

International Human Rights Clinic 2010-2011 Activities

The International Human Rights Clinic (“IHRC” or the “Clinic”), a program of the Center for Human Rights and Global Justice (“CHRGJ” or the “Center”) at NYU School of Law provides students with an opportunity to explore multifaceted approaches to human rights advocacy in both domestic and international settings. Through Clinic projects and weekly seminars, students focus on a wide range of issues at the heart of struggles to ensure fundamental rights, substantive equality, and economic and social justice. The Clinic is not being offered in 2011-2012 but will resume in 2012-2013. For more information on the Clinic please visit:

<http://www.law.nyu.edu/academics/clinics/index.htm>.

Please find below highlights of IHRC projects undertaken in 2010-2011, and Clinic student involvement therein. For any questions concerning the Clinic please contact [Susan Hodges](#).

Business and Human Rights/Economic, Social and Cultural Rights

Business activity has a profound influence on the lives and livelihoods of people around the world. IHRC works to address this problem by exposing the enormous impact that businesses have on a wide spectrum of human rights in a variety of industries across the world, analyzing gaps in the international protection regime, and advocating for greater corporate accountability. Economic and social rights, such as the right to food, are particularly vulnerable to business-related abuse. IHRC works to expose the impact of agribusiness firms and other global actors on the right to food and related rights, and amplifies calls for greater regulation of these actors. IHRC students Sravya Boppana (JD '11), Lauren DeMartini (JD '11), Colin Gillespie (JD '11), Geoffrey Johnson (JD '11), Jimmy Pan (JD '12), and Sylwia Wewiora (JD '11) have made key contributions to our work in this area, as described below. This work has also been supported by CHRGJ Associates Jenae Noell and Jennifer Reiss.

The Business and Human Rights Documentation Project

- In June 2011, in partnership with the *International Network for Economic, Social and Cultural Rights* (ESCR-Net) the Center [launched](#) its Business and Human Rights Documentation (B-HRD) Project. B-HRD (pronounced “Be Heard”) is a multilingual, interactive web portal that provides grassroots groups, NGOs, policy makers, experts, advocates, academics, and the public at large with vital information about the human rights impacts of business activities, and much-needed advocacy tools to hold businesses accountable in the globalized world. B-HRD was developed over three years with significant participation of members of the International Human Rights Clinic, including Jimmy Pan '12, and Sravya Boppana '11. CHRGJ Associate Jenae Noell has also played a leadership role. [B-HRD.org](#) includes three major components: an *In Focus* section that highlights specific situations of abuse, as well as human rights strategies being used to hold businesses accountable; a searchable *Database* of human rights reports that document first-hand the impact of businesses on human rights; and a *Tools and Strategies Forum* that provides helpful print and multimedia tools to assist advocates in their work.
- The launch was preceded by a [preview](#) of the portal in Geneva in October 2010 where it was received with great enthusiasm by key U.N. officials and civil society leaders in the field of business and human rights. Boppana '11, Noell, and Prof. Smita Narula travelled to Geneva for the event and also took part in a private civil society consultation organized by Professor John

Ruggie, then-U.N. Special Representative on human rights and transnational corporations and other business enterprises. In July 2011, the site had its [Latin American launch](#) at the University of the Andes in Colombia.

Foreign Land Deals and Human Rights

- In October 2010, we released a report entitled [Foreign Land Deals and Human Rights: Case Studies on Agricultural and Biofuel Investment](#). The report presents four case studies that examine in unprecedented detail the human rights impact of land investments in biofuels, food crops, timber production, and carbon offsets in African and South Asian nations. The report seeks to engage with the recent surge in foreign direct investments in agricultural land in the Global South. Prompted in part by the global food crisis, state and private investors are buying and leasing millions of hectares of farmland in Africa, Asia, and Latin America. Our research indicates that these deals often lack transparency, and take place in environments that lack oversight and regulation, with potentially serious consequences for food security and human rights.
- The report was written in support of the mandate of the [U.N. Special Rapporteur on the right to food](#), Olivier De Schutter, and has to date been well received in both governmental and non-governmental forums, and in some cases by the investors themselves, as a unique and valuable research contribution to policy debates around large-scale land acquisitions. The report is based on extensive research by CHRJ Faculty Director Prof. Smita Narula and by International Human Rights Clinic students Gillespie '11, Wewiora '11, Johnson '11, DeMartini '11, David K. Deng (JD '10), and Andrea Johansson (LL.M. '10). Narula has served as legal advisor to the Special Rapporteur since 2008.
- The report launch, held at the law school on October 28, featured presentations by Gillespie and Wewiora, and by Prof. Narula and Special Rapporteur De Schutter, who authored the foreword to the report. The discussion, which was attended by members of the press, advocates, academics, and students, highlighted the need for standards of transparency and accountability to ensure that large-scale land deals do not threaten human rights and food security. That same morning, De Schutter and Prof. Narula were interviewed about the report's findings on *Democracy Now!* The link to the interview can be found [here](#).
- Deng '10, who is the recipient of our Arthur Helton Global Human Rights fellowship and a United States Institute for Peace grant, is currently in Southern Sudan on a year-long project to develop a guide to community consultations for land investments in Southern Sudan. His important work in Sudan is an outgrowth of his Clinic work on this project.
- On April 2, 2010, Prof. Narula made presentations at two conferences, on the human rights and environmental implications of foreign land investments in the biofuels and agricultural sectors. At a conference entitled *Food, Medicine, Rights: How we identify, measure, and act on the social determinants of health*, Narula presented her current research on the need for a rights-based response to the global land grab. The conference was organized by Princeton University's Department of Anthropology and Woodrow Wilson School.
- At a Yale Law School conference entitled [New Directions in Environmental Law: A Climate of Possibility](#), Narula presented the key findings of the CHRJ report *Foreign Land Deals and*

Human Rights, highlighting the rights-based and environmental consequences of these investments. The panel was co-organized and co-moderated by IHRC student Johnson '11, who helped lead a discussion identifying critical tensions within environmentalism's push for alternative fuels, and offered legal and policy tools to build alternative investment pathways.

- Also in April 2010, IHRC members Deng '10 and Wewiora '11 presented at the [International Conference on Global Land Grabbing](#), hosted by the Institute of Development Studies at the University of Sussex and organized by the Land Deal Politics Initiative (LDPI) in conjunction with the *Journal of Peasant Studies*. The conference provided a forum for the continuing debate around large-scale land acquisitions and boasted over 150 attendees. Wewiora presented the CHRGI report [Foreign Land Deals and Human Rights](#), while Deng spoke about the importance of community consultation in drafting land deals in Southern Sudan. Deng presented his recently published report, [The New Frontier: A baseline survey of large-scale land-based investment in Southern Sudan](#), which was commissioned by Norwegian People's Aid.

Farmer Suicides in India

- According to official estimates, over 240,000 farmers in India committed suicide between 1995 and 2009. The farmer suicide rate continues to be hauntingly high—it is estimated that one Indian farmer commits suicide every thirty minutes. These farmers and their families are among the victims of India's longstanding agrarian crisis.
- In May 2011, CHRGI released a report entitled [Every Thirty Minutes: Farmer Suicides, Human Rights and the Agrarian Crisis in India](#) focusing on the human rights of cotton farmers in India. The farmer suicide crisis has affected cash crop farmers primarily and cotton farmers in particular. The government has long been alerted to the problem, yet has done little to respond. The cotton industry in India is also dominated by foreign multinationals. CHRGI's report—which was researched and written by IHRC members DeMartini, Gillespie, Wewiora, and Pan, under the direction of Prof. Narula—focuses on the human rights impacts of the crisis as well as the Indian government's corresponding human rights obligations to respect, protect, and fulfill these human rights and regulate harmful corporate conduct. Prof. Narula was interviewed about the report's findings on *Democracy Now!* The link to the interview can be found [here](#).

Racial Profiling and Counter-terrorism

IHRC and CHRGI have played a leading role in identifying and documenting various ways in which U.S. counterterrorism policies target Muslim, Arab, and South Asian (MASA) communities in discriminatory ways. This year we deepened our work examining discriminatory impacts at the intersection of counterterrorism and immigration policies. We also expanded our focus to expose the ways in which federal criminal terrorism prosecutions raise serious questions about the role of the U.S. government in constructing the so-called threat of homegrown terrorism. IHRC students Caroline Burrell (JD '11), Christine Chiu (JD '11), Kibum Kim (JD '11), and Times Wang (JD '11) have made key contributions to our work in this area, as described below. For updates on our work in this area please visit [our website](#).

Documentary: Americans on Hold: Profiling, Prejudice, and National Security

- Since its release in April 2010, the CHRGI/IHRC-produced documentary [*Americans on Hold*](#) has been screened across the country as an educational and advocacy tool in academic, community, NGO, and policy-based settings. We also received a number of requests from groups seeking to use the film to open discussions about the recent surge in politically motivated Islamophobia in the country, and we are increasingly recognized as a national leader on this important issue. In November 2010, Kim '11 attended Reel Engagement, a four-day workshop hosted by Working Films and The Fledgling Fund, where he met with other social change filmmakers to discuss and exchange strategies on how best to use film as a tool for social change.

The United States' Universal Periodic Review

Also in November 2010, the U.S.'s human rights record came under review for the first time by the UN Human Rights Council as part of its Universal Periodic Review (UPR) procedure. CHRGI's concerns and recommendations related to the post-September 11, 2001 institutionalization of racial profiling against Muslim community members were prominently cited by the U.N. Office of the High Commissioner for Human Rights as part of the review process, and were picked up by US media outlets such as *Fox News*.

- In February 2011, we provided input to the U.S. Department of State regarding which recommendations stemming from the UPR process should be adopted by the U.S. Government, and how these recommendations should be implemented. With a focus on counter-terrorism and racial discrimination, we urged the U.S. to: (1) terminate the National Security Entry-Exit Registration System (NSEERS) program and related regulations, provide relief to individuals based on removal because of NSEERS, and permit immigration benefits to be given to those who did not comply with NSEERS due to lack of knowledge or fear; (2) prioritize passage of the End Racial Profiling Act in Congress; eliminate the national security and border loophole in the June 2003 Department of Justice Federal Guidance on Racial Profiling; and eliminate Department of Homeland Security programs resulting in racial profiling in immigration enforcement; and (3) audit government databases and watchlists to ensure accuracy of data and to develop effective redress for those who are mistakenly placed on or linked to the databases and watchlists. Burrell '11 took the lead on drafting and submitting the recommendations to Harold Koh, Legal Adviser of the Department of State.

Counter-terrorism, Immigration, and Discrimination

- Between Fall 2010-Spring 2011, we documented ways in which terrorism allegations and concerns have been used to prejudice, profile, and discriminate against MASA community members in the immigration context. In February 2011, we filed three separate FOIA requests asking the government to share its data, records, and case files on these issues. We have reached out to a number of lawyers, legal advocacy groups and community-based organizations, and have gathered substantial information unearthing problematic and discriminatory patterns in the way the U.S. immigration system is being used against immigrant MASA community members.

- In May we launched the report, [Under the Radar: Muslims Deported, Detained, and Denied on Unsubstantiated Terrorism Allegations](#), with the Asian-American Legal Defense and Education Fund (AALDEF) summarizing our findings through a human rights lens and calling on the U.S. government for greater transparency and reform. Based on our conversations with lawyers and community workers, we believe this report will fill an important gap in the documentation of the ways in which counterterrorism and immigration policies affect MASA community members in the form of detention, deportation, and denied and delayed visas and naturalization, amounting to serious discrimination. Work on this project has been led by Kim '11, Burrell '11, and CHRGI Senior Research Scholar and Advocacy Fellow Amna Akbar, with project support provided by CHRGI Associate Jennifer Reiss.

Counterterrorism, Criminal Law, and the Construction of the Home-grown threat

- We also documented the impact of the U.S. government's use of informants and entrapment techniques on Muslim communities and families, primarily through interviews with affected individuals. Our study raises serious questions about the role of the U.S. government in constructing the so-called threat of homegrown terrorism, and underlines the serious human rights impacts of U.S. law enforcement activities on Muslim communities and communities of color. The report, [Targeted and Entrapped: Manufacturing the 'Homegrown Threat' in the United States](#), was launched in May, presenting voices of affected families alongside human rights-based analyses of the issues, and contributing to the growing debate around anti-radicalization, terrorism prosecutions, and the consequences of the Peter King hearings. The project provides a tool to the numerous families affected by these policies who are now organizing for change. Work on this project has been led by IHRC students Chiu '11, Wang '11, CHRGI Fellow Amna Akbar, and CHRGI Consultant Beena Ahmad.

Support for Community-Based Fact Finding Initiatives

- In Fall 2010 Burrell '11, Chiu '11, Kim '11, and Wang '11 worked with DRUM (Desis Rising Up and Moving), a Queens-based community-based organization, and with CUNY Law School's CLEAR (Creating Law Enforcement Accountability & Responsibility) Project to help with preliminary work on a project to document the impact of FBI and NYPD Counter-terrorism measures on Muslim, Arab, South Asian, and Middle Eastern communities in New York City.

Caste Discrimination/Transitional Justice

IHRC and CHRGI continue to play a critical role in ensuring that Nepal complies with its international human rights obligations to secure substantive equality for Dalits and marginalized communities during this critical period in the country's transition to a constitutional democracy. We have made targeted interventions in the constitution-drafting and transitional justice processes in Nepal. Our interventions are anchored in advice and consultation from partners in Nepal on the most effective ways we can support their efforts to ensure dignity and equality for all. IHRC students Sravya Boppana (JD '11) and Times Wang (JD '11) have made key contributions to our work in this area, as described below.

Human Rights Day Statement to Nepal's Constituent Assembly

- On December 10, 2010, we issued a public statement to members of the Constitutional

Committee of Nepal's Constituent Assembly (CA), and to a high-level task force of CA Members charged with resolving various constitutional disputes. Our statement called on the CA to draft in a timely manner a Constitution that fulfills Nepal's human rights obligations. More specifically, the statement underlined the need for special measures to ensure substantive equality for marginalized communities and effective remedies for those who suffer human rights violations. The statement also called for a constitutional mandate for the National Dalit Commission and an explicit prohibition on the imposition of occupation based on caste.

- The statement was issued in conjunction with partners in Nepal—including the Lawyers' National Campaign for Elimination of Caste Discrimination (LANCAU), the Dalit Studies and Development Centre (DSDC), the Dalit NGO Federation (DNF), and the Feminist Dalit Organisation (FEDO). International Dalit Solidarity Network (IDSN) also supported our effort. With the help of our partners, the statement, which was translated into Nepali, was delivered to 70 CA members. The statement was also sent to Nepali media and was covered by the *Kathmandu Post* (see *Rights defenders call for human rights-compliant constitution*, e.Kantipur (the online version of the Kathmandu Post), Dec. 10, 2010, available [here](#)).

Nepal's 2011 Census: Human Rights Implications and Obligations

- In June 2011, Nepal undertook a massive census exercise, the first of its kind since the country's transition to a constitutional democracy. Having consulted with local partners—who view the census process as critical to ensuring equality and human rights in Nepal, but are disturbed at the lack of input into the process by Dalits to date—we issued a [human rights primer](#) on census-taking in Nepal. Our analysis underlines the essential nature of collecting accurate census data so that Nepal may fulfill its human rights obligations to work toward an equal society for all of Nepal's Dalit and other marginalized populations. Based on this analysis, we created and disseminated English and Nepali [brochures](#) outlining these obligations so that the brochures could be used broadly by Nepal's census officers, activists, international organizations, and government officials.