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Human Rights Lawyering in the 21st Century

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Human Rights Lawyering in the 21st Century

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HUMAN RIGHTS LAWYERING IN THE 21ST CENTURY

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On Friday, March 8, 2024, the Human Rights Brief at American University Washington College of Law (WCL) held its annual symposium entitled Human Rights Lawyering in the 21st Century. It was organized by the Symposium and Education Editor Gemma Muirhead and the Junior Staff Symposium team including Adrian Niedermann, Ailsa Ferland, Gloria Nuñez, Kate Beckham, and Leena Alsayab. Together, the team curated a day full of empowering lectures, inspiring panels, and insightful attendee questions posed to the panelists. The following article is intended to be a resource documenting the event.

To kick off the event, Gemma Muirhead introduced Professor Claudia Martin to open the symposium and moderate the first panel. Professor Claudia Martin is a Professorial Lecturer in Residence and Co-Director of WCL's Academy on Human Rights and Humanitarian Law. In addition, she is the Co-Director of the LLM Program in International Human Rights and Humanitarian Law. She teaches and specializes in international law, international human rights law, and the Inter-American Human Rights System. Professor Martin is also a founding member of GQUAL, a campaign to promote gender parity representation in international courts and organs and serves as a member of the campaign's Secretariat. Most notably to the Brief, Professor Martin helped found the Human Rights Brief in 1994, making it WCL's oldest brief.

With many global developments in the past year alone showing blatant violations of human rights, Professor Martin delivered her own personal message of inspiration to open the day. She rooted her comments in the date of the symposium aligning with the Interna-

tional Women's Day; highlighting the power of women as advocates in human rights and reminded attendees of the fights of women's rights advocates over the decades. Before turning to the panelists, Professor Martin asserted that she remained firmly optimistic about the efficacy of human rights law, the positive outcomes of working in this field, and the possibilities of protecting and enshrining the human rights of all disadvantaged individuals and groups. This was a theme to be followed throughout the day; that although setbacks in the fight to protect human rights may present themselves, there remains plenty to be optimistic about. The fight for human rights worldwide is far from over, but there are many good people tirelessly putting in the work to bring about a world where the rights of all humans everywhere are paramount.

Panel 1: Conflict

In Panel 1, we centered our discussion on ongoing conflicts that have heavily dominated the discourse around human rights and conflict; namely Ukraine and Palestine. This panel featured Elizabeth (Liz) Evenson from Human Rights Watch, Laila Abdelaziz, an esteemed WCL alumna, and moderated by Professor Claudia Martin.

Liz Evenson is the international justice director at Human Rights Watch. Previously, as associate director in the International Justice Program, her research and advocacy centered on the International Criminal Court, specifically through monitoring the court's institutional development as well as conducting advocacy toward court officials and its member countries. She joined Human Rights Watch in 2006 as a Leonard H. Sandler Fellow in the Africa division of Human Rights Watch. Liz spoke to the attendees about the landscape of international justice before delving into the violations of international humanitarian law and human rights law in both Ukraine and Gaza. This included discussing the warrants issued by the Prosecutor of the International Criminal Court (ICC) in the context of Ukraine and specifically talked about the implication of conflict on children in Ukraine. Liz also discussed the provisional measures put forward by the International Court of Justice (ICJ) in the *South Africa v. Israel* case and possibility that this finding could invoke the "obligation to prevent" element of the Genocide Convention; thus requiring states to adhere to this customary obligation.

Laila Abdelaziz is an attorney and WCL alumna

who specializes in data privacy law. Born in Ramallah, Palestine, Laila studied international relations and peace and conflict resolution during undergrad. In 2010, Laila participated in the American University Washington Semester Program and conducted field research in Bosnia and Herzegovina, Croatia, and Serbia focused on the peace process 15 years after the Dayton accords were signed. She joined us in her personal capacity to share the history of Palestine after the end of the Ottoman Empire. She spoke about two cases of Palestinians who were detained by the occupation and denied their rights, one of whom being an American who she advocated for in the United States. These stories illustrated the repercussions of persistent and unchecked aggression by dominant powers on Palestinian youth.

Moderated by Professor Martin, these panelists delved deep into discussion, using their expertise and personal experiences to help navigate the intricacies of each war's impact on human rights on a domestic and international scale. The panelists emphasized the need for international organizations, such as the ICC investigation and ICJ case, to apply standardized regulations to ensure that human rights are upheld consistently across all nations, irrespective of political affiliations or power dynamics. During the audience Q&A session, there was extensive discussion on how advocates can effectively promote justice for individuals impacted by severe war atrocities. Each panelist emphasized that the paramount qualities required for this endeavor are empathy and consistency.

Panel 2: Health

The second panel centered around health as a human right. During this session, we discussed the different factors and social determinants that influence health in the twenty-first century, including access to education and financial resources. Additionally, the speakers discussed how we, as law students, can further advance the human right to health by educating ourselves on health topics we find interesting. We were guided through this discussion by WCL Professor Thomas Williams and Dr. Emelyne Calimoutou.

Professor Thomas Williams is a member of the Health Law and Policy Program faculty at WCL. With a J.D. and a Master's degree in bioethics, Professor Williams focuses his work on the intersection between health law, bioethics, and entrepreneurship. His recent scholarship examines how entrepreneurs can help to

mitigate health inequities. Professor Williams teaches courses on contract law, health law, and pandemics and popular culture. In the past, he also taught courses on food and drug law, regulation of human subjects research, and entrepreneurship.

Dr. Emelyne Calimoutou is a senior human rights lawyer and researcher. She has over ten years of professional experience in international legal research and practice, including eight years at the World Bank. Her research focuses on laws and policies aimed at empowering women and adolescent girls. This includes policies that improve access to inclusive education, quality maternal child health services, and family planning. She currently teaches a seminar on Comparative Family Laws as an Adjunct Professor at WCL. Dr. Calimoutou also investigates ways to prevent gender-based violence and harmful practices such as female genital mutilation (FGM) and child marriage. For her symposium proceeding, Dr. Calimoutou wrote about her experience supporting the development of FGM-ban policies in Africa and the implication of a possible reversal of an FGM ban in The Gambia.

We began the discussion with an introduction to Dr. Calimoutou's work during her time at the World Bank, including her research on discriminatory laws that prevent pregnant girls from attending schools in Africa. The World Bank is primarily known for providing financial assistance to countries in need. However, Dr. Calimoutou was quick to explain that the World Bank also provides opportunities to research and effect change in health and human rights. In fact, we learned how Dr. Calimoutou's research for the World Bank on discriminatory education laws in Africa directly relates to the health of African mothers and their babies. Education creates opportunities for young girls to find well-paid employment, and therefore increases their access to clean water, medical care, and safe housing. Meanwhile, lack of education keeps young mothers and their children in impoverished situations which leads to poor health outcomes.

The talk then transitioned into a discussion about the future role of health in the human rights space. Through her conversation with Professor Williams, Dr. Calimoutou shared her belief that the World Bank and other international financial institutions should play a role in promoting systems that protect the human right to health. These institutions are in a unique position to negotiate with countries seeking funding to ensure that better systems which support public and individu-

al health are more accessible. Further, Dr. Calimoutou encouraged students to study hard and research topics they find interesting so that one day they can use that knowledge in the right moment to make a difference. She noted that her work on discriminatory education laws was made possible because she had prior knowledge and interest in the subject and was in the right room at the World Bank at the right time to get funding. Professor Williams added that students must be patient. He further urged us to build a vast foundation of legal knowledge now so that we can create real change when the opportunity presents itself.

Panel 3: Trade

The final panel of the Symposium delved into trade dynamics, exploring not only the economic dimensions but also the socio-political implications that accompany them. This discussion was not merely about theoretical concepts or abstract principles; it was about real-world impacts on businesses, communities, and individuals. Human rights and trade are greatly linked, as trade policies can either bolster or undermine the protection of fundamental human rights. These distinguished panelists who guided us in reimagining trade dynamics were Michelle Avrutin, Matt Lapin, Shaya Tavaf, Mike Jacobson, and Michael Cavanaugh.

Michelle Avrutin is a 2020 WCL graduate and an associate at Schagrin Associates. She has extensive experience representing clients in antidumping and countervailing duty cases. Outside of the commercial impacts of human rights on her cases, she also has pro bono experience in forced labor cases.

Matt Lapin is a 1999 graduate of WCL and current partner with Porter Wright Morris & Arthur. Mr. Lapin's practice focuses on export controls, sanctions, customs, supply chain, and corporate compliance.

Shaya Tavaf, also a WCL alumna, is an Attorney Advisor with the Commercial Law Development Program (CLDP) in the Office of the General Counsel of the U.S. Department of Commerce, where she works on the Eastern Europe Portfolio. Ms. Tavaf's focus areas include international trade, customs, export and investment promotion, digital trade, and e-commerce.

Professor Mike Jacobson moderated this panel. Professor Jacobson is counsel in Hogan Lovells' International Trade and Investment and International Arbitration practices. He represents clients on a broad range of matters and sectors in international dispute settle-

ment, public international law, U.S. trade litigation, international trade and investment policy, arbitration, and international trade compliance before various U.S. government agencies, U.S. courts, and international tribunals. Professor Jacobson also is an adjunct professor at WCL teaching international trade.

Michael Cavanaugh is Of Counsel with the Washington office of Holland & Knight. His practice focuses on international commercial law and contracting, logistics, and supply chain regulation. He advises charitable organizations and developers supporting areas such as Ukraine, Gaza, and Afghanistan. He also is an adjunct professor at WCL teaching legal drafting of international contracts.

The questions asked during this panel grappled with how rights are defined and regulated in international trade, labor rights, and how trade agreements can be structured to prioritize and protect fundamental human rights, including labor rights, amidst economic objectives. Our distinguished panelists further discussed key challenges faced by companies in implementing effective corporate compliance programs, particularly in complex and diverse supply chains. This included discussing legislation such as the Uyghur Forced Labor Prevention Act (UFLPA). The panelists discussed the application of the UFLPA in their daily practice and the human rights implication of such laws. The panel concluded a conversation on how national enforcement tools can be utilized to regulate trade.

The panelists have reviewed a symposium proceeding about the UFLPA and the efforts to protect against forced labor in global supply chains, authored by the HRB Symposium and Education Director Gemma Muirhead.