

AALS SURVEY OF HUMAN RIGHTS ACTIVITIES IN U.S. LAW SCHOOLS

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**International Women's Human Rights Clinic
Georgetown University Law Center**

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Questions about your Human Rights Centers, Institutions or Programs (CIP):

1. How many Human Rights Centers, Institutions or Programs do you have and what are they called?

International Women's Human Rights Clinic. All answers that follow are only for this clinic.

For a full list of all human rights courses, clinics, institutions, and programs at Georgetown, contact:

Prof. Feinerman (Associate Dean for International Programs)
Prof. Perdue (Associate Dean for J.D. Program)
Prof. Mlyniec (Associate Dean for Clinical Programs)
202-662-9093 (Perdue); 662-9590 (Mlyniec); 662-9474 (Feinerman)

2. What is the makeup of the Center/Institute/Program staff? (full-time staff, part-time staff, law professors, law students, other professors or students, and advisory board)

Two faculty (one tenured and one visitor) and one fellow; 8 students per semester to date; 12 students per semester starting January 2003.

3. How are law students involved with the CIP? (i.e. are there journals, newsletters, briefs, or other publications, human rights programs abroad, other international human rights campaigns, etc.)

Course for credit – see paragraphs 9 and 10 below for work they do. Student internships are also available in several African countries (Ghana, Nigeria, Tanzania, Nigeria). Currently, four human rights internships are offered through the Clinic. Students also are invited to attend a series of 6 Distinguished Speakers presentations during the year, featuring prominent international women’s rights advocates or scholars.

4. If it’s not obvious from the name of the program, does the CIP focus on any specific international human rights law issues (i.e. refugees, women’s rights, etc.)?

Women’s Human Rights

5. What classes, seminars, symposiums, or other presentations have been offered in conjunction with the CIP?

International and Comparative Law on the Rights of Women (pre-requisite or co-requisite for anyone taking the clinic but always has non-clinic students as well) – exam course

Also, Distinguished Speakers Series (see details above)

6. Does the CIP assist students in acquiring internship/externship opportunities with human rights organizations (NGOs, IGOs, etc.)? Which organizations?

Yes, through external funding the Clinic provides four students with summer internships (internship covers travel, health insurance, and living expenses) in Africa with African Human Rights NGOs. See paragraph 8 below for the names of these NGOs.

7. In general, how is the CIP funded?

The law school funds professors, facilities and fellows. Visiting professors, summer internships, and spring-break human rights missions are funded by outside sources.

8. Does the CIP have any affiliations with Human Rights groups outside the law school or university? Which ones? What is the nature of the affiliation?

It works regularly with four women's rights NGOs in Africa, doing legislative and litigation projects and human rights reports in collaboration with them. The groups are: Law and Advocacy for Women – Uganda; Women's Legal Aid Centre (Tanzania); Women's Rights Advancement and Protection Alternative (Nigeria); Leadership and Advocacy for Women In Africa – Ghana. It has also worked with a U.S.-based human rights organization, Minnesota Advocates for Human Rights, in conducting a human rights fact-finding mission in Poland. In Poland, the Clinic also worked with the Warsaw-based Women's Rights Center and the Network of East-West Women in Gdansk, Poland. For submission of a report on honor crimes to the UN Special Rapporteur on Violence Against Women, the clinic worked with numerous individuals and NGOs in different parts of the world, primarily in Latin America and the Middle East. It also has worked with the International Human Rights Law Group, both in Washington, D.C., and in Africa.

9. Does the CIP allow student involvement in actual International Human Rights cases? What is the degree of that involvement?

Students are responsible for a very substantial work product. They write proposed bills and test case litigation papers for filing in domestic courts and presentation before the Parliament in each country where we are working. Each such project is supported by a comprehensive memorandum or brief outlining the national, comparative, regional and human rights law binding on or persuasive to the country. This document supports the enactment of the legislation (e.g., a law giving women new remedies for domestic violence) or petitions a court to rule as requested (e.g., by striking down as invalid laws that facially discriminate against women). Since this is a relatively new Clinic (started in January 1999), we have not yet had a chance to continue these cases before human rights bodies if we fail to get relief at the domestic level. But that is part of the planned Clinic work for the future, and of course students will be involved in all phases of such work.

Students also write human rights reports on the same kinds of discriminatory laws and practices, which are, covered in the legislation and litigation projects. They also participate in hour-long conferences every two weeks with our partner lawyers in other countries, exchange drafts of work with these lawyers and respond to their suggestions, and do all the interviewing for the fact-finding missions. They also interview the plaintiffs for human rights cases by telephone where appropriate.

For the human-rights fact-finding trips, the students do all the in-country interviewing (typically 50-100 interviews over a one-week visit). The summer interns do work under the supervision of the NGO, and may be involved in individual client work while there.

10. What, in your opinion, attracts students to participate in the CIP?

Students are attracted by their desire to work in international human rights, their interest in responding to the need for advancing women's human rights around the globe, their desire to participate in legislative or litigation projects, and the opportunity to participate in a fact-finding mission. Many of the students come from or have strong ties to other countries, and/or have studied, traveled or worked extensively in other countries – sometimes in the same countries in which we are working.

11. What are some specific projects or cases that the CIP has undertaken in recent years?

Past projects have included:

- **Drafting proposed domestic violence legislation for both Ghana and Uganda;**
- **Developing a Ghana Supreme Court challenge to facially discriminatory employment laws and regulations;**
- **Drafting a complaint and brief to challenge discriminatory intestate succession laws in Uganda's Constitutional Court;**
- **Gathering information for and writing a report on so-called "honor crimes" – murders of women by their family members for suspected violations of sexual codes of conduct – in fourteen Middle Eastern and Latin American countries, which was submitted to the U.N. Special Rapporteur on Violence Against Women;**
- **Developing and proposing a legislative scheme for property control within marriage and distribution at divorce that is based on equality for men and women in Ghana;**
- **Drafting proposed employment discrimination legislation for Ghana and Uganda;**
- **Developing proposed legislation to ban or severely restrict polygamy, bride price, and marital rape in Ghana and Uganda;**
- **Drafting a complaint and brief for filing with the Uganda Constitutional Court challenging the husband-consent requirement for married women seeking to be sterilized;**
- **Developing proposed legislation banning female genital mutilation in Uganda and a petition to the Uganda Human Rights Commission to hold hearings on the subject and declare the government's inaction on the subject a violation of girls' human rights;**
- **Conducting a fact-finding mission on domestic violence and sexual harassment in Poland while on spring break, and completing a human rights report on the subject with recommendations on how to bring Polish law and practice into compliance with international and European human rights law;**
- **Drafting proposed anti-trafficking legislation for Ghana;**

- **Drafting proposed affirmative action legislation for increasing the number of women in the Ghanaian Parliament;**
- **Proposing changes to Uganda's family law to combat the spread of HIV/AIDS;**
- **Drafting a complaint and brief to challenge discriminatory adultery laws in Uganda that penalize married women for extramarital sex but not married men; and**
- **Conducting a fact-finding mission on domestic violence and discriminatory inheritance laws in Tanzania, and drafting legislation and human rights reports to address both problems.**

Although projects vary from semester to semester, all emphasize the application of international, regional, and national women's human rights standards in the domestic context and all require extensive comparative analysis with such standards in other countries. For academic years 2002-2004, spring clinic students will travel to Africa during spring break to conduct human rights fact-finding. Fall clinic students will have first preference for receiving four paid summer internships to continue their clinical work in Africa, with spring students having second preference.

12. Are there cultural and language barriers that impede your work? If so, how have you overcome these barriers?

In the African countries where we have worked, the legal system is generally conducted in English, and the lawyers and court and government officials all speak English. During the fact-finding trips to Poland and Tanzania, we used local interpreters (often, lawyers from the NGOs we were working with) when interviewing people who did not speak English. For the work on the honor crimes project, we had Clinic students who were fluent in Spanish and Portuguese who could do the required legal research for Latin America. We also paid for translations of legal and other materials that we needed for our various reports (KiSwahili in Tanzania; Arabic in the Middle East). In these countries, we also worked with NGOs who had personnel proficient in both English and the language of the country.

There are cultural differences that impact our work. Unfortunately, is impossible to do justice to the issues here.

13. Are there any other suggestions you may have concerning the organization of a CIP?

For this kind of work, it's important to have a partner to collaborate with in another country. Without a partner, it would be impossible. Because legal resources are so limited in so many countries, however, and especially so as to other countries' laws and international/regional human rights law, I think

many potential partners might welcome such collaboration because it can greatly expand their access to such information in a very useful form.

Questions about your human rights clinical work:

14. How many clinics do you have that are handling international human rights litigation or projects (by using international law in domestic fora and/or by taking matters to IGOs)?

See contacts suggested above in paragraph 1, and for the remaining questions, which deal with other programs than the International Women's Human Rights Clinic.

For each such clinic, please answer the following questions:

15. In what fora do you practice?

Generally, the women's rights lawyers in the different countries are the ones who actually file the cases and represent clients in court, or present the proposed legislation to the appropriate bodies. They practice in their countries' Constitutional Courts. They use the Clinic's product to carry out that work. In the future, we expect to practice before human rights bodies, if not successful at the domestic level.

16. Who are your case referral agencies?

The women's rights NGOs either have clients of their own or legislative areas they are working in, or they work with other in-country NGOs and get referrals from them or collaborate with them.

17. Please list any partner NGOs that assist you in casework or in teaching the clinic.

See answer to paragraph 8 above.

18. If you were planning to start up a human rights clinic, what are the most important substantive books to have on your shelf, the top websites you would bookmark and the most important listservs to join (you do not have to catalogue your library for us, we would just like to let our colleagues know your "top ten list" of items you most strongly recommend for people who are starting out)?

University of Minnesota Human Rights Library-

<http://www1.umn.edu/humanrts/>

(the best web site for easy access to virtually every legal document one could need in this field)

Women & Human Rights: The Basic Documents

**Published by: Columbia University Center for Study of Human Rights
420 W. 118th St.
1108 Int'l Affairs Bldg.
Mail Code: 3365
New York, NY 10027
Phone: (212) 854-2479
Fax: (212) 316-4578
Email: cshr@columbia.edu
Website: <http://www.columbia.edu/cu/humanrights>**

Women's Human Rights Step by Step (published by Women Law and Development International; office located in Washington, D.C.; telephone available from phone directory) Excellent overview of different human rights regimes, with clear summaries of the different human rights systems, and a step-by-step guide for using them, helpful to both lawyers and lay advocates.

Course Materials for International and Comparative Law on the Rights of Women. These course materials are available in either hard copy or in Word Perfect. They first cover the international and regional human rights systems, giving basic information about the systems, and showing how they have been or could be used in the future to advance women's rights. Themes developed in this section also include a comprehensive understanding of the kinds of problems women encounter around the globe and an exploration of the different standards for equal protection and equality being used by different bodies. Later materials cover different topics in depth, using both comparative national sources and international or regional human rights law. The topics examined include employment discrimination against women (prohibitions on hiring women; single-sex jobs; "protective" labor laws for women only; and treatment of pregnancy and child care issues); domestic violence; family law; polygamy; female genital mutilation and the conflict between cultural relativity and women's human rights; the conflict between religious freedom and women's rights; and the use of *international law* in domestic courts.

Throughout, the materials are focused on helping students develop the legal tools needed to address women's rights before national courts and legislatures around the globe, using these sources of law, and then later before regional and international human rights bodies if they have not succeeded at the domestic level. The materials are arranged in weekly readings and would be suitable either for a stand-alone course, or as a pre-requisite or co-requisite for a clinic focused on women's rights.

For those who would like to use these materials in their teaching, contact Prof. Ross, above (introduction to survey).

Law Reports of the Commonwealth (collecting constitutional court decisions from about 60 different commonwealth countries, often using not only their own constitutions but also international or regional human rights law)

Women and International Human Rights Law (Kelly D. Askin and Dorean M. Koenig, eds.; Transnational Publishers, Inc., Ardsley, New York). Volumes 1, 2, and 3 (dates of publication, respectively, 1999, 2000, and 2001). Excellent collection of articles on a comprehensive set of women's rights problems from around the globe, and with information on different regions of the world and their respective human rights regimes, as well as the international ones.

Publications of The Center for Reproductive Law and Policy, especially their Women of the World series, with separate volumes for Anglophone Africa, Francophone Africa, Latin America and Eastern Europe. Each volume describes in detail, with supporting legal citations, the laws concerning women's rights in the 8 to 10 countries covered by each volume. Each volume is prepared in collaboration with local women's rights NGOs in the covered countries.

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Fax 917-637-3666

Email info@crlp.org

Web site <http://www.crlp.org>

(This web site has full text of many of their publications)

Annual Review of Population Law

Web site: http://harvard.edu/programs/annual_review/annual_review.htm

(Both annual reviews needed in above web site; not a mistake)

This publication summarizes from other sources or gives the full text of new laws and cases on virtually all women's rights problems, on an annual basis, for countries around the world. It is cross-indexed by both country and topic. Volumes appear in hard copy also. Everything is translated into English, so it is an extremely valuable source for those seeking comparative law information, which is often extremely difficult to get.

U.S. Library of Congress

Washington, D.C.

The Law Division has the best collection of statutes, regulations, and decisions from countries around the globe of any U.S. library, plus legal specialist librarians for each region of the globe. Unfortunately, not even this library

has complete coverage of the relevant law. Sometimes countries stop publishing for periods of time, the Library loses its in-country contacts, or other problems occur. For more recent materials (often statutes haven't been codified for decades), they are available only in the form of the actual law as enacted, and the Library has no indexing system for this material. Thus, the researcher has to search every individual box for that country to try to find a relevant law, and even then can't be guaranteed that there hasn't been a recent amendment. The only practical access to this information is individual contact with the relevant librarian and setting up an appointment with that librarian to explain what material is available and show one how to access it. The librarians have the most up-to-date materials; some of these materials are not available in the public section of the library.

Georgetown University Law Center – the Law Center's international, foreign, and comparative librarians have put together a fabulous set of guides to conducting research in these and many other subjects. All are available on the web, and often have direct web links to other web sites.

Web site: <http://www.ll.georgetown.edu/lib/guides/index.html>

See especially, under International and Foreign: Basics of International and Foreign Legal Research; Introduction to International Legal Research; Researching Foreign and Comparative Law; Locating Journal Articles on International and Foreign Law and Related Topics; Comparative Constitutional Law; Human Rights Law; Latin American Legal Systems; United Nations

Johanna Bond, "The Global Classroom: International Human Rights Fact-Finding As Clinical Method," 28 WILLIAM MITCHELL LAW REVIEW 317(2001).

19. Do you have syllabi, simulations or any other material that you are able to make available to others, either upon request or by putting it up for colleagues on a shared link between the AALS human rights section website and your clinic's website (the AALS link could be password protected if this would be helpful)?

Course materials for International and Comparative Law on the Rights of Women available upon request. See question 19, 4th item. Please contact Prof. Ross (see introduction to survey above). Includes weekly assignments, course discussion questions, and role-plays.

20. What percentages of the students in this clinic typically travel abroad for their clinic work?

Anywhere between 50% and 75% of students travel abroad, either through the fact-finding missions or the Clinic-sponsored summer internships.

21. Do students have the opportunity to meet their clients in person?

Students have bi-weekly telephone conference calls with their attorney partners in other countries, and occasionally interview the clients. The clinic will begin offering video conferencing.

22. What mix of domestic work (if any) and international cases does this clinic handle?

No domestic work.

Individual Faculty Efforts:

23. Do you have any faculty that are performing or supervising significant international human rights litigation or projects outside the formal structure of centers and clinics? If so, what type of project and how many students are involved?

See info in paragraph 1 for who to contact re other programs at Georgetown.

Externships:

24. Do you have students receiving credit for human rights service performed outside your law school? Roughly how many students are doing this each year? What percentage of externships involve placement outside the U.S.?

See info in paragraph 1 for who to contact re other programs at Georgetown.