for classroom credit: The Promises and Challenges of Disarmament (Docherty, Fall 2015); Human Rights Advocacy (Popowski and Giannini, Fall 2015); Human Rights Advocacy (Farbstein, Spring 2016); and Human Rights and Criminal Justice (Docherty, Spring 2016).

In addition, HRP faculty and staff taught two 1L reading groups, Becoming a Human Rights Advocate (Farbstein, Fall 2015), and Communities and Human Rights Advocacy (Giannini, Fall 2015). Additionally, HRP faculty and staff taught one upper-level reading group, Armed Conflict and World Heritage (Docherty, Spring 2016). Beyond the law school, HRP faculty also taught a freshman seminar at Harvard College, Human Rights Law and Advocacy (Farbstein, Fall 2015).

Moreover, HRP has been supporting the LLM Concentration in Human Rights. During 2015–2016, Professor Neuman led the year-long LLM capstone seminar for the concentration, which focuses on the practice and decisions of UN treaty bodies, in comparative context. Professor Neuman also taught an upper-level reading group on Migration and Human Rights (Fall 2015), Immigration Law
In the coming academic year, Program faculty and instructors will lead four clinical seminars and four academic courses for HLS students. Professor Neuman will teach a 1L course on International Human Rights (Spring 2017), and the LLM capstone seminar Human Rights in the UN Treaty Bodies (academic year 2016–2017).

The clinical seminars are Advanced Skills Training for Human Rights Advocacy (Giannini, Fall 2016), Human Rights Advocacy (Delgado, Fall 2016), Armed Conflict and Humanitarian Protection (Docherty, Fall 2016), and Human Rights Advocacy (Farbstein, Spring 2017).

HRP faculty will also offer two 1L reading groups. In Fall 2016, Giannini will teach Communities and Human Rights Advocacy, and Farbstein will teach Becoming a Human Rights Advocate.

Through these courses and others at HLS, the Program and Clinic expect to engage several hundred new students in human rights during the year. HRP faculty and clinicians also supervise JD and LLM students in independent research (within their areas of expertise) and advise JD candidates and graduate students on human rights issues and research related to academic papers.

IV. PARTICIPATION OF HLS STUDENTS IN PROGRAM ACTIVITIES

HLS students are involved in most aspects of HRP. Major student participation comes through: (a) clinical projects, (b) summer internships, (c) individual research projects and student-initiated conferences, (d) participation in the Harvard Human Rights Journal, (e) participation in HLS Advocates and other student practice organizations, and (f) a range of social events designed to bring together students (JDs, LLMs, and SJDs), faculty and staff, and Visiting Fellows.

A. Clinical Work

In addition to their classroom teaching responsibilities (see Sections II and III), during 2015–2016, HRP’s clinicians supervised 93 students for credit, as well as additional volunteers, on more than 20 clinical projects. In Section II, we provided a sample of the projects undertaken through the Clinic. A detailed description of clinical projects, along with their final work products (such as briefs and published reports), is available on HRP’s website. A number of projects also involved confidential work product that cannot be published.

Through these clinical projects, students connect theory with practice and develop the core skills necessary to become effective and thoughtful human rights advocates. Students work in small teams on a variety of pressing and timely human rights issues, in collaboration with leading international and local human rights organizations. Clinical students have the opportunity to explore a range of approaches to advancing the interests of clients and affected communities. For example, students may interview survivors and document abuse; undertake legal, factual, and strategic analysis; litigate cases in U.S. courts and before regional and international bodies; participate in treaty negotiations; and interact with media to build advocacy campaigns—all under the close supervision
of the Clinic’s human rights practitioners. When appropriate, students travel to investigate violations, pursue advocacy strategies, participate in sessions before intergovernmental bodies and court hearings, and formulate policies to promote respect for human rights principles.

In any given term, the Clinic delves into a wide range of projects, including those related to extrajudicial executions, torture, and criminal justice; international humanitarian law and the unlawful use of weapons; Alien Tort Statute and Torture Victim Protection Act litigation; civilian protection in armed conflict; human rights and the United States; human rights and the environment; business and human rights; the role of health professionals in torture; sexual and reproductive rights; transitional justice; civil and political rights; and economic, social, and cultural rights.

Our clinicians have expertise in numerous regions and countries, including Latin America, Southeast Asia, Southern Africa, and the United States. The wide range of skills practiced in the Clinic, combined with clinicians’ thematic and geographic expertise, exposes students to a variety of strategies and innovative techniques for promoting and protecting human rights.

The Clinic will have changes made to its faculty and staff for 2016–2017. Professor Farbstein will be out on maternity in Fall 2016, returning in Spring 2017. She will temporarily be replaced by two Clinical Advocacy Fellows, Juan Pablo Calderon Meza and Fola Adeleke. Additionally, Clinical Instructor Deborah Popowski has moved on from the Clinic. Clinical Instructor Fernando Delgado will move on from the Clinic after the Fall 2016 semester. Clinical Advocacy Fellows Salma Waheedi (Fall 2016, Winter 2017), Yee Htun (Fall 2016, Winter 2017), and Rebecca Agule (Fall 2016, Winter 2017, Spring 2017), will supervise students until a permanent hire can be made in Spring 2017.

The Clinic will retain all other clinical professors and clinical instructors, including Anna Crowe, who received a promotion and was appointed Clinical Instructor as of 2016–2017.

**B. Summer and Winter Fellowships for Human Rights Work**

HRP offers fellowship grants to JD and LLM students for summer and winter fellowships with NGOs and inter-governmental human rights organizations around the world. HRP maintains up-to-date information on organizations where students have interned in the past and holds orientation meetings throughout the year in which previous interns meet new students. HRP staff meet individually with students to help identify placement locations and to discuss ways of incorporating experience abroad into other law school opportunities (typically, third-year research and writing or clinical work). Host organizations in developing countries have increasingly sought to maintain working relationships with students and the Clinic. Thus, a growing number of students have built directly on their internship experience by continuing research and writing during their remaining years at HLS. After completion of their fellowship, students are required to submit a report to HRP and attend a debriefing meeting.

For 2015–2016, HRP awarded summer fellowship grants to five students: Alyssa Oravec, JD ’18, Kelsey Jost-Creegan, JD ’17, MacKenna Graziano, JD ’17, Marissa Brodney, JD ’18, and Nadia
Raynes, JD ’18. They will be working in the following organizations: KLEIN (Nairobi), Tierra Digna (Bogota), Southern African Litigation Centre (SALC) (Johannesburg), International Criminal Court, in the Jurisdiction, Complementarity and Cooperation Division (The Hague), and LRC: Legal Resources Centre (Cape Town). Winter fellowship grants were awarded to two students: Lauren Blodgett, JD ’16 and Sarah Abraham, JD ’17. They both traveled to Jordan for their fellowships. Students typically take placements in Africa, Asia, Europe, and Latin America. The character of the internships ranges from legal research and writing with international criminal tribunals, to placement with developing country NGOs, to work with new organizations engaged in grassroots tasks such as the mobilization of poor communities.

HRP supplements HLS funding provided for summer public interest internships, and in 2015–2016 contributed $6,975 in total to support the five fellows during the summer; and $3,500 in total to support the two winter fellows in January 2016. HRP also works closely with the HLS International Office. Grant amounts are coordinated with the Chayes Fellowships program to ensure funding parity for qualifying students. In 2015–2016, HRP will continue to advise students interested in summer and winter placements in human rights organizations around the world. We expect to fund up to 15 students.

C. Student Research Projects and Conferences

As detailed throughout this annual report, students are extensively involved in HRP activities, programming, and teaching. Students regularly come to the Program and the Clinic for support on student advocacy projects, training opportunities, JD and LLM research papers, and student-organized conferences and events.


HRP maintains a close association with student-edited journals, including the Harvard Human Rights Journal and the Harvard International Law Journal. Staff and fellows work regularly with the editors and writers and advises the journal on possible topics, conference ideas, and research methods. For example, as noted earlier, Professor Giannini and Lecturer on Law Delgado provided support for the Harvard Human Rights Journal’s 2016 symposium, “Whose Security: Must the Security of Some Depend on the Insecurity of Others?” In addition, as mentioned above, HRP’s Visiting Fellow Juan Pablo Calderon Meza, along with clinical students Sarah Lee and Angel Gabriel Cabrera Silva, also inspired the Harvard International Law Journal Online to present its Online Symposium, “An International Jurisdiction for Corporate Atrocity Crimes,” which included an event and presentations by the authors as well. The journals are in the planning stages of 2017 events, and HRP will likely play an advisory role in these processes as well.

E. Harvard Law Student Advocates for Human Rights

Founded in 2003, HLS Advocates is a vibrant student organization that seeks to provide and
enhance opportunities for students to engage in human rights work. While considered a student practice organization insofar as it provides students with practical experience, the organization also offers the opportunity to engage in human rights academically. The organization relies on clinicians in the Clinic to oversee its operations. Anna Crowe will remain the Clinic liaison for HLS Advocates during 2016–2017.

In addition to supervision, HRP provides office space. Since 2004, HRP staff has worked closely with this student organization on human rights issues in Africa, Asia, Europe, Latin America, the Middle East, and the United States. In 2015–2016, 134 HLS students were members of Advocates. For the 2016–2017 year, HRP continued to engage with student members of HLS as it has in previous years. More on HLS Advocates can be found at Section II.D.2.

F. Other Events and Activities

HRP is active in advising students about careers in human rights and about fellowships that may be available to them after graduation (including HRP’s own Henigson and Satter Fellowships, as well as other fellowships at HLS or the University). HRP’s faculty, instructors, and fellows have extensive experience in the field of human rights and are able to put students in touch with key actors and organizations. The same is true of HRP’s Visiting Fellows, who generally make themselves available to meet with students and advise them on research projects and career possibilities, and provides one of the motivations behind the establishment of the joint HRP-Wasserstein fellow with OPIA. HRP also draws JD and LLM students into a number of social events designed to foster greater interaction within the community of people at HLS who are interested in human rights.

V. LAW REFORM AND ADVOCACY

HRP has not engaged in projects oriented toward the enactment of specific legislation or regulations, nor has it taken institutional positions on particular issues within the human rights law reform movement. However, a great deal of HRP’s advocacy work often involves reform-related issues. Many students and Visiting Fellows, as well as other HLS faculty, engage in the promotion of law reform on issues related to privacy, the death penalty, and health care, among others; the reform of government policies on human rights; and reforms that seek greater accountability for violations of international human rights norms by governments.

In 2015–2016, our Clinic will continue to focus on projects that involve legal reform and advocacy, though this work will be directed primarily outside of the United States.

VI. CONNECTIONS WITH THE PROFESSION

The Visiting Fellows program and speakers program represent two of the major vehicles for linking human rights professionals with HLS and HRP. About half of the Visiting Fellows each year are practitioners from the human rights movement. Through the Visiting Fellows lunch colloquia, as well as meetings with staff and faculty, HRP provides these professionals with an environment for
study and reflection. And through the Program’s events series, HRP brings human rights practitioners and scholars to the school to meet with students.

One of the key tasks of HRP staff is to advise students about professional opportunities in the world of human rights and to put students in touch with relevant people in that world. In this regard, the Program’s faculty and staff have counseled scores of students and have worked closely with the Bernard Koteen Office of Public Interest Advising, where Professor Farbstein is a part-time advisor, as well as the HLS Office of Clinical and Pro Bono Programs, to train and instruct student liaison counselors and to plan events that address career opportunities in human rights. Professor Giannini also does extensive student and alumni advising in his role as a special advisor to the HLS Public Service Venture Fund’s Seed Grant.

The Clinic also maintains important ties to the profession through its clinical projects, which increasingly involve the collaboration of HRP alumni who work in the field of human rights.

This year, HRP staff will continue to counsel students on opportunities in international human rights law. We expect to continue our close cooperation with the Bernard Koteen Office of Public Interest Advising and the Office of Clinical and Pro Bono Programs. We have on-going relationships with other programs at HLS, such as the Petrie-Flom Center the Program on Negotiation, the Berkman Center for Internet and Society, the Harvard Immigration and Refugee Clinic, and the Emmett Environmental Law and Policy Clinic. We also have continued recent collaborations, such as a joint clinical project initiated in the Spring 2015 with the HLS Food Law & Policy Clinic regarding school nutrition in South Africa. This project continued during 2015–2016.

VII. COLLABORATION WITH OTHER SCHOOLS AND DEPARTMENTS AT HARVARD UNIVERSITY

HRP has supported the joint efforts of the three human rights centers at Harvard (HRP at HLS, the FXB Center at the School of Public Health, and the Carr Center at the Kennedy School). At various periods, these three centers have come together under the umbrella of the University Committee on Human Rights Studies. Henry Steiner, HRP’s Founding Director, served as chair or co-chair of the committee from its creation in 1994 until June 2002. Currently, representatives from these centers continue to meet regularly, and Professor Neuman takes part in these meetings as part of HRP’s commitment to cooperate with human rights efforts and activities across the University. He is also a member of the Faculty of Arts and Sciences Standing Committee on Ethnicity, Migration, Rights. Professors Neuman and Giannini also participate in a monthly colloquium of human rights scholars organized at the Kennedy School.

Much human rights work has an inherently interdisciplinary character. HRP’s work on conferences frequently involves discussions with scholars in other schools and departments. For example, HRP’s May 2016 symposium “Human Rights, Democracy, and Legitimacy in the 21st Century,” brought together philosophers, political scientists, and legal scholars from HLS, the Kennedy School, the Faculty of Arts and Sciences, and the School of Public Health, as well as several from outside Harvard. HRP roundtable participants often include scholars from other Harvard faculties.
HRP values its relationships with other HLS research and clinical programs and will continue to reach out to other programs, including the FXB Center for Health and Human Rights and the Berkman Center for Internet and Society, to enrich our programming and research. Plans are underway for collaboration with the Islamic Legal Studies Program.

**VIII. OTHER ACTIVITIES: FACULTY INVOLVEMENT**

Apart from the courses taught by HRP faculty and staff noted above, human rights and international law classes and seminars over the years have been offered by a number of HLS faculty members, including William Alford, Deborah Anker, Jacqueline Bhabha, Gabriela Blum, Jody Freeman, Janet Halley, Wendy Jacobs, David Kennedy, Duncan Kennedy, Martha Minow, Sam Moyn, Lucie White, Alex Whiting, and Mark Wu, as well as a substantial number of visiting professors.

HRP organizes periodic faculty talks on human rights and invites faculty interested in human rights to many of its luncheon discussions and special events. Faculty members have also been among the participants in a number of roundtables. HRP’s collaboration with Professor Moyn is particularly close.

HRP has made it a priority to reach out to faculty across the law school in an effort to build a community and strengthen scholarly exchanges. HRP will continue its outreach efforts during 2016–2017 and is already planning a conference on climate change and migration in October 2016 with the Environmental Law and Policy Clinic and the Immigration and Refugee Clinic, which will bring faculty and practitioners from HLS and elsewhere together.

HRP has also shared fellows and scholarships with the East Asian Legal Studies program, the Petrie-Flom Center, and the Islamic Legal Studies Program. HRP also frequently works in collaboration with the Graduate Program on scholarships for foreign human rights students from developing countries. The Graduate Program administers the admission of foreign graduate students, who are a vital component of the human rights community at HLS. In addition, HRP cooperates with the Scholars at Risk program at Harvard University.

**IX. PLANS FOR THE 2016–2017 ACADEMIC YEAR**

Plans for the 2016–2017 academic year have been interwoven with the above description in this report.

Each year, the Program continues to evolve as it helps students make human rights an integral part of their law school education and fosters an expanding global alumni and partner network. HRP is poised to take further significant steps in academic and clinical education, and will continue to look for avenues to integrate its academic and clinical work dynamically, expand and deepen its direct presence in countries with alumni, foster interdisciplinary scholarship and practice, and embrace more multi-year academic and clinical commitments focused on specific themes and involving sustained relationships with NGOs and legal practitioners worldwide.