

# **Annual Report of Human Rights Program, Harvard Law School 2016-2017 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. Major activities in 2016-2017 include the following:

- Engaged over 90 clinical students on 25 clinical projects as part of its International Human Rights Clinic (the Clinic), including supervising 56 students on 26 fact-finding and advocacy trips to Canada, South Africa, Myanmar, Bolivia, Kosovo, Jordan, Kenya, Ukraine, Switzerland, the Netherlands, and Colombia, and within the United States to Washington, D.C., New York, Houston, and Chicago.
- Offered five clinical seminars on human rights topics, including Human Rights Advocacy, Advanced Skills Training for Human Rights Advocacy, and Armed Conflict and Humanitarian Protection.
- Oversaw the LLM Concentration in Human Rights.
- Hosted six Visiting Fellows from the United Kingdom, Austria, Switzerland, and Taiwan along with a colloquium series for their research.
- Organized 21 speaking events, including a major conference on climate change displacement, and co-sponsored or were otherwise involved in a further 19 speaking events.
- Provided a range of fellowship opportunities for students and alumni to work with non-governmental and inter-governmental organizations abroad, including three winter fellowships, six summer fellowships for students, and five post-graduate fellowships for recent graduates.
- Offered two 1L reading groups including Becoming a Human Rights Advocate and Communities and Human Rights Advocacy.

HRP staff supported 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.

HRP's staff and faculty for 2016-2017 included Professor Gerald Neuman and Clinical Professor Tyler Giannini as Co-Directors of HRP; Giannini and Clinical Professor Susan Farbstein as Co-Directors of the Clinic; Anna Crowe as Clinical Instructor and Lecturer on Law. Bonnie Docherty was promoted to Associate Director of Armed Conflict and Civilian Protection of the Clinic and continued in her role as Senior Clinical Instructor and Lecturer on Law. Emily Nagisa Keehn joined HRP as the Associate Director of the Academic Program. Fernando Delgado, Clinical Instructor and Lecturer on Law, left after the fall semester.

The Program hired five Clinical Advocacy Fellows for the year: Juan Pablo Calderon-Meza, Fola Adeleke, Rebecca Agule, Yee Htun, and Salma Waheedi (who had a joint appointment with the Islamic Legal Studies Program). Htun and Waheedi have since been hired as Clinical Instructors, starting in the 2017-2018 academic year.

HRP support staff for the 2015-2016 academic year were: Cara Solomon, Communications Manager; Katherine Talbot, Program Manager; and Gabriela Follett, Program Coordinator. The Finance Manager, Maureen Corrigan, left in the spring semester. The Program has restructured its support staff for the 2017-2018 year. Katherine Talbot was promoted to Program Manager in the Spring 2017, and will be responsible for financial management as well as programmatic management for the Clinic. Gabriela Follett is moving on from HRP, and will be succeeded by Dana Walters, who is joining as a Program Assistant. We will be hiring one more program assistant to support the Clinic, to take over the responsibilities held by Katherine Talbot prior to her promotion.

The remainder of the narrative details our activities and accomplishments across reporting areas. We have merged our retrospective summary with our plans for the 2017-2018 academic year. Each of the reporting sections below begins with a description of our work in the area over the past year, followed by a brief outline of our plans for the 2017-2018 academic year.

## **II. RESEARCH, SCHOLARSHIP, AND PROJECT ACTIVITIES**

### **A. AREAS OF INQUIRY – MISSION STATEMENT**

HRP is the center for scholarship and clinical education in human rights at Harvard Law School. The Program includes scholars and practitioners who have decades of experience in shaping human right doctrine, discourse, policy, and pedagogy. Our faculty and staff specialize in thematic topics

and geographic regions where they have particular commitment and expertise, and address pressing human rights questions that touch on issues from the local to the international level.

HRP includes an interlinked academic and clinical program. The Academic Program helps students, advocates, and scholars deepen and disseminate their knowledge of human rights. It convenes speaker series, conferences, and roundtables, publishes books and working papers, and facilitates international scholarly exchange through its visiting fellowships. As a center for practice, the International Human Rights Clinic works to protect the human rights of clients and communities around the world. Through supervised projects and close mentoring on a variety of human rights cases and projects, HLS students learn the responsibilities and skills of human rights lawyering. The Program is committed to critical perspectives that are reflected in both its scholarship and practice, and to leveraging innovative pedagogy and intensive mentorship to train future human rights leaders.

## **B. PROJECTS, RESEARCH, AND SCHOLARSHIP**

HRP's contributions to research and scholarship described below include high-level conferences, speaking events, publications and sponsored research. Clinical training sessions and student-initiated conferences, panels, and practice are described under section IV.

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 this past year and to be offered next 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.

### ***High-Level Events***

HRP organized a major conference, "Climate Change Displacement: Finding Solutions to an Emerging Crisis" on October 20-21, 2016. This event was co-convened by the International Human Rights Clinic, the Emmett Environmental Law & Policy Clinic, and the Harvard Immigration and Refugee Clinic and brought together experts from around the world for a three-day conference on climate change displacement, and the governance challenges associated with this emerging crisis.

Lawyers and scientists, experts in immigration and refugee law, environmental law, and human rights, and people most affected by climate change—including from villages in Alaska—shared their perspectives on long-term solutions. Professor Giannini and Bonnie Docherty worked with Professor Sabrineh Ardalan, Professor Deborah Anker, and Maggie Morgan from the Harvard Immigration and Refugee Clinic, and Professor Wendy Jacobs and Shaun Goho of the Emmett Environmental Law and Policy Clinic to lead the development of the conference.

The conference was comprised mostly of closed-door meetings, with two public events:

- “Climate Change Displacement: Finding Solutions to an Emerging Crisis” – a talk with Mrs. Mary Robinson, President, Mary Robinson Foundation-Climate Justice, Former President of Ireland, and Current UN Special Envoy on El Niño and Climate. The event featured a conversation between Mrs. Robinson and Dean Martha Minow on the topic of climate change, human rights and displacement. [HLS Law Today](#) provided coverage of the conversation.
- “Addressing Climate Displacement Globally and Locally” – a panel examining challenges at the intersection of climate change, human rights, and displacement discussed international and domestic approaches to dealing with displacement driven by climate change crises, ranging from drought in Somalia to rising tides in Alaska. The panelists were: Jane McAdam, Scientia Professor of Law and director of the Andrew & Renata Kaldor Centre for International Refugee Law at University of New South Wales; Walter Kälin, professor of constitutional and international law at the University of Bern, envoy of the chairmanship of the Nansen Initiative, and formerly Representative of the United Nations’ Secretary-General on the Human Rights of Internally Displaced Persons; and Robin Bronen, a human rights attorney, senior research scientist at the University of Alaska Fairbanks, and co-founder and executive director of the Alaska Institute for Justice. The [Harvard Gazette](#) covered an in-depth interview with Bonen. Bonnie Docherty, Senior Clinical Instructor at the International Human Rights Clinic, moderated the panel.

In 2017-2018, we have planned a major conference “Human Rights in a Time of Populism” taking place on March 23-24, 2018. We are also co-convening a conference with the Center for Bioethics at Harvard Medical School and the Petrie-Flom Center for Health Law and Policy on “Bioethics, Health, and Human Rights in U.S. Prisons” to take place on November 29-December 1, 2017.

### *Speaking Events*

This past year, HRP hosted 20 non-conference events—including talks, workshops, roundtables, and film screenings—and co-sponsored or was otherwise involved in a further 19 substantive events. Our events addressed a range of human rights topics, including criminal justice reform, free speech in Africa, women’s rights in the Middle East, democratic transition in Myanmar, nuclear disarmament, and human rights and transnational corporations.

We hosted a three-part speaker series on “Shifting Ground in International Human Rights” which explored the changing international human rights landscape since President Donald Trump took office. This event drew on in-house and external expertise to reflect on the change in presidential administration as a watershed moment for the human rights field and for the role of the United States in advancing human rights around the world. Professor Neuman moderated this series.

- In March, we convened a panel discussion with Clinical Advocacy Fellows Yee Htun and Salma Waheedi, who discussed a wide range of topics including women’s rights, LGBTQI rights, and the rights of religious minorities, and examined these issues in contexts where human rights are already under threat.

- Also in March, HRP featured Maria McFarland Sanchez-Moreno, co-director for the U.S. program at Human Rights Watch, who spoke about human rights in the United States under the Trump administration. Reflecting on the president's policies that would harm rights protections and his positions vis-à-vis institutions of law that are essential to the functioning of democracy, she discussed how Human Rights Watch is responding to these challenges, and considered broader questions arising about the role of the human rights movement today.
- In April, Professors Tyler Giannini and Susan Farbstien then examined the future of the international human rights movement, in a discussion entitled, "Is there an existential threat to human rights?" In a conversation moderated by Professor Neuman, Giannini and Farbstien examined global trends, the changing nature of U.S. exceptionalism, and human rights methods in the post-truth atmosphere.

We hosted a second three-part speaker series on Regional Human Rights Mechanisms.

- In November 2016, James Cavallaro, former Executive Director of HRP, discussed the future of the Inter-American Commission for Human Rights, of which he is 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, a 2016-2017 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 UN Human Rights Committee, the UN Working Group on Arbitrary Detention, and several African regional courts.
- In April 2017, HRP presented "Treadmill to Somewhere: The Experience of a Judge at 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 UN Human Rights Committee, Judge Keller reflected on the challenges and achievements of serving on the world's most advanced – and overworked – international human rights court.

We hosted a two-part speaker series on the democratic transition in Myanmar called "One Year In: Examining Myanmar's Democratic Transition". In conversation with Professor Giannini and Clinical Advocacy Fellow Yee Htun, the guests examined change in Myanmar since the election of Aung San Suu Kyi's National League for Democracy, and the progress underway to protect human rights, achieve

peace, and address the legacy of abuses and conflict in Myanmar dating back to the 1950s.

- Our first event featured a talk by May Sabe Phyu, a Kachin human rights leader and winner of the International Woman of Courage award. She discussed efforts to prevent violence against women; the ongoing armed conflicts in Kachin and Shan States; and how peace activists are attempting to address entrenched militarization in the country.
- The second event featured Matt Bugher, JD'09, an HLS alumnus with experience investigating international crimes in Myanmar. He discussed his work promoting accountability for human rights abuses, and reflect on the possible establishment of an international commission of inquiry for decades of violations in Myanmar.

On April 3, 2017, Associate Director for Armed Conflict and Civilian Protection, Bonnie Docherty, hosted a panel, “Banning Nuclear Weapons: A Milestone for Disarmament”. This event featured a conversation on the UN’s groundbreaking negotiations of a treaty to ban nuclear weapons, featuring Beatrice Fihn, executive director of the International Campaign to Abolish Nuclear Weapons (ICAN), and Richard Moyes, managing director of Article 36. Both speakers have played significant roles in reframing the nuclear weapons debate as a humanitarian issue rather than a national security one. That shift helped drive the UN General Assembly to break a decades-long stalemate and commit to banning nuclear weapons. Fihn and Moyes offered a civil society perspective on the process that led to treaty negotiations.

Some of the other well-attended speaker events we organized featured:

- “East West Street: on the Origins of ‘Genocide’ and ‘Crimes Against Humanity’”, a book talk by Professor Philippe Sands, QC, Founding member of Matrix Chambers, and Professor of Law at the University College London.
- “U.S. Law and Policy on Transitional Justice”, a book talk by Zachary D. Kaufman, senior fellow at the Kennedy School.
- “Human Rights in Zimbabwe: A Conversation with Dzie Chimbga”, with Professor Farbstein discussing matters in Zimbabwe with Dzie Chimbga, Director of the International Litigation, Lobby and Advocacy unit of Zimbabwe Lawyers for Human Rights.
- “Protest and Social Media: A Conversation with Evan Mawawire of #ThisFlag”, with Zimbabwean pastor Evan Mawawire, of the #ThisFlag movement on protests for the end of government repression in Zimbabwe.
- “Criminal Justice Reform in Pakistan”, with Professor Osama Siddique, Henry J. Steiner Visiting Professor in Human Rights, on the human rights implications of criminal justice system reform in Pakistan.
- “Is there public reason in Strasbourg human rights analysis?” with Wojciech Sadurski, Challis

Professor of Jurisprudence, University of Sydney Law School.

- “What Islam, Whose Islam? The struggle for women’s right to justice and equality in Muslim contexts”, with Zainah Anwar, Co-Founder and Executive Director, Musawah.

HRP faculty participated widely in events both at the law school and elsewhere on Harvard’s campus. Professor Neuman spoke as a panelist in the Law School Library Book Talk, “The Foundations of the Modern Philippine State: Imperial Rule and the American Constitutional Tradition in the Philippine Island”, together with the author, Dr Leia Castañeda Anastacio. Professor Giannini and Clinical Advocacy Fellow Yee Htun gave a webinar on human rights and Myanmar’s transition from military rule through Harvard Law School’s Open Lecture Series. Clinical Instructor Anna Crowe spoke at the Immigration Project Symposium on identity documentation in the Middle East refugee crisis. Professor Farbstein gave a talk at the Office of Academic Affairs on clinical law teaching. And Senior Clinical Instructor Bonnie Docherty facilitated a panel on Climate, Migration, and Health at the Harvard Global Health Institute.

HRP also collaborated with other programs to organize events, including a four-part film series “Women, Rights, and Activism in the Muslim World”, together with the Islamic Legal Studies Program. The series featured four films, including “Horma”, “What Tomorrow Brings”, “Speed Sisters”, and “Private Resolutions”. We co-sponsored a talk by Special Rapporteur for Freedom of Expression, David Kaye, and participated in a closed-door meeting to discuss challenges and potential collaboration.

HRP keeps an archive of all media coverage of its events on its website, and keeps a complete list of [past events](#).

Events already planned for 2017-2018 include an event series on decriminalization and international human rights, featuring speakers such as Agnes Callamard, Special Rapporteur on Extrajudicial Killing, Vitit Muntarbhorn, Special Rapporteur on Sexual Orientation and Gender Identity, Maurice Tomlinson, prominent Jamaican LGBTI rights activist. We will also feature talks by Paul Hoffman, Ali Yamin, and Payam Akhavan, amongst others.

HRP is also excited to take part in the bicentennial celebrations, including the panel on human rights scheduled for October 27<sup>th</sup>.

### ***Ongoing Sponsored Research***

During 2016-2017, HRP did not receive any new sponsored research support but continued to work towards delivering the agreed upon outputs. 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. Mindy Roseman, previously the Academic Director at HRP, now at Yale Law School, continues to finalized the 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. This will be published in Spring 2018. HRP conducted research on decriminalization and the U.N. human rights bodies, led by the new Associate Academic Director, Emily Keehn. This research will be examined in a public panel event scheduled for November 9, 2017, featuring Professor Douglas Husak from Rutgers Department of Philosophy, and Professor Carol Steiker. Keehn will extend this research to the European and Inter-American human rights systems in 2017-2018.

### ***Publications***

This year, HRP produced a range of publications based on academic research and practice in human rights. In addition to faculty, staff, and fellows, students were integrally involved in many of these publications. A sample of our publications from 2016-2017 include:

- *The Cost of Gold: Environmental, Health, and Human Rights Consequences of Gold Mining in South Africa’s West and Central Rand*, International Human Rights Clinic (October 2016).
- *Legal Opinion Regarding Abuses Against Civilians in Non-Ceasefire Areas as Potential Violations of the Myanmar Nationwide Ceasefire Agreement*, International Human Rights Clinic (October 2016).
- *Securing Status: Syrian Refugees and the Documentation of Legal Status, Identity and Family Relationships in Jordan*, International Human Rights Clinic, Norwegian Refugee Council Jordan (November 2016).
- *Time to Act Against Incendiary Weapons*, International Human Rights Clinic, Human Rights Watch (December 2016)
- *Making the Case: The Dangers of Killer Robots and the Need for a Preemptive Ban*, International Human Rights Clinic, Human Rights Watch (December 2016)
- *Environmental remediation in the nuclear weapons ban treaty*, International Human Rights Clinic, Article 36, (March 2017)
- *A prohibition on financing in the nuclear weapons ban treaty*, International Human Rights Clinic, Article 36, (March 2017)
- *Operating under Fire: The Effects of Explosive Weapons on Health Care in the East of Ukraine*, International Human Rights Clinic, PAX (May 2017)

HRP also features a Research Working Paper Series, which produced two publications this year:

- 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.

In a follow up to a major event from the 2015-2016 academic year, the Harvard Human Rights Journal published in hard copy articles based on the 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.

## C. CLINICAL WORK AND PRACTICE

### *Overview*

Through its projects, the Clinic enables students to 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; accountability litigation through the Alien Tort Statute and Torture Victim Protection Act; 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 made some changes to its faculty and staff for 2016-2017. Professor Farbstein was out on maternity in Fall 2016, and returned in Spring 2017. The Clinic hired five Clinical Advocacy Fellows, Juan Pablo Calderon-Meza, Fola Adeleke, Yee Htun, Rebecca Agule, and Salma Waheedi (jointly appointed with the Islamic Legal Studies Program). Clinical Instructor Fernando Delgado was on a leave of absence for the Fall 2016, and moved on from the Clinic thereafter. Anna Crowe was promoted to Clinical Instructor and Lecturer on Law. Bonnie Docherty was promoted to Associate Director for Armed Conflict and Civilian Protection.

For 2017-2018, the Clinic promoted Yee Htun and Salma Waheedi to Clinical Instructors. Paul Hoffman has a Lecturer on Law appointment with the Clinic for the Fall 2017, visiting from UC Irvine, where he co-directs their International Human Rights Clinic. All other appointments remain the same.

### *Clinical Projects*

Last year, the International Human Rights Clinic undertook more than 25 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. The Clinic engaged 90 clinical students, and supervised 56 students on 26 fact-finding and advocacy trips to Canada, South Africa, Myanmar, Bolivia, Kosovo, Jordan, Kenya, Ukraine, Switzerland, the Netherlands, and Colombia, and within the United States to Washington, D.C., New York, Houston, and Chicago.

A sample of our non-confidential projects and their impact over the last year include the following:

- (Myanmar) Under the supervision of Clinical Advocacy Fellow Yee Htun, the Clinic continued its work in Myanmar by supporting key civil society groups and prominent policy makers. There were multiple clinical projects with local partners dedicated to strengthening freedom of expression, land rights, LGBTI rights, and women's rights in Myanmar. A clinical team travelled to Myanmar to work with Colors Rainbow on advocacy to decriminalize sodomy, and presented its recommendations to a national coalition consisting of LGBTI activists, lawyers and survivors. The team helped facilitate the development of draft protocols on how LGBTI activists and lawyers could coordinate and respond to the needs of LGBTI individuals who have experienced persecution. Another project dealt with decriminalization of criminal defamation and repression of freedom of expression. The Clinic worked with a group of former political prisoners, journalists and lawyers campaigning for law reform. The Clinic also helped connect the Myanmar campaigners with the Professor David Kaye, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. The Clinic also

prepared a compilation of global best practices relating to ending sexual violence in conflict, rape, intimate partner violence, sexual harassment and trafficking for local coalition groups. Students were also connected to advocates working on the draft law to prevent violence against women, and the Clinic will continue to support this legislative process in the 2017-2018 academic year, and will support Members of Parliament and advocates to prepare for upcoming parliamentary debates. Finally, in October 2016, the Clinic also released a Legal Opinion Regarding Abuses Against Civilians in Non-Ceasefire Areas as Potential Violations of the Myanmar Nationwide Ceasefire Agreement.

- (Syria) The Clinic, under Clinical Instructor Anna Crowe’s leadership, worked on the documentation of legal status, identity, and family relationships of Syrian refugees in Jordan, together with the Norwegian Refugee Council. It published a report, [\*Securing Status: Syrian Refugees and the Documentation of Legal Status, Identity, and Family Relationships in Jordan\*](#), that examined the challenges Syrian refugees living outside refugee camps have faced obtaining ID cards in Jordan that enable them to prove their status, as well as access to essential services and assistance. It also explored the consequences that flow from lack of documentation and updated the Clinic’s 2015 publication, *Registering Rights: Syrian refugees and the documentation of births, marriages, and deaths in Jordan*. Together, *Registering Rights* and *Securing Status* provided a basis of evidence for the Norwegian Refugee Council and other actors to take forward the reports’ recommendations and secure important policy changes that have facilitated refugees’ access to documentation. Since the project began in January 2015, clinical teams have interviewed more than 120 Syrian refugee families, delivered trainings on relevant topics for international and local non-governmental organizations working with Syrian refugees, and supported the Norwegian Refugee Council in advocacy activities associated with the reports’ topics.
- (Ukraine) To advance efforts to build an international norm against explosive weapons in towns and cities occupied by civilians, the Clinic investigated the effects of shelling on health care in the east of Ukraine. In September 2016, two students and supervisor Bonnie Docherty conducted a 10-day field investigation along the contact line between government and rebel territories in Ukraine. Along with their partner from PAX, a Dutch peace organization, they visited affected facilities and interviewed medical personnel, local civilians, and representatives of UN agencies and local organizations. Their research found that the use of explosive weapons in the region’s communities directly damaged facilities and inflicted indirect harm on the health care system by shutting down infrastructure. In so doing, it interfered with the quality, accessibility, and availability of patient care, three elements of the right to health. The Clinic released its findings in a 67-page report, [\*Operating under Fire: The Effects of Explosive Weapons on Health Care in the East of Ukraine\*](#), which has been distributed to governments and will be presented in Geneva in August 2017.
- (Global – Nuclear Weapons) In 2017, the United Nations engaged in groundbreaking negotiations of a treaty to ban nuclear weapons, a process that the Clinic helped influence through research, writing, and advocacy. In partnership with UK-based organization Article 36, the Harvard team (consisting of supervisors Bonnie Docherty and Anna Crowe plus four students) published multiple papers making the case for the treaty to include “positive

obligations,” i.e., provisions requiring countries to assist victims and remediate the environment harmed by the use and testing of nuclear weapons. During the actual negotiations, the clinical team provided legal advice to the International Campaign to Abolish Nuclear Weapons and advocated actively for the positive obligations. These humanitarian requirements had received little attention before the negotiations began, and the first draft of the treaty contained only weak provisions. Thanks in large part to the [work of the Clinic](#) and a small group of other civil society campaigners, the final treaty clearly obliges affected states to care for victims and remediate contaminated areas and requires other countries to assist them in doing so. On July 7, 2017, 122 countries adopted the historic treaty banning nuclear weapons, and it will open for signature on September 20, 2017.

- (Colombia) Clinical Advocacy Fellow Juan Pablo Calderon-Meza initiated and led a Clinic project that focused on corporate accountability for atrocities crimes in Colombia, under the jurisdiction of the International Criminal Court. Working with the International Federation for Human Rights (FIDH) and Colective de Abogados Jose Alvear Restrepo, the team worked with the Community of Peace from San José de Apartadó – one of the most affected communities in the armed conflict in Colombia. Along with Professor Giannini, the clinical team worked to produce and file a communication, [The Contribution of Chiquita Corporate Officials to Crimes Against Humanity in Colombia](#), containing evidence to believe that certain corporate officials of the U.S. corporation Chiquita Brands International, Inc. of facilitating atrocity crimes in Colombia. Undertaking meticulous investigation, the team examined extensive data sets, worked with advocates, journalists, officials, and social scientists to analyze the evidence, and then drafted the communications in English and Spanish. The students travelled to The Hague with Calderon-Meza in March 2017 to present initial findings to the Office of the Prosecutor. Later, with Professor Giannini, the students prepared the final communication and public launch; students travelled to Colombia to meet with stakeholders and hold a press conference. Professor Giannini and students also published an opinion piece and a blog post describing the case and their experiences. The communication has received significant media attention. It is also informing discussions in Colombia about whether Chiquita officials should face justice in the transitional justice mechanisms being locally designed under the peace agreement. It is currently under consideration by the Office of the Prosecutor.
- (Global – Women’s Rights in the Muslim World) As part of a year-long project with the Movement for Equality in the Muslim Family (Musawah), students worked with Clinical Advocacy Fellow Salma Waheedi to conduct in-depth research that produced a compendium of family laws, policies, procedures, case law, and practice across 24 different Muslim majority and minority countries. The students created a comprehensive table for each country, including: Afghanistan, Algeria, Bahrain, Bangladesh, Brunei, Indonesia, Iraq, Jordan, Kenya, Kuwait, Libya, Malaysia, Mali, Mauritania, Nigeria, Oman, Pakistan, Palestine, Qatar, South Africa, Syria, Turkey, the United Arab Emirates, and Yemen. The compendium is supporting women’s rights advocates in the Muslim world to advocate at the national and international levels, including engagements with the U.N. Committee of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). So far it has helped to facilitate

constructive dialogue between the Committee and Jordan, which underwent a review in February 2017. The students also produced two shadow reports for the CEDAW Committee to assist its review of Nigeria and southern Thailand. In collaboration with Musawah, the students emphasized law and policy reform proposals and their justifications based on Islamic law. The goal of the shadow reports was to respond to claims that compliance with women's rights obligations is contradictory with Islamic law or the beliefs of the local community. Lastly, the team drafted a comparative good practices guide on Muslim family laws and procedures, which demonstrates the range of family law reform possibilities available to activists working in Muslim contexts. The guide was used as an advocacy training tool in a Musawah workshop in Cairo in April 2017, and will be published on the organization's website.

- (Global – Killer Robots and Incendiary Weapons) The Clinic has continued its longstanding work to reduce civilian harm related to various weapons. Fully autonomous weapons (“killer robots”), that would be able to select and fire on targets without human control, could become a reality in the relatively near term, and raise a host of legal and moral concerns. There is a growing movement to ban the weapons before they are deployed. A clinical team, supervised by Bonnie Docherty, researched and wrote a major report on the topic that was jointly published with Human Rights Watch in December 2016. [\*Making the Case: The Dangers of Killer Robots and the Need for a Preemptive Ban\*](#) details the many threats posed by fully autonomous weapons and argues for preemptively prohibiting their development, production, and use. In the process, it provides in-depth rebuttals to 16 key critiques of such a ban. The team disseminated the report and did related advocacy at a major UN disarmament meeting in Geneva (the five-year Review Conference of states party to the Convention on Conventional Weapons), where countries agreed to initiate formal talks on fully autonomous weapons in 2017. At the same UN meeting, students, supervised by Bonnie Docherty, researched and wrote a new advocacy publication, [\*Time to Act against Incendiary Weapons\*](#), which documents recent use and calls on countries to amend existing international law, which has failed to protect civilians from these inhumane weapons. Countries agreed to condemn use of incendiary weapons against civilians and to set aside time for further discussion in 2017.
- (Global – Extractive Industry) Clinical Advocacy Fellow, Fola Adeleke worked with students to develop a Global South advocacy report, [\*Public Regulation and Corporate Practices in the Extractive Industry: A South-South Advocacy Report on Community Engagement\*](#), with the Mandela Institute at the University of Witwatersrand in Johannesburg, that examines the principles of community engagement as codified in various international instruments and voluntary standards and the incorporation of these instruments and standards in domestic laws. The report focuses on six countries: Ghana, Tanzania, South Africa, Peru, Chile, and Colombia. The report also assessed the policies of two global corporations – AngloGold Ashanti and Barrick Gold – which operate in the six countries. The report proposes recommendations that could significantly shape the institutional and extractive industry legal order in these countries to place communities at the center of resource extraction. At the heart of the contestation have been concerns around the irreversible damage that mining causes to the environment as well as the destabilization of host communities on the one hand, and the expected economic transformation of states on the other. The report provided insights on how

to address these tensions using human rights based approaches to promote shared value for all stakeholders. The Clinic students launched the report at a conference with 350 civil society organizations working across Africa. It is currently being used as a resource by civil society organizations in South Africa in lobbying for law reform in South Africa's mining industry.

- (Bolivia & United States) Over the past year, our *Mamani, et al. v Sánchez de Lozada* litigation took a major step forward as the case moved into discovery. The case involves Torture Victim Protection Act claims against the former Bolivian President and former Minister of Defense for their involvement in extrajudicial killings committed in 2003. After winning an appeal in June 2016 in the Eleventh Circuit, discovery has been underway since September 2016. Under the supervision of Professors Farbstein and Giannini, with assistance from Thomas Becker, JD '08, in Bolivia, students have assisted co-counsel from the Center for Constitutional Rights (CCR) and Akin Gump with all aspects of discovery, including document review, interrogatories, and depositions. Students took multiple trips to Bolivia as well as to New York, Washington, D.C., Houston, and Chicago as part of the litigation.
- (United States – Accountability Litigation) During the 2016-2017 academic year, the Clinic submitted *amicus curiae* briefs on behalf of legal historians in four different Alien Tort Statute (ATS) cases. The ATS has been a key mechanism for more than 30 years to hold individuals and corporations accountable in U.S. courts for international law violations committed around the world. Professor Giannini and Farbstein, along with Sarah Poppy Alexander, JD '12, of Constantine Cannon, oversaw the filings. One of the cases, *Jesner v. Arab Bank*, is slated for oral argument before the Supreme Court in October to address the question of whether there is corporate liability under the ATS. This issue was left unresolved by U.S. Supreme Court's 2013 *Kiobel v. Royal Dutch Petroleum Co.* decision that created a presumption against extraterritorial application of the statute. The Clinic filed *amicus curiae* briefs at both the petition for certiorari stage and merits stage of the *Jesner* litigation. The Clinic also filed an *amicus* brief in support of another petition for certiorari in *Adhikari, et al. v. Kellogg Brown & Root, Inc.*, a case focused on the question of the application of extraterritoriality principles in cases where U.S. subjects are defendants. During the Fall 2016 term, the Clinic filed similar *amicus* briefs in *Jara v. Barrientos* in the Eleventh Circuit as well as in *Doe v. Nestle* in the Central District of California.

### ***Rights of Foreign Nationals***

Professor Neuman continued his longstanding advocacy on the rights of foreign nationals in U.S. law. In December 2016, he filed an *amicus* brief in the United States Supreme Court, arguing that the Fourth and Fifth Amendments to the U.S. Constitution protected the right to life of a Mexican teenager killed by a Border Patrol agent firing across the border between El Paso, Texas and Ciudad Juarez. Professor Neuman was the principal author of the brief in *Hernandez v. Mesa*, written on behalf of a dozen prominent scholars of constitutional law. The brief explains how the Supreme Court's "functional approach" to the extraterritoriality of constitutional rights, articulated in the

Guantanamo detainee case *Boumediene v. Bush* (2008), should apply in these cross-border shooting situations. It also invokes international human rights principles restricting the use of lethal force.

#### **D. FELLOWS, VISITING RESEARCHERS, RESEARCH ASSISTANTS, INTERNS**

##### ***Visiting Fellows***

Through its Visiting Fellows Program, HRP seeks to give individuals with a demonstrated commitment to human rights an opportunity to step back and conduct a serious inquiry in the human rights field. Individuals who become fellows at the Program are usually scholars with a substantial background in human rights, or experienced activists. On occasion, they have included young committed workers in the field with the capacity and interest to develop as teachers or activists. A number of fellows have also come from the judiciary and other branches of government.

The Visiting Fellows present their research at HRP's Visiting Fellows lunch colloquium, and discuss with 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. In the Fall 2016 semester, Professor Samuel Moyn presided over one of the sessions.

During 2016-2017, we hosted six Visiting Fellows and one Research Fellow:

- (Austrian, based in the U.K.) Dr. Sandra Brunneger, Fellow and Director of Studies at St Edmund's College, Cambridge University, who is a legal anthropologist specializing in traditional justice mechanisms and transitional justice.
- (Austrian) Dr. Marie-Luisa Frick, Associate Professor of Philosophy, University of Innsbruck, who conducted a philosophical inquiry into conflicts over human rights.
- (Finnish, based in Switzerland) Antti Korkeakivi, Chief of Indigenous Peoples and Minorities Section, U.N. Office of the High Commissioner for Human Rights, who researched the advancement of minorities rights through the U.N.
- (Taiwanese) Dr. Yi-Li Lee, Postdoctoral Fellow, College of Law, National Taiwan University, who conducted research on judicial strategies for transitional justice in East Asia.
- (Irish, based in the U.K.) Blinne Ní Ghrálaigh, Barrister, Matrix Chambers, who researched judicial independence and impartiality in the Israeli military courts of occupied Palestine.
- (U.K.) Joanne Neenan, Senior Assistant Legal Adviser at the UK Foreign and Commonwealth

Office, who researched stigma and sexual violence in conflict. Ms. Neenan was awarded a joint HRP Visiting Fellowship and Wasserstein Fellowship through the Office of Public Interest Advising.

- (British, based in the United States) Deval Desai, HLS SJD candidate, was a Research Fellow, undertaking a joint appointment with the Institute for Global Law and Policy.

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. We did not award the Eleanor Roosevelt Fellowship this year. Our support for Visiting Fellows totaled \$23,374, including appointment fees, rent, and the cost of the colloquium.

Next year, we will host seven Visiting Fellows:

- (Colombian, based in Belgium) Jimena Reyes, Director for the Americas, FIDH, will research human rights standards and mechanisms to address impunity for grand corruption.
- (Ethiopian) Yitayew Alemayehu Taye, Assistant Professor, Center for Human Rights, Addis Ababa University, who researches juvenile justice and human rights in Ethiopia.
- (Israeli) Dr. Tally Kritzman-Amir, Assistant Professor, College of Law and Business, Israel, will research mass influx migration and human rights.
- (Sierra Leonian) Alpha Sessay, Advocacy Officer, Open Society Justice Initiative, will conduct research on the implementation of orders from the African regional human rights mechanisms.
- (Australian) Dr. Jane McAdam, Professor, Faculty of Law, University of New South Wales
- (Pakistani) Yasser Latif Hamdani, Attorney, Hassan Qureshi and Mamdot, will research the social exclusion of minority communities through legal means in post-colonial societies, including Pakistan.
- (Indian) Priyanka Chirimar, Legal Officer and Investigator, U.N. Assistance to Khmer Rouge Trials, will research disability rights and U.N. emergency response mechanisms. Ms. Chirimar will be the joint HRP Visiting Fellowship and Wasserstein Fellowship through the Office of Public Interest Advising

The 2017-2018 Eleanor Roosevelt Fellowship is being awarded to Ms. Reyes in the amount of \$18,000.

## *Post-graduate Fellowships*

HRP offers post-graduate fellowships, the Henigson Human Rights Fellowship and the Satter Human Rights Fellowship. These fellowships support recent graduates to undertake placements with human rights organizations, providing critical entry points into the competitive field of international human rights. A number of our previous fellows have been offered employment by their placements organizations, or have otherwise developed impactful human rights careers, working for groups like Amnesty International, the Public Interest Law and Policy Group, and EarthRights International, and have gone on to staff human rights clinics at other law schools. Established in 2001, the Henigson Human Rights Fellowship is open 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 non-governmental organization in a developing country. Applicants must demonstrate a commitment to human rights work and an intention to pursue a career in human rights. Fellows receive up to \$28,500 over the course of the fellowship, which covers a living stipend, health insurance, and reimbursement for vaccinations. 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. All previous fellows are listed on our website.

For 2016-2017, HRP awarded one Henigson Fellowship to Emily Norman, JD'15, who worked with the Institute for Women in Migration in Mexico.

For 2017-2018, we awarded two Henigson Fellowships:

- Roni Druks, JD'17, to work for Yesh Din in the West Bank, on their accountability projects.
- Lan Mei, JD'17, to work for Forest Peoples Programme in Guyana, on their projects to support indigenous communities to advocate for environmental and land rights.

This year, the Satter Human Rights Fellowship marks its 10th anniversary of supporting and promoting human rights defense in response to mass atrocity or widespread and severe patterns of rights abuse, such as crimes against humanity that may be associated with civil conflict, failed states, authoritarian leaders, or other highly repressive regimes. Fellowships are limited to work in developing countries classified as "Not Free" on the Freedom House index, with a current preference for the Middle East and Africa, but permitting other locations (e.g., Myanmar/Burma). Satter Human Rights Fellowships are made possible by a generous gift by Muneer A. Satter, JD '87 through the Satter Foundation. Information on past Satter Fellows can be found on our website.

For 2016-2017, HRP awarded four Satter Fellowships:

- Peter Stavros, JD '16, to work with the United Nations Children's Fund (UNICEF) and the

International Refugee Assistance Project in Jordan.

- Danae Paterson, JD '16, to work with the Public Interest Law and Policy Law Group in Turkey on their Syria peace negotiations project.
- Sam Koplewicz, JD '16, to work with Human Rights Watch in Jordan on media documentation and advocacy for their Syria projects.
- Marian Ingrams, JD '16, to work with Landesa in Myanmar on human rights advocacy focused on land rights and the Rohingya.

For 2017-2018, HRP awarded three Satter Fellowships:

- Guley Bor, LLM'17, to work for Yazda in Iraq on their Yazidi Genocide Documentation Project.
- Lisa Dicker, JD'17, to work for the Public Interest Law and Policy Group on their Syria peace negotiations project.
- Catherine Cooper, JD'14, to work for Justice Base in Myanmar to protect the rights of the Rohingya.

The total amount of HRP's post-graduate fellowship funding in 2016-2017 was \$28,500 for Henigson Fellows, \$105,000 for Satter Fellows. The total funding for fellows in 2017-2018 is \$57,000 for Henigson and \$110,000 for Satter Fellows.

HRP's post-graduate fellows form an important part of our alumni network, and has a global reach. Starting in 2017-2018, HRP is piloting a mentorship initiative that will link alumni of the Satter and Henigson Fellowships to mentor the active cohort of post-graduate fellows. We are linking alumni with fellows based on their substantive and geographic expertise, and we envision that this initiative will provide critical professional guidance and advice to fellows, most of whom are undertaking their first full-time field placements working on complex human rights matters in challenging locations. We plan to incorporate the alumni of our fellowships into our yearly speaker series to cultivate early and ongoing interest in human rights careers.

### **III. CONTRIBUTIONS TO HLS TEACHING PROGRAM**

This past year, the Clinic offered five clinical seminars for classroom credit: Advanced Skills Training for Human Rights Advocacy (Giannini, Fall 2016); Armed Conflict and Humanitarian Protection (Docherty, Fall 2016); Human Rights Advocacy (Delgado, Fall 2016; Crowe, Spring 2017; Farbstain Spring 2017).

In addition, HRP faculty and staff taught two 1L reading groups, *Becoming a Human Rights Advocate* (Farbstein, Fall 2016) and *Communities and Human Rights Advocacy* (Giannini, Spring 2017).

HRP has been supporting the LLM Concentration in Human Rights. During 2016-2017, 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 the 1L course, *Human Rights and International Law* (Spring 2017).

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 *Human Rights and International Law* (Spring 2018), the LLM capstone seminar *Human Rights in the UN Treaty Bodies* (academic year 2017-2018), and the seminar, *Migration and Human Rights* (Fall 2017).

The clinical seminars are *Advanced Skills Training in Strategic Human Rights Advocacy* (Giannini and Farbstein, Fall 2017), *Human Rights Advocacy* (Crowe, Spring 2018), *Promises and Challenges of Disarmament* (Docherty, Fall 2017). Paul Hoffman, Clinical Professor from UC Irvine, will be visiting HRP as a Lecturer on Law and will teach *Human Rights Advocacy* (Fall 2017).

HRP faculty will also offer two 1L reading groups. In Fall 2017, Professor Giannini will teach *Business & Human Rights and Community Lawyering*, and Professor Farbstein will teach *Becoming a Human Rights Advocate*. Professor Neuman will be teaching a 1L reading group on *Citizenship*.

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**

##### ***HRP Summer and Winter Funding for Students***

HRP offers fellowship grants to JD, LLM, and occasional SJD students for summer and winter fellowships with non-governmental and inter-governmental human rights organizations around the world. HRP maintains information on organizations where students have interned in the past. 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). After completion of their fellowship, students are required to submit a report to HRP and attend a debriefing meeting.

We awarded six HRP fellowships for summer 2017:

- Allie Brudney, JD '19, to work at the Parliamentary Assembly of the Council of Europe in the Committee on Legal Affairs and Human Rights.
- Niku Jafarnia, JD '19, to work at the United Nations High Commissioner for Refugees in Ankara, Turkey.
- Alisan Oliver-Li, JD '19, to work in Windhoek, Namibia at the Legal Assistance Centre with the Gender Research & Advocacy Project.
- Claudia Torres, LL.M'16/SJD'20, to work 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, to work in London at the Privacy International.
- Evelyn Zheng, JD '18, to work in Yangon, Myanmar at Justice Base.

HRP awards winter term fellowships for students to undertake internships ranging 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 also supports independent research projects during the winter term.

In 2016-2017, we awarded winter term funding to three students:

- Robert Gustafson, JD'18, to undertake 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, to conduct independent research on surveillance in response to recent terror attacks in Belgium.
- Rebecca Ratner, JD'18, to undertake an internship with the Public International Law and Policy Group in Myanmar supporting a range of human rights advocacy projects.

HRP supplements HLS funding provided for summer public interest internships, and in 2016–2017 contributed \$11,520 in total support for summer fellows; and \$4491 for winter term funding. Grant amounts are coordinated with the Chayes Fellowships program to ensure funding parity for qualifying students. In 2016-2017, HRP will continue to advise students interested in summer and winter placements in human rights organizations around the world.

### ***Student Training***

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.

In addition to supervision, HRP provides HLS Advocates with office space and financial support. Since 2004, HRP staff has worked closely with this student practice organization on human rights issues in Africa, Asia, Europe, Latin America, the Middle East, and the United States. In 2016-2017, 354 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.

Throughout the academic year, the Clinic and HRP advised HLS Advocates. In September 2016, the Clinic collaborated with HLS Advocates to organize its kick-off event for students interested in human rights, as well as a welcome brunch for LLM students. Clinicians attended these events, along with many of the other 22 events Advocates organized or co-sponsored throughout the year. These events provided an opportunity for HRP faculty to connect personally with a number of students, particularly first-year students.

Much of the Clinic and HRP's support was focused on further strengthening the HLS Advocates' externship program and providing mentorship to student project leaders. 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 leadership roles. Among other things, these externships enabled students to work with host organizations to assess the viability of litigation against multinational companies involved in human rights violations in a particular country, produce a memorandum on advocacy efforts advanced across the globe to reduce sexual violence in prisons, conduct intensive research on the Syrian conflict and violations of international law, and engage with the United Nations Human Rights Council's Special Procedures. Host organizations included Human Rights Watch, Sonke Gender Justice (South Africa), the Public International Law & Policy Group, and Fortify Rights (Thailand).

In 2016-2017, students completed 1,894 hours of pro bono work through Advocates' externship program. Clinicians and HRP staff were matched with project leaders and provided mentorship, training, and support throughout the year.

In 2017-2018, the Clinic will continue to support HLS Advocates as it develops new externships and plans community programming, including the annual orientation in the Fall. The new Clinic liaisons for HLS Advocates are Clinical Instructors Yee Htun and Salma Waheedi.

### ***Student-Initiated Conferences and Panels***

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

HRP also supported student groups such as HLS Advocates, the Harvard Human Rights Journal, the Women’s Law Association, and Harvard Canadian Law Students, in the organization of several events during the 2016–2017 academic year. A sample of events include:

- Harvard Human Rights Journal’s April 2017 panel, “Over Policed and Under Protected: Technology, Law Enforcement and Minorities”, in which panelists discussed the extent to which use of technology in law enforcement exacerbates problems faced by minority groups in the United States. Panelists included Sahar F. Aziz of Texas A&M School of Law and Harlan Yu of Upturn, with moderator Elana Fogelfrom the Massachusetts Committee for Public Counsel Services. Associate Director of the Academic Program, Emily Keehn, and Clinical Instructor Anna Crowe, advised the student organizers throughout the development of this event.
- Harvard Law SJD Forum’s February 2017 event, “Uncertain Protection: Human Rights in Investment Law” which included a screening of the film, *Under Rich Earth*, chronicling the clash between Ecuadorian farmers and company-hired paramilitaries deep in the cloud forest, followed by a panel discussion featuring David Cordero, Associate Professor at Pontificia Universidad Católica del Ecuador, JSD Candidate at Cornell University; Kaitlin Y. Cordes, Center for Sustainable Investment at Columbia University; Jeswald Salacuse, Distinguished Professor and Henry J. Braker Professor of Law, Tufts University; and Malcolm Rogge, Director of *Under Rich Earth* and SJD Candidate, Harvard Law School.
- Harvard Canadian Law Students November 2016 event “A Conversation with the Honorable Irwin Cotler”, the former Minister of Justice and Attorney General of Canada and international human rights lawyer.

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

### ***Harvard Human Rights Journal and Harvard International Law Journal***

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 advise the journal on possible topics, conference ideas, and research methods. When solicited, HRP faculty and staff advise the editors of the *Harvard Human Rights Journal* on article selection.

In 2016-2017, Professor Farbstein and Clinical Advocacy Fellows Juan Pablo Calderon Meza and Salma Waheedi advised the *Harvard Human Rights Journal* on the development of an online symposium on comparative transitional justice. This symposium will be published in Fall 2017, and a panel including presentations by the authors will be moderated by Professor Farbstein. An address by Judge Chang-ho Chung from the International Criminal Court is also planned. Professor Farbstein will moderate the panel

The journals are in the planning stages of additional 2017 events, and HRP will likely play an advisory role in these processes as well.

### ***Student Advising***

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. FACULTY PARTICIPATION**

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, Samel 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 with interest in international human rights are invited to and regularly participate in the Visiting Fellow colloquia. And in October 2016, HRP featured a talk by Professor Osama Siddique, the inaugural Henry J. Steiner Visiting Professor in Human Rights, who discussed criminal justice reform in Pakistan in a very well-attended event.

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. We co-sponsored several events with the Islamic Legal Studies Program, the Criminal Justice Program, the Petrie-Flom Center on Health Law and Policy, and the Berkman Center on Internet and Society.

The Climate Change Displacement Conference that took place in October 2016 was jointly organized by the International Human Rights Clinic, the Emmett Environmental Law & Policy Clinic, and the Harvard Immigration and Refugee Clinic. Professor Giannini and Bonnie Docherty worked closely with Professor Deborah Anker, Professor Wendy Jacobs, Senior Clinical Instructor Shaun Goho, and Clinical Fellow Maggie Morgan on this conference.

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.

## **VI. OTHER CONTRIBUTIONS TO HLS COMMUNITY**

In the wake of President Trump's travel ban, HRP mobilized to support HLS and the wider university's response, and is mentioned in the amicus brief filed by Harvard and other universities in Massachusetts opposing the executive order. In addition, Professor Neuman provided expert advice to the ACLU of Massachusetts on its legal arguments on this topic. In addition to substantive support, HRP provided communications capacity the Harvard Immigration and Refugee Clinic, which was inundated with requests for help, volunteer offers, and inquiries from the public. HRP's Communications Manager, Cara Solomon, helped HIRC to update and help maintain its website and social media accounts in order to facilitate communication with the public about its response.

## **VII. 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 gender justice, penal systems, and the rights for foreign nationals 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.

The Clinic's projects involve law reform and advocacy, although this work is directed primarily outside of the United States. These efforts are detailed under section II(c) of this report.

## **VIII. CONNECTIONS TO 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. And each fall, the Wasserstein-HRP Visiting Fellow is jointly appointed to advise HLS students on careers in international human rights.

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, as well as the HLS Office of Clinical and Pro Bono Programs 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. Professor Farbstein will be a 1L section leader for the 2017-2018 academic year.

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.

## **IX. COLLABORATIONS WITH OTHER SCHOOLS**

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, Professor Giannini, Professor Farbstein, and Emily Keehn take part in these meetings as part of HRP's commitment to cooperate with human rights efforts and activities across the University. Professors Neuman and Giannini also participate in a monthly colloquium of human rights scholars organized at the Kennedy School.

In 2016-2017, HRP coordinates with the Human Rights Studies Working Group at FAS, which promised of 13 undergraduate and graduate students. As the HLS liaison to the group, HRP shares a list of law courses that are open to undergraduate and non-law student enrollment. HRP staff and faculty also welcomed the student members of the working group for a Q&A session in Spring 2017.

In Fall 2016, Professor Farbstein taught a freshman seminar, Human Rights, Law and Advocacy, at Harvard College. She will teach this again in Fall 2017.

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 planned March 2017 conference, "Human Rights in a Time of Populism", will bring together scholars and practitioners from multiple disciplines from HLS, the Kennedy School, the Faculty of Arts and Science, as well as from outside Harvard.

HRP has also collaborated with and will continue to work with the Harvard Medical School and School for Public Health. For example, Its November 2017 conference on "Bioethics, Health, and Human Rights in US Prisons" is being organized together with the Center for Bioethics at Harvard Medical School, as well as the Petrie-Flom Center for Health Law and Policy.

HRP co-sponsored events with the Berkman Center for Internet and Society in the 2016-2017 year, including a talk by Professor Arturo Carillo, George Washington Law on "A More Perfect Internet: Promoting Digital Civility and Combating Cyber-Violence", and a talk by David Kaye, U.N. Special Rapporteur on Freedom of Opinion and Expression on "The International State of Digital Rights".

## **X. PLANS FOR THE 2017-2018 ACADEMIC YEAR**

Plans for the 2017-2018 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, 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 non-governmental organizations and legal practitioners worldwide.