

2018-19 Intensive Pro Bono Research Project Descriptions:

1. UN Women

Strengthening Accountability to Commitments to Women Peace and Security through Universal Periodic Review

January 7-11, 2019

Supervisor: Emily Kenney, UN Women, Policy Analyst

Q: How have UN-mandated investigations included sexual and gender-based violence in their reporting? What legal frameworks were applied? What were the findings? And what were the recommendations?

a. Background

Since 2012, UN Women and Justice Rapid Response have partnered to seek out the most qualified experts from every part of the world and train these professionals to investigate and document sexual and gender-based violence (SGBV) as an international crime. To date, more than 95 experts on the JRR-UN Women SGBV Justice Experts Roster have been deployed to international, regional and national accountability mechanisms. This figure includes many deployments to [UN-mandated independent investigations](#), including commissions of inquiry, fact-finding missions, including those on Burundi, Central African Republic, Côte d'Ivoire, Democratic Republic of the Congo, Democratic People's Republic of Korea, Eritrea, Guinea, Libya, Myanmar, South Sudan, and Syria. UN Women experts deployed to the Office of the High-Commissioner for Human Rights (OHCHR) to support UN-mandated investigations have documented grave violations of human rights and violations of international criminal law, including sexual violence as a tool of genocide against the Yazidi community in Iraq; forced abortions performed on women in prison camps in North Korea; and sexualized torture in Burundi.

b. Research Goals

The research will contribute to the UN Women's efforts to end impunity for sexual and gender-based violence (SGBV), by providing an in-depth analysis of how SGBV has been included in UN-mandated investigations in recent conflicts, and identify gaps, challenges and good practice in this area.

The research will analyze a cross-section of UN investigation reports over the past 5 years and assess:

- The legal frameworks applied to SGBV and women's rights violations;
- The legal findings in relation to SGBV and women's rights violations;
- The extent to which data has been disaggregated by sex;
- Whether the report contains a section focused on SGBV or women's human rights violations;
- Whether women, women's rights and SGBV are mainstreamed throughout the report; and
- Whether recommendations address SGBV and women's rights violations.

Ultimately, UN Women will use the research to work with expert investigators, gender advisors and OHCHR staff to improve the quality of reporting on sexual and gender-based violence and women's rights violations. The outcomes of the research should be shared with UN Women in a short paper and presentation.

c. Research team

The researchers should be knowledgeable about international criminal law and international human rights law. Several investigation reports are available only in French, so 1-2 French speakers on the team would be a plus.

2. Human Rights in China
International Advocacy at the United Nations
January 7-11, 2019

Supervisor: Caitlin Schultz, Program Officer, Human Rights in China Hong Kong Office

Human Rights in China is an international non-governmental organization based in New York City and with an office in Hong Kong. For almost 30 years, HRIC has conducted international advocacy, case and policy advocacy, research, translation, and other communications work to promote awareness and effective actions to address systemic and individual human rights issues.

The pro bono projects are designed to support HRIC's international advocacy efforts at the United Nations, including advancing access to justice in China for low-income and disadvantaged people. This research will provide students with opportunities for strengthening comparative law analysis and empirical research skills, and developing practical research products that will inform more innovative and effective policy inputs for China today. The specific design of the projects will take into account the skill levels and backgrounds of the research team members as well as addressing ongoing policy and other developments.

Students may apply for one of three research projects. Please note language requirements.

Case Research: This research project requires native fluency in Mandarin Chinese. Students will use China's case database to research specific trends and patterns in the reported cases in the domestic Chinese courts, with a focus on citation or reference to international conventions and treaties.

Domestic Implementation: This research project has components that require native fluency in Mandarin Chinese, but a team of students with various language abilities may be organized such that not all individuals will need native Chinese language fluency. This research examines the legal question of whether international human rights conventions and treaties are self-executing under Chinese domestic law. Although there have been official positions articulated at the UN, HRIC is interested in an examination of actual domestic practice and the work of Chinese scholars, academics, and legal practitioners. This research project will contribute to informing strategies to promote domestic implementation of international standards.

State Compensation: This research project does not require Chinese language fluency. It will consist of a survey of legal criteria and international standards for state compensation for non-physical injury. The research will be applied to assess the implementation of relevant provisions of China's State Compensation Law and China's obligations to provide effective remedies under the Convention Against Torture.

To apply, please email your resume and a brief self-introduction to HRIC at caitlin.schultz@hrichina.org. In your self-introduction, please indicate which project or projects you are applying for, why you are interested that topic or topics, any experience you have in these areas, and your language abilities.

3. VOLYA Institute on Contemporary Law and Society Mercenaries and States' Responsibility in the Armed Conflict in Ukraine January 7-11, 2019

Supervisors: Ivanna Bylich, VOLYA Institute, President
Miriam Eckenfels-Garcia, PILC, Associate Director

The VOLYA Institute for Contemporary Law and Society (VOLYA Institute) is dedicated to generating and promoting intellectual leadership in the field of civil society, human rights and the rule of law. Comprised of an international team of scholars and practitioners, the organization engages with issues of concern to Ukrainian society from a range of local, regional, and global multidisciplinary perspectives.

The military phenomenon of the extensive involvement of mercenary armies in armed conflicts raises a host of questions about the legality of use of mercenaries, their recruitment, financing and training. The use of mercenaries constitutes a danger to peace, security, human rights and economic development. It also violates the purposes and principles of the Charter of the United Nations and International Convention against the Recruitment, Use, Financing and Training of Mercenaries (December 4, 1989), Additional Protocol I and II to Article 47 of the Geneva Convention (1949), and may violate additional international instruments.

The 2014 Maidan protests in Kyiv and the March 2014 Russian illegal annexation of Ukrainian peninsula, Crimea (its status is determined by the UN General Assembly resolution 68/262 on the territorial integrity of Ukraine), were followed by the outbreak of armed hostilities in eastern Ukraine. This brought about an influx of fighters and mercenaries from abroad that has had significant influence on human rights in Ukraine and the war itself.

There are at least 176 identified foreigners serving in armed groups of the self-proclaimed 'Donetsk people's republic' and the self-proclaimed 'Luhansk people's republic'. These reportedly include large numbers from the Russian Federation, Serbia, Belarus, France and Italy, among others. The lack of accountability for offences committed against the most vulnerable population of Ukraine, who enjoys limited access justice, raises questions of States' responsibility. Although, most of the States prohibit any kind of mercenary activity and private military companies, foreign armed actors who joined the conflict are not brought to justice for crimes committed during the armed conflict, including human rights violations and terrorism related offences.

The research team will examine the term 1) mercenary, 2) private military companies, 3) foreign fighters, 4) state responsibility to bring to justice its own citizens for participating in armed hostilities, 5) look into States' that prosecuted their citizens for participating in the conflict in Ukraine, 5) draw conclusion and recommendations.

The objective is to assist those who have been affected the most -- the legally underserved and those dispossessed of their rights in the war, and to provide a sustainable and lasting solution that can be applied in similar situations.

Eligibility: A strong interest in human right, humanitarian law and international relations.

Preferred: Students with good knowledge of international human rights and humanitarian law.

**4. Solidarity Center
International Lawyers Assisting Workers (ILAW) Network
January 7-11, 2019**

Supervisors: Jeffrey Vogt, Solidarity Center, Director of Law
Jon Hiatt, Solidarity Center, Of Counsel and former General Counsel of the AFL-CIO

Solidarity Center is a Washington, D.C.-based non-profit, non-governmental organization, affiliated with the U.S. labor movement, whose mission is to promote worker rights in approximately 60 countries throughout the world.

It has recently embarked on a new project to create a global network of international union and worker rights lawyers and scholars to facilitate the sharing of information and expertise, more effective collaboration, and joint strategizing over issues and cases that increasingly transcend national boundaries. The network – International Lawyers Assisting Workers (ILAW) – will operate both online through a members-only website and in person through regional and global meetings and conferences.

ILAW intends to offer a variety of services to its member lawyers, including a global directory of labor and worker rights lawyers and allied legal professionals; a library/clearinghouse of news, research, articles, case materials in the fields of labor and employment law; a space for blog-format and listserv discussion and debate on legal developments; and a forum for webinars and other topical educational and training opportunities.

An ILAW Advisory Board consisting of 20 lawyers from 20 countries (four from Asia, three from Africa, four from South America, three from Europe, two from North America, one from Australia, and two from global organizations) has been providing guidance as the organization takes form.

For now, ILAW is focusing on seven broad topic areas: global supply chain accountability, migrant worker rights, the fissured employment relationship, employment discrimination in all its forms, the informal economy, organizing and bargaining with multinational employers, and trade union rights. Given the global nature of work and common trends that affect workers worldwide, an international network is needed now more than ever to effectively represent workers in these areas.

The platform will provide materials in English, Spanish, and French at the outset, and will hope to be able to offer additional languages over time, as resources permit.

ILAW intends to launch its online platform later this Fall, with a global convening sometime within the first year.

Overview of the Proposed Research Project

Over time, the member practitioners will be expected to supply their own materials to share on the website. In the short-term, however, it will be important for the site to contain as wide and deep a body of content in each of the seven subject matter areas listed above, and from as many countries and in as many languages, as possible.

The content will include agency and court decisions, accompanying briefs and other case documents, law review articles, NGO reports, legislation, pending bills, and other relevant materials.

A number of JD and LLM students from several law schools are working with ILAW this fall semester to begin to identify and populate the website with relevant materials. We would like to recruit a team of NYU LLM students from any and all countries who, under the guidance of supervising lawyers with expertise in the seven subject matter areas, could provide research in one or more of these topic areas this coming winter.

**5. European Center for Constitutional and Human Rights (ECCHR)
Universal Jurisdiction v. Special Mission Immunity in International Criminal Cases
March 18-22, 2019**

Supervisor: Fiona Nelson, Legal Advisor, International Crimes and Accountability, ECCHR
Miriam Eckenfels-Garcia, PILC, Associate Director

The European Center for Constitutional and Human Rights (ECCHR) is a non-profit organization based in Berlin, Germany. It pursues strategic litigation and legal interventions in a variety of legal forums to hold powerful entities accountable for grave human rights abuses, e.g. unlawful drone strikes in Yemen, European corporations endangering the lives of its workers in Syria, and violent police actions against migrants and refugees at the external borders of Europe.

ECCHR's International Crimes and Accountability Program frequently files criminal complaints in Europe, often on the basis of universal jurisdiction, a principle which allows domestic prosecutors to investigate crimes against international law even when the crimes did not occur on that state's territory, and neither the victim nor perpetrator is a national of that state. The principle allows national courts in third countries to address international crimes occurring abroad, to hold perpetrators criminally liable, to prevent impunity, and to prevent safe havens for perpetrators.

In such cases the issue of diplomatic immunity is one that often arises as a potential obstacle to prosecution.

ECCHR is interested in research by NYU students on the issue of **the conflict between a state's obligations under international law to respect diplomatic immunity and its obligations to prosecute (i) torture and (ii) war crimes** as international crimes. To what extent can it be argued that the duty to prosecute these crimes overrides the law of diplomatic immunities?

This is an area of the law that is in flux. In their concurring opinion to the ICJ decision in *Congo v. Belgium*, three judges of that court noted that "international law is in a process of evolution in this regard, and the weights on the two scales 'are not set for all perpetuity'".

Students should provide an overview of significant case law (and the reasoning therein) from different jurisdictions to date, from the Pinochet cases to the present day, with a particular focus on more recent developments. Students should also review relevant scholarly writing, again with a focus on more recent publications. It will likely be necessary to address torture and war crimes (as international crimes) separately, given the status of the obligation to prosecute for torture under international law.

This research, it is hoped, will assist ECCHR in its ongoing work to challenge impunity for grave human rights violations.