


ANNUAL REVIEW 2016-17



THE BERNARD AND AUDRE
RAPOPORT CENTER
 FOR HUMAN RIGHTS AND JUSTICE
 THE UNIVERSITY OF TEXAS AT AUSTIN

JUST
BUSINESS

UNIVERSAL HUMAN RIGHTS



**EAST
WEST
STREET**

On the Origins of
GENOCIDE *and*
CRIMES AGAINST

Philip Gourevitch

STAFF

Karen Engle

is Minerva House Drysdale Regents Chair in Law and Founder and Co-director of the Rapoport Center. She writes on the interaction between social movements and law. She is the 2016-17 Deborah Lunder and Alan Ezekowitz Founders' Circle Member at the Institute for Advanced Study in Princeton.



Daniel Brinks

is Associate Professor of Government and Co-director of the Rapoport Center. He is a faculty advisor for the graduate human rights concentration in Latin American Studies. He has researched and written broadly on law, human rights, and comparative politics in Latin America.



William Chandler

is Assistant Director of the Rapoport Center. Recipient of the 2014 President's Outstanding Staff Award, he manages the daily operations of the Center, supervises the fellowship and internship programs, and oversees the Center's projects and initiatives.



Julia Dehm

is Postdoctoral Fellow at the Rapoport Center, working on a multi-year project on inequality and human rights. Dehm holds a PhD from Melbourne Law School and was previously a fellow at the Institute for Global Law and Policy (IGLP) at Harvard Law School.



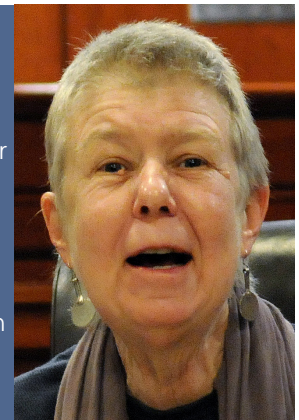
Sarah Cline

is Administrative Associate at the Rapoport Center, providing support for a multi-year project on inequality and human rights. Sarah was previously the Center Administrator from 2006-2011.



Barbara Harlow

was Louann and Larry Temple Centennial Professor of English Literature and Chair of the faculty panel for the Human Rights & Social Justice Bridging Disciplines Program. Her teaching, research, and writing focused on Third World Studies, critical theory, prison and resistance writings, and postcolonial studies.



Ariel Dulitzky

is Clinical Professor of Law and the Director of the Human Rights Clinic. He also directs the Rapoport Center's internship program. Dulitzky is an expert on the inter-American human rights system and has published on human rights, racial discrimination, and the rule of law in Latin America.



Our mission is to serve as a focal point for critical, interdisciplinary analysis and practice of human rights and social justice.



Front cover: a selection of books donated posthumously to the Rapoport Center by Barbara Harlow. The books are available to read at the Rapoport Center. Read our tribute to Barbara on page 16.

Letter from the Co-Directors

Our good friend and colleague Barbara Harlow passed away in January (see p. 16 for an essay on her life and her contributions to the Rapoport Center). She left us a collection of books on human rights and humanitarianism, a sampling of which we have used to illustrate the cover of this Annual Review. Grounded in literature as a discipline, Barbara was profoundly interdisciplinary; her interests were wide-ranging, her reading eclectic, her take critical, and her commitment unwavering. Her books reflect that. They include both fiction and non-fiction; they range from history to literature, war to business, and humanitarian intervention to torture. She read them to inform her critiques of what was happening in the world, and of what people said about what was happening in the world. These books typify Barbara's approach to human rights; an approach that – in large part through her involvement – has been foundational to the work of the Rapoport Center.

Over the past year, our ongoing concentration on socio-economic inequality and human rights reflected this commitment to engaged and critical interdisciplinarity, even as we sought to learn from disciplines and political practices that often do not think in terms of human rights at all. To address the inequality that is poisoning our economies, our politics, our environment, we need to draw from modes of analysis and activism that have been all too often neglected by human rights scholars and practitioners.

For this reason, we collaborated on a workshop in South Africa that put human rights lawyers in conversation with economists and policy makers who were attempting to understand and respond to the staggering and growing levels of inequality in that country (see pp. 8-9). Similarly, we brought in activists who are designing and deploying innovative means for addressing the distributive injustice of global supply chains. Most significantly, those means do not rely on state-based enforcement mechanisms (see pp. 6-7).

We also used the year to pursue our focus on human rights and the arts, an area that Barbara promoted from the early days of the Center when she had her English students present a public reading of the play *Guantanamo* (by Victoria Britain and Gillian Slovo) at the Law School. Last fall, Darren Walker, President of the Ford Foundation and UT alum, explicitly explored the connections between the arts, inequality, and human rights at the Frances T. "Sissy" Farenthold Endowed Lecture in Peace, Social Justice, and Human Rights, held at the Rothko Chapel in Houston (see pp. 10-11). Cynthia Gorney, a photojournalist, presented her *National Geographic*-supported project on widows and widowhood. And a symposium we sponsored on the border wall, and on renewed calls for expanding it, featured large-scale canvases depicting the impact of the existing barrier on people and wildlife in the region (see p. 5).

As we met new friends and colleagues and read widely and eclectically in fields that were unfamiliar to us, we remained committed to approaches to human rights that attend to structural injustices. Barbara was excited about and involved in many of these projects, as well as in ensuring cross-campus participation in them. Her books are but one reminder of her imprint on our work.





REFLECTIONS ON INEQUALITY IN A CHANGING GLOBAL LANDSCAPE

Workers sort through hundreds of millions of pounds of tomatoes a year at a tomato factory in Los Pinos, Mexico.
Photo by Josh Rushing

The last year has been a volatile one full of political upsets and surprises. The Trump presidency, Brexit, and the rise of authoritarianism and far-right populism in India, the Philippines, Turkey, and Hungary present many new challenges for human rights. In its 2017 *Global Risk Report*, the World Economic Forum directly linked the Brexit result and Trump victory with growing income inequality and the discontent it generates. Further, the report ranked rising income inequality, growing societal polarization, and climate change as the most critical underlying global threats. In a period when commentators worry that democracy itself may be in crisis and where even the World Economic Forum acknowledges that “fundamental reforms of market capitalism” might be needed, the necessity for critical

thought on economic inequality is increasingly relevant.

We are, therefore, more convinced than ever about the importance of our ongoing project examining the relationship between human rights and economic inequality. You’ll see more detailed discussion of some of our project activities throughout this report: a workshop in South Africa titled “Towards a Constitutional Political Economy – Transitions and Transformations”; student fieldwork grants, internships, and fellowships; and the “Certifying Human Rights

In a period when commentators worry that democracy itself may be in crisis [...] the necessity for critical thought on economic inequality is more acute than ever.

in Global Supply Chains” conference and workshop here in Austin.

The project requires us to think outside the traditional human rights “toolbox” for means of addressing both the sources and harms of economic inequality, and to identify

novel points for potential interventions to promote more just distributive arrangements. As a result, we have sought to build new alliances with others who share our visions of justice but might not use the language and frameworks of human rights.

Over the past year, with the crucial support of our student scholars, interns, and fellows (see p. 15), we produced topical and timely research on a number of topics. One soon-to-be-published report examines debates around property rights, human rights, and transformation in relation to mining in South Africa. It is based, in part, on research done by Julia Dehm (Postdoctoral Fellow, Rapoport Center) in 2016. Another report will build on a decade of work the Human Rights Clinic has done to support the community of Abra Pampa, Argentina, which has experienced significant health impacts from the failure to properly remediate a lead smelter. The report focuses on the Inter-American Development Bank, which funded the remediation, drawing attention to the ways in which its social safeguards and operational policies fall short of human rights norms and to the limited avenues for redress provided by its complaint processes.

In addition to our own research, we hope to spark and enable research by others on human rights, inequality, and distributive justice. To this end, we published a comprehensive annotated bibliography on “Labor, Inequality, and Human Rights.” This complements the bibliography on “Inequality and Human Rights” that is now available on our website, and the forthcoming bibliography on “Natural Resource Governance, Inequality, and Human Rights.”

We continued to support the International Research Collaborative (IRC) of the Law and Society Association (LSA) on natural resource governance, inequality, and human rights we established. The IRC convened two panels for the LSA conference in Mexico City in June titled “Re-conceptualizing Human Rights in Natural Resource Governance” and “Re-imagining Rights and Subverting Property over Natural Resources.”

Other exciting changes are underway for the project. Julia Dehm, who has been coordinating the project for the past two years, left Austin at the end of June to start a full-time faculty position at La Trobe Law School in Melbourne, Australia. Kate Taylor, who has already been working with us part-time from Yangon, Myanmar, will take over full-time in August. Thank you, Julia, and welcome, Kate!



Kate Taylor, the Rapoport Center's new Postgraduate Fellow.

Gigantic brown holes scar the mountainside in Mondomo, Colombia. Environmental destruction associated with mining is on the rise across the country. Photo by Josh Rushing



LIFE, LAND, AND LAW

Promoting Social and Environmental Justice



**EXTRACTIVE INDUSTRIES
AND INEQUALITY:
INTERSECTIONS OF
ENVIRONMENTAL LAW,
HUMAN RIGHTS AND
ENVIRONMENTAL JUSTICE**

Sumudu Atapattu

*Director of Research Centers and Senior
Lecturer, University of Wisconsin Law School*



**THE EXPLOITATION BIAS
IN THE TRANSNATIONAL
LAW OF NATURAL
RESOURCE EXTRACTION**

Isabel Feichtner

*Assistant Professor of Law and Economics,
Goethe Universität, Frankfurt*

**EXTRACTION,
INDIGENOUS RIGHTS AND
PRIOR CONSENT**

Co-sponsored by Latin
American Initiative at Texas
Law and LLILAS Benson



Patricia Tobón Yagarí

*Emberá Indigenous Activist and Lawyer,
National Indigenous Organization of Colombia*

**USING GHANA'S OIL
WEALTH TO PROMOTE
SOCIAL RIGHTS: A
VANISHING DREAM?**

William E. Forbath

*Lloyd M. Bentsen
Chair in Law,
Texas Law*



Lucie E. White

*Louis A. Horvitz
Professor of Law,
Harvard Law School*



**WHERE ARE WE
HEADING?
THE STATE OF
DEMOCRACY
AND RIGHTS IN
BANGLADESH**

Khushi Kabir

*Human Rights Activist
Visiting Practitioner, Rapoport Center*

Co-sponsored by
Department of Anthropology



Rob Nixon

*Barron Family Professorship in Humanities
and Environment, Princeton University*

**ENVIRONMENTAL
MARTYRDOM AND
DEFENDERS OF THE
FOREST**

Co-sponsored by
Environmental Humanities @ UT
and Department of English

**UNSUSTAINABLE
INTERNATIONAL LAW:
TRANSNATIONAL
RESOURCE EXTRACTION
AND VIOLENCE
AGAINST WOMEN**



Penelope Simons

Professor of Law, University of Ottawa

**WIDOWS: LOSS, LAND,
AND THE LAW**



Cynthia Gorney

Contributing Writer, National Geographic

BORDER WALL: THE FIRST DECADE



Graphic: Hector de Leon

In June 2015, Donald Trump claimed, “I will build a great, great wall on our southern border, and I will make Mexico pay for that wall. Mark my words.”

This statement, and much of the discourse around Trump’s plan for a border wall, obscure the fact that walls already exist on the border. But it is important to recognize that those who shout, “Build the wall!” are, in reality, proposing the extension and fortification of existing barriers that, for the past decade, have divided nations, peoples and cultures.

On April 27-28, the Rapoport Center hosted a symposium to mark the 10-year anniversary of the implementation of the Secure Fence Act. Serving as a follow-up to the Rapoport Center’s 2010 conference, “Walls: What They Make and What They Break,” the event reflected on the potential expansion and hardening of the physical and political reality of the US border wall.

Professor Olivia Mena (Mexican-American and Latino Studies) organized the symposium, as she explained, to address the “forgetfulness about the wall that already exists, and to reflect critically on the proposals that have gone out on this new bigger, more intensive structure.”

Interdisciplinary panels of expert researchers, scholars, activists, and community members explored topics including shifting migrations, environmental impacts, and artistic and community responses to the current wall.

Juliet García (Senior Advisor to the Chancellor for Community, National, and Global Engagement, UT

System) kicked off the first panel. Former UT Brownsville (UTB) President and the first female Mexican American president of a US college or university, García discussed how she fought against DHS plans to divide the UTB campus with an 18-foot fence, and won. But she was quick to remind the audience that most property owners do not have the political or financial capital to engage in protracted legal battles with the US Government.

The symposium also featured an exhibition of *Continental Divide: Borderlands Wildlife, People and the Wall*. This exhibit of 30 large canvas photo prints depicts the land, wildlife, and people of the borderlands of the US and Mexico, and the impact the border wall is having on them.



Juliet García,
UT System

Professor Denise Gilman (Immigration Clinic, Texas Law), who spoke on the panel *Carceral Formations & Shifting Migrations*, noted, “Under scrutiny, it should become apparent that the focus on the wall is really misplaced. It is very important to understand that the wall is largely about symbolism rather than effectiveness or any real security threat.”

The event was co-sponsored by the Rapoport Center, Mexican American and Latina/o Studies, Center for Mexican American Studies, College of Liberal Arts, History, LLILAS Benson, Sociology, American Studies, and Division of Diversity and Community Engagement.

CERTIFYING HUMAN RIGHTS



IN GLOBAL SUPPLY CHAINS

The Rapoport Center's thirteenth annual conference

What do fair-food tomatoes, conflict-free diamonds, and fair-trade coffee have in common? These are just some of the many instances where consumers confront issues of human rights in the production of goods and services.

In today's globalized world, economic activity is increasingly organized through complex supply chains involving transnational and national companies, subcontractors, and consumers spread across many different countries. This reality presents many challenges for the protection of human rights, especially of workers, local communities, and indigenous peoples. While violations might be felt locally, violators are often remote, insulated from both domestic and international human rights law. As a result, the pressure points for addressing violations might be distributed across multiple jurisdictions or several steps down the supply chain.

In response to the failure of states to monitor human rights, the past three decades have seen a growth in transnational, non-state modes of preventing, monitoring, and responding to rights violations. Included in this new approach are third-party certification schemes, which attempt to harness the power of consumers and markets to address the social and environmental conditions of production across complex globalized value chains.

On April 6, the Rapoport Center opened its thirteenth annual conference with a public forum in which practitioners and advocates working on private governance initiatives in different sectors engaged with human rights scholars. Together, they considered whether certification schemes and other forms of multi-stakeholder governance represent a viable means of human rights promotion, enforcement, and realization.

To kickstart the conversation, Professor Daniel Brinks (Government; Rapoport Center) asked the four panelists, "Can we bypass the state altogether and rely on the power of consumers, the market, and mobilization around market actors?"

"Can we bypass the state altogether and rely on the power of consumers, the market, and mobilization around market actors?"

-Daniel Brinks

Professor Justine Nolan (University of New South Wales) discussed the benefits and pitfalls of multi-

stakeholder initiatives (MSIs) that have emerged to address governance gaps in transnational supply chains. MSIs operate by agreeing on a common standard that will be applied, regardless of legal duty. However, Nolan warned, "sometimes when everybody is responsible, no one is. And that's what we've seen with some MSIs – that responsibility hasn't necessarily come with accountability."

Accountability was a common theme among panelists. Farai Maguwu (Centre for Natural Resource Governance, Zimbabwe) shared his experience with the Kimberley

Conference Participants

José Aylwin

Universidad Austral
de Chile School of
Law; Observatorio
Ciudadano, Chile

Ana-Isabel Braconnier

PhD Student,
University of Texas

Daniel Brinks

University of Texas,
Rapoport Center

James Brudney

Fordham University
School of Law

Luis Cárcamo- Huechante

University of Texas

Jessica Champagne

Worker Rights
Consortium

Marcus Colchester

Forest Peoples
Programme

Julia Dehm

Rapoport Center

Robert Delp

Workers Defense
Project

Ariel Dulitzky

University of Texas
School of Law

Karen Engle

University of Texas
School of Law,
Rapoport Center

Toyin Falola

University of Texas

Erika George

University of Utah
College of Law

Charles Hale

University of Texas

Farai Maguwu

Centre for Natural
Resource
Governance,
Zimbabwe

Justine Nolan

University of New
South Wales

Geisselle Sánchez Monge

ActionAid
Guatemala

Sean Sellers

Worker-Driven
Social Responsibility
Network

Josephine Weinberg

PASE Legal
Services Office

Process (KP), a certification process created to reduce the circulation of conflict diamonds. In 2008, the Zimbabwean army massacred hundreds of people who had moved into the diamond fields of Marange. Maguwu collected evidence and testimonies regarding the massacres and related human rights violations. But when he presented his documentation directly to the KP monitor in charge of Zimbabwe, he was promptly turned into the government.

“After that, I could begin to see that the KP was not about protecting the rights of the community,” Maguwu noted. “[It] was created to sanitize conflict diamonds.”

In contrast to concerns about the enforceability of the KP and similar certification programs, which rely on consumers’ decisions not to buy uncertified products, two of the panelists cited the successes of the Fair Food Program created by the Coalition of Immokalee Workers (CIW). The FFP forges binding agreements between workers, growers, and retailers that prevent the large retailers from purchasing from growers who are in violation of the agreement.

For co-founder of the Fair Food Standards Council Sean Sellers (Director of Strategic Partnerships, Worker-Driven Social Responsibility Network; MA ’09; BS ’04), labor rights programs have to be enforcement-focused and place

economic responsibility at the top of the supply chain. Sellers emphasized that in most certification regimes, if you decertify a product, the seller can still legally sell it. However, FFP is more effective because the contracts prevent the sale of that product. As he explained, “You cut off the spigot of sales for the supplier, as opposed to just decertifying them and hoping that the market will translate that into loss.”

Professor Erika George (University of Utah College of Law) concurred, arguing that control of market conditions is often needed to supplement other human rights protections. She said that any standards must be, as with the FFP, worker-driven.

Experimenting with a new format for its conferences, the Rapoport Center invited the panelists to join with other human rights and labor law scholars and practitioners in a full-day workshop to continue to examine the potential opportunities and pitfalls that different models of certification, monitoring, and private governance present for human rights realization. Papers were presented and responded to and discussed in detail by other participants. We plan to produce an edited collection with papers from the workshop to disseminate the outcome of the conversations.



A worker sorts through Roma tomatoes by color at Los Pinos Ranch in San Quintín, Baja California, Mexico, earning pennies for an hourly wage. Photo by Josh Rushing



TOWARDS A NEW CONSTITUTIONAL POLITICAL ECONOMY IN SOUTH AFRICA

With a Gini coefficient that hovers around 63 (see table to right), South Africa is one of the most unequal countries in the world. Since its democratization in 1994, poverty levels have decreased only moderately while inequality has increased drastically. The World Bank estimates that the overall loss in South Africa's Human Development Index due to inequality is 34.7%. South Africa's economic reality sharply contrasts with the egalitarian vision set forth in the South African Constitution and by the Constitutional Court, which boldly promoted economic and social rights (ESR), redistribution, and restitution.

Despite ongoing efforts to advance ESR through the courts, the transformative potential of these strategies has been limited. The Constitutional Court is noted for its reliance on the discretionary "reasonableness" test when reviewing the government's obligations to fulfill ESR. While preserving the separation of powers, this approach means ESR-based strategies rarely produce radical change. Market imperatives and dismal economic constraints have also limited the Constitution's potential. There is thus a pressing need to rethink national strategies of inclusive, equitable development and of ESR realization within the Constitutional framework.

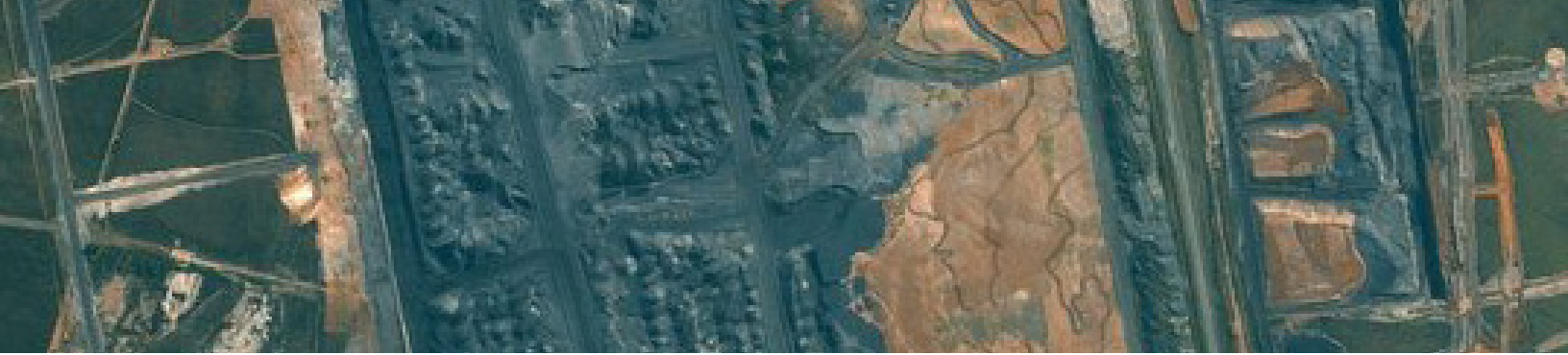
To take up this challenge, Julia Dehm (Postdoctoral Fellow, Rapoport Center) worked with a Soros Foundation-funded project led by Judge Dennis Davis (High Court, Cape Town) and Professors Lucie White (Harvard Law School) and William Forbath (Texas Law) in organizing a

two-day workshop in South Africa. The event, "Towards a Constitutional Political Economy – Transition and Transformation," was held at the Kramer Law School at the University of Cape Town on May 20-21. It convened a group of heterodox economic thinkers with prominent social and economic rights advocates and policymakers to explore the prospect of reconstructing the South African political economy.

Ebrahim Patel (Minister of Economic Development, Republic of South Africa) opened the workshop by reflecting on lost opportunities for transforming the South African economy and by exploring possibilities for the future. Redistribution remains a central – and arguably the key – economic, social, and political imperative in South Africa today, he mentioned. While all agreed on the urgency and importance of this imperative, participants took diverse positions on how and through what means it might best be realized.

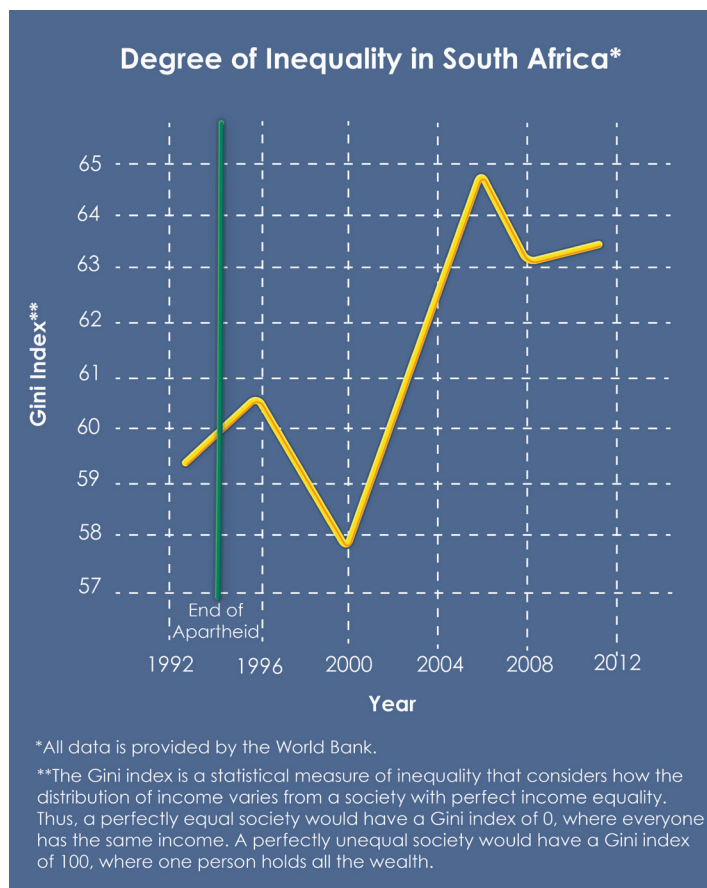
The workshop explored themes such as transitioning away from a mining-centered economy; reimagining a new social contract in the mining sector; reconceiving the future of work, employment, and the distribution of wealth and economic power; and examining the roles of organizing, advocacy, policymaking, and institution-building in these pursuits.

Over the two days, participants, including Professors Karen Engle and Dan Brinks (Co-directors, Rapoport Center), debated critical questions: Should redistribution or distribution through growth be given priority in policy?



Should policy focus on redistribution of income or of assets? What is the best way to stimulate economic growth – through strengthening linkages with global value chains, or through domestic demand-driven growth (supported by

especially human rights advocates, drew attention to the way mining impoverishes and disenfranchises affected communities. While many of these questions were left unresolved, participants agreed that the interdisciplinary conversation was productive, and raised further questions and themes for exploration.

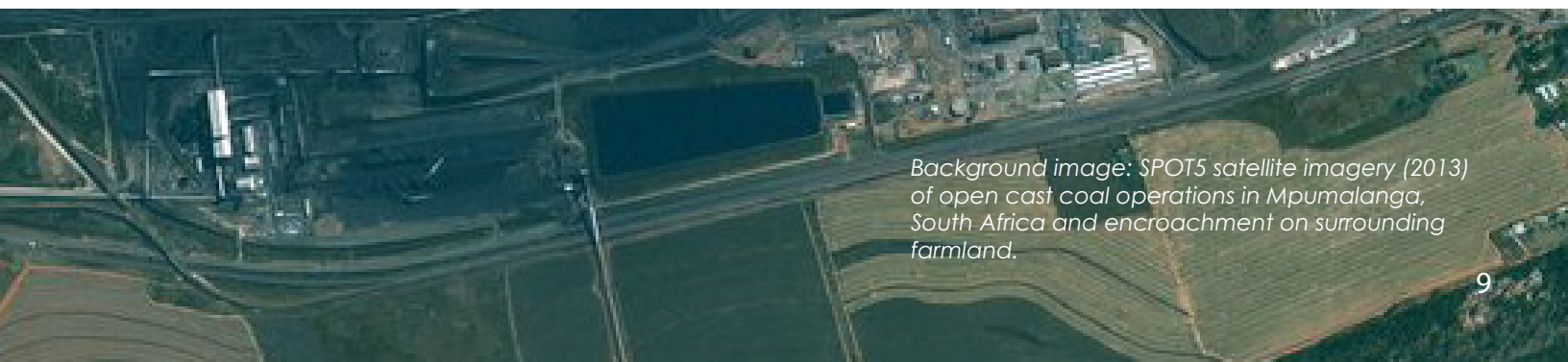


promoting the informal sector and raising the minimum wage)? Participants also debated the role that mining should play in South Africa's future. Some focused on the aggregate economic benefits of the industry while others,

One of the Rapoport Center's key contributions to the workshop was Dan Brinks' comparative reflections on how similar challenges had been addressed in South America. This emphasis on South-South dialogue will continue to inform our work on related questions of economic inequality and human rights going forward.

The Cape Town workshop followed a similar Open Society Foundations-funded event, which White and Forbath organized with Raymond Atuguba, in Accra, Ghana in January 2017, and which Julia Dehm attended. It brought together activists, human rights scholars, economists, and policy professionals to discuss complex questions surrounding offshore oil extraction, including the rights of affected communities and the governance and distribution of oil revenues.

We plan to continue these conversations through a collaboration with Carlos Monge (Latin American Director, Natural Resource Governance Initiative) at a workshop in Lima, Peru in fall 2017. The workshop will bring together policymakers, heterodox economists, and ESR advocates to discuss questions surrounding the distribution and governance of revenues from natural resource extraction.



Background image: SPOT5 satellite imagery (2013) of open cast coal operations in Mpumalanga, South Africa and encroachment on surrounding farmland.

YES JUSTICE, YES PEACE

THE ROLE OF ART IN CONFRONTING INEQUALITY



Darren Walker and Sarah Lewis. Photos courtesy of Runaway Productions

Identifying Sissy as “a lone star north star,” and musing, “What a joy to be in this room to celebrate the incomparable, indefatigable, the inimitable, legendary Sissy Farenthold,” Darren Walker, President of the Ford Foundation and University of Texas graduate (JD ’86; BA, BS ’82), opened the Frances Tarlton “Sissy” Farenthold Endowed Lecture in Peace, Social Justice and Human Rights. The second annual lecture, a partnership between the Rapoport Center and the Rothko Chapel, was held in early October at the Rothko Chapel.

In his lecture, Walker invoked the Rothko Chapel as an embodiment of the symbiotic relationship between art and social justice. He quoted from Dominique de Menil’s description of the purplish color that “slowly emerges from the darkness” in Rothko’s paintings as a way to understand and perhaps see some light in the “many kinds of darkness” we experience in our world today.

For Walker, art serves a dual role: it forces us to confront and think radically about “the uncomfortable truths about privilege and injustice and inequality in our daily lives,” while opening our imaginations “so that we can

experience and see ourselves in the place of others.” It is through this deepened understanding that we can begin to tackle structural inequalities that undergird our shared experience.

But art, like society, has its own inequalities. In pushing for adequate representation, he stressed that, “We have to model the equality we wish to see in our world and elevate voices

and visions different from our own.” He concluded by elucidating the complex relationship between artistic expression, compassion, and human rights: “Without art, there is no empathy. And without empathy, there is no justice.”

After his initial remarks, Walker sat down in conversation with Sarah Lewis, bestselling author, curator, and Assistant Professor

at Harvard University. Lewis recently guest-edited an issue of *Aperture* entitled “Vision and Justice,” which was dedicated to the photography of the African American experience. When she asked Walker about his own belief in the power of art, he referenced artists of color who use art as a way of sharing and controlling their own narratives as a model of “dealing with inequality and justice in our society.”

“Without art,
there is no empathy.
And without empathy,
there is no justice.”
-Darren Walker

The conversation between Lewis and Walker covered a lot of ground. When Lewis asked about the Ford Foundation's focus on inequality and its relationship to philanthropy, Walker noted the importance – for himself as well as for others – of moving away from the “idea of generosity, to the idea of justice.” Because “justice makes us feel uncomfortable,” it demands that we ask ourselves why economic inequity exists in the first place, he continued.

In a discussion with Lewis about the inclusion and exclusion of historically marginalized groups, Walker said that he does not like using the word diversity because it “concretizes our historic racialized hierarchy in this country.” What he stresses instead is equity, which implies an institutional transformation, providing representation to the voices of the unheard. He noted that achieving equity is much harder than diversity because it requires an acknowledgment that “something is fundamentally wrong.”

In response to an audience question about how to navigate the anger one feels when confronting injustice, Walker said that, for himself, “every day is a calibration of rage and hope.” He stressed that, while attending to injustice does and should come with a feeling of rage, it's important to remain constructive. Lewis added that navigating rage is “how we transform heat into light.”



Daniel Brinks, Karen Engle, Sissy Farenthold, Darren Walker, Sarah Lewis, and David Leslie (Executive Director, Rothko Chapel)

SPONSOR THE LECTURE SERIES

We are grateful to Sissy's many supporters who have donated or pledged \$100,000 to establish the endowment. Our goal is to reach \$200,000 to support the lecture series in perpetuity. Gifts of any amount will help us toward that goal.

CIRCLE OF FRIENDS (\$5,000 OR MORE)

Gayle & Mike DeGeurin
Patricia Dougherty
Karen Engle & Ana Almaguel
Jan Fox
Lisa Fuentes & Thomas Cohen
James Galbraith
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Willy Kuehn
Marta, Sissi & Jim Mattox
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American Income Life & National
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Photo courtesy of the NDWA

AI-JEN POO TO DELIVER UPCOMING LECTURE

We are excited to announce that the 2017 lecture will feature labor organizer and activist Ai-jen Poo, Executive Director of the National Domestic Workers Alliance and Co-director of the Caring Across Generations Campaign. The lecture, “Immigration and the Future of American Families,” will take place on October 19, 2017 at the University of Texas School of Law.

The presentation will focus on the role of immigrant women in the American care economy, which is increasingly a central part of our entire economy. Her talk will begin with her personal story, and weave in the stories and solutions of immigrant women and the movement for a more caring economy and democracy.

Human Rights Fellows

The Rapoport Center provided summer funding to the following law and graduate students to intern with local and global human rights organizations.



From top, left to right:
Dan Benowitz*, World Health Organization (Geneva, Switzerland)

Phill Melton*, Texas RioGrande Legal Aid (Laredo, Texas)

Elizabeth Schmelzel*, American Gateways (Austin, Texas)

Scott Squires†, Interamerican Association for Environmental Defense (San Francisco, California)

Ricardo Velasco‡, Council of Sustainable Settlements of the Americas (Bogotá, Colombia)

Julie Wilson*, Center for Human Rights and Global Justice (New York, New York)

David Wood†, Legal Resource Centre (Accra, Ghana)

*JD †MA ‡PhD



CHARLES MOYER HUMAN RIGHTS FELLOWSHIP

The Charles Moyer Human Rights Fellowship honors the life and work of Charles Moyer, whose professional career has been devoted to the international protection of human rights, and who was the first Secretary of the Inter-American Court of Human Rights. The fellowship has been awarded annually since 2012 by the Center through the generous contribution of Scott Hendler and Lulu Flores (JD '80; BA '77) of Hendler Lyons Flores, an international plaintiffs' trial firm based in Austin, Texas.

Leslie Wise

(JD) is the sixth Charles Moyer Human Rights Fellow. In the summer of 2017, she interned with the South Texas Pro Bono Asylum Representation Project (ProBAR) in Harlingen, Texas, a joint project of the American Bar Association, the State Bar of Texas, and American Immigration Lawyers Association that provides legal services to asylum seekers and immigrants detained in South Texas.



Graduate Student Fieldwork

As part of the Inequality & Human Rights project, the Center awarded \$2,000 grants to three PhD candidates to support their summer 2017 fieldwork.

WHERE DOES THE FUNDING COME FROM? AN ASSESSMENT OF INDIGENOUS STRATEGIC LITIGATION IN GUATEMALA

Ana-Isabel Braconnier, Latin American Studies

REPRODUCING THE STATE: WOMEN COMMUNITY HEALTH WORKERS IN DELHI, INDIA

Vrinda Marwah, Sociology

GENDERED IN/EQUALITIES: WOMEN'S PROPERTY OWNERSHIP IN POST-CONFLICT NEPAL

Beth Prosnitz, Sociology



Accredited Social Health Activists (ASHAs) serve as community health volunteers from villages in Roopnagar district, Punjab, under the Government of India's National Health Mission. There is one ASHA per 1000 people in the district, and one of their main responsibilities is to bring pregnant women into government hospitals for delivery. Photo courtesy of Vrinda Marwah



Berta Cáceres,
photo courtesy of
the Goldman Center

BERTA CÁCERES HUMAN RIGHTS FELLOWSHIP

The Berta Cáceres Human Rights Fellowship honors the life and work of Berta Cáceres, an indigenous Honduran activist who fought for environmental justice and indigenous rights until her assassination in March 2016. Cáceres was the coordinator of the Consejo Cívico de Organizaciones Populares e Indígenas de Honduras (COPINH), and was a member of the Lenca community, an indigenous population currently facing multiple threats to their land and territories from resource extraction and state infrastructure programs. Tragically, Cáceres was assassinated by gunmen in her hometown in March 2016 after being threatened for opposing a hydroelectric project on indigenous lands.

Aaron Groth

(PhD, Geography) is the first Berta Cáceres Human Rights Fellow, working with Sociedad Peruana de Derecho Ambiental (Peruvian Society of Environmental Law) (SPDA) in Lima, Peru from September–December 2017, with fieldwork in Amazonas and Madre de Dios Regions. SPDA promotes and facilitates the effective application and enforcement of environmental law and policy, actively participating in technical and political dialogue, and intervening in specific cases to defend the public interest.



CLINIC HIGHLIGHTS

HUMAN RIGHTS CLINIC

Exposed human rights abuses in the imposition of the death penalty in Texas through its report *Designed to Break You: Human Rights Violations on Texas' Death Rows*. The report reveals how the Texas Department of Criminal Justice's practice of holding prisoners in mandatory solitary confinement from 22 to 24 hours a day violates their Constitutional rights and breaches international human rights standards.

Supported the struggle against slavery in Mauritania. It was not until 2007 that the country criminalized the act of owning another person.

Engaged in ongoing advocacy campaign on the right to health and to a healthy environment in Abra Pampa, Argentina.



Envelopes containing copies of the report *Designed to Break You*, sent to prison inmates, news media outlets, and leaders around Texas and the world.

IMMIGRATION CLINIC



Clients (center) won protection from deportation with assistance from clinic students Jessica Cisneros (far left) and Hudson Kyle (far right).

Photo by Elissa Steglich

Obtained protection for individuals in several cases before the Immigration Court, including:

- A family from Mexico forced to flee after the cartel attempted to kidnap the father;
- A journalist and his son from Honduras who escaped death threats related to the father's reporting;
- A domestic violence survivor and her son from Mexico.

Counseled mothers and children detained at the Karnes Family Detention Center.

Engaged in broader litigation and advocacy efforts:

- Filed a habeas action on behalf of a woman asylum seeker who faces indefinite detention;
- Offered "Know Your Rights" presentations to immigrant families in partnership with local service providers;
- Secured a hearing and submitted a report to the Inter-American Commission on Human Rights regarding the US government's forced separation of immigrant families and asylum seekers.

CIVIL RIGHTS CLINIC

Collaborated with the Texas Civil Rights Project to prevent suicides in Texas County Jails: Clinic students worked on the case of Danarian Hawkins, a 27-year-old Texan who died after hanging himself in the Harris County Jail in Houston.

Challenged police misconduct through litigation and research: The Clinic helped represent Anderson Jones, a Dallas-area

resident who was falsely arrested and charged with capital murder for a crime he did not commit.

Represented public school students in Abilene who were subjected to excessive use of force by a school resource officer.

Investigated Austin Municipal Court practices, in an effort to end debtors' prisons (in collaboration with Texas Fair Defense Project).

“The Civil Rights Clinic gave me first-hand experience on how to build a civil rights case from the ground up. Not only did I gain practical skills, but I also learned more about seminal cases and the theory behind civil rights work.”
-Anya Morgan, Texas Law '17

Scholars, Fellows & Interns



from left to right

GRADUATE FELLOWS

Tom Elliott, Government (PhD)

Simone Gubler, Philosophy (PhD)

Karen Lee, Sociology (PhD)

HUMAN RIGHTS SCHOLARS

Leonel Mata, Law (JD)

Briana Perez, Law (JD)

María Victoria Ricciardi,
Law (LLM)

Reina Wehbi, Law (LLM)

UNDERGRADUATE INTERNS

Lauren Beccue, Journalism

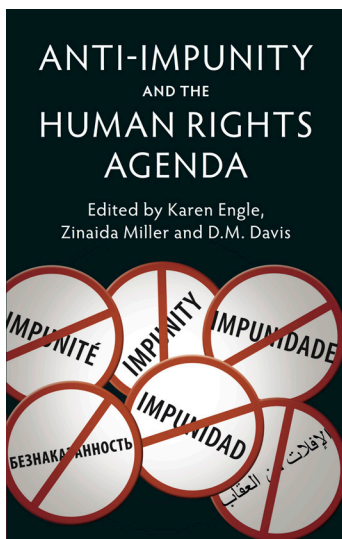
Emily Cantwell, Intl. Relations &
Global Studies, French

Nicole Croslen, English, Political Communication
Kyla Harrison, Middle Eastern Languages
& Cultures

Alisa Hernandez, Intl. Relations & Global Studies,
Sociology

Rachel Zein, Plan II Honors, Spanish

Anti-Impunity Book Emerges From Conference



In December 2016, Cambridge University Press published *Anti-Impunity and the Human Rights Agenda*, co-edited by Professors Karen Engle (Law; Rapoport Center), Zinaida Miller (Seton Hall University), and D.M. Davis (University of Cape Town). The Rapoport Center's 2013 conference and a follow-up workshop at Harvard's Institute for Global Law & Policy provided the opportunity for intensive discussion among the authors

and editors, making it possible to develop the papers into a cohesive volume.

international argument: Fighting impunity has become both a rallying cry and metric of progress for practitioners and scholars of human rights. In this fight, criminal punishment is understood as a legal, political, and pragmatic imperative for addressing human rights violations.

The book argues both that this emphasis, even insistence, on criminal prosecution represents a fundamental change in human rights and transitional justice, and that it has significant negative consequences. By describing and analyzing a variety of institutional and geographical contexts, the chapters demonstrate that a laser focus on anti-impunity has resulted in a constricted response to human rights violations, a narrowed conception of justice, and an impoverished approach to peace.

Professor David Kennedy (Harvard Law School) noted that the book "is challenging and surprising; crucial reading for anyone thinking strategically about ethics and global justice."

A collection of ten essays by authors from eight countries and four disciplines (law, anthropology, international relations, and history), the book makes a fittingly interdisciplinary

IN MEMORIAM

Barbara Harlow

1948-2017

It is with profound sadness that we share news that our friend and colleague Barbara Harlow, Louann and Larry Temple Centennial Professor of English Literature, passed away Saturday, January 28, 2017.

A pioneer in the field of literature and human rights, Barbara was key to the Rapoport Center since its inception. When we began the Center in 2004, she was one of the first faculty to affiliate and join the steering committee, on which she served for 13 years. She was a founding member of both the editorial committee for our Working Paper Series and the selection committee for the Audre Rapoport Prize for Scholarship on Gender and Human Rights, and served as acting director in fall 2009, when she also taught a course in the School of Law.

"Barbara Harlow's life and work were informed by remarkable moral clarity, even though she hated piety. She was a superb scholar/teacher/mentor, a deeply loyal friend, and a formidable enemy. I miss her counsel on everything from English department gossip to U.S. foreign policy, to unfolding events in Egypt, South Africa and Palestine, three of the places close to her heart. Her erudition could be intimidating, but only disingenuous questions would be rebuffed. She is irreplaceable, but the kind of engaged scholarship she practiced must be emulated and fostered."

-Neville Hoad, Associate Professor of English,
Rapoport Center Steering Committee,
longtime colleague of Harlow

Barbara was central to our efforts to establish a Bridging Disciplines Program concentration in human rights and social justice, which she chaired, and to undergraduate involvement in the Center more generally. She also served as an important liaison to graduate students involved in the Ethnic and Third World Literature program that



Barbara Harlow in a 2012 YouTube video.

she founded, as well as to faculty and centers across campus, especially those involved in Middle Eastern, African, and South Asian studies. She published three books – *Resistance Literature* (Meuthen, 1987, selected by CHOICE as one of the outstanding books for 1987); *Barred: Women, Writing, and Political Detention* (Wesleyan University Press, 1992); and *After Lives: Legacies of Revolutionary Writing* (Verso, 1996) – and over 100 journal articles, review articles, and book chapters. She co-edited six volumes and translated two significant books into English.

Throughout her life and her time at UT, Barbara was committed to fighting injustice and oppression, backing campus protest movements including those in support of Palestine, and against apartheid in South Africa. More recently, she worked with those who opposed the US Government's use of torture, the War on Terror, and drone attacks.

The Rapoport Center has been strengthened many times over by Barbara's scholarly and institutional commitment to the pursuit of justice and the resistance that often demands; her keen and critical insight; her wit and humor; and her generosity of time and spirit. Without her, the Center would not, and will not, be the same. But as we carry the torch into the darkness and continue the struggle, we do so with Barbara Harlow in our thoughts and in our hearts.

An interdisciplinary conference will be held in her honor at UT Austin October 27-28, 2017 (see inside back cover).

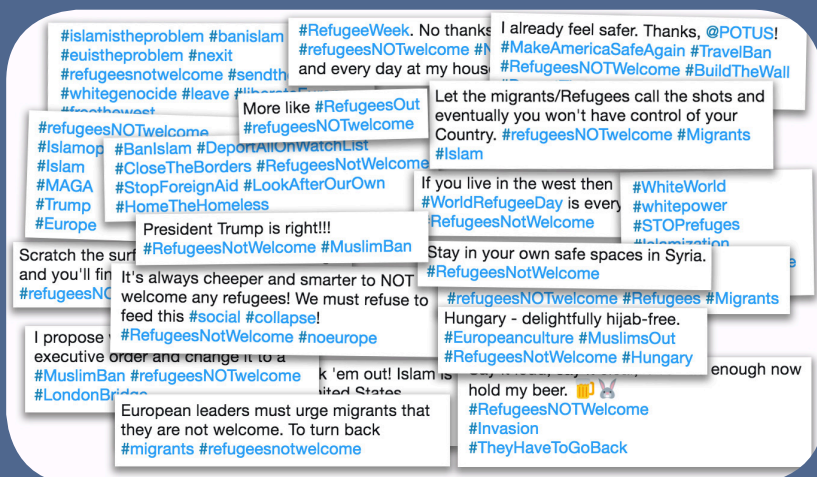
Audre Rapoport Prize Winner Analyzes Anti-Refugee Tweets

Congratulations to Inga Helgudóttir Ingulfsen, winner of the 2016 Audre Rapoport Prize for Scholarship on Gender and Human Rights! An international panel of scholars selected her paper, "#RefugeesNotWelcome: Making Gendered Sense of Transnational Asylum Politics on Twitter," in an anonymous competition that received over 20 submissions from nine countries.

Ingulfsen's paper, published in our Working Paper Series (see below), explores the "contentious landscape of asylum politics" that has emerged as a result of the global refugee crisis. Specifically, she analyzes the gendered discourses used by Twitter users who tweet with the hashtag #refugeesnotwelcome.

Through this analysis, Ingulfsen argues that users imagine themselves as a “White Western Enlightened community” in binary opposition to refugees, who are deemed threats to their community. Ingulfsen shows that this process of binary construction is inherently gendered due to the fact that refugees (specifically Muslim refugees) are often depicted as barbaric, violent men who frequently objectify, abuse, and oppress women.

Ingulfsen's paper is based on the thesis she wrote while studying at New York University's Center for Global Affairs, for which she received an Outstanding Thesis Award. She has since received an invitation to present her thesis research to the Data & Research Department at UN Women.



Working Paper Series Looks Beyond Borders

Fashioning China: Precarious Creativity of Women Designers in Shanzhai Culture

by Sara Liao

Legitimacy on Trial: Transnational Governance, Local Politics, and the Battle over Gender-Violence Law in Nicaragua

by Pamela Neumann

Mobility across Borders and Continuums of Violence: Experiences of Bangladeshi Women in Correctional Homes in Kolkata

by Rimple Mehta

#RefugeesNotWelcome: Making Gendered Sense of Transnational Asylum Politics on Twitter

by Inga Helgudóttir Ingulfsen

To read and comment on these or previous papers, please visit law.utexas.edu/humanrights/project-type/working-paper-series/.

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Gerald Torres, Jane M.G. Foster Professor of Law at Cornell Law School, formerly Bryant Smith Chair at University of Texas School of Law

Undergraduate intern Rachel Zein and graduate fellows Tom Elliott and Simone Gubler prepared this Annual Review, with assistance from the rest of the summer team.

The Year to Come

COLLOQUIUM ON LABOR, INEQUALITY & HUMAN RIGHTS

October 2, 2017

Brishen Rogers, Associate Professor of Law,
Temple University

October 16, 2017

Alvaro Santos, Professor of Law, Georgetown University

October 30, 2017

Pascal Marichalar, Sociologist, French National Center for Scientific Research

November 13, 2017

Ayşe Parla, Associate Professor of Anthropology, Sabancı Üniversitesi, İstanbul

FARENTHOLD ENDOWED LECTURE

October 19, 2017

“Immigration and the Future of American Families”

Ai-jen Poo, Executive Director, National Domestic Workers Alliance and Co-director, Caring Across Generations Campaign



A poster at a Human Rights Awareness Day event in April.



Khalid Ahmad (Electrical & Computer Engineering) and Rapoport Center undergraduate intern Kyla Harrison (Middle Eastern Studies, Plan II Honors) on Human Rights Awareness Day at UT in April.

CONFERENCES & WORKSHOPS

September 18-22, 2017

Theatre and War

September 28-29, 2017

Weak Institutions in Latin America

October 27-28, 2017

Barbara Harlow: The Sequel

Fall 2017

Regional workshop on extractive industries,
governance and inequality (in Lima, Perú)

Spring 2018

Annual Conference on Inequality

SPEAKER SERIES

January 30, 2018

“Inside Private Prisons: An American Dilemma in the Age of Mass Incarceration”

LB Eisen, Senior Counsel, Justice Program,
Brennan Center for Justice, NYU School of
Law

Rapoport Center for Human Rights and Justice
The University of Texas School of Law
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Austin, TX 78705 USA



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