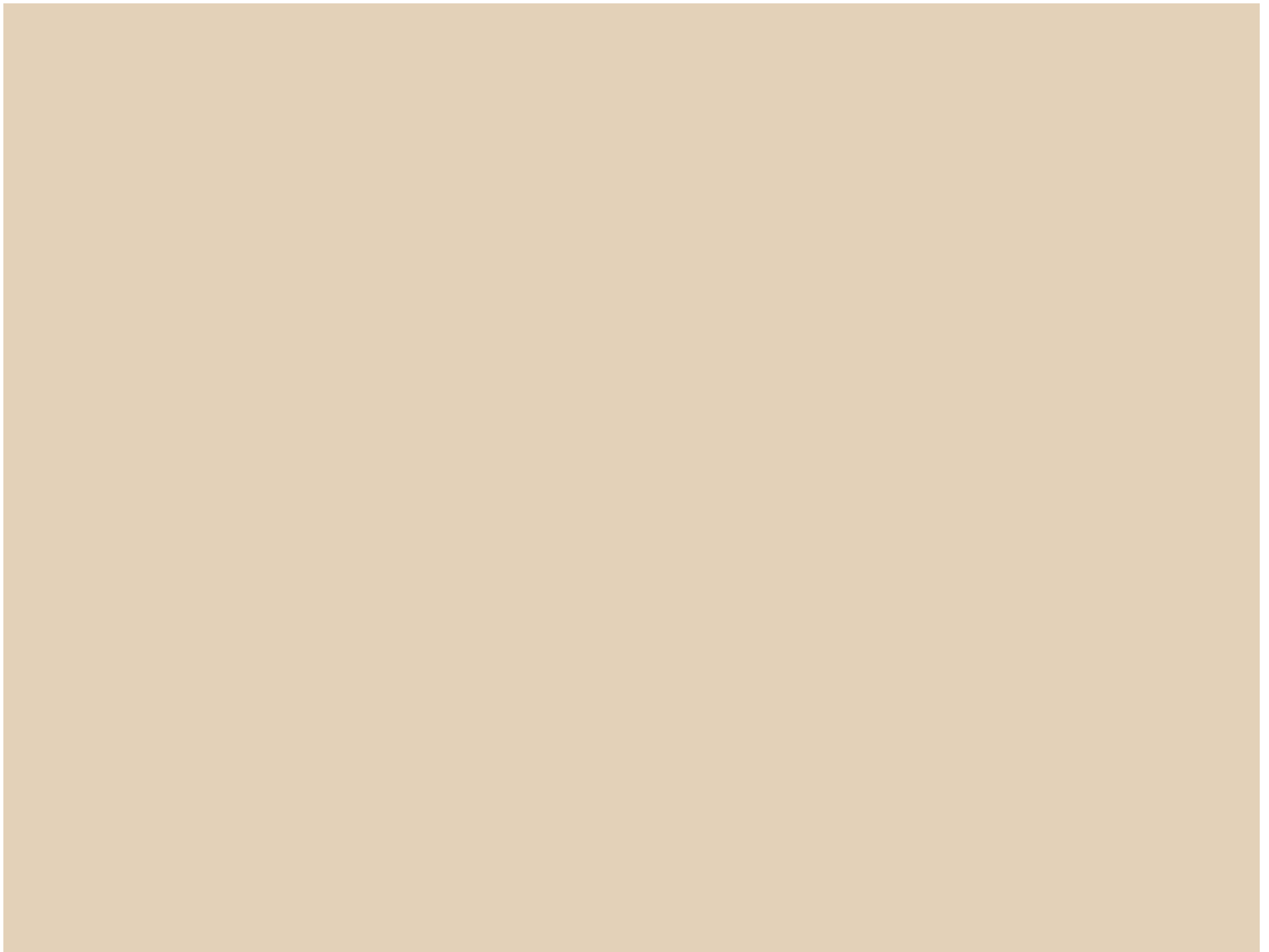


# CHRIJ

International Justice



## فوق

في ظلّ هذه الظروف، فإنّ دور المحكمة في التحقيق في الجرائم الدولية، وتحديد المسؤولين عنها، وإدانتهم، وإحالةهم على العدالة، أصبح أكثر أهمية من أيّ وقت مضى. وهذا هو الدور الذي تلعبه المحكمة في تحقيق العدالة الدولية، والتي هي أساس الديمقراطية والتنمية المستدامة.

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On November 21, 2019, the Center along with partner project the Ignacio Martín-Baró Fund (MBF, or “the Fund”) for Mental Health and Human Rights, co-hosted the 30th anniversary commemoration of the assassination of the martyrs of El Salvador. The event featured testimonies from Joan Liem, member of the Fund and Professor Emerita of Psychology at UMass Boston; Massachusetts 2nd District Congressman Jim McGovern; Walberto Tejeda, a representative from Centro Bartolomé de las Casas in El Salvador; a video greeting from Carlos Martín-Baró, brother of Ignacio Martín-Baró, SJ; Boston College Lynch School Professor of Community-Cultural Psychology, Center co-director co-founder of the MBF, M. Brinton Lykes; Chung-Wha Hong, Executive Director of Grassroots International; and Professor Catherine M. Mooney, BC School of Theology and Ministry and longtime member of the MBF committee.

At 30 years, the Fund has raised over one million dollars in funding for grassroots projects around the world that engage in work that mirrors and carries on the legacy of the organization’s namesake. Words from Ignacio’s, or “Nacho’s,” brother describing the Fund sum up the general theme of the anniversary commemoration event quite well. He said that the work of the Fund is serving to represent “*la voz de Nacho*” or “the voice of Nacho moving forward.” This sentiment was brought forth by Congressman McGovern as well in his reflection of his time in El Salvador and the difficulty he has faced in coming to terms with the US involvement in the violence, both historically and today, through his advocacy work as a government official and in representing the voices of the people of the US. Despite the pervasive indications that history may be repeating itself through the US’ oppressive immigration policies towards Central American migrants or its violent war on drugs, he noted that those who support the MBF have served – and must continue to serve – as a reminder to the Salvadoran people, and to survivors of mass atrocities everywhere, that there is still hope in this world.

The 30th anniversary event featured accolades of Nacho’s personal qualities, professional accomplishments, and philosophies from his friends and colleagues all while highlighting the Fund’s sus-

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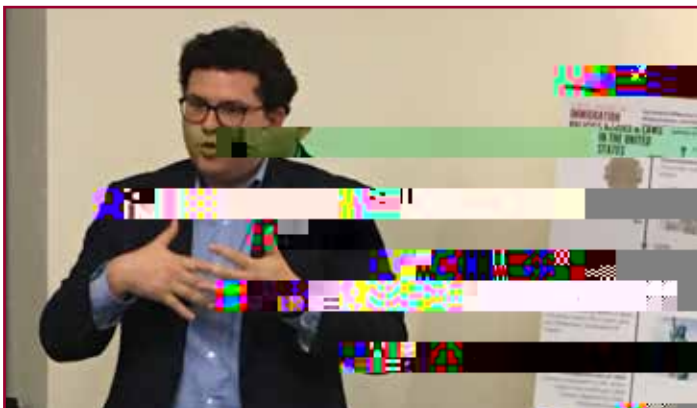
In a collaboration with the PULSE program, the Center hosted an immigration workshop on October 28th, aimed at students participating in service with immigrant communities. The workshop served to offer students a general background on the immigration situation in the United States, provide narratives to reveal the nuanced experiences of immigrants from different identities, sexualities, and legal statuses, describe the history of immigration restriction in the US, and finish with information and opportunities surrounding advocacy networks and actions occurring in Massachusetts.



Heather Friedman, the Supervising Attorney for the Center, began the workshop with an in-depth explanation of the legal apparatuses that implement immigration legislation in the United States. The path to legal immigration differs largely depending on one's country of origin, their employment status, and whether or not one has family in the US. Having family in the US, however, does not guarantee a shorter immigration journey as countries with higher interest of movement have wait times upwards of a decade. Friedman examined the apparent recent upsurge of attacks on the legal status of asylum seekers and refugees occurring beneath the Trump administration. An increase in restrictions of the numbers of asylum seekers and refugees being admitted into the country have been implemented through agreements with coun-

tries over migration policies, general limits on immigration flows into the US, and the family separation "zero tolerance policy."

The event included two concurrent activities, one being a video screening of testimonies from immigrants to the United States in which they reflected on their experiences, the other being an in-depth review of US immigration history led by BC Lynch School Professor Andrés Castro-Samayoa. The video reflected the unique experiences of immigrants, with the testimonies including video footage from a DACAmented teenager fearful of her future legal status due to the uncertain future of the DACA program, to the story of a woman whose child was separated from her at the border. Castro-Samayoa led the other activity through presenting a timeline of historic immigration restriction in the United States, beginning with the Chinese Exclusion Act of 1882 to current day policies. The timeline revealed the rather consistent restrictive and racist nature of US immigration policy that has led to the current power structures in the US today.



The event finished with a presentation by Joel Rivera, a community organizer at the Massachusetts Immigration and Refugee Advocacy Coalition (MIRA). Rivera discussed his work at MIRA and their current advocacy campaigns, including fighting the proposed "public charge" rule which would allow the US government to block people who might need public benefits from immigrating legally, and advocating for the availability of in-state tuition to green card holders and DACAmented students.

On November 5th the co-authors of the book *Global Perspectives on Human Rights: A Critical Inquiry*, Madhu Prakash and Gustavo Esteva, performed a reading in an event entitled “Beyond Human Rights, Under the Storm, while Living World(s) Apart.” Co-sponsored by Boston College Latin American Studies, the Organization of Latin American Affairs (OLAA), the BC Lynch School of Education and Human Development’s Teacher Education, Special Education, and Curriculum and Instruction Program, and the BC Institute for the Liberal Arts, the event problematized the notion of universal human rights through discussion and examples. Gustavo Esteva is an activist, author, and the co-founder of the Universidad de la Tierra (University of the Earth) in Oaxaca, Mexico. Madhu Prakash is a Professor of Education at the Pennsylvania State University as well as a researcher and writer. The performance was styled as a conversation between the two authors, both of whom have, in their intellectual and activist careers, come to view universal human rights as the “trojan horse of recolonization.” Through storytelling and reflection, Esteva began by explaining the incongruence often found between human rights “justice” and the lived truth of justice in communities. Human rights discourse, largely substantiated with Western values, claims to supercede individual morality, replacing it with a morality larger than the individual itself. This sort of morality, which grounds itself as higher than the individual, often does not work within community-focused societies. Therefore human rights discourse infiltrates and disintegrates communitarian values while often being used as the benevolent face of recolonization.

Prakash continued the conversation by problematizing the claim of the universal right to education. As a Professor of Education, Prakash spent much of her career analyzing philosophies of teaching, leading her to focus on Ivan Illich’s provocative book, *Democracy at School*. Illich suggests that in a consumer society, education is consumer training and the hidden curriculum in schooling creates

efficient consumers who support the financial status of the state. According to Illich, obligatory schooling constructs this paradigm in each student, as they are not allowed to refuse the education. Prakash argues against the universality of the right to an education, particularly in contexts where states control the education curriculum.

In another provocative question, Esteva stated he supports the abandonment of human rights for indigenous people. He explains that many crimes are committed in the name of human rights, and the universality principle does not fit within the context of many indigenous communities. This does not mean the entire abandonment of juridical proceedings as a mode of justice, but rather a change in the conception of rights upon which the juridical proceedings are based. In lieu of individual human rights Esteva proposes collective rights which enforce communal norms and allow for self-government. In his view, abandoning universalism does not mean adopting cultural relativism but radical pluralism.

Esteva and Prakash concluded by questioning the efficacy of the nation-state and the claim that human rights are grounded in the democratic nation-state. They find hope through the work of grassroots

# 2019-2020 年 10 月 1 日 至 2020 年 10 月 31 日 的 加 拿 大 人 权 情 况 报 告

## ▶ 加 拿 大 人 权 委 员 会 的 工 作 方 式 和 工 作 范 围

加拿大人权委员会（以下简称“委员会”）是加拿大政府的一个独立机构，负责调查和解决人权问题。委员会由七名成员组成，其中一名成员由总督任命，其余六名成员由议会任命。委员会的职权范围包括：调查个人提出的申诉；调查政府机构的行为；调查媒体和公众关注的案件；向政府提出建议；发布人权报告；以及教育和促进人权。

委员会的工作方式包括：接受个人申诉；进行公开听证会；与相关机构进行磋商；发布调查报告；以及向政府提出建议。委员会的调查结果和建议不具有法律约束力，但具有重要的道德和舆论影响力。

委员会的职权范围包括：调查个人提出的申诉；调查政府机构的行为；调查媒体和公众关注的案件；向政府提出建议；发布人权报告；以及教育和促进人权。委员会的工作方式包括：接受个人申诉；进行公开听证会；与相关机构进行磋商；发布调查报告；以及向政府提出建议。



## ▶ 土 著 人 权 情 况 报 告

土著人权是加拿大人权委员会关注的重点领域之一。委员会在 2019-2020 年期间，持续关注土著社区在土地权利、语言权利、文化权利等方面所面临的挑战。委员会通过调查和发布报告，呼吁政府采取更多措施，保护和促进土著人权。

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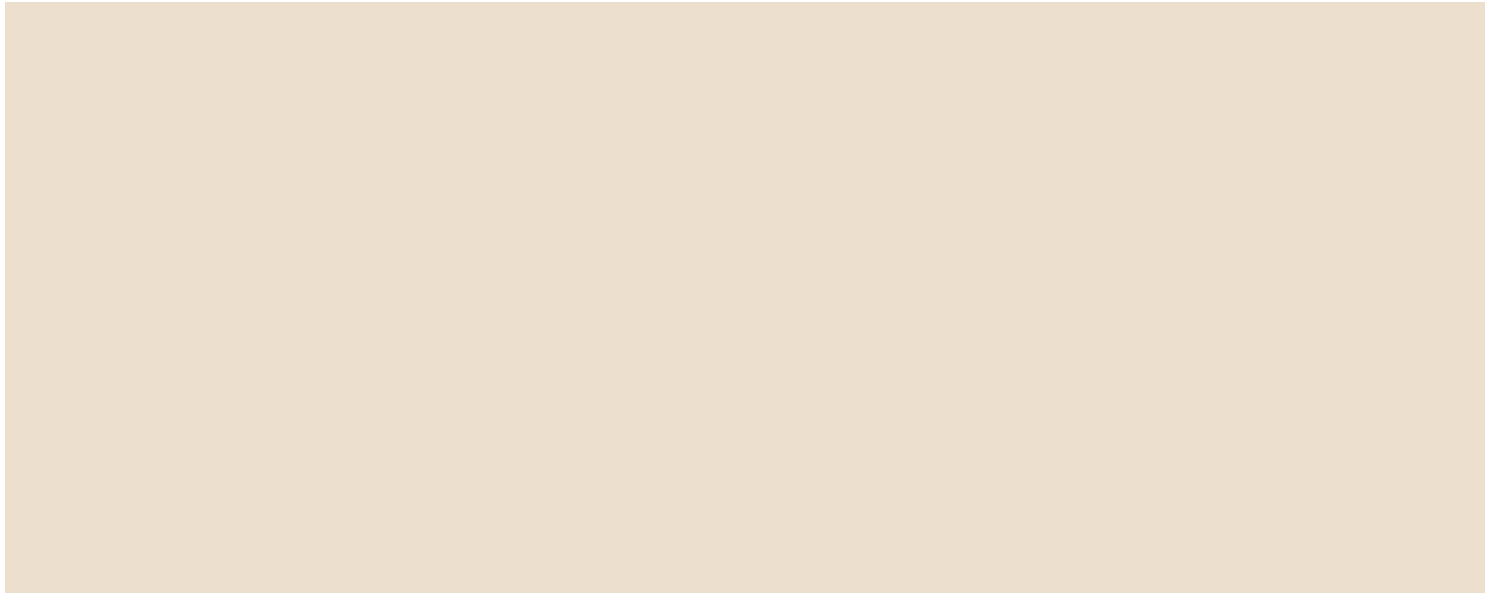






# FULL-BLANK-FULL-SUBJECT-B

On October 8th, 2019, the Center hosted Emma Winger, sta  
attorney with the American Immigration Council, fon



# T W N Y C H R C

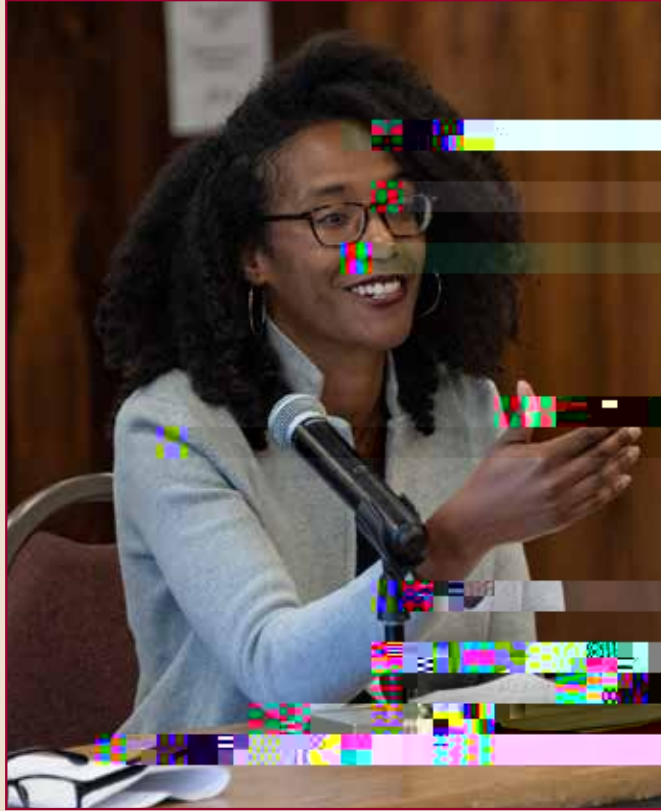
On September 26th, the Center hosted Brittany Saunders, the Deputy Commissioner for Strategic Initiatives at the New York City Human Rights Commission and former Interim Counsel for Mayor Bill de Blasio, for a luncheon presentation entitled “The Work of the New York City Human Rights Commission.” Saunders is also the inaugural Senior Fellow in residence with the Rappaport Center for Law and Public Policy at Boston College Law School.

The discussion centered around the Human Rights Commission’s work in New York City, which ranges from looking at the relationship between human rights and culture to theorizing how governments can contribute effectively to promoting reconciliation and peacebuilding in divided societies. The Commission is also responsible for enforcing New York City’s human rights law, which applies in the areas of employment, housing, public accommodations, discriminatory harassment, and bias-based profiling by law enforcement.

Saunders’ role in the Human Rights Commission is in the policy unit, which was created to help facilitate partnerships with other city agencies, to review legislation coming out of city council, and to promulgate rules and legal enforcement guidance to help New Yorkers know how they interpret the city’s human rights law. The goal of her work is to ensure that residents of New York are made aware of the protections that they have under human rights law.

In 2018, the Commission partnered with the street artist Tatyana Fazlalizadeh to produce murals across the city designed to elevate New Yorkers’ concerns about gender-based street harassment and anti-black racism. Through this partnership, the Commission was not only able to bring more awareness the existence of such discrimination, but also to spread its values of dignity, inclusion, and respect beyond its specific areas of jurisdiction.

Saunders also explored the question of how international human rights law relates to national immigration and deportation policies. She highlighted two of the Commission’s recent actions to address this issue, one of which being a set of legal enforcement guides about discrimination on the basis of immigration status at the city level. Under the Commission’s interpretation, it is unlawful in New York City to harass individuals due to their immigration status. Moreover, the Commission compiled statements made by city human rights officials condemning conditions in which people were detained at the US-Mexico border.



Saunders continued by discussing the following question: “in a world that is so deeply aware of cultural differences, is it still possible to affirm that human rights are truly universal, moral standards?” Saunders stated that the Commission often reflects on creating a balance between working to make sure that they are enforcing specific elements of local human rights law and affirming and voicing the values behind human rights law. Saunders discussed

how the Commission has created public facing campaigns to be attentive to the specific local cultures present in New York City. Through consultations with partners in communities of many different backgrounds as well as building a staff that is reflective of the diversity in the city, the Commission has worked to be representative.

In her presentation, Saunders highlighted the initiatives, policies, and programs that the New York City Human Rights Commission has introduced that are intended to spread awareness of the Commission’s values and efforts and to acknowledge the specific concerns of the diverse communities that compose New York City.



# T C V S BC

The Center hosted two international Visiting Scholars on campus this past year, who were able to use the Center and BC resources to advance their research in collaborative fashion. Here they share their advances made during the year and reflect on their stays:



She patiently led me into the latest cases she was working on and shed light on the role discretionary powers play in the US immigration system. This experience allowed me to outline the different set of regulatory styles provided in US immigration law, and to better

On September 12, the Center hosted an event to report back on a trip three of its representatives made to the US-Mexico border in El Paso, Texas in May, and to highlight ways in which people in the Boston area can respond locally to advocate for immigrants' wellbeing.

Center co-director and Lynch School Professor of Community Psychology Brinton Lykes, Lynch School Professor of Education Raquel Muñiz, and Center Assistant Director Timothy Karcz presented in an effort to bring the experiences of their trip back to campus. The trio traveled to El Paso to take part in the *Encuentro* Project, an inter-congregational, collaborative project that includes the Jesuits, the Marist Brothers, the Sisters of San Francisco of the Holy Family, lay people, and the Instituto Fronterizo Esperanza (Hope Border Institute). A recap of the trip was previously reported in the Center's summer 2019 newsletter (at [tinyurl.com/CHRIJ2019](http://tinyurl.com/CHRIJ2019)).

After the recap, which contextualized these arrivals at the border historically, the attendees formed breakout groups to discuss current issues affecting immigrants in Massachusetts. Each group was assigned a topic, including cooperation agreements between local police and ICE Massachusetts, availability of in-state tuition to undocumented students in Mass., and proposed changes in so called Public Charge rules, which could potentially block many immigrants from immigrating legally to the US based on income and/or health factors. The groups then reported out to what they had learned and how they proposed attendees could advocate around those issues. There was much interest and energy in the full room to advocate for immigrant rights on the issues highlighted in this time when many of those rights are under attack in the US by the government.



