

International Human Rights Section

ASSOCIATION OF AMERICAN LAW SCHOOLS



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Message from the Chair

By Warren Binford

What a year! We began 2021 in a global lockdown due to the COVID-19 pandemic, causing the AALS Annual Meeting to be conducted entirely online for the first time in AALS history. Indeed, almost all our section members were forced to perform most of their professional duties—teaching, research, and service—in new ways, often characterized by states of physical immobility and isolation from students and colleagues.

At the same time, many of us became far more adept at working remotely, which facilitated our ability to collaborate across geographical barriers and helped to level the playing field across law schools with varying resources since academic travel was largely prohibited for public health reasons. Our new ways of working revealed that there are other inequities to be overcome as well, such as colleagues with busy home lives, whose focus and productivity were impacted by being unable to escape to their offices on-campus.

Message from the Chair continued

By Warren Binford, Chair of the AALS International Human Rights Section

In the midst of these challenging growth opportunities, we witnessed human rights crisis after human rights crisis, including the coup in Myanmar, the fall of Afghanistan, and the Haitian refugee crisis, among others. Members of our section tried to provide a legal framework for the world's human rights crises in our classes, scholarship, the media, academic and public presentations, courts and through direct services we provided to those affected. Time and time again, we championed the rule of law despite the distractions and disruptions all around us.

At the same time the world was changing, so was AALS. They encouraged us to rethink the way AALS sections see ourselves. They are encouraging more year-round webinars, mentoring programs, virtual social events, and awards. Thus far, we have not seen a groundswell of interest in these new opportunities, presumably because of the state of crisis that has defined so many of our lives in 2020 and 2021. Perhaps, 2022 will be different—indeed, some of our section members are already planning a webinar on “Racial Justice and Human Rights” in February 2022.

Despite these challenges, our section has continued to develop first-rate programming for the 2022 AALS Annual Meeting, which once again, will be entirely online. Our main program is titled “Is Climate Stability a Human Right?” and includes Philip Alston, Smita Narula, and Michael Garcia Bochenek. We also organized a panel on teaching human rights, “The Agony and Ecstasy of Teaching Human Rights Law in the Field” and are co-sponsoring two panels: “State Responsibility to Address Racism” with the Section on International Law and “Pandemic and the Law: Lessons from Across the Globe” with the Comparative Law Section. Details on all these programs are below.

As we move towards the final months of an extraordinary year, we encourage you to be kind to yourselves and those around you, but never forget who you are, what you do, and why you do it. It is likely that 2021 will become less “extraordinary” and more ordinary. That means that more human rights will be at risk in the years ahead and our expertise will be needed more than ever. We must make sure that we are in a position to respond to the world's needs, so stay healthy, resilient, and grounded in purpose. And never forget that you have an entire community here to support you.

International Law and Human Rights 20 Years after 9/11

By Tom McDonnell, Chair Elect of the AALS International Human Rights Section

In the two decades after the 9/11 attacks, the international community has witnessed the resulting wars in Afghanistan, Iraq, Libya, and Syria, the 2008 global economic crisis, unprecedented climate change, and the Covid pandemic. According to the UN High Commissioner of Refugees, there are now more than 80 million people who have fled their homes, and a large number of these have fled their countries. These numbers exceed the number of refugees after World War II.

At the same time, the revolutionary development of the internet and social media, and the concomitant exponential increase in automation and offshoring jobs from developed countries to developing ones (along with Covid) have created growing insecurity in developed countries and heavier resistance to immigration and refugees. Unfortunately, this resistance is linked to discrimination by many in developed countries against individuals from the Global South, discrimination based on race, ethnicity, and religion.

Since 9/11, ultra-nationalism had dramatically risen in Western countries, including, among others, Hungary, France, Germany, Britain, Brazil, the Philippines, and the United States. Authoritarianism in the governments of the already repressive major powers, Russia and China, has increased. The Covid pandemic has starkly exposed the disparate treatment of persons of color in the United States and, internationally, the divide between the Global North and the Global South. Covid has caused a disproportionate number of infections and deaths in communities of color; less than two percent of the population in the Global South has been fully vaccinated against the disease.

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International Law and Human Rights 20 Years after 9/11 continued...

By Tom McDonnell, Chair Elect of the AALS International Human Rights Section

After the 9/11 attacks, United States engaged in a series of military actions that were at best questionable under international law, if not outright violations, including, among others, the invasions of Afghanistan and Iraq, the detainee abuse scandal, the interrogation methods carried out in CIA black sites, “extraordinary rendition” of detainees to countries that torture, and targeted killing with weaponized drones outside areas of armed conflict.

With the end of the war in Afghanistan and the Taliban’s apparent victory over the United States, one can only speculate on whether U.S. counter-terrorism policy will adhere to international law or perhaps even more greatly deviate from it. Given the humiliating defeat, the United States may be tempted to disregard international law and to engage in extreme measures rather than learn the correct lessons from 9/11 and the U.S.’s flawed counter-terrorism policies and practices.

In the upcoming year, I would like the International Human Rights Section to address some of these issues. I welcome the ideas and suggestions of the officers, the Executive Committee, and Section Members. It’s been a privilege to work this year with the Executive Committee and with Warren Binford, the current Section Chair. We are excited about our January AALS Annual Meeting Sessions: “New Voices,” “The Agony and Ecstasy of Teaching International Human Rights,” and our main panel, “Is Climate Stability a Human Right?”. Professors Philip Alston and Smita Narula along with Michael Garcia Bochenek of Human Rights Watch have accepted our invitations to speak on that panel.

In ending the war in Afghanistan, the United States has come full circle. Can our Section help U.S. and other governments not to give in to the temptation to ignore international human rights law and, instead, to adopt human rights-consistent policies on counter-terrorism? On Covid? On refugees? On people of color? On the LGBTQ community? On the Global South?

I look forward to working together with you on these critical questions.

CALL FOR PAPERS

Call for Papers on “New Voices in Human Rights”
Online AALS Annual Meeting, January 5-9, 2022

The AALS International Human Rights Section is pleased to announce that we will host a “New Voices in Human Rights” program during the 2022 AALS Annual Meeting Online. We seek papers and works-in-progress on any aspect of human rights law, including inter-disciplinary work or papers that explore innovative research methods.

Eligibility: The New Voices Program will be open to full-time faculty members from AALS member schools who are untenured and who have not previously presented a human rights paper at the AALS Annual Meeting. All scholars are welcome to attend the program and participate in discussions.

Submission Requirements: Instead of a full-length paper, please submit a 500-word abstract and a concept note of 5-15 double-spaced pages that contains a summary of the key ideas. If you have already written a full-length paper, please send a 500-word abstract and an excerpt (of 5-15 double-spaced pages) of the paper with an explanatory introduction. Papers will be selected after review by members of the Executive Committee of the AALS International Human Rights Section.

Submission Process: Please send submissions by email to both Warren Binford (warren.binford@cuanschultz.edu) and Thomas McDonnell (tmcdonnell@law.pace.edu) by **Monday, November 15, 2021**.

The session is currently scheduled for Thursday, January 6, 2022, 1:45-3:00 PM PST/4:45-6:00 PM EST.

Authors of the selected papers will be notified by November 12, 2021. Selected presenters will be responsible for paying their registration fee.

IHRS EVENTS AT THE 2022 AALS ANNUAL MEETING

At the AALS Annual Meeting (January 5-9, 2022), the International Human Rights Section will sponsor or co-sponsor the following four events:

Wednesday, January 5, 2022, at 11 AM to 12:15 PM: The IHRS will co-sponsor a panel on “Did Democracy Stumble? Pandemic Lessons from Around the Globe.” The other co-sponsors will be the sections on Comparative Law, East Asian Law & Society, and Law, Medicine and Health Care.

Thursday, January 6, 2022, at 4:45 PM to 6:00 PM: The IHRS will co-sponsor a panel on “New Voices in Human Rights.” The other co-sponsor will be the International Law Section.

Friday, January 7, 2022, at 11:00 AM to 12:15 PM: The IHRS will co-sponsor a panel on “Is Climate Stability a Human Right?” The other co-sponsors will be the sections on Children and the Law and Natural Resources and Energy Law. The panelists will be:

- Moderator: Warren Binford, University of Colorado
- Philip G. Alston, New York University School of Law
- Michael Garcia Bochenek, Human Rights Watch
- Smita Narula, Pace University Elisabeth Haub School of Law

Saturday, January 8, 2022, at 11:00 AM to 12:15 PM: The IHRS will co-sponsor a panel on “State Responsibility to Address Racism.” The other co-sponsors will be the sections on International Law, Civil Rights, and Minority Groups.

Saturday, January 8, 2022, at 4:45 PM to 6:00 PM: The IHRS will co-sponsor a panel on “The Agony and Ecstasy of Teaching Human Rights Law in the Field.” The other co-sponsor will be the New Law Professors Section. The panelists will be:

- Moderator: Thomas McDonell, Pace University Elisabeth Haub School of Law
- Richard Klein, Touro College Jacob D. Fuchsberg Law Center
- Elora Mukherjee, Columbia Law School
- Astha Sharma Pokharel, Berkeley Law

IHRS PROFILE IN THE AALS SUMMER 2021 NEWSLETTER

The AALS Newsletter's Spotlight on Sections profiled the International Human Rights Section. That profile, which is available at <https://www.aals.org/about/publications/newsletters/aals-news-summer-2021/spotlight-on-sections-international-human-rights/>, features a wide-ranging Q-and-A with IHRS Chair Professor Warren Binford and IHRS Chair-Elect Thomas M. McDonnell about the Section's mission, structure, and activities.

IHRS STATEMENT ON MYANMAR

On May 17, 2021, the AALS International Human Rights Section issued a statement regarding Myanmar. The statement is as follows:

International Human Rights Section of the Association of American Law Schools Statement of Support for Rule of Law in Myanmar

May 17, 2021

One hundred days after a military coup that has led to junta rule in Myanmar, we continue to be alarmed by reports that government security forces continue to killed civilians, including children, and detain thousands of peaceful protesters. The brutal crackdown by the military junta undermines rule of law and impedes the country's democratic transition.

The International Human Rights Section of the Association of American Law Schools stands with human rights defenders and democracy advocates in Myanmar. We urge the military junta to end the killing, arrest, detention, and harassment of civilians as they rightfully protest the overthrow of Myanmar's democratically-elected government.

IHRS STATEMENT ON MYANMAR continued...

As lawyers and law professors, we are deeply concerned by the irregular enactment of new laws by the military junta that curtail or suspend human rights. We condemn the authorization of martial law and the use of military courts to prosecute people seized during the military junta's deadly campaign against citizens exercising their rights and freedoms under international, national, and natural law. The use of military courts to prosecute protesters, journalists, lawyers, and other civilians abolishes appellate review for convictions and sanctions capital punishment. We denounce Martial Law Order 3/2021 and new amendments to Penal Code 1860 (sec. 124A) that criminalize any protest against the government. Respect for international human rights and the rule of law demands a return to democracy and an end to the killing of civilians and criminal prosecutions of peaceful protesters.

*The above statement is made on behalf of only the International Human Rights
Section of the Association of American Law Schools.*

ANNOUNCEMENTS

IHRS Chair Professor Warren Binford was recently appointed the inaugural W.H. Lea for Justice Endowed Chair in Pediatric Law, Ethics & Policy at the University of Colorado where she has accepted simultaneous faculty appointments at both CU Law and the University of Colorado School of Medicine. The appointments came with \$1.1 million in discretionary funding to create a multidisciplinary Child Rights Policy Institute. In April 2021, Professor Binford published *Hear My Voice/Escucha Mi Voz*, a critically acclaimed children's book written entirely from sworn declarations collected from children detained at the U.S. border and illustrated by Latinx artists. Professor Binford recently concluded her service as chair of the International Law Association's first study group on children's rights. The study group submitted a report on enforcement of the rights of children in migration in May 2021. This past year, Professor Binford has presented approximately 30 times worldwide, given approximately 40 media interviews, and published a book chapter, an academic article, and two op-eds (in addition to the children's book and the ILA report). She was recently selected as a "Woman of Influence" by the Portland Business Journal and received the Hans J. Linde Award by the American Constitution Society. Professor Binford currently serves as the chair of the AALS Section on International Human Rights.

IHRS Secretary Professor Zachary D. Kaufman

- [Digital Age Samaritans](#), 62 B.C. L. Rev. 1117 (2021).
- [Legislating Atrocity Prevention](#), 57 Harv. J. on Legis. 163 (2020).
- [Transitional Justice Delayed Is Not Transitional Justice Denied: Contemporary Confrontation of Japanese Human Experimentation During World War II Through a People's Tribunal](#), in *People's Tribunals, Human Rights, and the Law* 163 (Regina Paulose ed., 2020).
- Appointed Life Member of the Council on Foreign Relations and Co-Director of the University of Houston Law Center's Criminal Justice Institute.

IHRS Treasurer Professor Rachel Lopez

- [Redeeming Justice](#), 116 Nw. U. L. Rev. 315 (2021).
- [The Law of Gravity](#), 58 Colum. J. Transnat'l L. 565 (2020).
- Awarded the [Inaugural Dean's Research Fellowship](#) at Drexel's Kline School of Law.
- Awarded research fellowships at the Carr Center for Human Rights Policy at the Harvard Kennedy School (2020-2022), Centre for International Law at the University of Cambridge (fall 2020), and the Max Planck Institute for Comparative Public Law and International Law (spring 2021).

ANNOUNCEMENTS

IHRS Executive Committee Member Professor Jorge Contesse:

- The Rule of Advice in International Human Rights Law, 115 Am. J. Int'l L. 367 (2021).
- Judicial Interactions and Human Rights Contestations in Latin America, 12 J. Int'l Dispute Settlement (2021).
- Presenter, "The Inter-American Court of Human Rights in the 21st Century: Authority, Activism and Backlash," Lecture at the Université de Aix-Marseille, France (April 2021).

IHRS Member Professor G. Alex Sinha

- Publication: G. Alex Sinha, Euphemism & Jus Cogens, 19 Nw. J. Hum. Rts. 1 (2021).

Contact Us

International Human Rights

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Discussion Lists