



INDIANA INTERNATIONAL HUMAN RIGHTS LAW BULLETIN

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Human Rights for Immigrant Workers & Asylum Seekers in Northern Ireland

By Adil Daudi

Introduction

The Northern Ireland Council for Ethnic Minorities (NICEM), based in Belfast, is an umbrella organization representing minority ethnic groups and support organizations in Northern Ireland. NICEM is the largest ethnic minority representative organization in Northern Ireland and acts as a voice for people from various communities, including the Muslim, Hindu, Asian, African, Filipino and Irish Traveler communities.

Among the projects and services NICEM has undertaken are free and confidential immigration advice and support to all of its member groups and the wider community, and interpreter training for individuals and organizations who serve Northern Ireland ethnic minority communities. Much of NICEM's work involves cross-

project participation, with the organization's aims and values integrated into each project area.

During the 2003 summer, I worked as a human rights law intern at NICEM's combined Refugee, Immigration and Asylum service area. This article describes aspects of NICEM's operations and the services it provides, discusses United Kingdom immigration law and policy regarding refugees and asylum, and chronicles of some of my impressions and internship work and outside experiences. I conclude the article by ex-



Adil Daudi

See "*Immigrant Workers*" page 8

Anatomy of a Human Rights Internship in Kosovo

By Teresa Knight

Introduction

During the Summer of 2002, I worked for ten weeks as a legal intern for the Office of the Prime Minister of Kosovo in the Office of Legal Support Services, along with PIHRL intern Katherine Hendrix. As a United Nations (U.N.) administered territory, Kosovo has a unique governmental structure. It has both a U.N. government (the U.N. Mission in Kosovo, or UNMIK), and a local government (the Provisional Institute for Self-Government, or PISG). The Office of the Prime Minister is part of the PISG. The U.N. retains authority over more areas such as the judiciary, international affairs, and refugee matters. Most Kosovars not only desire independence, they desire eventual admission to the European Union (E.U.). For this rea-

son, E.U. and European regional instruments are consulted when assessing legal and governmental documents.

Education Statutes

Our first assignment was to assess education statutes to determine if they complied with all applicable international and regional human rights conventions. While carrying out this assignment, it was important for me to keep in mind my little knowledge of Kosovo because statutes are influenced by history, culture, and language. Ultimately, we did not discover any blatant conflicts, but we made notes of conflicts that could arise at a later time. I learned that although I worked with a new government, pre-1989 Yugoslavian

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A Letter From the Dean

I take great pleasure writing this opening letter. Established in 1997 by Professor George Edwards, the Program in International Human Rights Law has played a major role in this law school's internationalization of legal education. Starting with Professor Edwards' outstanding work as a scholar and teacher, and continuing through the countless visiting faculty and human rights law professionals whom the PIHRL has brought to this school, the PIHRL has aggressively expanded this community's international law knowledge, skill and awareness.

The International Human Rights Law Internship program of the PIHRL has been a major success. Between 1997 and 2003, the internship program has facilitated 70 student internship placements in 36 countries. (You can read about many of the interns in the pages of this Law Bulletin.) These students have done remarkable work, including serving with the United Nations International Criminal Tribunal for Rwanda, assisting asylum seekers, and monitoring trials of human rights activists as well as collecting information and reporting on human rights violations. One alumnus of the program even had the good fortune to return to his placement country after graduating, serving as the curriculum development consultant for the law faculty of a new university. Host institutions have told us how much these individuals have assisted them in their work. Students tell us how much they have learned, grown and benefitted from their experiences.

We are pleased to announce the creation of our new LL.M. track in International Human Rights Law, which will begin accepting students for the Fall of 2004 Semester. The Human Rights LL.M. program will be available to Juris Doctor graduates from the U.S. and to overseas law graduates. We expect the addition of this LL.M. program to enrich the lives of the participants and law school community by globalizing the conversation in which we are all engaged and by creating exciting opportunities for service in the field of human rights. We expect the trend of the law school's internationalization to continue through our study abroad programs, international law journals, overseas guest speakers and international human rights law internships.

Anthony A. Tarr, Dean



Dean Anthony Tarr welcomes to the law school PIHRL visitors from Latin America at a U.S. Department of State - Sponsored forum discussing U.S. foreign policy pertaining to Latin America.

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Litigating Gender Discrimination in Ghana

By Jennifer Pyclik

Introduction

On June 23, 2003, *Lithur v. National Media Commission*, the first gender-based discrimination suit of its kind in Ghana was filed in Superior Court.¹ The lawsuit, which was filed by a female attorney, accuses the National Media Commission, a public body, and the Ghanaian government of discriminating against women when appointing members to the governing bodies of publicly-owned media corporations. Of 34 positions on the boards, only 6 are held by women. The lawsuit seeks to force the government to achieve gender balance when appointing board members.

At least two program types are used in other countries to achieve gender equality. The first is an equal result program (commonly known in the U.S. as a quota system), which calls for a percentage of positions to be held by women. The second, which is common in the U.S., is an equal opportunity program in which everyone is given the same chance to obtain a position without a predetermined number of positions.

This article will examine the obligations of the Ghanaian government to achieve gender equality under international law and Ghanaian constitutional law. It will attempt to assess the benefits of an equal result program in Ghana (as advocated in *Lithur*) compared to an equal opportunity program. Since this is a case of first impression, Ghanaian courts will likely turn to the domestic laws of other countries for guidance. Hence, this article will refer to how the United States, South Africa, and the European Union have dealt with this issue. Lastly, the strengths and weaknesses of *Lithur* will be analyzed and the article will draw a conclusion about the best outcome for the case.



Ghanaian
Woman with Infant

Gender Discrimination

Ghanaian women face many different forms of discrimination. They are subject to Female Genital Mutilation (FGM) as young girls or women. Illiteracy is higher among women than men.² Marital rape is not recognized under the law. In 1998, the government outlawed a system practiced in the Volta Region known as "Trokosi" in which young virgin women were given to local priests as slaves. Some were sexually abused. However, integrating these women back into society has proven difficult.³

Between 1995 and 1996, the National Council for Women and Development (NCWD) conducted a study examining Ghanaian women in public life. They found that traditional views regarding the role of a woman held many women back, that women had difficulty finding jobs, and that men used sexual harassment and exclusionary practices to prevent working women from striving for higher work positions.⁴ Such studies and practices prompted *Lithur* to instigate her lawsuit.

International, Ghanaian & Foreign Law

CEDAW

Ghana ratified the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) in 1986, article 7 of which imposes a duty on governments to take "appropriate measures" to

eliminate discrimination and to ensure that women have the right to "participate in the formulation of government policy and the implementation thereof and to hold public office." Since the National Media Commission is state-owned, article 7 applies to its governing boards. Article 7 requires the government to take appropriate steps to ensure gender balance.

Article 4 of CEDAW countenances temporary affirmative action programs that are to be terminated once gender equality is achieved.⁵ However, CEDAW does not provide guidance to determine when gender equality is achieved.

ICESCR

Ghana also ratified the International Covenant on Economic, Social, and Cultural Rights (ICESCR). ICESCR article 7(c) requires States to recognize equal opportunities for promotion. Article 2(2) extends these rights to all people.

Article 7(c) may present problems in *Lithur's* case because she seeks equal results and not equal opportunity. The court will determine whether indeed women have an equal opportunity to serve on these boards, or whether, perhaps, the gender imbalance may result from a dearth of qualified women due to non-discriminatory reasons. However, the ICESCR requires that unqualified women be given an opportunity to become qualified.

African Charter

Ghana is a party to the African Charter on Human and Peoples' Rights. If *Lithur's* case is dismissed by the Ghanaian court, the case can be brought before the African Commission on Human and Peoples' Rights. If the Commission rules against the Ghanaian government, gender equality will be enforced in Ghana and in all African nations that are party to the Charter. Article 2 of the African Charter calls for non-discrimination, while article 15 provides "every individual shall have the right to work under equitable and satisfactory conditions." What are equitable conditions? Does it mean the same opportunities for men and women, or that there must be gender balance?

Constitution of Ghana

When Ghana's 1992 Constitution was being drafted, there was debate concerning whether the instrument should specify each instance where gender discrimination is prohibited or whether gender discrimination should be broadly prohibited.⁶ The Constitution embodies the second option and requires Ghana to achieve gender balance in appointments.

Although gender discrimination was recognized as a problem,⁷ the record shows that those who opposed the quota system did so because some women had achieved high employment levels. Some also believed that the inequality would be corrected over time. However, eleven years after the Constitution was signed, the sta-

Continued on next page

tus quo has not changed significantly. Women have been appointed to the National Media Commission, but they only occupy 18% of the seats.

United States

Unlike Ghana, the United States Constitution does not mention gender as an unacceptable basis for discrimination. The Equal Protection Clause of the Fourteenth Amendment stipulates that no state shall "deny to any person within its jurisdiction the equal protection of the laws," which has been interpreted by the Supreme Court to prohibit laws that discriminate on the basis of gender.

When a suit is brought under the Equal Protection Clause, discrimination based on race receives the highest level of scrutiny by the court. The government must show that the law is narrowly tailored to fit its purpose and that the government has a compelling interest in the law. Gender discrimination, on the other hand, only receives intermediate scrutiny, a lower standard than strict scrutiny. Here the government would only have to show that the law is substantially related to an important governmental interest.

In cases where the Supreme Court has overturned gender discriminatory laws based on the Equal Protection Clause, the discrimination has been obvious. An example is *United States v. Virginia*.⁸ The state-funded Virginia Military Institute (VMI) had a 'males-only' policy. The Court ruled that the 14th Amendment prohibits this in a government funded institution because the government did not have a compelling reason to separate men and women. In *Mississippi University for Women v. Hogan*,⁹ the Supreme Court held that a policy banning men from a nursing program violated the Equal Protection Clause. Using the U.S. Equal Protection Clause argument in *Lithur* will prove difficult because unlike the U.S. cases, there is no policy banning women from the National Media Commission. U.S. affirmative action programs were countenanced in *Regents of the University of California v. Bakke*.¹⁰ While the case prohibits quota systems, it allows for race to be taken into consideration when deciding university admissions (later cases have expanded this to include gender). This system has been extended to all aspects of American life, including employment. The basis for this decision is found in Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on classifications such as race and gender.

South Africa

The South African Constitution is modeled after the Canadian Constitution and is similar to the Ghanaian Constitution in that it specifically prohibits gender discrimination. Unlike the Ghanaian Constitution, section 8(3) of the South African Constitution allows for affirmative action programs.

In 1998, South Africa passed its Employment Equity Act. This Act provides for affirmative action, which, unlike the US affirma-

tive action system, only requires compliance by companies employing more than 50 workers, or with less than 50 and with a specific turnover. This provision also applied to the public sector. Quotas are not allowed. Section 20(3) prohibits an employer from discriminating solely on the basis of inexperience and implies that an employer should hire a less qualified woman if the person can obtain the needed training within a reasonable amount of time.

European Union

In the European Union (EU), affirmative action is known as positive action. In 1984, the European Council recommended that Member States "adopt a positive action policy designed to eliminate existing inequalities affecting women." The EU also passed an Equal Treatment Directive, aimed at ending gender discrimination. Based on these Directives, the German state of Bremen passed the *Landesgleichstellungsgesetz* (Bremen Law on Equal Treatment for Men and Women in Public Service). Under this law, employ-

ers were supposed to promote qualified women in areas where they were under-represented. In 1995, the European Court of Justice (ECJ) ruled in *Kalanke v. Freie Hansestadt Bremen*¹¹ that the Bremen law violated the European Union's anti-discrimination laws. *Kalanke* was initiated after a man was passed over for a promotion in favor of a woman. The ECJ held that the law went beyond the scope of the directive since it required an equal result instead of just promoting equal opportunities.

Two years after *Kalanke*, the ECJ reversed in *Hellmut Marschall v. Land Nordrhein-Westfalen*.¹² That German

region's law provided that "everything being equal, women were to be given priority when a man and woman of equal qualifications were being considered for a job promotion in the public sector." The European Commission also issued a statement clarifying *Kalanke*, which stated that a positive action program could not be so rigid as to not to take individual circumstances into account.¹³ After that decision, several European nations, including France, Belgium, Denmark, and Sweden instituted positive action programs. According to O'Doherty, more women participated in legislative activities as a result of positive action programs in these countries.¹⁴ This fact has prompted women's rights groups in Ireland to lobby for a positive action program to increase the number of females in the Irish Dail in 2002.

Lithur's Case

It is unclear in *Lithur's* case how many women were considered for board positions, if any women turned down appointments, and what criteria was used to make such appointments. Statistical information about the number of qualified Ghanaian women is needed.

The Constitution requires that appointments be balanced for gender and region. The government may argue that it is too diffi-



Law School Visitors: (From left to right) *Dominic Ayine*, the Executive Director of the Center for Public Interest Litigation in Accra, Ghana; *Dr. Patrick Aeberhard*, co-founder of *Medecins Sans Frontieres*; *Raymond Atuguba* and *Mohammed Ayariga* from the Legal Resource Center of Accra, Ghana.

Continued on next page

cult to balance gender while ensuring representation of all administrative regions. This can be countered by showing that qualified women could come from any region. As such, the same balance can be achieved with women and men as it would with men only.

Further, Lithur did not apply for a government position. Lithur is a private attorney and a member of the International Federation of Women Lawyers. Although a provision in the Ghanaian Constitution allows her to bring such suits, the Court may choose not to look favorably on her claim because the alleged discrimination does not have an immediate affect upon her. Nonetheless, since the suit was filed, other women's rights organizations have signed on as plaintiffs, which could lend more credence to the suit.

Conclusion

The government can institute a temporary affirmative action plan under CEDAW and can also implement a positive action plan with flexible quotas, similar to the European system. The goal can be set at achieving a 60:40 male-to-female ratio in public bodies. If that goal cannot be achieved due to lack of qualified applicants, then the quota can be adjusted. A reviewing board should be set up to monitor the program and ensure that the quota is not being changed for ulterior motives that would violate the program's objectives.

South African and U.S. law support the need for affirmative action. The South African policy of hiring a less qualified woman if she has the ability to receive the training in a reasonable period would be vital to a Ghanaian program where many women do not have the same experience and educational opportunities as men.

A quota system would be a "quick fix" solution to the problem, but other issues need to be addressed. Women need to be encouraged to go to school and continue to higher education. Societal attitudes regarding the role of women will change gradually, and an affirmative action plan would be a good place to start. ■

¹ This suit was brought by Ms. Lithur, who is a private attorney and a member of the International Federation of Women Lawyers. This case was handled in part by the Legal Resources Centre (LRC), which is a non-governmental organization based in Accra, Ghana. During the 2003 summer, the author of this article worked at the LRC as a human rights law intern through the Program in International Human Rights Law of Indiana University School of Law at Indianapolis.

² Juliette Ayisi Agyei, *African Women: Championing Their Own Development and Empowerment-Case Study, Ghana*, 21 *WOMEN'S RIGHTS L. REP.* 117; 122 (2000).

³ G.K. Nukunya, *TRADITION AND CHANGE IN GHANA*, (2003).

⁴ *Supra* note 2 at 125.

⁵ Julia Ernst, *U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women*; 3 *MICH. J. GENDER & L.* 299 (1995).

⁶ Kwadwo Afari-Gyan, *THE MAKING OF THE 4TH REPUBLICAN CONSTITUTION OF Ghana* 104 (1995).

⁷ *Id.* at 106.

⁸ 518 U.S. 515 (1996).

⁹ 458 U.S. 718 (1982).

¹⁰ 438 U.S. 265 (1978).

¹¹ *Eckhard Kalanke v. Freie Hansestadt Bremen*, 1995 E.C.R. I-3051.

¹² *Hellmut Marschall v. Land Nordrhein-Westfalen*, 1997 E.C.R. I-6363.

¹³ *Supra* note 12 at 1523-4.

¹⁴ Caroline O'Doherty, *Call for gender quotas for election candidates*, *THE IRISH TIMES*, Mar. 9, 2002.

Visitors to the Law School



Mr. Stephane Gentili with PIHRL Intern, Justin Glon (l). Mr. Gentili of France, is an Immigration Solicitor with the London-based Terrence Higgins Trust, and he spoke on the Rights of HIV Victims in Britain under the European Convention on Human Rights.

Mr. Jeff Ballinger of Harvard's Kennedy School of Government and Director of Press for Change spoke on Human Rights & Labor in Asia.



Georgetown Professor Rumu Sarkar (l), who is a Federal Judicial Nominee, with Professor George Edwards, spoke on the Right to Development as International Human Right.

Mr. John Washburn, former UN Official and U.S. State Department Foreign Service Officer, lectured on the International Criminal Court and his experience in the international law field.



Hon. Scott Bates, former Secretary of State of Virginia & current lawyer at the U.S. House of Representatives Select Committee on Homeland Security, pictured with Dean Anthony Tarr. Mr. Bates spoke on the war on terrorism.

Ms. Maria del Carmen Carbel Navarro, a Peruvian Human Rights Lawyer, spoke on "Peru's Truth and Reconciliation Commission and Terrorism Trials in Peru."



Lessons from the Poorest of the Poor: Children of Costa Rica

By Robert Masbaum

Introduction

During the 2002 summer, I worked as Program in International Human Rights Law intern, dividing my time between two NGOs in Central America: (1) Society for the Promotion of Education and Research (SPEAR) in Belize City, Belize, and; (2) Casa Alianza in San Jose, Costa Rica. Each of these organizations specializes in its own unique way of assisting countries besieged by poverty and individuals struggling to survive.

Internship # 1: Belize

(Society for the Promotion of Education and Research)

Since it was formed in 1969, SPEAR has developed into a major human rights advocacy organization in Belize. The organization works to empower the people of Belize, giving them the skills and opportunities to participate in their own developmental endeavors and seeking to do so in a manner based on critical awareness and problem analysis. Since the 1981 inception of democracy in Belize, prime ministerial debates have remained contentious issues. At the time of my project, Belize was to hold its prime ministerial elections in 2003. Thus, my project focused on preparing information to help SPEAR avoid the same problems that led to the failure of previous attempts to hold public debates among potential prime ministerial candidates. I summarized the points of contention from the 1997 Belizean prime ministerial debates and incorporated international instruments with analysis. I also offered suggestions designed to assist SPEAR in averting potential conflicts in the 2003 prime ministerial debates.

ICCPR and Democracy in Belize

Articles from the International Covenant on Civil and Political Rights (ICCPR) offered guidance on the fundamental tenets of a democratic society, such as freedom of opinion and expression, peaceful assembly, and participation in the public sphere.

The ICCPR, Part 1, Article 19, paragraph 2, states:

"Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

The free flow of information exists as a result of a properly-working democracy, and the freedom of expression constitutes one of the essential foundations of a democratic society. Through debates, candidates can inform the citizenry of their personal views, as well as those of their parties. The right to freedom of expression

extends to all methods of communicating or conveying opinions, ideas, or information, regardless of frontiers.

Judicial and legislative powers in Belize are fragile. I came to believe that freedom of expression is a fundamental counterweight to the power of the prime minister. Political debates allow more awareness and facilitate individual participation in the democratic process, helping to strengthen the civil society.

Articles 25(a) and 25(b) of the ICCPR declare:

"Every citizen shall have the right and the opportunity . . . without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen Representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors."

Article 25 of the ICCPR supports citizens' free choice in determining their government. Citizens should have the right to make

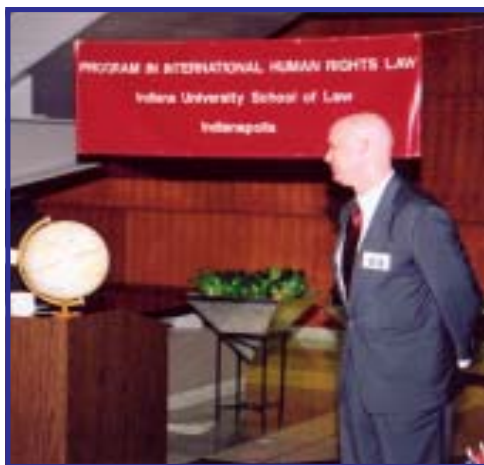
choices through free and fair elections, actively engaging in the rights and practices a democratic government affords the people. For such choice to be meaningful, not only candidates, but also citizens, must be able to share their ideas and positions on issues and ideas, and this must be done within the context of open discourse (*see* ICCPR, Article 19). The right to be heard by fellow citizens and political candidates is essential for a healthy democracy. Political debate makes it possible to hear these voices.

Conclusion re: SPEAR

SPEAR has served as an important center for political information in Belize. Students and governmental personnel regularly visit the organization to search for information on national political issues. Thus, SPEAR serves as a critical component in the advocacy of human rights in Belize. NGOs such as SPEAR remain a vital component to the free flow of expression and advocacy of human rights. It is my hope that SPEAR and the citizens of Belize continue to pursue transparency and openness within their democratic institutions.

Internship # 2: Costa Rica (Casa Alianza)

After leaving Belize I traveled to San Jose, Costa Rica, to work for Casa Alianza, which is an independent NGO dedicated to the rehabilitation and defense of street children in Costa Rica, Guatemala, Honduras, Nicaragua, and Mexico. The children of Latin



Robert Masbaum at the 2002 PIHRL
Intern Pre-departure reception.

Continued on next page

America do not beg with open hands, but instead with pleading eyes. For example, one little girl in the street, dressed with torn clothes and a smile, tried to sell a small plastic flower for ten cents, or for whatever small amount one might give her, so perhaps she could eat that day. *Bienvenida* (welcome) to Latin America, a place where many children live in the streets without families and are forced to beg for food. It is for these children that Casa Alianza advocates, and these children that it feeds and shelters.

Casa Alianza is inextricably intertwined with the human rights of street children in the aforementioned countries, monitoring and caring for thousands of them every year. Most of the children have been orphaned by civil wars, abandoned by poverty-stricken families, or sexually and/or physically abused by adults. Poverty and social ills plague most of Central America, making it fertile ground for traffickers in child pornography and sexual exploitation of minors. Working for Casa Alianza in Costa Rica provided me the opportunity to help try to solve such human rights problems.

Inadequate enforcement of existing laws in much of Central America and Mexico has led to extensive abuse and exploitation of children. While media reports, both local and international, have drawn attention to the street children's plight, only recently has this attention resulted in governmental action. Media attention finally forced the Costa Rican government to begin taking the steps necessary to combat sexual exploitation, child labor, and child pornography.

Currently, Casa Alianza's Legal Aid Program has over 800 ac-



*Robert Masbaum with Sir Bruce Harris,
Director of Casa Alianza*

tive criminal cases against policemen, the military, private guards, and other individuals. In fact, "America's Most Wanted" highlighted some Casa Alianza cases, airing a 10-minute segment focusing on American fugitives from Central American justice. The episode had a profound effect – the then newly elected president of Costa Rica, Abel Pacheco, requested a meeting with Bruce Harris, Regional Director of Casa Alianza, to discuss the plight of the street children. After this meeting, President Pacheco decreed that PANI (*Patronato Nacional de la Infancia*), the country's child welfare organization, would be transformed into the Ministry for Children



*Robert Masbaum and his co-worker Ana
Salvado at Casa Alianza.*

fought against horror and has demonstrated enormous love for our children. That is why we have signed this alliance."

Considering the hostile relationship between Casa Alianza and the previous administration, the alliance serves as a landmark victory for both the children of Costa Rica and Casa Alianza. Despite the mass of incriminating data accumulated by Casa Alianza, ex-President Miguel Rodriguez refused to acknowledge the magnitude of child exploitation in the country and even declared Mr. Harris to be "an enemy of Costa Rica."

During my internship with Casa Alianza, I researched legal issues, wrote memoranda, translated press releases, and reorganized the Casa Alianza web page.

Conclusion re Casa Alianza

In June 2002, Casa Alianza won a major legal victory. Casa Alianza presented criminal charges against two former Costa Rican Ministers of the Treasury for not complying with Article 34 of the 1996 Organic Law of the PANI. The law requires 7% of the national income revenue to be transferred to the PANI. President Rodriguez's administration had refused to transfer any of these funds, leading PANI to accumulate a debt exceeding U.S. \$42 million. The Constitutional Court ruled in favor of Casa Alianza's position that the government should pay.

The move toward a more open and democratic government in Belize is a work in progress. Securing human rights for the street children in Latin America, despite the valiant work and achievements of Casa Alianza, remains an unconquered mountain.

I departed Costa Rica with mixed emotions. I was outraged and sad at the thought of defenseless street children systematically abused, prostituted, and murdered due to societal indifference. At the same time, however, I was inspired and remained hopeful knowing that people like Bruce Harris and other human rights advocates continue to progress in the struggle to bring justice to the innocent.

Working in Latin America gave me many smiles, some sorrow, and a changed perspective. I left Latin America with a richer appreciation for the region and for its people. I spent my final days lamenting what I would soon leave behind and wondering how I would re-acclimate to American life and its materialism. I came back to the United States a changed person. I have since returned to Costa Rica on several occasions to continue to try to assist Casa Alianza and the children it serves. ■

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pressing my gratitude at having the opportunity to gain solid work and service experience in international human rights law.

NICEM's Refugee, Immigration and Asylum Service Project

NICEM has been subcontracted by the Refugee Council (UK) to provide advice and support to destitute asylum seekers in the United Kingdom while they apply for assistance and formal legal status through the United Kingdom's National Asylum Support Service (NASS). NICEM employs solicitors to provide both asylum seekers and the Northern Ireland community with direct immigration advice and assistance ranging from more complicated citizenship applications to securing more routine immigration visas to the United Kingdom. Additionally, NICEM staff assists individuals in gaining access to medical services, formal legal representation, educational opportunities and referrals to external agencies for clothing and shelter. NICEM also undertakes efforts to arrange emergency accommodation when an asylum seeker has no other resources upon which to draw.

Refugees, Asylum & Immigration in the United Kingdom

After World War II, large numbers of persons from many countries worldwide were displaced. In 1951, a United Nations (UN) convention relating to the status of these persons, labeled "refugees," was held and international agreements were made governing the treatment of refugees. In the UK, two organizations were founded following the 1951 United Nations Convention: the British Council for Aid to Refugees and the Standing Conference on Refugees. In 1981, these two organizations combined to form the British Refugee Council, which acts as the focal point for sharing information and for the development of policies relating to refugees and displaced people in the UK and elsewhere.

Since the 1951 UN Convention on the Status of Refugees, large groups of people have entered the UK under special refugee resettlement programs. The resettlement initiatives generally arise when conflicts in foreign nations cause large displacements of people. For example, in November 1993, the UK agreed to allow 1,000 Bosnian men who had been detained in Serb camps to come to the UK with their families. By the end of the 1999 conflict in Kosovo, approximately 900,000 people had been forcibly expelled. Among them were 4,500 documented refugees who arrived in the UK. Also, an additional 8,000 asylum applications were filed from people of the Federal Republic of Yugoslavia. The great increase in the numbers of refugees and asylum seekers in the UK has focused political and media attention on the topic of asylum. Until 1993, no asylum

legislation existed in the UK and the status of the UN Convention of 1951 in British law was unclear.

A series of new legislation in the UK has deemed that a person is a refugee only when the Home Office has accepted his or her application for asylum. The Integrated Casework Unit at the Home Office Immigration and Nationality Directorate (IND) makes all decisions on asylum claims. The IND is required to use the criteria expressed in the 1951 United Nations Convention Relating to the Status of Refugees to assess claims of an asylum seeker. The assessment is based on an asylum seeker's credibility, the current political situation in the country of origin, evidence of the country's human rights record and evidence of torture and abuse.

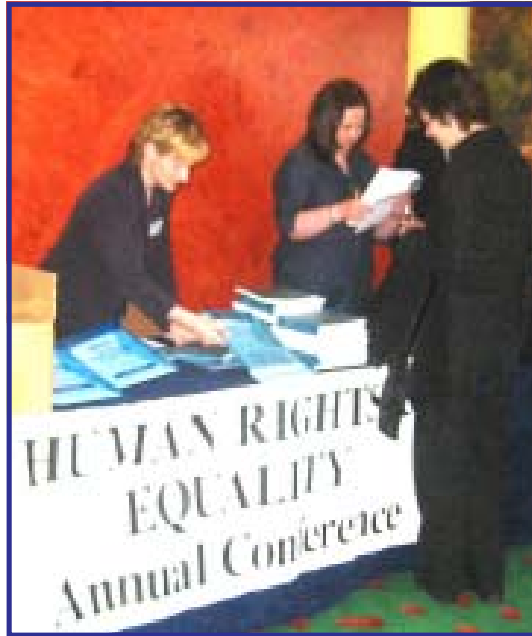
The introduction of new legislation (i.e. the Asylum Immigration Act of 1996) in the UK irrevocably altered the situation for asylum seekers by completely removing them from the welfare benefits system. Instead, they are supported by vouchers and dispersed around the country on a "no-choice basis." Additionally, the UK recently passed a new Nationality, Immigration and Asylum Act in April 2002 which, coupled with previous legislation, created a fundamentally new environment for asylum seekers and for organizations, like NICEM, that provide support to them.

Nationality, Immigration and Asylum Act 2002

The Nationality, Immigration and Asylum Act 2002 (NIA) is the fourth piece in a series of legislation affecting the UK asylum and immigration system. Among the most glaring changes the NIA made to the UK asylum and immigration system is the initiative to end the presumption that all destitute asylum applicants should receive

government support. This measure has inevitably led to widespread homelessness and severe destitution for many asylum applicants who do not apply for asylum upon arrival in the UK. Additionally, the so-called "safe country" provision of the NIA allows the Home Secretary to certify, at his discretion, asylum applications from certain countries as unfounded. Currently, the countries on this "safe country" list are composed of the ten EU accession nations. The immediate effect of this certification provision is that asylum applicants from safe countries are denied a right to appeal decisions made on their applications.

The issue of detention centers for newly arrived asylum seekers has garnered significant debate within Northern Ireland and the greater UK. The Refugee Council and NICEM, have been very critical of the present dispersal system of asylum applicants and the quality of accommodation the applicants receive. The lack of adequate detention facilities in Northern Ireland often leads to asylum applicants being detained in the general prison populations in Northern Ireland. Moreover, the length of time asylum applicants can be detained and the degree of autonomy they have during detention has raised serious concern among human rights organizations like NICEM. There has also been concern centered on an asylum



Human Rights Equality Annual Conference hosted by NICEM in Belfast, Northern Ireland

applicant's lack of opportunity to seek representation by legal counsel during detention. Indeed, prior to the introduction of the detention facility system, asylum applicants were given an opportunity to visit NICEM and arrange for representation and assistance with their formal statement to the Home Office.

Rights for Migrant Workers

My first project at NICEM was to prepare a presentation for a conference held by the Union for People Delivering Public Services (UNISON). The presentation was designed to give migrant workers living and working in Northern Ireland a better understanding of the rights available to them against unfair employment practices. In order to carry out this assignment I reviewed the NIA and the protections it afforded to migrant workers. My presentation was designed to educate migrant workers who were seeking to have their families join them in the UK and eventually apply for British citizenship. One of the most alarming facets of the UK work permit scheme I noted was an employer's ability to control a migrant worker's work permit, a document which controls a worker's legal right to remain in the UK. Under the UK work permit system, unscrupulous employers have an opportunity to take advantage of the system and force workers to work under harsh conditions and unfair pay. The threat of losing their work permits often encourages many migrant workers to continue working under these conditions. The attendees of the UNISON conference, where my presentation was displayed, echoed my observations about the UK work permit scheme when a group of Puerto Rican factory workers reported their plight at the hands of their employer.

Later in my internship I attended a conference in London held by the Immigration Advisory Service (IAS) that addressed some of the concerns brought to light at the earlier UNISON conference. The senior casework director for the Home Office announced at the IAS conference several initiatives designed to protect migrant workers against employers like the one described by the Puerto Rican factory workers. Important among these is the establishment of an investigative team to monitor employers who have submitted work permit applications to ensure that they are not abusing their workers or the system. Additionally, it was also reported that the Home Office has begun to combat the problem from the workers' side by distributing pamphlets to persons granted migrant worker status to educate them about their rights.

Working with Asylum Applicants

At NICEM, I worked closely with the new NIA legislation. My primary responsibilities were to assist NICEM's Refugee, Immigration and Asylum service in providing guidance to new and former clients. To assist NICEM in this project, I reviewed important pieces of UK immigration legislation and UN conventions, specifically the UN Convention on the Status of Refugees and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

I developed an understanding of UK immigration and asylum law and assisted NICEM in providing support and advice to clients on a day-to-day basis on these matters. Among my most rewarding

experiences was traveling with asylum applicants, as their appointed representative, to their interviews conducted by the Home Office. These interviews are designed to assess an asylum applicant's claim against the conditions in his or her country of origin to determine whether the claim falls within the guidelines established by the UN Convention on the Status of Refugees. After studying the Convention, it was insightful to listen to the interviewer's line of questioning to a particular asylum applicant. The interviews were long, often lasting two to three hours, with the interviewer rigorously con-

firming dates given by the asylum applicant and scrutinizing details about certain events listed in the applicant's initial statement made to the IND. It was rewarding to hear the applicant state that he or she felt more comfortable at the interview due to my presence.

After each interview I submitted reports to my supervisor that included my comments and observations of the interview. Additionally, these reports were accompanied by my comments about the questions that were asked during the interview and whether I felt our client understood what he or she was being asked. These comments proved useful when a client's application for asylum was rejected. As the client's written statement to the Home Office and oral interview are the only two mechanisms by which an assessment is made about the client's claim, my written observations and notes were very useful in determining whether an appeal should be lodged and what issues should be raised.

Other Projects

I was also responsible for conducting client in-take interviews

at NICEM. Each day NICEM receives an overwhelming number of new clients who are seeking basic immigration advice. It was my responsibility to document these clients and conduct their initial in-take interview. During these discussions I would assess the urgency of the client's case and determine whether I could offer advice to the client based on my knowledge of UK immigration law. I referred the more urgent and complicated cases to my supervisor. I assisted clients in filing applications ranging from citizenship to work



Patrick Yu, NICEM Director

permits.

During these interviews it was always interesting to hear an individual's story about his or her home country and what brought him or her to Belfast. Each client proved to be a window into his or

See "Immigrant Workers" page 20

IU Human Rights Law Interns Around the Globe - 2003

The Program in International Human Rights Law of Indiana University School of Law at Indianapolis has facilitated approximately 70 law student placements in more than 35 countries. The interns, organizations and individuals served are the heart of this program. The following pages contain an introduction to the participants in PIHRL internships, and their projects, for the years 2003 (pages 10 & 11) and 2002 (pages 14 & 15). A world map of 1997-2003 Interns is found on pages 12 - 13.

In the 2003 Summer, the PIHRL placed 9 human rights interns in 10 countries.

① Accra, Ghana (2003)

Ms. Jennifer M. Pyclik interned at the Legal Resources Centre (LRC), an NGO based in Accra, Ghana. Ms. Pyclik's arrival in the country coincided with a national health care bill that was being proposed by the Ghanaian parliament. She and other interns organized workshops to educate the local community about the nature of health insurance, and the benefits and costs of proposed health insurance. Ms. Pyclik wrote project summaries and project proposals to receive grants for health and sanitation initiatives.

Ms. Pyclik also assisted on the first gender discrimination suit in Ghanaian history. The Ghanaian constitution states that the government is obligated to achieve gender balance in its appointments. When such balance was not reached, attorney Nana Oye Lithur sought the LRC's help in filing a gender discrimination lawsuit against the government. Ms. Pyclik studied how the European Union, the United States and South Africa have contended with gender discrimination claims in employment.

② Belfast, Northern Ireland (2003)

Mr. Adil Daudi interned at the Northern Ireland Council for Ethnic Minorities (NICEM), an NGO in Belfast, Northern Ireland. The organization provides free and confidential immigration advice and support to its member groups and the wider community. Assigned to the combined Refugee, Immigration and Asylum services, Mr. Daudi gave immigration guidance to NICEM clients of the organization.

Mr. Daudi also prepared a presentation for a conference held by the Union for People Delivering Public Services (UNISON). The presentation provided migrant workers a better understanding of the rights available to them in Northern Ireland. Mr. Daudi also attended a conference in London held by the Immigration Advisory Services. Among the most rewarding aspects of his internship was accompanying asylum applicants as their representative to their interviews conducted by the Home Office to determine if their claims fell within guidelines established by the UN Convention on the Status of Refugees.

③ Chiapas, Mexico (2003)

Ms. Julia Maness interned at the Analysis and Communication Department at Centro de Derechos Humanos, Fray Bartolomé de las Casas in Chiapas, Mexico. The NGO works with "desperados" who have been expelled from their land as a result of militarization, and on religious persecution issues.

Ms. Maness was charged with conducting legal synthesis, which



Julia Maness, 2003 Intern, outside her office at the Centre de Derechos Humanos in Chiapas, Mexico.

involved reading new laws and conventions and digesting them for dissemination to lawyers and human rights workers. She also gathered information regarding current events and created on-line documents for the attorneys and staff to easily access and read as they selected cases.

Ms. Maness served as a civil peace observer in a program that sends volunteers to different Mexican communities and other countries where threats and human rights abuses abound. The observers live in the community and are positioned to help stop and document any ongoing human rights abuses. Ms. Maness reported on the increased military movement she witnessed in her community. Her observations alerted her organization and the community to impending danger.

+ London, England & Washington, D.C. (2003)

Ms. Ayoyemi Lawal, an LL.M. student from Nigeria, interned in two countries working on domestic and international death penalty issues: (1) the Centre for Capital Punishment Studies at the University of Westminster in London; and (2) the Public Interest Litigation Clinic (PILC) in Kansas City, Missouri.

The Centre for Capital Punishment operates an internship program that places British students in various countries, including the United States, and African and Caribbean countries. Ms. Lawal traveled to London to participate in the Induction Training Sessions organized before the British students departed for their overseas internships. While in London for several weeks, Ms. Lawal researched capital punishment law in preparation for her internship in Kansas City. She also researched clients' familial histories.

At the Public Interest Litigation Clinic (PILC) in Kansas City, Missouri, Ms. Lawal tracked cases and interviewed clients. She also devoted great energy to digesting a fifty volume set of transcripts of one of the center's clients. Though the defendant in that case wished to be executed, his mental state and ability to make such a decision were in question. While at the center in Kansas City, Ms. Lawal celebrated the release of Mr. Joe Amrine who became a free man after 26 years of unjust imprisonment.



Justin Glon, 2003 Intern

⑤ Pretoria, South Africa & London, U.K. (2003)

Mr. Justin Glon worked with two NGOs advocating human rights of HIV/AIDS victims: (1) the Centre for the Study of Aids at the University of Pretoria in Pretoria, South Africa and (2) the Terrence Higgins Trust, in London. The Center's pri-

mary focus is extensive and in-depth research on HIV/AIDS and related issues. The Terrence Higgins Trust focuses on the provision of legal services to HIV/AIDS victims, education, and other projects.

Mr. Glon's research in Pretoria centered on how stigma relates to the enumerated rights that surround HIV/AIDS in South Africa. He also researched legislation regarding private medical schemes. He studied the medical benefits that were being provided and compared them with medical care deemed necessary by the international community. This resulted in a research proposal and its acceptance for a grant.

At the Terrence Higgins Trust in London, Mr. Glon worked with solicitors in the immigration sector of the organization. He researched whether non-UK citizens living with HIV/AIDS in England, who risk removal from the country, can receive better care in England than in their home country. Drawing on the European Convention on Human Rights, his THT legal team showed that sending these victims back would be inhumane treatment and torture since their chances of survival would be drastically reduced back at home.

⑥ Pune & Mumbai, India (2003)

Ms. Varsha Dhumale worked for two NGOs in India: (1) the Society of Friends of Sassoon Hospital (SOFOSH); and (2) the India Centre for Human Rights and Law (ICHRL). SOFOSH, which is located in Pune, operates an adoption center and contends primarily with legal issues related to adoption in India. Ms. Dhumale evaluated the "Hindu Adoption and Maintenance Act, 1956 (HAMA)."

Ms. Dhumale drafted an inter-country adoption proposal for SOFOSH and another Indian NGO, and it will be submitted to the Indian government.

The ICHRL in Mumbai, Ms. Dhumale's second internship site, offers legal aid to the poor. Ms. Dhumale reviewed the work and the history of India's National Human Rights Commission and she assisted on the notorious state sanctioned Gujarat Communal Killing case. The ICHRL, representing the victims, is bringing a suit against the prosecutors of the Gujarat cases.

⑦ Republic of Trinidad and Tobago (2003)

Ms. Aver Oliver-Nicholas interned at the Ministry of the Attorney General and Legal Affairs, Human Rights Unit in the Republic of Trinidad and Tobago. She helped prepare the Trinidadian government's submission to the United Nations committee that oversees implementation of the Convention on the Rights of the Child. The almost five hundred page document – Trinidad's Second Periodic Report to the Committee – was submitted to the United Nations at the summer's end.

Ms. Oliver-Nicholas also worked on a human rights education project to educate various sectors of the government on human rights issues. She produced a publication that contains information on various international instruments for use by the judiciary, parliament, prisons, and the police.

Ms. Oliver-Nicholas participated in several workshops, including those related to the Inter-American System of Human Rights and the Promotion and Defense of the Rights of the Child. She met with Marta Altolaguirre, the president of the Inter-American Commission on Human Rights and Ms. Susana Villaran, the Special Rapporteur on the Rights of the Child. The Attorney General of the Republic of Trinidad and Tobago, the Honorable Glenda Morean, presented her with a certificate for her participation in the workshop.

⑧ Washington, D.C. (2003)

Mr. Simon Si, an LL.M. student from the People's Republic of China, interned at the Laogai Research Foundation in Washington D.C. One of the founding directors of the NGO is Dr. Harry Wu, one of China's most notable dissidents who spent many years as a prisoner in one of China's many forced-labor camps. The NGO was originally founded to shed light on such camps.

The Laogai NGO has expanded its work to include other human rights violations, such as religious persecution, organ harvesting and coercive population control policies. Mr. Si researched the rights of defendants who have been illegally detained and arrested by the Chinese government. Mr. Si concentrated his research on four Chinese

men who were charged with illegally forming the "New Youth Society," and allegedly publishing literature on the web that could allegedly jeopardize the power of the state.

⑨ Washington, D.C. & Lima, Peru (2003)

Ms. Lisa Koop interned with (1) the United Nations High Commissioner for Refugees ("UNHCR") regional office in Washington, D.C.; and (2) the Asociacion Por Derechos Humanos in Lima, Peru. At the UNHCR, Ms. Koop assisted on a report critiquing the expedited removal process in the United

States. The UNHCR is concerned that refugees and asylum seekers who arrive in the U.S. without proper documents are being deported by the Department of Homeland Security.

The UNHCR office in Washington is also the Caribbean regional office. The lack of law for refugees and asylum in the Caribbean allows the UNHCR to play a much larger role in these countries, determining if individuals qualify as refugees. Ms. Koop reviewed several asylum cases and drafted recommendations.

In Lima, Peru, Ms. Koop was assigned to the Social and Cultural Rights Division at Asociacion Por Derechos Humanos, which seeks to have the Peruvian government recognize social and cultural rights in addition to civil and political rights. Ms. Koop reviewed the Peruvian Health Code and gave a presentation in Spanish on her findings to a group of Peruvian lawyers.

She also assisted in organizing an event that brought together youth from around Peru. The event encouraged young adults to think about appropriate human right responses to the Peruvian Truth and Reconciliation Commission report which at the time was days from being released. ■



Varsha Dhumale, 2003 Intern, and the children she worked with at the Society of Friends of Sassoon Hospital in Pune, India.

IU Human Rights Law Interns Around the Globe - 2002

During the 2002 Summer, PIHRL placed 6 human rights interns around the globe. Following are a few words about the interns and their experiences.

① Accra, Ghana (2002)

Ms. Jacqueline Ayers worked as a legal intern at the Legal Resources Centre (LRC), a non-governmental organization based in Accra, Ghana, that provides human rights education and legal aid within the community. Ms. Ayers facilitated projects promoting a



Jacqueline Ayers (front row, 2d from left) pictured with fellow interns from Harvard Law School and the University of Ghana.

healthier relationship between the police force and the community, based on cooperation and respect.

The relationship between the local community and the police force has been strained because of the numerous human rights violation charges that have been brought against the police. Ms. Ayers met with Ghanaian government officials, military commanders and youth leaders. She conducted a comparative study of justice systems around the world and drafted proposals and recommended amendments to the existing system. Ms Ayers also assisted in amending the juvenile justice system in Ghana.



Carrie Harmon with Professor Kenny Crews (left) and her family (right), at the 2002 PIHRL Internship Pre-Departure Reception

② Belfast, Northern Ireland (2002)

Ms. Carrie Harmon worked for the Northern Ireland Council for Ethnic Minorities (NICEM), a non-governmental organization based in Belfast, Northern Ireland. NICEM is an umbrella organization that represents Northern Ireland's ethnic minority organizations.

Ms. Harmon was assigned to the asylum unit that works to assist asylum seekers and

non-asylum immigrants who are seeking to gain status under UK immigration law. Her tasks entailed meeting with clients, accompanying them to interviews with the Home Office, and assessing the validity of the applicants' claims. Ms. Harmon also wrote letters to the Home Office requesting that priority be given to particularly urgent cases and contacted other human rights centers and offices of local Members of Parliament to gain support for her clients.

③ Belize City, Belize & San Jose, Costa Rica (2002)

Mr. Robert Masbaum interned at two NGOs in Central America. He worked for: (1) the Society for the Promotion of Education of Research (SPEAR) in Belize City, Belize; and (2) Casa Alianza in San Jose, Costa Rica.

SPEAR is a resource center frequented by students and government officials who seek information regarding national political issues. Mr. Masbaum's projects were centered on preparations for the 2003 prime ministerial elections. He summarized points of contention from the 1997 Belizean prime ministerial debates and analyzed them by incorporating international human rights law instruments.

At Casa Alianza, which is dedicated to rehabilitating and defending homeless street children in Latin America, Mr. Masbaum conducted legal research, wrote legal memoranda, and translated press releases. Mr. Masbaum continues to assist Casa Alianza in their legal research. He returned to San Jose, Costa Rica in 2003 and 2004 to continue to work with Casa Alianza. In addition, he traveled to Monaco to participate in a conference related to rights of the child.

④ Prague, Czech Republic (2002)

Ms. Jennifer Pyclik worked for two different organizations in the Czech Republic. First, she worked for the Human Rights Coun-



Jennifer Pyclik at the Czech Helsinki Legal Counseling Center for refugees in Prague, Czech Republic.

cil, which is an agency of the Czech federal government. Second, she worked for the Czech Helsinki Counseling Center for Refugees, an NGO. At both organizations she performed in-depth legal

research, the results of which will ultimately assist in an easier legal transition for the Czech Republic when it enters the European Union ("EU").

At the Human Rights Council, Ms. Pyclik researched legislation and policies of EU nations pertaining to domestic violence and sex trafficking. The Council hopes to persuade the Czech government to adopt domestic abuse laws that are currently absent.

The Refugee Counseling Centre is an NGO that provides social and legal counseling to asylum applicants. It also lobbies for legislative changes to improve the possibility of asylum seekers being granted asylum, and to improve the quality of their lives during the asylum process. Ms. Pyclik conducted a comparative study of the asylum laws of individual EU countries and the proposed common asylum laws of the EU to the current Czech asylum law. The study identified areas in which Czech laws needed to be aligned with EU law.

5 **Pristina, Kosovo (2002)**

Ms. Teresa Knight interned at the Office of the Prime Minister of the Provisional Institute for Self-Government of Kosovo in Pristina, Kosovo. On a collaborative project with intern Katherine Hendrix, they assessed a higher education bill to determine whether it complied with the constitutional framework of Kosovo that integrates European Union ("EU") and international human rights law standards. She was charged with identifying clauses within the bill that appeared to conflict with each other. She also attended daily meetings led by the chief international officer to the Prime Minister.



2002 Interns Katherine Hendrix (left) and Teresa Knight (right) in Pristina, Kosovo.

Ms. Knight analyzed an administrative directive concerning the Kosovo Civil Service. In her research and recommendations, she drew upon the knowledge she had gained about international human rights conventions, Kosovo's history, and legislation from numerous other projects upon which she worked.

6 **Pristina, Kosovo & Geneva, Switzerland (2002)**

Ms. Katherine Hendrix interned with two different organizations in Europe: (1) the Office of the Prime Minister of the Provisional Institute of Self-Government of Kosovo in Pristina, Kosovo (along with co-intern Teresa Knight); and (2) the United Nations Office of the High Commissioner for Human Rights in Geneva, Switzerland.

In Kosovo, as legal aids, Ms. Hendrix and Ms. Knight reviewed a higher education bill to ensure that it complied with the constitutional framework of Kosovo that integrates European Union ("EU") standards and international human rights law standards. She also attended daily meetings led by the chief international advisor to the Prime Minister.

For the anti-discrimination unit where she was assigned at the UNHCHR in Geneva, Ms. Hendrix summarized allegations of ra-



Teresa Knight (2nd from left) and Katherine Hendrix (3rd from right) meet with co-workers from the Office of the Prime Minister in Pristina, Kosovo.

cial discrimination in several countries and the issue of ethnic conflict in Guyana for Mr. Daniel Atchebro, the UN Human Rights Officer assigned to the Special Rapporteur on Racism. Ms. Hendrix also worked on preparation for tolerance seminars and issues related to youth, which were part of the anti-discrimination unit's charge in the implementation of the Durban Program of Action as the follow-up to the 2001 World Conference on Racism. ■



Program in International Human Rights Law Mission Statement

- 1) to further the teaching and study of international human rights law;*
- 2) to promote international human rights law scholarship;*
- 3) to assist human rights governmental, inter-governmental and non-governmental organizations on international human rights law projects; and*
- 4) to facilitate student placements as law interns at international human rights organizations.*



The Human Side of Human Rights: Work in Belfast, Northern Ireland

By Carrie Harmon

Introduction

I worked for 11 weeks in the 2002 summer in Belfast, Northern Ireland for the Northern Ireland Council for Ethnic Minorities (NICEM). NICEM strives to implement equality throughout all of Northern Ireland, and influences local and national government to enforce the Equality legislation passed in Northern Ireland as a result of the cease fire and the Good Friday Agreement. The member groups of NICEM represent the vast mixture of ethnicities and races flourishing in Northern Ireland.

NICEM is divided into two separate units, the equality unit and the asylum unit. I worked for a solicitor, Sharon Dillon, who helped asylum seekers and non-asylum immigrants gain status under UK Immigration Law. Most of my time at NICEM was spent with individual clients.

UK Asylum Process

The UK asylum process is governed by domestic and international legislation. The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) of 1950 was adopted into domestic legislation with the Human Rights Act of 1998, rendering the ECHR binding under domestic law.

Upon landing on UK's shores, asylum seekers must present themselves to the authorities, lest they become illegal entrants. In reality, few asylum seekers present themselves instantly. Many asylum seekers arrive clandestinely on lorries (semi-trucks) or are smuggled in boats. Once these clandestine entrants land, they usually contact one of the minority groups in the area. If one of these groups is a member group of NICEM, the group will send the asylum seeker to NICEM in order to start the asylum process. Throughout the asylum process, NICEM offers a full support system, with caseworkers available 24 hours a day, seven days a week.

Establishing Route and Reason

An asylum seeker's route is essential in the asylum application. The Dublin Convention holds all signatories responsible for asylum seekers who travel to a particular country first. If an asylum seeker flees from Albania, stops in France for a few days and then applies for asylum in the UK, he will be sent back to France to apply for asylum there. In order to establish point of entry and route from the country of origin, an asylum seeker has a screening interview immediately after contacting the immigration officials.

When an asylum seeker arrives at NICEM, the caseworker will write a letter notifying the local immigration office of the person and his claim. Then a letter comes back to the caseworker letting her know when the asylum seeker's screening interview is scheduled. The caseworker then assigns a solicitor from the local net-

work of solicitors who work with immigrants. I assisted a solicitor from the network and who happens to be housed with NICEM. The solicitor then contacts the client, who has been put on government support, usually a stipend of 25 pounds a week and given emergency housing in a local hostel. While I accompanied my clients to their interviews several times, a solicitor may choose to attend it or not.

Interview and Appeals

During the screening interview, the immigration officer establishes who the person claims to be, their route to the UK from the country of origin and their reason for fleeing. During this interview, the solicitor is not allowed to speak, which I found difficult, especially when my clients would tell the immigration officer a different story.

After the screening interview, the asylum seeker is given a picture identification paper, which he can use to claim his governmental support at the post office. He also is eligible for long term housing, usually in a home with other asylum seekers from the same country.

After a few weeks, the Home Office (UK's governmental body that deals with immigration) sends the client and his solicitor a packet of forms and claim instructions to be sent in within ten days of receipt. The solicitor must then arrange for a translator if necessary (at the government's expense) and fill out the claim form, which basically establishes the asylum seeker's claim. The form must show that the asylum seeker suffers from persecution in his country of origin and he could not rely on his own government for protection.

After the claim has been made, the Home Office arranges for another, more in-depth interview. In Belfast, the nearest place for second interviews is Liverpool, which can only be reached by an eight-hour ferry ride or a one-hour plane ride. This presented numerous difficulties, as the government will not pay the solicitor's travel expenses. Many asylum seekers are traumatized by their flight from their countries of origin, and traveling alone is not an option. This issue was being fervently discussed with local and national authorities when I left.

I have learned that the second interview is a painful experience for the applicant and, in some cases, is traumatic. The interviewers will yell, accuse the applicants of lying, and try to deceive the applicants into declaring themselves as economic immigrants. Consistency is the primary factor in the immigration officer's decision to grant applicants asylum. During the interview the asylum seeker



Carrie Harmon, 2002 Intern

See "Human Side" page 17

must remember what he said on the original claim form mailed usually a month or two prior. If the story is not consistent, the applicant will most likely fail.

The Home Office is notoriously backlogged and initial decisions can take from one to six months. Most of the decisions are negative. An applicant can either voluntarily return to the country of origin, wait it out and be deported, or appeal the decision. All of my clients chose to appeal.

With the negative decision, the government sends an appeal packet to the applicant. The appeal must also be lodged within ten days of receipt. The solicitor must arrange for an interpreter and have the client come in to fill out the form. All the reasons for the flight must again be listed as well as any additional information that may help the client's case, such as news from the country of origin. Also, in the appeal, the solicitor must lodge all complaints of breaches of human rights under binding conventions (usually the ECHR). The appeal is the last chance to raise new issues in the claim for asylum. If something is accidentally or negligently left out, it can never be asserted for the client.

The government claims that appeals take an average of six weeks; however, many of my clients had been waiting for much longer. Around 30% of asylum decisions are overturned on the first appeal, which indicates the government's tendency automatically to reject most claims for asylum and to overturn them upon second inspection by an immigration tribunal.

If the appeals decision is also negative, the client has one more chance to appeal. NICEM does not file these appeals, as they require much more work with research and supporting precedent that must be cited. NICEM refers these clients to the Law Centre of Northern Ireland (LCNI).

NICEM still maintains contact with the client since it sponsors other projects such as English language classes, volunteer programs for children, weekend retreats and also a soccer team. Through all of these community events, NICEM furthers its goal of immediate integration of asylum seekers. Many entities of the government believe integration should wait until the asylum seeker's application has been approved and they become accustomed to British society and culture. A new immigration bill currently in parliament proposes to do this by keeping asylum seekers in accommodation centers until their claims are decided. However, NICEM believes immediate immersion into the society is best for both the asylum seekers and the host community.

My Clients in Belfast

My main responsibilities at NICEM were my clients. On my first week I learned what everyone did and how to survive in the hectic office environment. During my second week, Sharon introduced me to my first client, who, to protect his identity, I will call "Ben". Ben was not an asylum seeker, though when he first arrived in Belfast he may have had a claim. Ben came from a Southern African country and had been living in the UK for 17 years. During his illegal stay in the UK, Ben got married, fathered a child, earned a degree in nursing and, at the time I met him, was finishing up a degree in microbiology. Ben never applied for government support,

paying for his education and supporting his then ex-wife and child by working illegally for cash.

The authorities caught on to Ben's presence in the UK. Naturally, since making a life for himself in the UK, he wanted to stay. He filed for indefinite leave to remain (ILR) under the Regularization Scheme for those who overstay their visa. It is a sweeping piece of legislation legalizing illegal immigrants who had been in the UK and had established community and familial ties to the UK.

Ben had applied for ILR two years prior to my arrival. When I met him, he came to NICEM to inform Sharon of a change in his circumstances: he had been diagnosed with AIDS and his kidneys were failing. Sharon and I amended his application for ILR, citing the Article 12 Right to Healthcare contained in the 1976 International Covenant on Economic, Social and Cultural Rights (ICESCR). We agreed that should he be removed to his home country, he would no longer be able to receive adequate healthcare. We sent a fax to

the Home Office notifying them of the change in circumstances.

Ben had three viable human rights arguments in his favor under the international and domestic law instrument provisions: the ECHR Article 8 Right to Family Life; the ICESCR Article 13 Right to Education; and the ICESCR Article 12 Right to Healthcare.

The next week Ben came in with a tracheotomy and another complication in his case: his son in his Southern African home country was dying of an illness. Ben wanted to go and see his son before either of them died. Unfortunately, if Ben left the country, his claim would immediately become void. If he gained entrance back into the country, he would have to start his application process again. Also, the Home Office had his travel documents, so he could not even buy a plane ticket if he wanted to. I wrote to the Home Office notifying them of the urgency of this particular case and asked them to expedite his case. I received no response.

I wrote again the next week, stating the same as the previous letter. Again, I received no response. I wrote the following week again. No response. In the fourth week I called a contact I had at the Northern Ireland Human Rights Centre and told her about Ben. She agreed to take the case on and to write a letter claiming a breach of human rights on Ben's behalf. Neither of us received responses.

I wrote again in the fifth week. No response. Sensing a pattern, I faxed them the entire file on the sixth week, along with a very strong letter claiming breaches of numerous human rights. Again, no response. I wrote a letter every week until the ninth week.

Ben came in during the tenth week. His son had died. He asked if he could go home to bury his son, and I said that I would write another letter. I called his local Member of Parliament because the only official the Home Office will listen to is the MP. I got Ben an appointment with his MP. I also called the Human Rights Centre and told them about Ben's son. They instantly got on the phone to call the Home Office, which can take hours of waiting. I had tried to call several times, but never got through to anyone.

After his meeting with the MP, Ben came into the office to tell me what had happened. The MP had called the Home Office and had gotten through on a different line. The woman on the phone

"Each of my clients had a story; and all of the stories were testaments to the strength of the people I helped and their determination to survive."

--Carrie Harmon

See "Human Side" on page 24

HUMAN RIGHTS OPINION PAGE

Human Rights & Spiritual Freedom: Conscientious Objection

By Vladimir Cebovic, (LLM, 2004-2005)

Introduction

A foundation of the modern system for the protection of human rights is the concept of an autonomous and rational human being, capable and free to think independently and to form and change beliefs, convictions and opinions. These concepts are enshrined in international human rights law instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the American Convention on Human Rights, the European Convention on Human Rights, and the African Charter on Human and Peoples' Rights,¹ all of which proclaim principles of nondiscrimination and equality before the law, and the right to freedom of thought, conscience, religion and belief. These basic freedoms have consistently been under attack by totalitarian and authoritarian systems and their Orwellian freedom police and ministries of truth. This article discusses human rights and spiritual freedom in the context of international human rights norms as regards conscientious objection.

Conflict with Conscience: Compulsory Military Service

A person comes into conflict with his conscience if the law imposes a duty to do something which is opposing to his beliefs. Does one have the right to refuse to fulfill such an obligation?

This question is especially current with the issue of compulsory military service. For many years in many contexts there have been people whose religious and philosophical beliefs forbid carrying arms or killing under any circumstances.² In some countries, military service refusal is a basis for criminal charges,³ even because of conscientious objection.⁴ Because served sentence was not a basis for military service exemption, many young people have been sentenced again and have spent their best years in prison.

After World War II, governments of many countries realized that conscientious objection for some people is so powerful, even when not motivated by religious beliefs, that it cannot be eradicated with repressive measures. Legal theory offered a solution in cases in which if someone opposes carrying arms, that person could serve his country in some other, different way. Initially, that alternative service was military service with no arms, but soon it was realized that it was better to refer young people to unattractive, but useful jobs, such as working with diseases or natural disasters. However, there was concern that many would try to avoid compulsory military service by using false claims, so efforts were made to examine sincerity and authenticity of religious and other beliefs. This was not easy, since one always has a right to change his/her opinions and beliefs, and it would be difficult to detect the real reasons for those changes.

Generally, service for conscientious objectors can last longer (in most cases twice as long) than regular compulsory military service, so that it would lose its attraction for those merely wanting to avoid service.⁵ However, some courts, like the Constitutional Court in Italy, found that longer service with no arms is discriminatory.

When deciding the merits of a conscientious objection, it is forbidden to differentiate between people of different beliefs. But, experience has shown that religious beliefs are most respected and taken into consideration. Candidates' claims that they will not carry and use arms because of secular reasons (e.g., if they are against a specific war or against war in general) have been often rejected. Some countries give preference to only some religious sects because their followers have demonstrated outstanding persistence and asceticism in other areas as well.

Non-military Conscientious Objection in Professional Duties

Conscientious objection can be claimed in regard to some professional duties. Some doctors, for instance, refuse to do abortions as this is against their belief in the right to life. Some legislation regarding abortion considers such situations and allows, under certain circumstances, medical staff to refuse to participate in such operations.

Conclusion – Human Rights Implications

Within a discussion of conscientious objection, issues relating to the meeting of abstract norms and social and political realities are of particular importance. The need to reconcile conscientious objection (and spiritual freedoms as a broader category) with the interest of society and of individuals merits a careful study. International human rights law, in the form of binding international human rights law instruments and customary international human rights law norms, offers guidance in solving great conscientious objection debates, in particular as they arise in the context of national security and a war on terrorism. In the resolution of conscientious objection issues, the international human rights norms of freedom of thought, conscience, religion, belief and opinion must not be compromised. ■

¹ See, e.g., Universal Declaration of Human Rights, Articles 2, 18 & 19; International Covenant on Civil and Political Rights, Articles 2, 18, 19; American Convention on Human Rights, Articles 12 & 13; European Convention of Human Rights, Article 9, 10; and the African Charter on Human and Peoples' Rights, Articles 8 and 9.

² For a discussion of American cases, see Ronald D. Rotunda & John E. Nowak, "Treatise on Constitutional Law", Vol. 15, 3d. (1999) West Group, § 21.9

³ For example, Israel jails individuals who refuse to perform military service for reasons of conscience. See Israeli Defence Service Law, Section 46(a) (making it an offence punishable by up to two years' imprisonment for refusing military service).

⁴ See 1997 Report of the Secretary-General (E/CN.4.1997/99) (with reference to B. Horeman and M. Stolwijk, "Refusing to Bear Arms: A World Survey of Conscript and Conscientious Objection to Military Service", War Resisters' International, Sept. 1998)

⁵ In Finland, conscientious objectors can choose to do 13 months in lieu of military service of six to twelve months. Those who refuse to do either are sent to open prison where they work and study for a period of six months. In Germany, instead of the nine months mandatory military service, objectors may do civilian substituted service for ten months. For more information see <http://en.wikipedia.org/wiki/Conscription>.

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law, international human rights law and UNMIK regulations all apply in Kosovo.

Organization for Security and Cooperation

Our next assignment was to review the Organization for Security and Cooperation in Europe's (OSCE) Ninth Minority Assessment for Kosovo. The OSCE is a "pillar," or department, in the UNMIK government, which focuses on democracy building and election monitoring. The Minority Assessment reports, designed to assess and comment on the situation of minorities in Kosovo, were issued periodically by OSCE. Our assignment was to analyze the report and to recommend action for the PISG to take. Because many of the areas addressed in the report were ones upon which only the UNMIK government could act, our commentaries were limited. We reviewed each of the recommendations and the extent of the local government's authority to act. In so doing, we cited international and regional covenants where applicable.

We attended meetings when there was no new proposed legislation to review. This provided me with the opportunity to meet new people and to get involved in other projects. For example, by talking to the Acting Head of the Office on Communities (an office under the Prime Minister that works with minority communities), Baki Svirca, I was able to attend a working group on internally displaced persons that was sponsored by United Nations High Commissioner for Refugees (UNHCR). This opportunity furthered my understanding of the situation in Kosovo and of that region and the various challenges they were facing.

Minority Protection Project

After co-intern Katherine Hendrix left to work in Geneva Switzerland at the United Nations Office of the High Commissioner for Human Rights, I worked frequently with Baki Svirca. Together, we went to municipalities to survey the structures in place to protect minorities. Our assessment was viewed in conjunction with the Minority Assessments in order to provide a more comprehensive picture. Regulations provided for two local municipal bodies to protect minority rights—the Communities Committee and the Mediation Committee.

I was introduced to a bright and dedicated Albanian law student, Brikena Muharremi, who worked with me on the project. She supplied me with the cultural background that I lacked. Additionally, she told me about her personal experiences from the war. For example, she shared with me that she left Kosovo to seek asylum in the U.K. because her father had been active in local Albanian politics. Brikena Muharremi's arrival marked another opportunity to integrate with the community and ultimately expand my knowledge about Kosovo.

We were informed that our assessment of minority structures was to be integrated with other minority assessments being done by the OSCE and U.N. pillars of the UNMIK government. OSCE was

conducting an assessment entitled "Minority Voices." This was to be a grassroots survey of minorities in many of the municipalities. The U.N. had Offices of Communities in most municipalities. While these offices were not part of the local municipal government structure, they were a source of valuable information and resources within the municipalities.

The meetings with the U.N. and OSCE staff were an interesting study in power, cross-cultural exchange and politics. One group consisted of Albanians, Americans, a Macedonian, a Serbian, an Irish, and a Spaniard. This diversity resulted in an interesting interpersonal struggle. The U.N. perception seemed to be that they were doing us a favor. The Albanian from the PISG and the Romanian from OSCE seemed to conflict due to cultural differences. Negotiating in such meetings honed my skills for careful, considerate, and reflective conversations.

The minority project provided an opportunity to see other parts of Kosovo and to interact with people outside the capital. In Prizren, we conducted our interview with the vice-president of the municipality, a woman who left a lasting impression on me. She informed me of their goals and the reality of the situation. In Gjakova, the municipal president and the Office of Communities' representative

told us that the Communities and Mediation committees did not exist. There was in-fighting within the minority groups. Threats had been made, and the locals, whether minorities or Albanians, were taking sides. In municipalities with small minority populations, I was told that minorities were well integrated and had only recently established their own political parties. I left wondering if the minorities actually felt integrated or if they were such a small percentage that they feared to speak out. It was my hope that the OSCE "Minority Voices" report answered these questions.

I visited Dragash, the smallest, and perhaps most remote, municipality. There, the Gorani (a Muslim Slav group) constitute a large minority (less than 25% of the population). On a

hot July afternoon in an un-air conditioned room, we met with the President and Vice-President of the municipality, the Communities Committee head, the Office of Communities representative, and the U.N. representative from Prizren. The weather was not the only thing that was hot. The conversation quickly became a debate that escalated to an intellectual "brawl." The Gorani protested that they were not informed about anything. The Albanians produced documents they said had been sent to all assembly members. I had the feeling that the two sides not only spoke different languages, but also attended different meetings.

Kosovo Civil Service

Another of my duties was to analyze an administrative directive concerning the Kosovo Civil Service. Because this was my last assignment, I felt well prepared to work on this document. This is especially true because earlier in my internship I attended a meeting on the Civil Service working group's results. Additionally, I reviewed a recommendation that this working group had made to

"Another of my duties was to analyze an administrative directive concerning the Kosovo Civil Service. ...This was the crowning achievement of my internship because it was a physical representation of all that I had learned and accomplished during my time in Kosovo."

--Teresa Knight

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the head of the UNMIK government, Michael Steiner. Brikena Muharremi and I spent several days reading, discussing, and researching the recommendations that we would make. Brikena Muharremi wrote the recommendation in Albanian and I wrote it in English. This was the crowning achievement of my internship because it was a physical representation of all that I had learned and accomplished during my time in Kosovo. I felt confident that it reflected the progress I had made in understanding human rights conventions, the applicable law and historical background of Kosovo, and the cultural norms.



***Teresa Knight,
2002 Kosovo
Intern***

Lessons Learned & Conclusion

I learned a great deal from this internship. It taught me that language barriers could present problems. For example, because of the language difference, Katherine and I were unaware that we were invited to a meeting where one of our assignments (that we had carried out diligently) was discussed. Consequently, we did not attend that meeting. Another striking lesson and cultural component about working in Kosovo was the informality with which issues were discussed and tasks were accomplished. Our daily coffee breaks illustrated this. Each morning after our cabinet meeting, the available staff would take a coffee break at the cafeteria in the building. As the internship progressed, I came to realize that much of the office “business” was conducted during these coffee breaks. I gradually concluded that a person could attend every scheduled office meeting, and then sit in his/her office working, only to miss the most important information if they did not go out for coffee.

Overall, this internship increased my knowledge and understanding of the history of the conflict in Kosovo, various aspects of the regional culture, the dynamics of a territory governed by intergovernmental and local entities, and the practical application of international human rights law theories and instruments to the regional issues. The experience was invaluable, eye-opening and rewarding, and I recommend that future interns consider Kosovo as a placement for future interns. ■

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her home country, and the opportunity to speak to them was as educational as any classroom course.

I spent a significant amount of time drafting letters to the clients I met in order to follow up on client interviews. These letters detailed NICEM’s policies regarding immigration advice and confidentiality, and outlined important documents the client would need to prepare for me to continue with their specific requests. The level of client interaction I experienced while at NICEM was one of the most rewarding aspects of my internship.

Outside of Work

I took advantage of numerous opportunities to attend conferences held in Belfast on issues unrelated to my specific work at NICEM. I attended lectures and conferences on the development of a Bill of Rights for Northern Ireland, and on capacity building exercises for ethnic minority groups. One of the more gratifying lectures I attended was a lecture given by Justice Beverley McLaughlin, Chief Justice of the Canadian Supreme Court. Justice McLaughlin held a series of lectures concerning Canada’s success in drafting a Bill of Rights and offered useful advice to political and human rights leaders in Northern Ireland in their effort to draft a comprehensive Bill of Rights for Northern Ireland.

Final Thoughts

I gained unparalleled practical work experience at NICEM. I am grateful to the Program in International Human Rights Law for giving me an opportunity to intern in Northern Ireland and to contribute to the work of NICEM. I have learned a great deal about a region that has weathered a storm of “troubles” but is facing entirely new challenges with each passing day. However, it is only with the help of organizations like NICEM that effectively raise these issues to the level of public debate and awareness that Northern Ireland will adapt to its position in the UK and the international community. The individual staff members who keep organizations like NICEM running deserve recognition for their tireless efforts to continue to fight for the under-represented. It was a pleasure to work with the staff at NICEM and to draw from their wealth of knowledge. ■



2003 - 2004 LL.M. Students

(Left) Students participating in the LL.M. in American Law for Foreign Lawyers at Indiana University School of Law at Indianapolis (2003-2004). In the Fall of 2004, the Law School will offer an LL.M. in International Human Rights Law. This Master in Laws track will be available to both domestic and foreign students. The Program in International Human Rights Law website contains information and application materials and can be visited at www.indylaw.indiana.edu/humanrights. For additional information about this program, please contact Professor Edwards at gedwards@indiana.edu.

Amnesty International Student Chapter

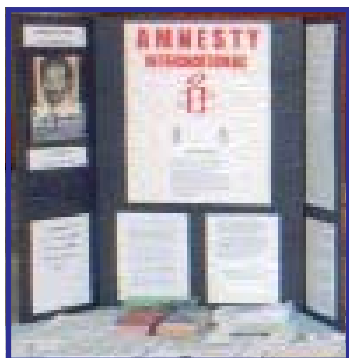
By Tom Benner

Introduction

The members of the law school's Amnesty International USA chapter meet twice a month throughout the school year. Through Amnesty's Urgent Action program, members write letters on behalf of victims and potential victims of various kinds of human rights violations in many parts of the world. Students also participate in more geographically-focused actions through the group's membership in a Regional Action Network for Central America. The group has joined the Just Earth Network, which helps to defend those who campaign peacefully to protect their nations' environment from human rights abuses.

Human Rights & Public Service

Throughout the course of a year, the group participates in many law school events, such as the Human Rights Fair sponsored by the International Human Rights Law Society. The group participates in the National Week of Student Action, in which a number of group members staff a table for several hours each day, collecting petition signatures and letters and raising awareness about various issues, one of which is the murders of several hundred young women in the state of Chihuahua, Mexico.



Amnesty International Table at the Human Rights Fair

Outside Events

Beyond the boundaries of the law school, the group has participated in events related to legislative advocacy and human rights conferences. For example, some members have visited the Indiana statehouse to participate in the annual Celebrate Life rally organized by Amnesty's state anti-death penalty coordinator. One member attended AIUSA's annual Legislative Institute at the organization's Washington, DC,

office, which included meetings with other legislative activists around the country and a full day of lobbying on Capitol Hill. Other students traveled to the University of Cincinnati School of Law to attend the Joan Fitzpatrick Human Rights Conference for law students and legal professionals, where current human rights issues and pending cases were discussed.

Amnesty International - A Global Organization

Amnesty International is an independent, impartial global organization with about 1 million members and supporters in more than 140 countries. Amnesty is not affiliated with any government, political persuasion or religious creed. Its work is largely financed by subscriptions and donations from members worldwide. For more information, please contact Mr. Thomas Benner at thbenner@iupui.edu or write to rights@iupui.edu. ■



Horizon House Display at the Human Rights Fair

International Human Rights Law Society

By Jennifer Pyclik

Introduction

The International Human Rights Law Society (IHRLS) has through many varied activities actively raised awareness of human rights issues in the law school community. The student group has sponsored guest speakers, co-initiated a film series, and organized an Annual Human Rights Fair.

Guest Speakers

IHRLS speakers have included a number of individuals active in international human rights law. Maria del Carmen Carbel Navarro, a Peruvian attorney, visited the law school to speak about the final report of Peru's Truth and Reconciliation Commission. Henry Richardson III, an international law professor at Temple University, spoke on the human rights situation in Iraq. Ms. Marianne Schulze, a visiting LL.M. student from the University of Notre Dame School of Law presented three free press cases from her native Austria. The IHRLS also participated in presentations dealing with U.S. Federal Court appointees under President Bush's administration and reproductive rights in the U.S.

Film Series

IHRLS also revived the Human Rights and Social Justice Film Series. Film topics have included the refugee and asylum process in the U.S. and street children in Central America. The Film Series has become a monthly event at the law school.

Human Rights Fair

Each year in the Spring the IHRLS holds the Human Rights Fair in the Law School's Atrium. Other student groups participate by providing displays and handouts on topics, such as Women and Shar'ia Law, GLBT rights, and homeland security issues. Participating student organizations include Equal Justice Works, the Feminist Law Society, the Lambda Legal Society, Amnesty International, and the American Constitution Society. The fair also incorporates local groups that work to promote human rights in the Indianapolis community. Participating organizations have included Ambassadors for Children, Horizon House, the Neighborhood Christian Legal Clinic, Coburn Place, the Indiana Civil Liberties Union, and YETI. For more information, please write to rights@iupui.edu. ■

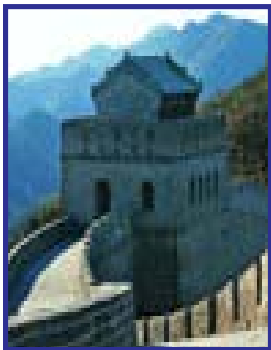
Center for International and Comparative Law

The Center for International and Comparative Law (CICL) at the Indiana University School of Law at Indianapolis is the nucleus for all of the law school's international law programs. The CICL offers study abroad programs and other international activities and internships in the following areas:

LL.M. in International Human Rights Law. The *Master of Laws (LL.M.) in International Human Rights Law* will enroll students as of Autumn 2004. The program's objective is to enhance students' knowledge of International Human Rights Law and to foster an academic environment where students can prepare for careers in this important field of law.

LL.M. in American Law for Foreign Lawyers. The *Master of Laws (LL.M.) in American Law* program offers lawyers from around the world the opportunity to learn about U.S. law and legal institutions.

LL.M. in International and Comparative Law. The *Master of Laws (LL.M.) in International and Comparative Law* program enrolls both American and foreign students to gain practical and theoretical knowledge about selected areas of international law.



China Law Summer Program. In cooperation with Renmin (People's) University of China School of Law, this program introduces students to the Chinese legal system.

European Law Summer Programs. The law school sponsors annual summer law programs both in Western Europe and in Central and Eastern Europe. The program in Strasbourg, France, conducted in cooperation with Robert Schuman University, focuses on European Union law and a comparison of different Western European legal systems.

Latin American Law Program. With the assistance of a Fulbright grant, the law school has established an educational partnership with the Institute of Latin American Integration at the Universidad Nacional de La Plata (UNLP) in Argentina. A summer study program at UNLP focuses on Latin American systems and free trade arrangements.

International Moot Court Competitions. The Center supports student participation in a number of prestigious international moot court competitions, including the *Philip C. Jessup International Law Moot Court Competition*, the *Willem C. Vis International Commercial Arbitration Moot*, the *European Union Law Moot Court Competition*, the *International Environmental Moot Court Competition*, and the *Moot Court Competition on WTO Law*.



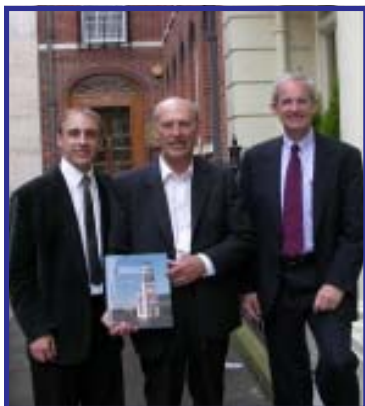
Distinguished Visitor and Judge-in-Residence Programs. Each year the Center sponsors visits by prominent scholars and practitioners who present guest and public lectures in international and comparative law. The Judge-in-Residence Program brings prominent jurists from around the globe to Indianapolis to speak with students and meet with members of the local, state, and federal judiciary.

European Journal of Law Reform. Launched in 1998, the *European Journal of Law Reform (EJLR)* provides a forum for interdisciplinary debate on proposals for law reform and the development of private and public international law in Europe. The journal is jointly edited by faculty of the IU School of Law at Indianapolis, the Institute of Advanced Legal Studies (London University), and the University of Basel School of Law in Switzerland, with the assistance of student editors in Indianapolis.

Indiana International & Comparative Law Review. The *Indiana International & Comparative Law Review (II&CLR)* is devoted to the study and analysis of current international legal issues and problems. The review is edited by second and third-year law students chosen by their academic standing and performance in a writing competition.

For more information, please contact Dr. Frank Emmert, the Executive Director of the Center for International and Comparative Law, at femmert@iupui.edu

Photo Gallery - Program in International Human Rights Law



During his internship in London, Justin Glon (l) met with Lord Justice of Appeal Sir Christopher Staughton (c) and Indiana Supreme Court Justice Frank Sullivan (r).



Upon his release, Joe Amrine, a death row inmate who was wrongfully incarcerated for 26 years, speaks to the media with his Attorney Sean O'Brien from the Public Interest Litigation Clinic (PILC) in Kansas City, Missouri. Yemi Lawal, a 2003 intern who worked on Amrine's case, attended the event and took this photograph.



Lisa Koop (far right) in Washington, D.C. with fellow interns at the United Nations Office of the High Commissioner for Refugees, where she interned in 2003.



Immigrant Workers Freedom Ride March in Indianapolis, Indiana. (From left to right) Prof. Maria Lopez, Adriana Salcedo (2001 PIHRL intern), Ruth Rivera, Lisa Koop (2003 intern), Jennifer Pyclik (2002 and 2003 intern), and Julia Maness (2003 intern).



Professor Edwards with Mr. Chang-kuk Kim, the President of the Korean National Human Rights Commission (center); Mr. Kyunghoon Minn (far right), a 2003 J.D. graduate of IU School of Law - Indianapolis; and other staff, in Seoul Korea, December 2003.



Jacqueline Ayers (left), 2002 intern, receives acknowledgement during her Ghana internship.



Professor Edwards with Professor Mohammed Buzubar (center) and other members of the Law Faculty of the University of Kuwait, Kuwait City, following Professor Edwards' lecture on human rights delivered to University of Kuwait students.



Dr. Beverly Baker-Kelly (l), former Deputy Registrar for the U.N. International Criminal Tribunal for Rwanda; Judge Navi Pillay (c) of the International Criminal Court and Professor George Edwards (r) at a National Bar Association meeting.

(Continued from page 17)

asked to speak to Ben. She told Ben that if he could get his son's death certificate, she might be able to locate his passport and give it to him before the end of the following week. However, even if left the country, she advised, he would forfeit his claim and probably would not get back into the country. She explained to him that there was nothing that could be done in order to expedite an actual decision on his case. He had been waiting two years and three months by this time. His reaction was understandably disappointed. He said nothing and handed the phone back to the MP. He left the MP's office and immediately came to NICEM's office to tell me what had happened. He used the phone to call his home country and to tell his family to go ahead and bury his son. He could not attend the funeral.

I contacted a different MP who provided no further encouragement. He said his call would only produce a similar result. I told Ben that I was sorry but there were no other avenues for us to pursue, except to continue to send daily faxes, which I did for all of the tenth and eleventh weeks. I never received a response to my faxes and letters. The day before I left, Ben came in to say goodbye to me. He thanked me for all my help, and said, “When you go home, tell people you know somebody

like me.” I relay Ben's story to everyone who asks about my experiences in Belfast, Northern Ireland.

Conclusion

Each of my clients had a story; and all of the stories were testaments to the strength of the people I helped and their determination to survive. Some clients visited frequently and others came in rarely. Some had gone through tremendous difficulties to get to Belfast and some clients who wanted to go home but could not. One client had killed a guard with a hammer because the guard was attacking his mother. Another client, who had never left her Russian village before, had been taken to a flat in Moscow and was raped, impregnated and thrown into the back of a lorry for five days and dumped on the streets of Belfast.

Though I did some research and policy work, I primarily worked with the human side of human rights. I learned who the people are that justify the policies – for example, I met a woman who changed my view on legalized prostitution. I encountered children who made me fight harder here at home for equality. My eye-opening exposure to victims of injustice and cruelty have shaped my vision of the world. I am thankful to have worked as an international human rights law intern in Belfast. ■



*Carrie Harmon with co-worker
at NICEM in Belfast, Northern
Ireland*



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