

# **HUMAN RIGHTS, ECONOMIC DEVELOPMENT AND GLOBALIZATION (HEDG)**

## **Pedagogical team 2022-2023**

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- **Helena Alviar**, tutor
- **Pierre Farcot**, butor
- **Margaret Harris**, tutor
- **Omar Kamel**, tutor
- **Alexia Katsiginis**, tutor
- **Grace Marshall**, tutor
- **Anne-Charlotte Martineau**, tutor
- **Jeremy Perelman**, tutor
- **Jeanne Sulzer**, tutor
- **Hicham Touili-Idrissi**, tutor
- **Liliane Umubyeyi**, tutor
- **Roman Zinigrad**, tutor

## Projects 2022-2023

### Project 1 – Universal competence mapping

Part of the history of Amnesty International has always been committed to the fight against impunity for international crimes. Amnesty International France was historically at the creation and the presidency of the French Coalition for the International Criminal Court (ICC) and leads alongside the members of the French Coalition for the International Criminal Court (CFCPI) and independently a campaign since 2010 for France to lift the "barriers" allowing the effective exercise of the universal jurisdiction. In France, the subject is particularly topical because the Court of Cassation recently rendered a decision, highlighting the blockages of universal jurisdiction in France which prevent the most serious crimes from being judged.

Mapping universal jurisdiction is a tool for advocacy, training and analysis to support and demonstrate the role and place of victims, victims' associations and NGOs in strategic litigation related to the fight against impunity for international crimes. Taking part in this project means helping to strengthen Amnesty International France's analysis in its campaign to lift obstacles to universal jurisdiction in France, but also to engage in dialogue with French, regional and international authorities and institutions.

- Partner: **Amnesty International**
- Tutor: **Jeanne Sulzer**

### Project 2 – International law and the issue for reparations for colonial crimes: the case of mixed-race children from the Belgian Congo

On 14th October 2021, the Brussels court of first instance ruled that the forced placement of mixed-race children in orphanages in the Belgian Congo in the years leading up to independence (1948-1961) could not be qualified as a "crime against humanity". The five plaintiffs, who demanded 50,000 euros per person and the obligation to appoint a legal expert to assess their

non-pecuniary damage for the remainder, were dismissed. They have decided to appeal this decision (which is otherwise laconic when it comes to the applicability of international law) and are seeking the support of experts through, in particular, an amicus curiae. It is here that clinic students will intervene, by participating in the research and the drafting of the amicus curiae in order to support the finding that the almost systematic placement of children born during the colonization of Congolese women and white men in religious institutions, where children were abused, can and indeed should be considered a crime under international criminal law.

This case is a unique opportunity of its kind which makes it possible to grasp international criminal law in colonial matters.

- Partner: **CNRS / CTAD (Center for Legal Theory and Analysis)**
- Tutors: **Anne-Charlotte Martineau** and **Liliane Umubyeyi**

### **Project 3 – Right to education – monitoring and reporting on inequalities and discrimination in higher education in France (part V): bringing the issue to the UN**

According to international human rights law, 'higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education'.

However, in many countries, the prevailing trend has been an increase in tuition fees and other indirect costs which are not conducive to making higher education 'equally accessible' and rather represent a discriminatory barrier particularly for people from disadvantaged socio-economic backgrounds.

This proposal builds on the previous projects undertaken with the clinic on the issue of inequalities in higher education: the report drafted in 2018-2019 and completed and published in 2019-2020 together with a policy brief, a web page on higher education and testimonies collected by students in 2020-21 on the impacts of the Covid-19 pandemic. As well as knowledge document published in 2022 which includes additional information on privatization and the financing of higher education.

France will be finally reviewed by the UN Committee on Economic, Social and Cultural Rights in 2023 which is a great opportunity for the students and the clinic to participate in the process, including going to Geneva, if possible, to meet UN experts. An important part of our mission is to empower rights-holder to claim their rights and students as the primary-beneficiary of higher education are best placed to provide information about the issue and advocate for changes.

- Partner: **Right to Education Initiative**
- Tutors: **Roman Zinigrad, Margaret Harris and Hicham Touili-Idrissi**

This project was awarded the [Anthony Mainguené prize in 2022](#) (fr).

## **Project 4 – Supporting the UN: special rapporteur on the right to adequate housing**

As one of the major thematic special procedures of the UN, the mandate of the special rapporteur requires substantial research and writing support for which a project like this is very important. Insecure housing is one of the world's greatest challenges and the UN mandate is the main instrument of the international community to spearhead advocacy and action around it.

Students will learn much about the actual working of the UN human rights system, and evolving normative standards that apply to the area of housing and related human rights, and the tools to engage with specific constituencies such as local governments or NGOs.

The outcomes include support work on reports to the UN General Assembly, and the UN Human Rights Council, preparation for country visits, support for specific events or advocacy efforts, and strategic support for the advancing the goals of the UN mandate.

- Partner: **UN Special Rapporteur (on the right to adequate housing)**
- Tutors: **Jeremy Perelman, Omar Kamel and Alexia Katsiginis**

## **Project 5 – Human Rights due diligence, trafficking for forced labour and rights of indigenous people**

The EU has published a draft Directive on Human Rights and Environmental Due Diligence. There is increasing recognition that current oversight and monitoring of human rights in supply chains is not working, and that forced labour and other human rights violations continue to be prevalent in sectors, such as intensive agriculture and extractive mining. The rights of indigenous peoples are particularly at risk, given the additional obstacles faced in securing access to justice. Less attention has been given to trafficking in persons for purposes of forced labour. There is less recognition of the economic vulnerability that leads to trafficking in persons for forced labour, particularly affecting minority groups and indigenous peoples in harder to reach, more remote locations.

The clinic project will analyse and follow the progress of the Draft Directive, and research how and whether, the legislative proposal is engaging with concerns relating to the rights of indigenous peoples, and effective prevention of trafficking for purposes of forced labour. The project team will engage regularly with the UN SR Trafficking in Persons, Siobhán Mullally, and provide support for Communications, presentations on the proposal, and seek opportunities for direct engagement with the EU legislative process, and with civil society actors.

- Partner : **UN Special Rapporteur (on human trafficking)**
- Tutor : **Pierre Farcot**

## **Project 6 – Extraterritoriality in loss and damage climate litigation**

Despite being centrally concerned with issues of global justice, loss and damage (L&D) is the pillar of climate governance and litigation that has received least attention. L&D is broadly defined as any and all losses incurred as a result of the impacts of anthropogenic climate change that are already unavoidable or comprise 'residual impacts' that cannot be prevented by the adoption of mitigation or adaptation measures. At the heart of L&D debates lies the question of attributing legal responsibility for the increasingly severe L&D being suffered by those states that are the most vulnerable to climate change as a result of impacts ranging from extreme weather events to slow-onset environmental changes. Global South states and communities, especially those

disproportionally affected by climate change, have highlighted different historic responsibilities and the need for compensatory measures.

The clinic will aim to aid loss and damage litigation by researching the following questions:

- What legal avenues are available to pursue L&D claims within European jurisdictions?
- What are the challenges to bringing L&D claims within European jurisdictions?
- What kinds of L&D remedies can be sought in European jurisdictions?
- What is the most favorable European jurisdiction in which to bring an L&D claim?

This projet will be run in close collaboration with NYU Law School's Earth Rights Clinic [https://www.law.nyu.edu/academics/clinics/earth\\_rights\\_advocacy](https://www.law.nyu.edu/academics/clinics/earth_rights_advocacy) and its Center for Human Rights and Global Justice. Students from NYU will be working on other components of the project, and exchanges will be planned between teams of students and their tutors.

Partner: **Sciences Po Law School** and **New York University Law School Earth Rights Clinic**

Tutors: **Helena Alviar** and **Grace Marshall**

This is a joint project with the JETE clinic programme.