

Course Syllabus

International Human Rights Clinic E556

(Business and Human Rights)

Winter Quarter 2019

University of Washington School of Law

Prof. Alejandra Gonza

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Course Description

This course grants students the opportunity for hands-on experience in various types of projects applying international human rights law, under close faculty supervision and in partnership with international, national and local human rights organizations.

The Clinic will focus on mastering skills and gaining knowledge related to the emerging field of business and human rights. The Clinic's projects are directed to: 1) Using international human rights mechanisms and 2) Promoting human rights norms in public and private policies and practices. We will consider creative strategies for using corporate accountability mechanisms and "traditional" international human rights mechanisms to remedy human rights violations. Students will develop critical legal skills, such as interviewing, counseling, negotiation, media advocacy, legal research and brief drafting. They will gain experience working as advocates for various stakeholders. The seminar component will cover relevant theory, international law, and case law related to our clinic's projects.

The Course is pass/fail. To pass students need:

1. Attend the classroom component (Mondays, 1:30 am-3:20 pm)
2. Attend 1 hour of team meetings per week.
3. Devote at least nine hours in out-of-class time per week to the Clinic. Please, schedule your "office hours" with your team and upload them in Clio Platform.
4. Complete all assignments in time and return the work product with feedback
5. Independent Study (1-2 extra credits) may also be available for 3 hrs. of work per credit.

Please sign your conflict of interest forms and coordinate with my assistant to activate your UW card to access the Clinic.

Advanced Clinic option (up to 4 credits)

Communication

Please do not hesitate to contact me for any questions concerning the Clinic: agonza@uw.edu

Clinic communications will primarily be sent to you through CANVAS. Thus, it is essential that you check this site daily, at a minimum.

1. Course Requirements

1. Class preparation and participation:

A **skill session** involves in-class exercises and requires substantial preparation; you must rehearse technique and strategy, as well as become familiar with relevant law and procedure. Specifics will be fully explained before each session.

The course requires consistent participation by students in class discussions. You must be prepared to discuss the week's required readings. The recommended readings are optional.

In the class schedule are additional weekly assignments. Sometimes we will have a “**critical response**”. It refers to a two-paragraph (or one-page maximum) response to the required readings (you may also address the recommended readings). The critical response indicates that you have done the reading: analyze as you like. There is a sample critical response on CANVAS for your reference. Critical responses and other assignments indicated below must be uploaded to the course CANVAS site by **Monday at 10am**.

A **discussant** or two will be named in advance for some classes. The discussant will be prepared to motivate class discussion, and will be the “first option” for responses and comments. There will be no discussant for the first two classes. A calendar will be made for discussants, so that everyone will have plenty of notice.

1. **Performance of your clinical projects:**

This component includes a) your **weekly work** on clinical projects, in conjunction with your partner(s), and b) the frequent presentation of aspects of your project/cases during **case rounds**. Case rounds will be done regularly in class after the third week. Specific requirements, deadlines and expectations for each project will be explained in detail to the respective student teams: c) **final product and Global Monday's presentation**

Some guidelines on written work:

Please comply with all deadlines and hand in a finished product. Reviewed and approved written work should not be altered in future revisions unless an agreement is reached with me. Do not send to our partners and clients any work that has not been approved.

2. Materials

Referred for each class.

Note that the following schedule and material is subject to changes along the semester:

WINTER 2019

Introductory Classes

Week 1: January 14th:

1st hour Intro to the Clinic and teams (1st hour)

Required reading

- Haynes, Dina Francesca. *Client-centered human rights advocacy*, 13 Clinical L. Rev. 379, available [here](https://www.researchgate.net/profile/Dina_Haynes/publication/228156274_Client-Centered_Human_Rights_Advocacy/links/53ff53730cf2194bc29a4a59.pdf) (https://www.researchgate.net/profile/Dina_Haynes/publication/228156274_Client-Centered_Human_Rights_Advocacy/links/53ff53730cf2194bc29a4a59.pdf)
- Summary of Prof. Gonza's current human rights docket

2nd Hour: Ethics and human rights lawyering

Required reading

- “A crusading lawyer helped Ecuadorans secure a huge environmental judgment against Chevron. But did he go too far?” By Patrick Radden Keefe, *The New Yorker*; <http://www.newyorker.com/magazine/2012/01/09/reversal-of-fortune-patrick-radden-keefe>
- Plaintiffs Lawyer Donziger Suspended in Wake of Judge's Findings of 'Fraud' and 'Coercion' in Chevron Pollution Case, [here](https://www.law.com/newyorklawjournal/2018/07/10/plaintiffs-lawyer-donziger-suspended-in-wake-of-judges-findings-of-fraud-and-coercion-in-chevron-pollution-case/?sreturn=20180720011400) (<https://www.law.com/newyorklawjournal/2018/07/10/plaintiffs-lawyer-donziger-suspended-in-wake-of-judges-findings-of-fraud-and-coercion-in-chevron-pollution-case/?sreturn=20180720011400>)
- IBA International principles on conduct for the legal profession (2011). Available at http://www.ibanet.org/Publications/publications_IBA_guides_and_free_materials.aspx
ABA opinion about revealing information related to the client representation in social media and other public forums,
available [here](https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/aba_formal_opinion_480.authcheckdam.pdf) (https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/aba_formal_opinion_480.authcheckdam.pdf)

Assignment for in-class exercise: reflect on Dozinger's advocacy, Chevron's strategy and his obligations as a lawyer. Bring an outline to class and be prepared to discuss it, responding to

1. Which human rights advocacy efforts did Dozinger pursue?
2. Which principles on conduct for the legal profession could be questioned?
3. Which principle impacted in this case concerns you most? Why? (choose only one)

Recommended reading:

- IBA International principles on social media conduct for the legal profession (2014) Available at http://www.ibanet.org/Publications/publications_IBA_guides_and_free_materials.aspx

Week 2: January 21st: (Make up hours with meetings)

Week 3: January 28th:

1st 30-40 minutes cont, discussion Ethics and Human Rights lawyers: please post assignment for discussion.

2nd hour: Advocacy before the United Nations Charter Bodies: the Universal Periodic Review and Special Procedures

Please: Team Xiyue Wang and Team NWDCR be ready to discuss the main documents from the UN on your projects with the class.

Reading:

- Jane Conors. INTERNATIONAL HUMAN RIGHTS LAW, Third Edition. Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, David Harris. Third Edition, 2017, Chapter 19, *United Nations*, pp. 369-387 [chapter 19 \(1\).pdf](#) .
- Skim: *Opinion No. 52/2018 regarding Xiyue Wang* [here \(Team Xiyue Wang will explain the opinion to the class\)](#). (<https://www.law.uw.edu/media/141182/unwgad-opinion-xiyue-wang.pdf>).
- **UN Press Release: US urged to protect rights defenders as activist Maru Mora Villalpando faces deportation case, available here** (<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22657&LangID=E>).
- **Communication from Special Procedures to the US government on Maru Mora Villalpando and detention conditions at the NWDC available** (<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23626>) **here (Team NWDC will discuss the UN documents on Maru)**. (<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23626>).
- Important website for researching and counseling: **United Nations Human Rights Office of the High Commissioner** (<https://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>). On the right side, there is a column "Special Procedures Communications", click on **Communications search** (<https://spcommreports.ohchr.org/>) to access a data base on communications sent to governments

Week 4: February 11th: Skills session: Interviewing organizational and individual clients (Snow day-Make-up with online and skype discussion on the content of each team interviewing plan and actual interviews with clients)

Required reading: Krieger and Neumann, "Interviewing the Client" in *Essential Lawyering Skills* (2007), pp. 81-108 [Essential Lawyering Skills Interviewing.pdf](#)

Team Assignment: written plan for the initial interview with the client (1.5 page max). See instructions on the content of a plan in the reading

Review handout for each team and indications for the skill session. We are going to practice interviewing for our projects.

Each team will have 30 minutes to practice during class for the initial interview with clients. I will play the client. The observers are going to take notes for feedback.

Please note that this session requires substantial preparation and requires team work. Plan ahead with your team. Dedicate part of your team meeting if necessary discussing the details

Reflection during team meetings

Week 5: February 25th: United Nations Treaty bodies: complaint procedure v. Regional human rights mechanisms: Inter-American System: case system

Skills session: Rounds

We are taking off with teams first Rounds (40 minutes total). The team will present the case/project they are working on, identifying the human rights system and specific mechanisms they are using and proposing to use (20 min). The class needs to read carefully the early drafts of the work product. After the presentation the rest of the class will make questions 20 minutes of questions.

Reading:

- Jane Conors. INTERNATIONAL HUMAN RIGHTS LAW, Third Edition. Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, David Harris. Third Edition, 2017. Chapter 19, *United Nations*, pp. 387-399
- T. Antkowiak and A. Gonza, THE AMERICAN CONVENTION ON HUMAN RIGHTS: ESSENTIAL RIGHTS (2017), Chapter 1, Introduction, p. 1-17 (Overview), available [here](https://ssrn.com/abstract=2964984) [_ \(https://ssrn.com/abstract=2964984\)](https://ssrn.com/abstract=2964984)

Team Work product:

- Early draft of our Editorial criticizing the Mexican Supreme Court Decision [Blog Draft Final.docx](#)
- Early draft of Memo on Human Rights Committee and IACHR case law, [HRC_IACHR Memo.pdf](#)

Assignment: bullet point one page constructive feedback (please upload it before class)

Week 6: March 4th: Reflections/rounds on interviewing client/partner. Learning from others

Team NWDC Human Rights Defenders in the US will share their experience interviewing Shacorie Tunkara that same morning the morning. This is part of our work on Human Rights Defenders in the US. A follow-up to explore it we can help Saja Tunkara and Shacorie file for an urgent appeal, if elements are present

Reading/watching:

Watch video Inter-American Commission on Human Rights Hearing **Situation of human rights defenders of migrants in the United States, December 5th, 2018**

[here](https://www.youtube.com/watch?v=B7md6cgz3YY) [_ \(https://www.youtube.com/watch?v=B7md6cgz3YY\)](https://www.youtube.com/watch?v=B7md6cgz3YY)

Written testimonies: [STATEMENTS \(1\).docx](#)

2nd hour

Ida, Kenzie and David: Round about selected challenges interviewing client: 30 minutes (we will do structured rounds) See [here](https://docs.google.com/presentation/d/1Nq8vLNSNEzeqhb7FmuyBy1YOE2iUNFrL_g6aNqKio40/edit?usp=sharing%C2%A0) [_ \(https://docs.google.com/presentation/d/1Nq8vLNSNEzeqhb7FmuyBy1YOE2iUNFrL_g6aNqKio40/edit?usp=sharing%C2%A0\):](https://docs.google.com/presentation/d/1Nq8vLNSNEzeqhb7FmuyBy1YOE2iUNFrL_g6aNqKio40/edit?usp=sharing%C2%A0)

Week 7: March 11th: Free Xiyue Wang preparation

Team Xiyue-Wang will use class time and peer resources to assign small tasks/last minute request.

[_ \(https://sakailogin.nd.edu/lessonbuilder-tool/templates/\)](https://sakailogin.nd.edu/lessonbuilder-tool/templates/)

[_ \(https://sakailogin.nd.edu/portal/site/FA18-LAW-73420-01/tool/ba405a36-ddaf-4f2e-8346-4c638f6e5292#\)](https://sakailogin.nd.edu/portal/site/FA18-LAW-73420-01/tool/ba405a36-ddaf-4f2e-8346-4c638f6e5292#)

[_ \(https://sakailogin.nd.edu/portal/site/FA18-LAW-73420-01/tool/ba405a36-ddaf-4f2e-8346-4c638f6e5292#\)](https://sakailogin.nd.edu/portal/site/FA18-LAW-73420-01/tool/ba405a36-ddaf-4f2e-8346-4c638f6e5292#)