

Bringing Human Rights Home Lawyers' Network
Annual Human Rights in the United States Symposium and CLE

*Human Rights Treaty Obligations and the U.S.:
The Rocky Road to Rights*

June 15, 2023
1:00 – 4:30 PM EDT

AGENDA AND MATERIALS LIST

SPONSORS

American Civil Liberties Union (ACLU) Human Rights Program
American University International Human Rights Law Clinic
Center for Constitutional Rights
CUNY International Human Rights & Gender Justice Clinic
International Justice Resource Center
Southern Poverty Law Center
The Promise Institute for Human Rights at UCLA
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HOST

The Program on Human Rights and the Global Economy (PHRGE)
at the Northeastern University School of Law

Via Virtual Platform

CLE INFORMATION: CALIFORNIA AND NEW YORK

The State Bar of California has approved this event for 3.5 MCLE credit hours and we are seeking New York CLE credits through its “Approved Jurisdiction” program.

***Human Rights Treaty Obligations and the U.S. :
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June 15, 2023

AGENDA

- 1:00 – 1:15 OPENING REMARKS**
Martha Davis, University Distinguished Professor of Law, Northeastern University School of Law
- 1:15 – 2:00 KEYNOTE REMARKS**
Introduction by Jamil Dakwar, Director, ACLU Human Rights Program
Meg Satterthwaite, UN Special Rapporteur on the Independence of Judges and Lawyers
- 2:00 – 3:15 SESSION I: THE COURTS AND US COMPLIANCE WITH THE TREATY OBLIGATIONS**

The U.S. has repeatedly cited its well-established judicial system as a strength when reporting to human rights bodies, including the UN Human Rights Committee. However, polling indicates that the US public increasingly questions the independence and legitimacy of the Supreme Court and lower courts. In addition, many judges seem to have turned away from acknowledging the persuasive value of international human rights law, a practice that commanded a majority of the Supreme Court as recently as 2003, in the case of *Lawrence v. Texas*. This panel will look at recent and pending Supreme Court cases and trends through the lens of the ICCPR and other treaty obligations, and will discuss possible responses to a judicial system that seems to reject the value of human rights norms. Topics to be discussed will include: reproductive rights, indigenous rights, affirmative action, and voting rights. Panelists will offer suggestions about how to reaffirm the role of human rights in the US judicial system.

Panelists

- Patty Ferguson-Bohnee, Clinical Professor of Law, Sandra Day O'Connor College of Law at Arizona State University
- Pilar Herrero, Senior Staff Attorney, Center for Reproductive Rights
- Maryum Jordan, Climate Justice Attorney, EarthRights International
- Ian Kysel, Assistant Clinical Professor of Law, Cornell Law School

Moderator: Cynthia Soohoo, Professor of Law, City University of New York/Co-Director of the Human Rights and Gender Justice Clinic

3:15 – 4:30 SESSION II: THE TREATY REVIEW PROCESS IN THE U.S.

The human rights treaty review process is a central pillar of the international human rights system. But is it working in the U.S.? In recent years, the U.S. government has typically conducted a small number of consultations prior to a human rights treaty review. In addition, the federal government often invites one or two representatives of subnational governments to participate as members of the government delegation. The review process itself takes place in Geneva, attended by members of civil society and including, in recent years, opportunities for remote participation. This panel will assess this process and recommend ways that the treaty review process could be made more effective in the U.S. Panelists will include civil society activists, advocates, and representatives of subnational governments. Federal government actors will be invited to attend and respond.

Panelists

- Margaret Huang, Chief Executive Officer, Southern Poverty Law Center
- Dr. Alisa Warren, President, International Association of Official Human Rights Agencies
- Dr. Domenico Zipoli, Project Coordinator, Geneva Human Rights Platform / Research Fellow, Geneva Academy of International Humanitarian Law and Human Rights

Respondent

- Karen L. Stevens, Policy Senior Counsel and Coordinator of the Civil Rights Division's International Program, U.S. Department of Justice

Moderator: Lisa Reinsberg, Executive Director, International Justice Resource Center

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MATERIALS LIST
[Page numbers in brackets]

KEYNOTE

1. Margaret Satterthwaite (Special Rapporteur on the Independence of Judges and Lawyers), *Reimagining justice: confronting contemporary challenges to the independence of judges and lawyers*, 53rd session, U.N. Doc. A/HRC/53/31 (April 13, 2023). [001]
2. Symposium, *Critical Legal Empowerment*, 97 N.Y.U. L. REV. 1547 (2022). [020]
3. *About the Mandate*, SPECIAL RAPPORTEUR ON THE INDEP. OF JUDGES AND LAWS., <https://www.ohchr.org/en/special-procedures/sr-independence-of-judges-and-lawyers/about-mandate> (2023). [039]
4. Economic and Social Council Res. 2006/23, annex, *Bangalore Principles of Judicial Conduct* (July 26, 2006). [043]
5. Diego García-Sayán (Special Rapporteur on the Independence of Judges and Lawyers), *Protection of lawyers against undue interference in the free and independent exercise of the legal profession*, U.N. Doc. A/HRC/50/36 (July 8, 2022). [067]

SESSION I: THE “LEAST DANGEROUS BRANCH”?: THE COURTS AND U.S. COMPLIANCE WITH TREATY OBLIGATIONS

6. Brief for United Nations Mandate Holders as Amicus Curiae in Support of Respondents, *Dobbs v. Jackson Women’s Health Organization*, 142 S. Ct. 2228 (2022) (No. 19-1392). [086]
7. Jessika L. Gonzalez, *American Judicial Rejectionism and the Domestic Court’s Undermining of International Human Rights Law and Policy After Human Rights Violations Have Occurred in the State*, 30 WASH. INT’L L. J. 397 (2021). [135]
8. Brief for Human Rights Watch as Amicus Curiae in Support of Respondents, *Moore v. Harper*, (2023) (No. 21-1271), 2022 WL 16575769. [162]

SESSION II: THE TREATY REVIEW PROCESS IN THE UNITED STATES

9. Ida Lintel & Cedric Ryngaert, *The Interface between Non-governmental Organizations and the Human Rights Committee*, 15 INT’L CMTY. L. REV. 359 (2013). [207]
10. Hum. Rts. Comm., *Concluding Observations on the Fourth Periodic Review of the United States of America*, U.N. Doc. CCPR/C/USA/CO/4 (Mar. 28, 2014). [229]

11. Lawrence C. Moss, *Opportunities for Non-governmental Organization Advocacy in the Universal Periodic Review Process at the UN Human Rights Council*, 2 J. HUM. RTS. PRAC. 122 (2010). [240]
12. COLUMBIA LAW SCHOOL HUMAN RIGHTS INSTITUTE, *ADVANCING RACIAL JUSTICE AND HUMAN RIGHTS: RIGHTS-BASED STRATEGIES FOR THE CURRENT ERA*, 9-20 (Feb. 2019), https://hri.law.columbia.edu/sites/default/files/publications/advancing_racial_justice_and_human_rights_-_2018_hri_cle_conference_report.pdf. [269]
13. AMNESTY INT'L, *The Ongoing Business of Strengthening the UN Human Rights Treaty Bodies: Joint NGO response to the report of the co-facilitators of the UN General Assembly's review of the UN human rights treaty body system*, (Nov. 30, 2020). [295]