

# Human Rights Brief

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Volume 3 | Issue 3

Article 12

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1996

## Center News

Human Rights Brief

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### Recommended Citation

Human Rights Brief. "Center News." Human Rights Brief 3, no. 3 (1996): 21-24.

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## CENTER NEWS

### **Women, Human Rights, and the Inter-American System: An Agenda for Action**

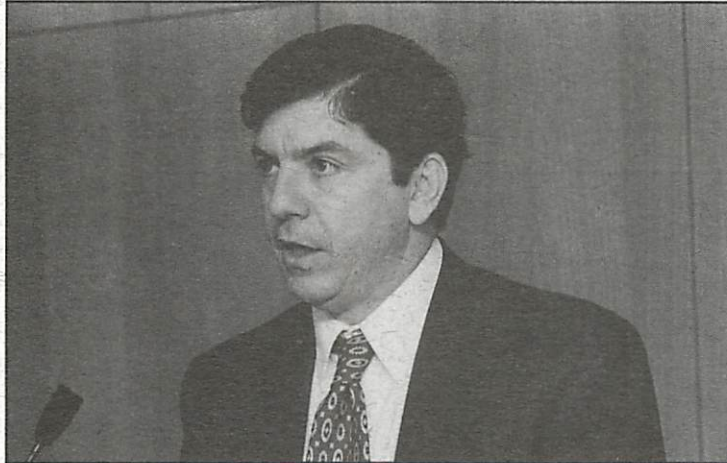
On March 29, 1996, WCL co-sponsored with the Inter-American Commission on Women, the Inter-American Commission on Human Rights, the Pan American Health Organization (PAHO), and the Inter-American Institute of Human Rights a conference on "Women, Human Rights, and the Inter-American System: An Agenda for Action." Panelists at the conference convened to discuss the recognition, protection, and promotion of women's rights in the Americas. Representative Connie Morella, presented the keynote address, which focused on the right of women to political participation. Morella stated "For historical and cultural reasons, women are still not ensured the full range of their reproductive rights, their protection from domestic violence, their freedom from sexual harassment in the workplace, and their equal economic opportunities."

The Conference sought to promote an exchange of ideas about the evolving role of the Inter-American System in the area of women's rights. Member states in the Inter-American System established the world's first inter-governmental body dedicated to the rights of women in 1928 and adopted the first treaty concerning women rights in 1933. The conference examined strategies for the governments and agencies of the system to respond effectively to the barriers which deprive women of the full enjoyment of their human rights. Participants included Dean Lindo, Carmen Moreno del Cueto, and Beatrice Ramaciotti, Ambassadors and Permanent Representatives of Belize, Mexico, and Peru to the OAS respectively.

### **Gaviria Discusses Future of Human Rights and the Inter-American System**

On Tuesday, April 9, 1996, César Gaviria, Secretary-General of the Organization of American States (OAS) and for-

mer President of Colombia, spoke at a luncheon held in his honor at WCL. The event was part of a series of programs commemorating WCL's Centennial.



OAS Secretary-General César Gaviria delivers keynote address at luncheon held at WCL on April 9, 1996.

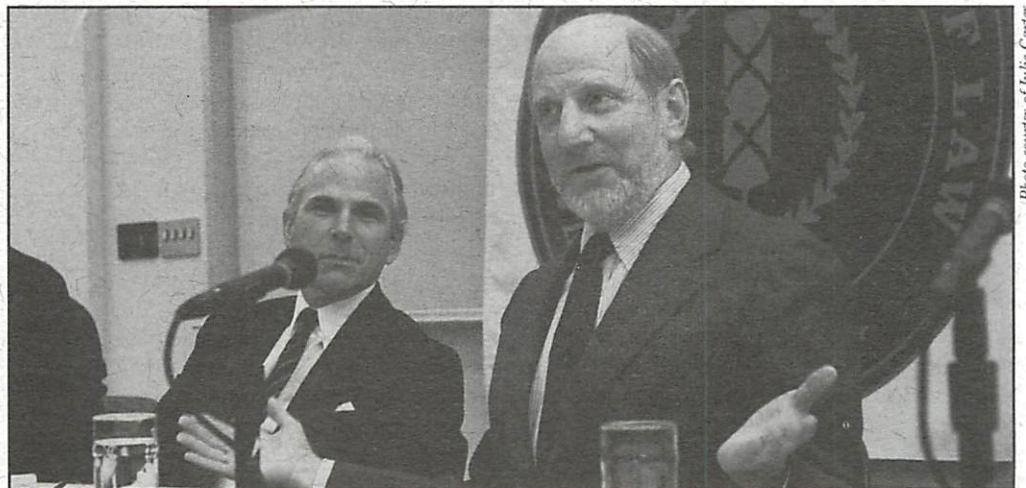
Gaviria spoke of strengthening democracy in Latin America as the first step in securing human rights for all persons. According to Gaviria, the return of democracy means that "violations of rights are more readily denounced. Many governments are taking measures to improve their judicial systems and to establish offices charged with monitoring human

representatives of non-governmental human rights organizations."

Gaviria also urged the Commission to investigate or resolve individual cases and to offer recommendations to OAS member-States about how to improve their human rights protections. He advocated strengthening the ability of the Inter-American Court of Human Rights to handle contentious cases and thereby develop a body of case law for national and international legal bodies' use. Finally, Gaviria called on human rights advocates to aid OAS member governments in "reshaping the social, political and cultural context within which all of the people [of the hemisphere] will at last be able to pursue their dreams and improve the standard of well-being for generations to come."

### **Centennial Panel Discusses Future of International Protection of Human Rights**

As part of WCL's Centennial celebration, scholars and experts convened at the law school to explore the future of



Professor Henry Steiner (right) answers audience member's question at panel discussion on "The Future of the International Protection of Human Rights" on April 9, 1996, while WCL Professor Robert Goldman (left) listens.

rights. Governments are more amenable to visits by the Inter-American Commission on Human Rights. There are increased opportunities for cooperation among governments, petitioners, and rep-

international human rights law. Participants included Thomas Buergenthal of George Washington University National

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Law Center, who commented on the current state of the UN human rights enforcement mechanisms. Buergethal urged the consolidation of the UN's human rights functions in order to use the scarce resources allotted to it more efficiently.

Diane Orentlicher, Professor of Law at WCL, asserted that the human rights debate should focus more on the role of trade policy and multinational corporations in the promotion of international human rights norms.

Claudio Grossman commented on the great strides toward democracy being made over the last several years but warned that reliance on civil and political guarantees alone will not ensure democracy.

#### **Legal and Health Experts Join Forces to Combat Violence Against Women**

On April 15 and 16, 1996, WCL hosted a conference which brought together dozens of legal and health experts on gender violence. The event was co-sponsored by WCL's Women & International

ject, and to developing a training module for forensic examiners in the hopes of increasing their awareness about the signs of domestic violence and the needs of the victims. For further information, please contact Lauren Gilbert, director of WCL's Women and International Law Program at (202) 274-4183.

#### **Team Represents WCL at European Moot Court Competition**

For the third consecutive year, WCL sent a team to Strasbourg, France to compete in the *Concours René Cassin* Human Rights Competition in April 1996. WCL students Amy Carroll and Peter Hansen competed, with LL.M. alumnus Claudia Martín serving as *accompagnateur* and fellow student Rupal Kothari serving as legal and linguistic counsellor.

Named after the French recipient of the 1968 Nobel Peace Prize, the *Concours René Cassin* was created in 1984 and continues to be the only moot court competition in which competitors' pleadings and oral arguments are entirely in French. The focus of the competition is the European Convention for the Protection of Human Rights and Fundamental Freedoms. This year's competition centered around a hypothetical case of alleged discrimination based on gender in violation of Article 14 of the Convention. During the first round, the WCL team plead the case on behalf of the applicant against a team from Bucharest, which eventually went on to win the competition. In the second round, they competed against a team from Würzburg, Germany.

WCL was once again the only law school in North America to send a team to the *Concours*.

#### **Faculty News**

**Sandra Coliver**, Adjunct Professor of Law, is currently editing a book on national security, freedom of expression and access to information, which will be published in early 1997. She recently spoke at a conference in Seoul on national security laws in the Asian-Pacific region, where she worked with other conference participants to develop a strategy for using the United Nations as a means for pressuring governments to limit the abuse of national security laws.

**Lauren Gilbert**, Director, Women & International Law Program, is developing a supervised externship program on *Women, Immigration, and Gender Violence*, in conjunction with Ayuda, Inc., scheduled

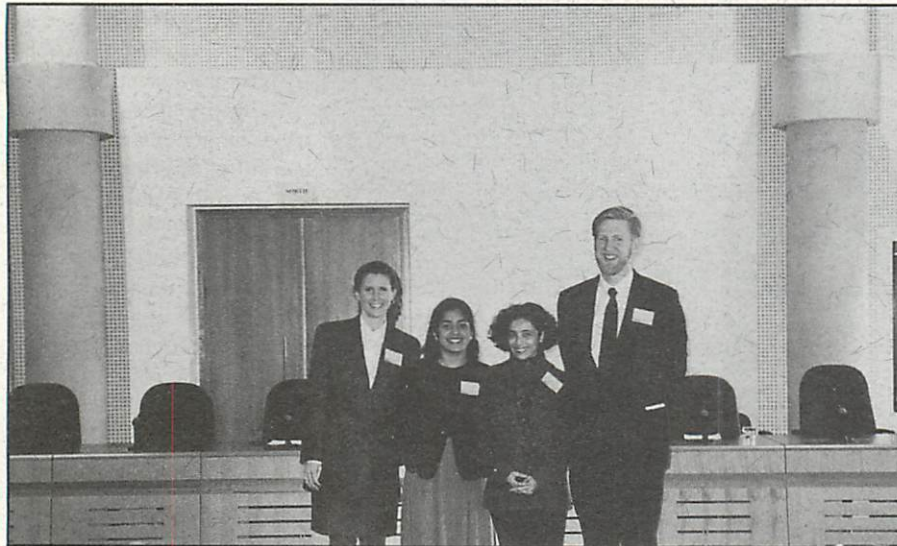


Photo courtesy of Amy Carroll

Amy Carroll (far left), Rupal Kothari (center left), Claudia Martín (center right) and Peter Hansen (far right) stand in the main courtroom of the Human Rights Building at the Council of Europe in Strasbourg, France

Aryeh Neier, Director of the Soros Foundation, highlighted what he believes are the three main challenges facing human rights activists today: integration of international humanitarian law into human rights documents; response to non-politically motivated human rights violations, such as prison conditions and treatment of the mentally disabled; and promotion of women's rights.

Professor Henry Steiner of Harvard discussed the relationship between international and local NGOs. He urged international NGOs to rethink their roles and give greater priority to stimulating, supporting, and helping institutionalize their local partners.

WCL Professor Robert Goldman discussed the impact of the recent decision by the War Crimes Tribunal for the Former Yugoslavia in the Tadic case. He argued that the decision reinforced concepts of individual criminal responsibility for human rights violations and promoted the duty of States to prosecute violators, wherever they may be found. WCL Dean

Law Program, PAHO, and the Health and Development Policy Project. Panels explored the role of forensic examiners in cases of domestic violence and rape and discussed how this initial experience with a health care practitioner may affect women's ability to seek assistance through the legal system in the United States and throughout Central and Latin America. Attendees further shared experiences from their respective countries about the impact of certain legal provisions, such as spousal consent laws and reporting requirements, on the care women receive from reproductive health care providers. They also discussed how such provisions affect what information about domestic violence makes it into the judicial record. A central topic was the role of law schools and other academic institutions in addressing the causes and results of gender violence. Follow-up meetings are planned with the aim of investigating and overcoming current structural impediments to adequate care, to furthering international communication on the sub-

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to begin in Fall 1996. She is also working with Sandy Liebenberg of the Community Law Center in South Africa to develop a series of workshops on women, human rights and the UN system. The initial workshop will be held in South Africa in late 1996, and a second is planned for WCL in early 1997.

**Claudio Grossman**, Dean, recently published an article in *THE AMERICAN UNIVERSITY LAW REVIEW*. In his capacity as President of the Inter-American Commission on Human Rights, he traveled to the Dominican Republic for an on-site visit. In addition, he hosted a delegation from the Sarajevo University Law Faculty to discuss possible collaborative efforts. WCL is donating law books to the University's law library as part of the CEELI-coordinated effort to rebuild Sarajevo's law school.

**Nell Newton**, Professor of Law, recently published *Memory and Misrepresentation: Representing Crazy Horse in Tribal Court*, 27 Conn. L. Rev. 1003 (1995). She is currently Co-Editor-in-Chief of *Handbook of Federal Indian Law*, while also updating the casebook *American Indian Law*. This summer, Professor Newton will be assisting Native American members prepare for law school as a teacher in the Pre-Law Summer Institute for Native American

Students in Albuquerque, NM. She can be contacted via E-mail at: [nnewton@american.edu](mailto:nnewton@american.edu).

**Ira Robbins**, Professor of Law, is preparing to publish a new edition of his book on habeas corpus. A new edition of *Prisoners and the Law* also is available this year. In addition to training judges and attorneys about habeas corpus, prisoner's rights and the death penalty, Professor Robbins also provides pro bono consultations in death penalty litigation.

**Herman Schwartz**, Professor of Law, will be traveling to Israel in May to meet with members of the Fellows of Israel-U.S. Civil Liberties Program. Since 1983, this program has provided fellowships to Israeli attorneys to study human rights law at WCL for one year while interning with a civil liberties organization. Upon return to Israel, the Fellows work for one year with a civil rights organization before returning to their private practice. The May meeting will focus on the future role of this program in light of recent developments in Israel.

**Richard Wilson**, Professor of Law, taught a three-week course on human rights at Daito Bunka Law School in Japan last fall. He is currently on sabbatical and is using this time to write several issue papers for USAID on the role of legal service organizations in Latin America. He is

also writing two law review articles relating to what he calls "progressive lawyering." One paper considers the traditional fields and roles of practitioners lawyering for social change. The other focuses on progressive lawyering in developed and developing countries. He is also working on two chapters of a book, one about techniques of educating the human rights practitioner and the second about the rights of indigenous peoples, focusing on the societal factors leading to the recent outbreak of violence in Chiapas, Mexico. Professor Wilson is also a consultant to the UN Commission on Human Rights and is working to assist Guatemala in developing a new public defender program. He will speak on the use of human rights principles in the defense of International criminal conduct at a conference entitled *Borderless Crimes and Criminal Organization* in Dublin, Ireland.

**Perry Wallace**, Professor of Law, will be the academic advisor to the European Summer Program in Paris and Geneva. He is coordinating a course on International Human Rights with Emilio Viano. A number of international human rights experts and practitioners are expected to participate as guest lecturers.

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### Inter-American Human Rights Moot Court Competition

The Center is preparing to host the first annual Inter-American Human Rights Moot Court Competition at the end of May. Currently, more than twenty-five teams representing universities from Argentina, Canada, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Peru, Puerto Rico, Uruguay, the U.S., and Venezuela have confirmed their participation. The Secretary-General of the OAS, César Gaviria, in his April 9 address at WCL's Centennial Celebration, called this competition "an important initiative for educating young legal professionals in the jurisprudence of the Inter-American system."

Each team is comprised of two students and a legal advisor. Based on a hypothetical case, each team will write

a memorandum and present oral pleadings using the jurisprudence of the Inter-American Commission on Human Rights and the Inter-American Court.

According to Dean Claudio Grossman, "The competition will greatly improve lawyering skills essential to the practice of human rights law." He also expressed satisfaction that the international response has far exceeded the expectations of the organizers.

The public is invited to attend the oral arguments which will be held on Tuesday, May 28 and Wednesday, May 29. The final round is scheduled for Saturday, June 1, from 10:00 am to 12:30 pm, with the closing award luncheon scheduled for 1:00 pm. In addition, on Friday, May 31, the public is invited to participate in two roundtable discussions on the Inter-American System. Panel I will provide an overview of the system and Panel II will address some of the new challenges to the system includ-

ing women's rights, indigenous rights and children's rights. Please call the Center to make reservations for the seminar and award luncheon. 🌐



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