Program on Human Rights and the Global Economy

Annual Report
June 2010 – May 2011
Promoting Economic, Social and Cultural Rights in the United States and Around the World
Dear Friends:

We are pleased to share with you the 2010 - 2011 Annual Report for the Program on Human Rights and the Global Economy (PHRGE) of Northeastern University School of Law (NUSL).

The Program was founded by our visionary colleague, Professor Hope Lewis, in 2005. Since that time, it has become a critical presence at the law school and has played an important role in promoting economic, social and cultural rights in the United States and around the globe.

It is our privilege to serve as the faculty directors of this rich and rewarding initiative, working with our creative staff and wonderful NUSL students to develop new programs to promote human rights. We hope that you will enjoy learning more about PHRGE’s work over the past year, and that you will be inspired to support this global movement.

Very truly yours,

PHRGE Faculty

Dan Danielsen                              Martha F. Davis                              Lucy A. Williams                              Margaret Y. K. Woo

Mission

The Program on Human Rights and the Global Economy (PHRGE) at the Northeastern University School of Law was founded in 2005 to engage in the study, promotion, implementation and constructive critique of rights-based approaches to economic development and social transformation with particular attention to economic, social and cultural rights (ESCR). It has a threefold mission:

(1) To promote human rights, particularly economic, social and cultural rights, within the Northeastern community;

(2) To support cutting-edge scholarship on human rights with a particular focus on economic, social and cultural rights; and

(3) To work to implement human rights norms and sound economic development approaches worldwide.
Dear Colleagues:

During the past year, PHRGE sponsored over twenty human rights events, expanded its research portfolio to include several new cutting-edge projects, trained advocates on using international human rights law in the United States, established a new Co-op Fellowship in New Delhi and made many other impressive contributions to promoting economic, social and cultural rights (ESCR) in the United States and internationally. This annual report details our accomplishments from June 2010 through May 2011. Highlights for this year include:

(1) the ESCR Institute “Beyond National Security: Immigrant Communities and Economic, Social and Cultural Rights” held on October 14-15, 2010, which brought together thirty leading scholars and activists for in-depth discussion of these issues,

(2) a series of articles on human rights-based approaches to poverty law in *Clearinghouse Review* January/February 2011 issue,

(3) an expert meeting of the Due Diligence Project held on April 26-27 at which fifteen experts on violence against women from around the world participated,

(4) testimony by the four PHRGE Faculty Co-Directors submitted to the United States Senate Committee on the Judiciary in strong support of the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women, and

(5) the co-convening of a new ESCR Working Group, with now more than seventy members from across the country, as part of the Bringing Human Rights Home Lawyers Network.

It has been an exciting year for PHRGE, and we look forward to another year working with the NUSL faculty, staff and students as well as the broader Northeastern community and our colleagues nationally and internationally, in advancing economic, social and cultural rights in the United States and around the world.

Best regards,

Gillian MacNaughton
Executive Director
June 29, 2010: “Coming Home: The Dry Storm.” PHRGE hosted the New England Premiere of this award winning documentary on the post-Hurricane Katrina demolition of public housing in New Orleans followed by a discussion with Professor Hope Lewis and the Executive Producer of the film, Ms. Catherine Albisa.


December 1, 2010: The World AIDS Day event “Universal Access and Human Rights: Panel on Global HIV/AIDS Policy and Practice” featured panelists Brook Baker, Aziza Ahmed, Meredith Harris and Richard Wamal and was co-sponsored by NUSL, the Department of African American Studies, Bouvé College of Health Sciences, the Black Law Student Association, the Latin American Student Association, the National Lawyers Guild NUSL Chapter, the NU Bisexual, Lesbian, Gay, Transgender, and Straight Alliance, the Queer Caucus, Law Students for Reproductive Rights and the Swahili Club.

December 10, 2010: In celebration of International Human Rights Day, PHRGE sponsored three events.

At a breakfast buffet, PHRGE hosted the Launch of the Draft Boston Principles on Economic, Social and Cultural Rights. The panel featured NUSL Professors Hope Lewis, Rachel Rosenbloom, Brook Baker and Boston College Professor Daniel Kanstroom, who launched the Draft Principles opening the period for comment by civil society, human rights commissions, ombudsmen and others.

At a luncheon, we held the PHRGE Showcase Panel moderated by Executive Director Gillian MacNaughton and featuring presentations about five PHRGE projects by panelists Professor Rachel Rosenbloom, Research Associate Deena Sharuk, Ford Foundation Fellow Mariah McGill, PHRGE Fellow Jennifer Harrold, and the Due Diligence Project Co-Coordinator Janine Moussa.

At teatime, PHRGE held a reception to welcome the new PHRGE affiliated faculty.

January 5, 2011: Presentation on Researching International and Comparative Human Rights Law. PHRGE hosted a research session with Professor Kyle Courtney, law librarian at Harvard Law School and adjunct professor at Northeastern University School of Law. The session provided an opportunity for Professor Courtney to share his extensive knowledge of human rights and international legal research with the Northeastern Community.

March 23, 2011: Professor Balakrishnan Rajagopal delivered the 2011 Valerie Gordon Lecture “Legalizing Social Rights: Experience from the Global South.” Professor Rajagopal, Associate Professor of Law and Development, is the Director of the Program on Human Rights and Justice at the Massachusetts Institute of Technology.

April 28, 2011: The panel discussion “Violence Against Women: Conversations with Global Experts” followed a two-day expert meeting of the Due Diligence Project held at Northeastern University School of Law. The panel featured Rashida Manjoo, United Nations Special Rapporteur on Violence Against Women and other experts.
In March 2011, PHRGE coordinated and sponsored a number of events at the School of Law as part of the third annual Northeastern University Human Rights Week. The theme this year was Human Rights and the Millennium Development Goals, which tied in well with PHRGE’s mission to promote and implement economic, social and cultural rights in the United States and around the world.

March 28, 2011: “Realizing the Right to Education at Home and Abroad.” This panel discussion explored how school discipline, school financing inequities and other issues contribute to school exclusion and how to use human rights principles to address these problems. Panelists included: Molly A. Hunter, Education Law Center; Marlies Spanjaard, Coordinator of the EdLaw Project; Daniel Squires, Matrix Barristers, United Kingdom; and Liz Sullivan, National Economic and Social Rights Initiative. Co-sponsored by PHRGE, the International Law Society and the Human Rights Caucus.


March 31, 2011: “Due Diligence on State Responsibility in Relation to Violence Against Women: Standards, Indicators and Good Practices.” Student Researchers, presented the work they completed for the Due Diligence Project.

PHRGE Fellows work at leading human rights organizations in the United States and abroad. Each Fellow receives a stipend to work full time for three months as a staff member at a partner organization. Four students rotate through the position over a year. New Fellows are then able to build directly on the work of prior Fellows, encouraging employers to engage students in the full range of the organization’s work.

Each quarter PHRGE hosts a lunch for the Fellows, where they share their fellowship experiences and exchange information on developing careers in international human rights law. Past, current and future Fellows are invited to the luncheons. Additionally, PHRGE Fellows are invited to the PHRGE New England Regional Faculty Colloquia also hosted by PHRGE each quarter.

Jennifer Harrold ’12 was the Fall 2010 PHRGE Fellow with The National Law Center on Homelessness and Poverty (NLCHP), where she worked on an educational campaign for domestic advocates concerning the first United Nations Universal Periodic Review of the human rights record of the United States. Jennifer discussed her work at NLCHP with the NUSL community at the PHRGE Showcase Panel on Human Rights Day, December 10, 2010.

PHRGE Fellows 2010-2011

Spring 2011
HRLN: Jessica Gustin ’11
NLCHP: Déodonné Bhattarai ’11
Oxfam: Sonia Haerizadeh ’12
PHR: Giovanni DiMaggio ’12

Winter 2010-2011
HRLN: Asia Watson ’12
NLCHP: Victoria Wilson ’12
Oxfam: Alexander Smith ’11
Oxfam: Amelia Timbers ’11
PHR: Neena Dhouni ’11

Fall 2010
NLCHP: Jennifer Harrold ’12
PHR: Vanessa Madge ’10

Summer 2010
NLCHP: An Duong ’11
Oxfam: Chris Fletcher ’11
PHR: Katie Beck ’13
PHRGE Fellow Employers

In 2010-2011, PHRGE sponsored fourteen fellowships for Northeastern law students at four partner human rights organizations:

Human Rights Law Network (HRLN) in New Delhi, India: HRLN is a collective of lawyers and social activists dedicated to the use of the legal system to advance human rights. The organization collaborates with social movements, human rights organizations, and grassroots development groups to enforce the rights of children, Dalits, people with disabilities, farmers, HIV positive people, the homeless, indigenous people, prisoners, refugees, religious and sexual minorities, women, and workers, among others. HRLN provides pro bono legal services, conducts public interest litigation, engages in advocacy, conducts legal awareness programs, investigates violations, publishes “know your rights” materials, and participates in campaigns. Students at HRLN work on the legal and social aspects of public interest initiatives, thereby allowing them to develop skills and an insight into how law and social activism, when combined, can achieve practical benefits for working people and the poor.

The National Law Center for Homelessness and Poverty (NLCHP) in Washington, DC: The mission of NLCHP is to serve as the legal arm of the nationwide movement to prevent and end homelessness. To achieve its mission, the organization pursues three main strategies: impact litigation, policy advocacy and public education. NLCHP strives to place homelessness in the larger context of poverty. By taking this approach, the organization aims to address homelessness as a visible manifestation of deeper causes, including the shortage of affordable housing, insufficient income and inadequate social services. Students work on NLCHP’s human rights projects, including working with local housing commissions to embrace a human right to housing, litigating human rights issues with local lawyers and raising U.S. homelessness and poverty issues in international fora.

Oxfam-America in Boston: Oxfam-America is a leading international relief and development organization that creates lasting solutions to poverty, hunger, and injustice. Together with individuals and local groups in more than 90 countries, Oxfam saves lives, helps people overcome poverty, and fights for social justice. It is one of the 14 affiliates in the international confederation, Oxfam. Students work in the Private Sector Engagement Unit, which addresses human rights and corporate responsibility issues. Previous NUSL student work has involved defining the human rights obligations of multinational corporations, participating in a multi-stakeholder initiative on governance and contributing to the movement on socially responsible investment.

Physicians for Human Rights (PHR) in Boston: Physicians for Human Rights (PHR) mobilizes health professionals to advance health, dignity, and justice, and promotes the right to health for all. PHR (1) advocates for fair treatment of asylum seekers and immigration detainees and staffs a network of 300 health professionals who conduct forensic examinations of individuals seeking asylum in the U.S.; (2) documents torture around the world including the systematic use of torture by U.S. personnel against detainees at Guantánamo Bay, Abu Ghraib and Bagram; and (3) promotes the right to health for individuals in state custody. Students provide legal support to PHR’s Asylum Program Director, for example, preparing briefing materials on torture under international human rights law for presentations at medical schools, drafting articles on immigration detention and the right to health and participating in investigations and policy work on the lack of adequate health care for immigration detainees.

Beyond National Security: Immigrant Communities and Economic, Social and Cultural Rights

On October 14-15, 2010, PHRGE hosted “Beyond National Security: Immigrant Communities and Economic, Social and Cultural Rights.” The event was co-chaired by Professors Hope Lewis, PHRGE’s founding director, and Professor Rachel Rosenbloom, an immigration law specialist. The two-day Institute brought together over two dozen leading human rights and immigrant advocates, scholars and activists to discuss two emerging trends in the treatment of noncitizens in the United States.

Beginning in the mid-1990s and gaining momentum after September 11, 2001, the federal government has imposed increasingly harsh deportation policies, dramatically expanded the enforcement of immigration laws, and delegated more and more immigration enforcement power to state and local police - all in the name of national security. At the same time, a wave of state and local laws has been taking aim at the rights of noncitizens in areas such as employment, housing, health, family life, and education. On both fronts, immigrant communities and their supporters throughout the U.S. are increasingly turning to human rights approaches in response.

In a series of small-group workshops, Institute participants discussed and analyzed the effects that harsh deportation policies and increased immigration enforcement have had on the economic, social, and cultural rights of immigrants, as well as the efforts at the sub-national level to infringe on these rights as a tool of immigration enforcement. Participants also discussed how to use human rights strategies to counter those effects.

Over 100 people, including scholars, practitioners and students, attended the two public panel discussions held during the Institute.
The primary outcome of the two-day PHRGE institute, “Beyond National Security: Immigrant Communities and Economic, Social and Cultural Rights,” held at Northeastern University School of Law on October 14-15, 2010, was the first draft of the Boston Principles on the Economic, Social and Cultural Rights of Noncitizens. A second draft, incorporating comments from the Institute participants, was launched for public comment on December 10, 2010, International Human Rights Day. On May 1, 2011, a draft incorporating the public comments was published along with an annotated version of the Principles and “A Guide to the Principles.”

The Boston Principles are 30 standards drawn from international human rights, humanitarian, and migration-related treaties, guidelines, and other statements of best practice as well as recommendations by U.S.-based civil society. The Boston Principles reflect the combined views of the Institute participants on how people under U.S. jurisdiction, including noncitizens, should be treated. They begin with the basic understanding that all human beings have human rights. Further, national governments, and the state and local authorities under their jurisdiction, have obligations to respect, protect, promote, and fulfill those human rights in civil, political, economic, social, and cultural areas of life.

We hope that advocates at state, local, and community levels use the Boston Principles to further human rights and social justice by:

- supporting human rights educational efforts in schools and communities;
- calling on local and state governments to adopt resolutions that pledge compliance with human rights standards;
- advocating for reform or adoption of legislation;
- holding federal, state, and local authorities accountable for compliance with international and domestic human rights standards; and
- building awareness about human rights among communities, social networks, policymakers, lawmakers, judges, and ombudspersons.

Toward this end:


On April 1, 2011, Professor Lewis presented a “Critical Insider’s Perspective on the Boston Principles on the Economic, Social and Cultural Rights of Noncitizens” as part of the Conversations at Lunch series at Boston College Center for Human Rights and International Justice.


On June 22, 2011, PHRGE will host a webinar that will be moderated by Ford Foundation Fellow Mariah McGill and include presentations by Professors Lewis and Rosenbloom on the history, content and the purpose of the Boston Principles.
The International Social and Economic Rights Project (iSERP)

The International Social and Economic Rights Project (iSERP) is convened by PHRGE Faculty Co-Director Professor Lucy Williams and Professor Karl Klare as an informal, international working group that includes judges, lawyers, and human rights advocates and academics. iSERP grew out of the Workshop on the Justiciability of Socio-Economic Rights held at Northeastern University School of Law March 19-21, 2009, and held its second workshop in Bogotá, Colombia May 14-15, 2010. A key project of PHRGE, iSERP seeks to encourage and develop critical and transformative thinking about social and economic rights (SER) and SER-based legal strategies.

The topic of social and economic rights enforcement raises cutting-edge and complicated questions in law, and iSERP provides a space for practitioners and scholars to reflect collectively about the obstacles to advancing those rights. Progressive court decisions do not necessarily translate into tangible policy changes on the ground and implementation of economic and social rights, including rights to health care, housing and education, often present significant challenges. The group aspires to generate legal approaches that will encourage legislatures, courts, administrative agencies and other decision makers to take a robust and creative approach to SER.

To the extent that SER pose novel questions that do not fit comfortably within traditional legal molds, we aim to develop new legal ideas and theories supportive of SER approaches. We have particularly focused on modernizing the theory of separation-of-powers, devising sophisticated remedies for SER cases, facilitating grassroots and community participation in the legal process, and examining the impact of SER and transformative constitutions on questions of private law, economic democracy and economic development.

The third iSERP Workshop will be held June 2-4, 2011, in Pretoria, South Africa. The fourth iSERP Workshop will be held in London, England in 2012.
The Due Diligence Project

The Due Diligence Project is a two-year research and advocacy project that began in September 2010. It is co-directed by Janine Moussa, PHRGE Senior Fellow, and Zarizana Abdul Aziz, Visiting Scholar at NUSL. The aim of the Project is to collect good practices in the formulation, implementation and enforcement of policies, laws, procedures and processes, as well as develop due diligence standards and indicators on State compliance with the obligation to prevent, protect, investigate, punish and provide redress in relation to violence against women.

The project objectives are:

1. To conduct a global assessment of the practices of States in relation to their obligations to prevent, protect, investigate, punish and provide redress for victims of violence,

2. To document and share good practices of States in fulfilling the due diligence standard of State responsibility,

3. To analyze primary data and other research materials to develop due diligence indicators and standards,

4. To develop advocacy measures to promote buy-in by States of the due diligence standards and indicators developed, as well as disseminating the standards and indicators to civil society as a step towards developing the standards and indicators into practical tools.

The project will be carried out through a literature review on State action to end violence against women, a questionnaire to collect information from civil society working in the field, and regional consultations. The findings of the project will be compiled into a comprehensive report that will be shared with and disseminated to civil society, and serve as a basis for advocacy and further standard setting.

Phase 1 of the project is near completion, including a literature review on State responsibility and the due diligence principle, collection of current data and a draft research methodology and questionnaire. On April 26-27, 2011, fifteen international experts from fourteen countries and diverse disciplines gathered for a two-day expert meeting at Northeastern University School of Law to discuss the literature review, conceptual framework, and research and to further refine the questionnaire design and methodology of the project. Moving forward, the Due Diligence Project will launch its regional fieldwork phase with the project’s consultants in Africa, Asia-Pacific, Europe, Latin America & the Caribbean, Middle East & North Africa and North America.
Over the past several years, PHRGE has worked on numerous projects to implement international human rights norms in the United States. These projects have included trainings on human rights for advocates, judges and legislators, amicus briefs asserting human rights norms in domestic cases and training materials for litigators.

This year PHRGE has focused in particular on using international human rights law in state courts. To this end, PHRGE Faculty Co-Director Martha Davis, co-authored with Johanna Kalb an issue brief “Oklahoma State Question 755 and An Analysis of Anti-International Law Initiatives” for the American Constitution Society and “Oklahoma and Beyond: Understanding the Wave of State Anti-Transnational Law Initiatives” for the Indiana Law Journal Supplement. She also worked with the National Economic and Social Rights Initiative and the Columbia University Human Rights Institute to revise “Human Rights in Local Social and Economic Justice Advocacy: A Resource Guide.”

Professor Davis has also presented her work on international law and human rights in several forums. On March 30, 2011, Professor Davis spoke on “The Future of Globalism: A Discussion of Anti-International Law Ballot Initiatives” sponsored by the University of Pennsylvania Chapter of the American Constitution Society for Law and Policy. On April 20, 2011, Professor Davis coordinated a staff training on “Gender and Economic, Social and Cultural Rights in the U.S.” at the Center for Constitutional Rights in New York. On March 31, 2011, Professor Davis delivered a talk at NUSL on “Constricting Human Rights in the United States: An Analysis of Oklahoma’s Anti-International Law Initiatives.”

Professor Davis has consulted with the National Law Center on Homelessness and Poverty and the New York Civil Liberties Union, among others, on developing litigation strategies using international human rights law. Additionally, PHRGE is advising the Aspen Institute on a human rights training program for state judges. On June 21, Professor Davis will moderate an online panel discussion “Claiming Our Role as Human Rights Lawyers: How a Human Rights Framework Can Advance Our Advocacy” hosted by Clearinghouse Review.
Human Rights Frameworks, Strategies and Tools for Policymaking

Executive Director Gillian MacNaughton and Ford Foundation Fellow Mariah McGill are working on several projects to develop and document the use of human rights frameworks, strategies and tools to advance economic and social rights through human rights monitoring and policymaking processes. Traditionally, human rights practitioners have relied upon a limited toolbox, including litigation, reporting and letter-writing campaigns, to address violations of human rights. Today, we are also using a variety of proactive human rights strategies and tools - including human rights impact assessment, indicators and benchmarks, and budget analysis - to analyze government performance, guide legislative reforms and build social movements for economic and social justice. Over the past year, PHRGE projects in this area have included:

Health Care is a Human Right Campaign: A Project with the Vermont Workers’ Center. Ford Foundation Fellow Mariah McGill has investigated and documented the Vermont Workers’ Center’s “Health Care is a Human Right” campaign. This three-year campaign achieved groundbreaking results in May 2011 when the Vermont Legislature adopted a bill that provides a framework for universal, single-payer health care in Vermont based on human rights principles. Ms. McGill explored and documented in several articles and blogs how the Center used a human rights framework to build a grassroots movement for universal health care.

Human Rights Budget Project: A Project with the Vermont Workers’ Center and the National Economic and Social Rights Initiative. Executive Director Gillian MacNaughton is working with the Vermont Workers’ Center and the National Economic and Social Rights Initiative on a pilot project to use a human rights framework to analyze state budgets. This new project follows on the heels of the successful Vermont “Health Care is a Human Right” campaign on which she also advised during the 2010 legislative session.

Towards Closing the Inequitable Drug Gap: Validating and Implementing a Right to Health Impact Assessment of Trade-Related Intellectual Property Rights in Low and Middle Income Countries. Gillian MacNaughton (co-investigator) is collaborating on a research project with Lisa Forman, University of Toronto (principal investigator), Aboubakry Gollock and Ronald Labonte, (co-investigators). This project is funded by the Canadian Institutes of Health Research. Over the past year, the project investigators carried out case studies on the health impact assessments done in Thailand and Peru during their bilateral negotiations with the United States. On May 5-6, 2011, they convened a meeting of experts at the Munk Center for Global Affairs, University of Toronto, to review the case studies and the proposed impact assessment methodology as well as consider sites for piloting the new impact assessment tool.

Ms. MacNaughton has also promoted the use of human rights frameworks, strategies and tools to advance economic and social rights in several forums. On April 28, 2011, she was the opening speaker for the interdisciplinary conference “Health and Human Rights in Connecticut: Building an Equitable Health Care System” at the University of Connecticut School of Social Work. On May 26, 2011, Ms. MacNaughton was a panelist for the “Human Rights Toolkit” session at the “Partners for Justice” Symposium hosted by the Pro Bono Research Center in Baltimore, which addressed ways in which the legal services community can use international human rights law to address poverty issues. On May 31, 2011, Ms. MacNaughton presented her paper “Mainstreaming Human Rights in Impact Assessment” on the “Human Rights Impact Assessment” panel at the 2011 Annual Meeting of the International Association of Impact Assessment, in Puebla, Mexico.
PHRGE Faculty Co-Directors

Professor Dan Danielsen


Associate Dean Martha Davis


Professor Lucy A. Williams

Professor Margaret Y.K. Woo


PHRGE Affiliated Faculty

Professor Aziza Ahmed


PHRGE Staff

Executive Director Gillian MacNaughton


Ford Foundation Fellow Mariah McGill

“If the Grassroots Lead, the Government will Follow: The Vermont Campaign for Universal Health Care,” ESR Review (forthcoming 2011).


PHRGE New England Regional Faculty Colloquia

In 2010, PHRGE established the New England Regional Faculty Colloquia Program. Each quarter PHRGE invites a scholar, often from another University, to present recent research over a lunch period to faculty invited from the entire New England region. All faculty interested in scholarship on human rights with a focus on economic, social and cultural rights are invited to join us. This past year, the colloquia have focused on interdisciplinary approaches to advancing these rights.

On July 20, 2010, Professor Helena Alviar, Associate Professor and Director of the Doctorate and Master’s Degrees in Law at the Universidad de los Andes, Bogota, and visiting summer faculty at Northeastern University School of Law, presented a paper titled “Legal Reform, Social Policy and Redistribution in Latin America: The Case of Colombia.” Professor Dan Danielsen offered an insightful commentary launching a lively discussion. This colloquium was a joint program of Northeastern School of Law (NUSL) and the Program on Human Rights and the Global Economy (PHRGE).


On May 9, 2011, Professor Sally Engle Merry, Professor of Anthropology and affiliated faculty at the New York University School of Law, presented her paper "Indicators as a Technology of Governance" – with a focus on indicators of domestic violence – which is part of a larger project on “Measuring the World: Indicators, Human Rights, and Global Governance.” Professor Lee Breckenridge offered an engaging commentary on the presentation, which led to an animated discussion.

On July 27, 2011, Visiting Scholar Zarizana Abdul Aziz will present her research at the fourth PHRGE New England Regional Faculty Colloquium.


Dean Emily Spieler, a leading expert on workers’ rights, testified before the Workforce Protections Subcommittee of the House Education and Labor Committee regarding state workers’ compensation systems in November. The same month, she joined the Deputy Secretary of Labor and the general counsel to the AFL-CIO on a panel in Chicago at the ABA Labor and Employment Law Conference, “What Is Going On in the Obama Department of Labor?” In October Dean Spieler spoke at George Washington University’s conference “Regulation of Unpaid Internships: The Uncertain Future,” which brought together legal and policy experts, regional and national employers, and students to discuss the challenges and possibilities for the Fair Labor Standards Act in the 21st century.

Additionally, Dean Spieler serves as an expert advisor on the workers’ right project of the National Economic and Social Rights Initiative. This year she authored a substantial background paper to further the project and participated in a workshop, “Rethinking Workers’ Compensation.” Dean Spieler has also been involved with several PHRGE events this year, including delivering the welcoming remarks at the Valerie Gordon Lecture on March 23, 2011, and at the panel discussion “Violence Against Women: Conversations with Global Experts” on April 28, 2011, organized by the Due Diligence Project.

PHRGE Faculty Co-Directors

Professor Dan Danielsen has been involved in several conferences and other events centered on issues of the global economy. At Harvard Law School, he was a Faculty Participant and Session Leader for “International Economic Law” at the Institute on Global Law & Policy Summer Workshop June 2-11, 2010. Professor Danielsen was also a Faculty Commentator for the “Renewing Latin American Studies Workshop” at the Institute for Global Law and Policy, on November 12-13, 2010. This year, he is a Workshop Faculty and Stream Leader for the Institute on Global Law & Policy Summer Workshop at Harvard Law School, May 31-June 11, 2011, on the topic of “The Corporation and Global Society.”

Professor Danielsen also attended a number of international events during the year. On August 16-21, 2010, he traveled to Seggau, Austria to participate as Workshop Faculty and Lecturer, teaching “Introduction to Law and Economics,” for the Vienna University of Economics and Business, Institute for Global Law & Policy Workshop.

Professor Danielsen was also a presenter for “Local Rules and a Global Economy: An Economic Policy Perspective,” for the Evolutionary Regulation: Rethinking the Role of Regulation in Economy and Society mini-conference, at the Society for the Advancement of Socio-Economics (SASE) annual meeting, Temple University, June 24-26, 2010.

Associate Dean Martha Davis led a team of Northeastern University School of Law faculty and students to file an amicus brief representing Human Rights Watch and Equality Now in July 2010 in Flores-Villar v. United States, an equal protection case before the United States Supreme Court that challenged sex-based citizenship laws. The Northeastern amicus brief put the issue in a comparative and international context, citing decisions of supreme courts in Canada, Japan, Germany, Italy, Botswana and others that have struck down sex-based provisions, and argued that international law is unequivocal in requiring that equality principles be upheld in the citizenship context. Dean Davis summarized the analysis in the brief in the November issue of the ABA Preview, and published the article “A Supreme Court Opportunity to Cap off 100 Years of Gender Equality Progress” on the American Constitutional Society’s Blog on March 9, 2011.

Dean Davis also published an article entitled “A Human Rights Lens on Civil Litigation Assistance” in the January/February 2011 Poverty & Race Research Action Council newsletter, Poverty & Race, she moderated a plenary panel at the Gender Justice in the Americas Conference at the University of Miami Law School in February, and she moderated another panel on economic development and human rights for the Harvard Caribbean Law Association at Harvard Law School on April 1, 2011.

Dean Davis serves as the Chair on the Board for the National Economic and Social Rights Initiative and on the steering committee for the recently established ESCR Working Group of the Bringing Human Rights Home Network.


Professor Williams was appointed by the General Assembly of the International Social Sciences Council to the Scientific Committee for the Comparative Research Programme on Poverty (CROP) based in Bergen, Norway, which works on issues of law and development in “lesser developed” countries. After having served a term on the Scientific Committee, Professor Williams has now been named as a CROP Fellow by the ISSC Executive Committee.

Professor Margaret Y.K. Woo received a travel grant from Northeastern University’s Center for Emerging Markets to study the new Open Government Law in China, which will allow her to travel to China in 2011 to collect data on how China is implementing the new law. For the academic year 2010-2011, Professor Woo hosted a visiting scholar from China, Zhang Congrong, who is working with the Guangzhou government to implement China’s Open Government Law.

Additionally, Professor Woo chaired the panel “Constitutional Ethnography – Suing Governments in the Hybrid Regimes: Legality, Constitutionalism, and Transfigurations of the State” at the Annual Conference of the Law & Society Association in Chicago, May 27, 2010. She also continues to serve as an outside reviewer for grant applications for the Hong Kong Research Council and to serve as an Associate in Research at the East Asian Legal Studies Center of Harvard Law School and at Harvard’s Fairbank Center for Chinese Research.
Executive Director Gillian MacNaughton arrived at PHRGE June 1, 2010 as the first Executive Director. Over the past year, Ms. MacNaughton continued her international work on economic and social rights, as well as on human rights impact assessment. She was appointed in 2011 as a visiting lecturer in the European Regional Master’s Program on Democracy and Human Rights at the University of Sarajevo, where she teaches in the Economic, Social and Cultural Rights Cluster and supervises student theses. She is the co-founder and continues to be co-coordinator of the Human Rights Thematic Group of the Human Development and Capabilities Association.

Ms. MacNaughton also connected this year with the movement for economic and social rights in the United States. In December 2010, she participated in a two-day expert consultation at the Center for Women’s Global Leadership at Rutgers University on the meaning of “maximum available resources” in ICESCR article 2. A report of the workshop will be published in June 2011. Additionally, in February 2011, she became an affiliated member of the Economic and Social Rights Group of the Human Rights Institute at University of Connecticut. She also serves, along with Dean Davis, on the steering committee for the new ESCR Working Group of the Bringing Human Rights Home Network.

In June 2010, Ms. MacNaughton’s paper, co-authored with Diane F. Frey, “The Right to Decent Work: Strategies for a Human Rights-Based Approach to the ILO Decent Work Agenda” was presented at the annual conference of the Society for the Advancement of Socio-Economics (SASE), Philadelphia, 22-26 June 2010. The same month, her paper “Toward Decent Work for All: A Holistic Human Rights Model” co-author Diane F. Frey, was presented at the Annual Conference of the Canadian Industrial Relations Association (CIRA) & Centre de Recherche Interuniversitaire sur la Mondialisation et le Travail (CRIMT), Université Laval, Quebec City, 16-18 June 2010.

Ford Foundation Fellow Mariah McGill’s research over the past year has focused primarily on the right to health care, particularly Vermont’s ongoing health care reform efforts. Ms. McGill followed closely the Vermont Workers’ Center “Healthcare is a Human Right Campaign” which resulted in the passage of legislation incorporating human rights principles into Vermont law and paving the way for universal healthcare. Based on interviews with organizers and volunteers at the Vermont Workers’ Center, as well as media and legislative monitoring, Ms McGill published an article in Vermont’s health care reform legislation in Clearinghouse Review in the January/February 2011 issue and has additional articles forthcoming in the Vermont Bar Journal, ESR Review and Clearinghouse Review.

Ms. McGill is also a guest blogger at IntLawGrrls, a blog devoted to exploring international law and human rights issues. This year on the IntLawGrrls Blog, she published “Vermont Health Campaign Success” on May 7, 2011, and “Vermont Reform and the Human Right to Health,” on February 19, 2011.

Additionally, Ms. McGill was the coordinator of the October 2010 ESCR Institute “Beyond National Security: Immigrant Communities and Economic, Social and Cultural Rights,” and was the moderator for the webinar June 22, 2011, on the “Boston Principles on the Economic, Social and Cultural Rights of Noncitizens.” She also organized and moderated a panel on the right to education, held in March 2011 during Northeastern University’s Human Rights Week. The panel focused on the issue of school exclusion and featured panelists providing local, national and international perspectives on this issue.

Chinese Justice, a new co-edited volume by Professor Margaret Woo, analyzes whether China’s 30 years of legal reform have taken root in Chinese society by examining how ordinary citizens are using the legal system in contemporary China. It’s an interdisciplinary look at law in action and at legal institutions from the bottom up—beginning with those at the ground level who are using and working in the legal system. It explores the emergent Chinese concept of justice—one that seeks to balance Chinese tradition, socialist legacies and the needs of the global market.

“This book evolved out of a workshop I organized at the Fairbank Center for Chinese Studies at Harvard University in the fall of 2007,” explains Woo. “The workshop brought together leading legal scholars and social scientists from China, Taiwan and the United States who gained unusual access to mainland Chinese courts and other legal institutions. Rather than talking across disciplines, this volume encourages conversations among disciplines to add to our current understanding of these Chinese legal reforms.”
Senior Fellow Janine Moussa gave several presentations and briefings on women’s human rights over the past year. On October 14, 2010, she gave a presentation on the Due Diligence Project to the International Legal Program of the Center for Reproductive Rights in New York. On October 16, 2010, she briefed the Committee of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on the Musawah project for equality in the Muslim Family, and on October 18, 2010, gave a similar briefing to the UN Office for the High Commissioner on Human Rights (OHCHR) in Geneva. On October 24-25, she served as an expert at the OHCHR’s Expert Workshop on “The Elimination of All Forms of Violence Against Women – Challenges, Good Practices and Opportunities” in Geneva. Finally, on May 11, Ms. Moussa gave an informal briefing on “The Due Diligence Project: Scope, Objectives and Outputs” to the World Bank regional and gender staff in Washington, D.C..

Visiting Scholar Zarizana Abdul Aziz participated in several expert meetings, conferences and other events primarily related to women’s human rights. On September 13-14, 2010, she attended the Expert Meeting on National Action Plans in Trinidad and Tobago that was co-organized by the Division for the Advancement of Women. She also presented on a panel on “The Elimination of All Forms of Violence Against Women – Challenges, Good Practices and Opportunities” organized by the Office of the High Commissioner for Human Rights, in Geneva on November 24-25, 2010. On December 15, 2010, she gave a talk at New England Law School on Human Rights Activism, including the Due Diligence Project.

In 2011, Ms. Abdul Aziz was a panel presenter on February 23 at the 55th Commission on the Status of Women Side Event, “A Future without Religious Fundamentalisms: Strategies of Resistance and Change” organized by the Association of Women’s Rights in Development (AWID). She was also a presenter on March 11 in Geneva on “Zina Laws, Human Rights and State Accountability” a panel discussion and book launching of “Control and Sexuality: The Revival of Zina Laws in Muslim Contexts” organized by the Violence Is Not Our Culture campaign, Women Living Under Muslim Laws (WLULM). On May 6-8, she attended the evaluation meeting on the Violence Is Not Our Culture campaign, WLULM, serving as an advisor to the campaign and chair of WLULM.

Professor Parment Leads Team to Victory in SJC Case on Access to Health Insurance for Legal Immigrants

Matthews Distinguished Professor Wendy Parmet won a landmark human rights case, Finch v. Commonwealth Health Insurance Connector Authority, before the Massachusetts Supreme Judicial Court (SJC) this spring. In November, Professor Parmet argued before the SJC for legal immigrants that should have access to Commonwealth Care, the state’s program that provides subsidized health insurance for low- and middle-income individuals. Health Law Advocates brought the case to challenge state law excluding a class of 40,000 legal immigrants from the program, which the Legislature had enacted in 2009 to help balance the budget. “In ruling that the Legislature’s decision to deny legal immigrants access to Commonwealth Care must be subject to strict scrutiny, the Court reaffirmed that equal protection must be respected even in times of fiscal distress,” Parmet said. “The Constitution prohibits the Legislature from trying to solve financial problems . . . on the backs of a vulnerable class of people.”
Professor Aziza Ahmed has been involved in supporting a range of human rights projects and activities this past year. Continuing her work on Forced and Coerced Sterilization of HIV Positive Women in Namibia, Professor Ahmed worked with the Harvard Human Rights Program to complete a report based on a fact-finding mission in March of 2010. Professor Ahmed also serves on the United Nations Development Programme’s Global Commission on HIV/AIDS Technical Advisory Group. As a part of this group she has produced several papers on issues of HIV/AIDS, human rights, and women. Additionally, Professor Ahmed works on the issue of the ongoing criminalization of HIV/AIDS. On this topic, she presented a paper at the American Bar Association (ABA) in October of 2010 and served as a member of an Expert Working Group for the ABA Rule of Law Initiative in January 2011. Professor Ahmed is also involved in various coalitions including the Positive Justice Project run by the Center for HIV Law and Policy. She spent her non-teaching quarter this spring in India researching the legal responses to the state-sponsored violence in Gujarat in 2002 and examining the issue of sex work and trafficking with regard to HIV programming. Professor Ahmed has just joined the board of the Sexuality Information and Education Council of the United States (SEICUS).

Professor Brook K. Baker continues to be active on global AIDS and access-to-medicines issues. In June 2010, he presented “Right to Health: Challenges in Funding, Health Systems, and Universal Access in Development Policies” on a Roundtable “Funding for Health Systems Seminar” in Madrid, Spain. The same month he participated in an expert consultation, “Public Interest Analysis of the International Intellectual Property Enforcement Agenda,” at American University Washington College of Law. In July, Professor Baker was a co-instructor on the two-week intensive course “Intellectual Property and Access to Medicines” at the University of KwaZulu-Natal, Durban, South Africa.


In addition, Professor Baker participated in a panel on “Third Party Liability Under the Anti-Counterfeiting Trade Agreement and its Impact on Access to Medicines,” in a Consultation with the UN Special Rapporteur on the right to health, held at American University Law School in Washington, DC, on October 28, 2010. He also participated in two Global AIDS Strategy Retreats with Health Gap in October and December 2010 and presented “Grounded Advocacy – Making Treatment Advocacy Real,” Health Roots Political Economy of Health Series at the Harvard School of Public Health.

Professor Baker participated in several PHRGE events this year. In October 2010, he was a co-facilitator for a panel, “Immigrant Communities and Well-Being: The Right to Health, the Right to Health Care and the Rights of Immigrants with Disabilities,” at the PHRGE Institute “Beyond National Security: Immigrant Communities and Economic, Social and Cultural Rights.” On World AIDS Day, he spoke at the law school on a panel “Recent Successes, the Crisis in Global AIDS funding and Treatment Activism.” He was also on the PHRGE panel to launch the “Draft Boston Principles on the Economic, Social and Cultural Rights of Noncitizens” on Human Rights Day, December 10, 2010.

In January, Professor Baker attended the second Global Forum on Human Resources for Health held in Bangkok, Thailand. At a Health Workforce Advocacy Initiative side event, he presented “HWAI Platform on Setting Targets and Strategies to Close the Global Health Worker Gap.” He also moderated the Global Health Workforce Alliance Members’ Post-Session Forum. Since January, Professor Baker has been on sabbatical at the University of KwaZulu Natal in Durban South Africa, where he is a Co-Lecturer on HIV and the Law.

Professor Richard A. Daynard led the Public Health Advocacy Institute’s (PHAI) efforts to advance a human rights-based approach to tobacco control in Argentina, Turkey, Kenya and South Africa. In Argentina, PHAI partnered with Paula Bertol, a Congresswoman in Buenos Aires to bolster her advocacy efforts to pass a tobacco control bill in the city. PHAI also partnered with several civil society organizations to advance the Concluding Observations of the Committee on the Convention on the Elimination of Discrimination against Women (CEDAW) that had called the State’s attention to the link between tobacco and women’s health rights violations.

In Turkey, PHAI partnered with the ARI movement (the largest youth advocacy network in Turkey) and the Kader movement (the leading women’s network in Turkey) to use the constitutional referendum process to mobilize attention on tobacco control. In September, civil society organizations came together to strengthen the equal protection clause of the Turkish Constitution in light of CEDAW’s substantive equality provision. The joint seminar helped to build partnerships with women’s rights and tobacco control advocates and to strengthen advocacy of tobacco control as a critical gender issue and as a way to achieve the Millennium Development Goals. The Turkish Public Policy Quarterly (May 2011) carries a report on this seminar.
In Kenya, PHAI partnered with the Legislative Reform Initiative to build bridges with different social movements to examine child rights and women’s rights violations in tobacco farming. Together they considered ways in which the Bill of Rights in the newly drafted Constitution along with heightened advocacy around the Covenant on the Rights of the Child (CRC) and CEDAW could inform children’s and women’s rights in tobacco farming and control the sale and marketing of tobacco to children and youth in Kenya.

In South Africa, PHAI partnered with the University of Cape Town’s School of Public Health to convene a forum on March 21st, South Africa’s Human Rights Day on a rights-based approach to the control of tobacco. Building on South Africa’s rich tradition of human rights advocacy and the Constitution’s right to life clause, PHAI’s conference provided a new repertoire of powerful tools for tobacco control advocacy in South Africa. The conference examined ways in which CEDAW, CRC and the International Convention on Economic, Social and Cultural Rights (ICESCR) can be used as organizing tools to galvanize the tobacco control and human rights movements on the cross-cutting goals of tobacco control.

Matthews Distinguished University
Professor Karl Klare was one of four leaders of a national protest against the Association of American Law Schools (AALS) decision to convene its 2011 annual meeting at the Hilton Hotel in San Francisco, which is under boycott by UNITE HERE Local 2, a labor union with a long and honored history of commitment to grassroots organizing and social justice. The effort, which involved thousands of e-mails and telephone calls, succeeded in encouraging the vast majority of panelists and speakers to boycott the Hilton, although AALS conducted some programs there. Law professors and union members conducted a rally outside the hotel.

This year Professor Klare joined the advisory board for the Toronto Initiative for Economic and Social Rights, a project on the constitutional status of economic and social rights run out of the University of Toronto. He was also invited to give a seminar on his labor law scholarship at Yale Law School in February, and his article on the South African constitution is in production with the South African Journal on Human Rights. Additionally, Professor Klare recently chaired a panel discussion on the Supreme Court’s notorious Pyett decision concerning labor arbitration. The program was organized by a student group, the Northeastern Employment and Labor Law Association (NELLA).

Professor Hope Lewis was elected to the Executive Council of the American Society of International Law (ASIL), and also co-founded the new International Disability Rights Interest Group (IDRIG) of the ASIL, which held its first strategy and planning meeting at the 105th ASIL Annual Meeting on March 25, 2011. She was also elected to the board of governors of the Society of American Law Teachers and serves on its Pipeline to Teaching Committee. In September, Professor Lewis gave a talk on the human rights of migrant domestic workers at the invitation of the Italian Cultural Institute during the United Nations Week Review of the Millennium Development Goals in New York. In December, Professor Lewis participated in the UN Forum on Minority Issues meeting, “Effective Participation in Economic Life”, in Geneva, Switzerland, convened by Independent Expert Gay McDougall. She was also profiled in the “Lawyer Spotlight: Commission on Mental and Physical Disability Law” section of the December 2010 issue of theABA Lawyer.


Professor Rachel Rosenbloom continues to receive national attention as a leading expert on the rights of immigrants, in particular deportees. In August 2010, CNN interviewed Professor Rosenbloom about the U.S. government’s wrongful deporting of U.S. citizens to other countries, and the new Arizona immigration enforcement law, which is expected to make matters worse. Professor Rosenbloom argued that the Arizona law will exacerbate the problem of erroneous deportations, and that due process protections, including legal representation in deportation proceedings, are necessary to prevent these mistakes. In an August 2010 op-ed in the National Law Journal, Professor Rosenbloom urged the Obama Administration to take steps to ensure that people wrongly deported are able to return to the United States. Most recently, Professor Rosenbloom joined with other immigrant advocates as a plaintiff in an action filed in federal district court against federal agencies, alleging inadequate response by the agencies to a Freedom of Information Act request for materials on agency policy and practice of facilitating the return to the U.S. of individuals who successfully challenge their removal orders from outside the country.
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- Paige Walker ’13, ESCR Institute Volunteer
- Rick Doyon, Faculty Secretary

### Due Diligence Project
- Janine Moussa, Senior Fellow
- Zarizana Abdul Aziz, Visiting Scholar
- Alexandra Geiger ’10, Graduate Fellow
- Jessica Beth Gustin ’11, Research Assistant
- Amanda Blaske ’11, Research Assistant
- Nency Salamoun ’12, Research Assistant
- Maria Perez ’12, Research Assistant

### Affiliated Faculty
- Professor Roger I. Abrams
- Professor Aziza Ahmed
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- Professor Michael Meltsner
- Professor Wendy Parmet
- Professor David Phillips
- Professor Sonia Rolland
- Professor Rachel Rosenbloom

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PHRGE Who We Are
Gillian MacNaughton, Executive Director
Northeastern University
140 Dockser Hall
360 Huntington Avenue
Boston, Massachusetts 02115
(617) 373-4972
g.macnaughton@neu.edu