Dear Friends,

I am pleased to present the Center for Human Rights and International Justice’s new and redesigned newsletter. We began our fourth academic year in Fall 2008 and true to our mission, have continued to address the interdisciplinary challenges of human rights work.

The Center’s focus this year has been continuing examination of the human rights of forced migrants, including an emphasis on the impact of gender, race and culture on these rights. My fellow directors and I developed several events and projects to further this exploration. You will read more about these Center events and programs throughout this issue.

Associate Director, Donald Hafner began his second year as the Vice Provost for Undergraduate Affairs here at Boston College in Fall 2008 and has worked to raise the profile of human rights issues among undergraduates on campus.

Associate Director, Daniel Kanstroom’s book Deportation Nation: Outsiders in American History has received widespread praise since its release in Fall 2007. He is now working on his next book, Passed Beyond Our Aid: Deportation Law and the New American Diaspora. Professor Kanstroom has also worked to grow the Post Deportation Human Rights Program’s activities and the Project received the Human Rights Award from Alternative Chance/Chac Alternativ, a New York based organization that works with Haitian deportees in November 2008. More on this award can be found on page 8 of this newsletter.

Associate Director, M. Brinton Lykes returned from her sabbatical in Fall 2008 and has been leading the Center’s interdisciplinary graduate seminar on human rights. Professors Lykes and Kanstroom made a trip to Guatemala in July 2008 to investigate the effects of immigration and deportation on families in Guatemala. You can read more about their trip on page 7. Professor Lykes has also been busy building her project Participatory Action Research in Post-Katrina New Orleans: Developing Psychosocial Resources for Cross Community Dialogue, Healing and Organizing for Change.

I hosted a conference in November 2008 at Boston College on the deeper causes of forced migration that brought together more than 30 academics, practitioners and policy advocates. The conference was held in collaboration with Jesuit Refugee Service and Catholic Relief Services and was a follow up to the conference on refugee rights held in Nairobi, Kenya in 2006. The article on the conference is on page 4 of this issue.

The Center and the Boston College community benefited from interactions with Fall 2008 Visiting Fellow, Dr. Maryanne Loughry. Dr. Loughry is the Associate Director of Jesuit Refugee Service Australia, and was the former Executive Officer of Mercy Works.

In November 2008, we were joined by our new Assistant Director, Ms. Anjani Datla. Ms. Datla has a background in promoting the human rights of people living with HIV/AIDS and previously worked for the United Nations Development Program. We are pleased to have her on board.

The Center has grown significantly since it started four years ago. We constantly explore key issues of human rights and international justice and bring intellectually challenging human rights programs and events to the Boston College community. We invite you to attend our events and visit our website www.bc.edu/humanrights for regular updates.

Sincerely,
David Hollenbach, SJ

About Us

In the fall of 2005, the Center for Human Rights and International Justice began its efforts at addressing the increasingly interdisciplinary demands of human rights work: interdisciplinary educational programs (including Arts and Sciences, Law and Education); applied research; and the interaction of scholars with practitioners in government agencies, international and non-governmental organizations, and charitable agencies. In these ways, we are raising awareness of human rights within the University, the region, the nation, and beyond. With this public newsletter, we aim to keep you apprised of the important work taking place at the Center.
Binaifer Nowrojee

Binaifer Nowrojee, professor at Harvard Law School and Director of the Open Society Initiative for East Africa, delivered a lecture entitled “Why do we forget women’s rights? Prosecuting sexual violence crimes under International Law” on October 30, 2008. Nowrojee talked of her experience as an expert witness for the United Nations International Criminal Tribunal for Rwanda (ICTR), created to try the people responsible for war crimes and crimes against humanity committed during the 1994 Rwandan genocide.

Nowrojee discussed the prosecution of gender-based violence at the ICTR, claiming that, even though the Tribunal’s first genocide conviction of Jean-Paul Akayesu in 1998 included rape, which established rape as a crime of genocide, the process for trying perpetrators of sexual violence crimes is still very flawed. There is often, Nowrojee claimed, a lack of political will among ICTR prosecutors to make sexual violence crimes a priority. Until sexual violence against women can be made a priority under international law, we will continue to fail to defend the rights of women, Nowrojee declared.

Yuyachkani Theater Group

On October 2, 2008, the Center for Human Rights and International Justice, in collaboration with the Theater Department, hosted members of Yuyachkani, a human rights theater troupe from Peru. Yuyachkani is a Quechua word that means, “I am thinking, I am remembering.” The troupe’s performances focus on political and social issues in Peru’s past and present and have been performed throughout Latin America and the United States.

Two women of the group, Ana and Debra Correa, led an afternoon theater workshop for students and faculty in the Boston College community on the use of masks as a tool for actors. Later that evening, the women performed a powerful piece entitled Kay Punku.

The performance depicted the sexual violence that occurred against women during the internal conflict in Peru in the 1980s and 1990s when the Shining Path, a Maoist guerrilla group, led a violent revolution throughout the country. In response to the actions of the Shining Path, the Peruvian government military forces engaged violent counter-insurgency operations. The government and Shining Path forces fought for control of Peru’s rural towns, and both sides committed grave human rights violations against the rural population, including large-scale rape and sexual violence against women.

Kay Punku portrays the horrors of these violations, as well as the healing and reconciliation process of one victim. Although the work focuses on a specific time in Peru’s history, the theme of sexual violence against women during times of conflict continues to exist in many current settings around the world. The actresses repeat the powerful line, “my body is not a battlefield,” throughout the work, proclaiming their hope that women will one day cease to be victims of sexual crimes during armed conflicts.
World Trade and Justice for the Poor: WTO Talks Breakdown


The panelists discussed the structural injustices in the current trading system that result in both unfairness and inefficiency, especially for developing countries. Frank Garcia, a professor in the Law School, claimed that the Doha Round is a way of moving forward toward a more just international trade system, and its failure is a way of perpetuating the current unjust system. David Deese, a professor in the Political Science Department, pressed the importance of the ethical argument for completing the Doha Round as outlined in the negotiation documents, based both on utility and on the rights of developing countries. James Anderson, on the other hand, claimed that “Doha is dead,” and that instead of re-invigorating the Doha Round, we should focus on regional trade agreements and commodity-level negotiations.

Conversations at Lunch: Maryanne Loughry

The Center kicked off of its 2008-2009 Conversations at Lunch Series with Dr. Maryanne Loughry. Dr. Loughry was a visiting fellow at the Center for the 2008 Fall semester; she is the Associate Director of Jesuit Refugee Service Australia, and was the former Executive Officer of Mercy Works.

On November 7, 2008, Dr. Loughry discussed a number of recent developments related to the causes and nature of human displacement, as well as the possibility of new mandates for the United Nations High Commissioner for Refugees, the UN Refugee Agency, to address the challenges of the 21st century.

Loughry explained to her audience that there are a rapidly increasing number of internally displaced persons (IDPs), who are those displaced within countries. While there are currently close to 15 million refugees (displaced across borders) worldwide, there are an estimated 26 million internally displaced persons. In addition to the growing number of IDPs, the majority of refugees and IDPs are located in urban settings, as opposed to camps.

Loughry discussed the challenges agencies and relief organizations face in providing services to urban refugees who are scattered and often unknown.

Dr. Loughry also identified climate change as an emerging cause of forced migration. She gave the example of Kiribati, a small island nation in the central Pacific Ocean whose inhabitants are threatened by environmental degradation. Climate change has become, along with poverty, conflict and persecution, one of the main reasons people in the early 21st century are forced from their homes.
From November 20-22, 2008, the Center for Human Rights and International Justice, in collaboration with the Jesuit Refugee Service and Catholic Relief Services, held a conference on the **Deeper Causes of Forced Migration and Systemic Responses.** The three-day conference drew more than 30 scholars and practitioners from around the world. Conference participants presented, examined, and discussed issues related to the human rights of forcibly displaced people, who include refugees and internally displaced persons, from ethical, religious and political perspectives.

On Thursday November 20, faculty and students from the Boston College community gathered with conference participants for the its opening session. Keynote addresses were made by Dr. Susan Martin, the Herzberg Professor of International Migration and Executive Director of the Institute for the Study of International Migration at Georgetown University, and Archbishop Silvano Tomasi, the Permanent Observer of the Holy See at the United Nations Office in Geneva. Professor Martin spoke on “Rethinking the Refugee Regime in Light of the Rights of Refugees,” and Archbishop Tomasi addressed “Human Rights of the Displaced: The Catholic Church’s Approach.”

Conference participants spent November 21 and 22 at the Boston College Connors Family Retreat and Conference Center in Dover, Massachusetts, engaged in intensive, seminar-style discussion. Topics presented and examined included the foundational ethical and religious grounds for advocacy on behalf of the forcibly displaced; causes of denial of asylum for refugees in many developed countries and ways of counteracting this resistance; the various causes of forced migration, such as armed conflict or economic pressures; and, ways that international policies and structures could be revised to protect the human rights of the displaced.

The papers presented at the conference will be edited into a volume by Professor David Hollenbach, SJ, the Director of the Center for Human Rights and International Justice and host of the conference. The publication, *Driven from Home* will be published by Georgetown Press in 2009.
Immigration Victories

The Center for Human Rights and International Justice’s Post Deportation Human Rights Project (PDHRP) recently celebrated a major victory, bringing a client back to the United States to be reunited with his family.

Juan Lampe, a lawful permanent resident, was wrongly deported in 1997. He returned home in September, 2008 to his wife, children, and grandchildren after an eleven year odyssey during which he never stopped fighting for the chance to have his day in court. He will now finally have the opportunity to ask an immigration judge in New York to grant him the right to remain permanently in the United States.

A permanent resident since 1971, Mr. Lampe battled drug addiction at one point and has several drug possession convictions dating from the early 1990s. On the basis of these convictions, he was ordered removed by an immigration judge in 1997. Under a misinterpretation of the law, the judge denied Mr. Lampe the opportunity to apply for “Section 212(c)” relief, which would have allowed Mr. Lampe to seek relief from removal based on his longtime residence, family ties, and rehabilitation.*

Desperate to be reunited with his wife, children and grandchildren, and with no way to challenge the judge’s erroneous ruling from abroad, Mr. Lampe returned to the United States soon after his removal. In 2002, he was apprehended and sentenced to four years in federal prison on a charge of illegal reentry. Pursuing the case on his own, with only the assistance of a fellow inmate, Mr. Lampe managed not only to get his removal proceedings reopened, but also to vacate his criminal conviction for illegal reentry.

Upon his release from federal prison, Mr. Lampe should have been permitted to pursue his reopened removal proceeding. In what appears to have been a bureaucratic error, however, the Department of Homeland Security instead deported him once again.

When the PDHRP learned of Mr. Lampe’s case from New York-based immigrant rights group Families for Freedom, Mr. Lampe was outside the United States with no way to pursue his reopened removal proceedings. PDHRP supervising attorney Rachel Rosenbloom and Law student Freya Irani advocated extensively with Department of Homeland Security officials in Virginia and New York to ensure that Mr. Lampe was brought back at government expense and released from detention upon his arrival. He is now at home with his family.

The *Boston College Immigration and Asylum Project (BCIAP), is a project of the Center for Human Rights and International Justice. Students in the immigration clinic at the Boston College Law School represent detained noncitizens in removal proceedings in immigration court in Boston.

Law students Jennifer Barrow and Lisa Bernabei won the case of a young man from Trinidad who arrived in the United States as a legal permanent resident at the age of four and was living with his entire family in Massachusetts. The government sought to deport him because of two convictions for possession of marijuana, but he was eligible for a waiver of deportation.

Law students Sean Smith and Ari Sommer won the case of a 40-year-old man from the Azores in Portugal who arrived in the United States at the age of nine and had his entire family living in Massachusetts. When he was a young man, he battled drug addiction and had a criminal history involving drugs and other violations. In 2005, having overcome the addiction, he was en route to his three-year commemoration of sobriety when he was arrested by the immigration authorities. The law students secured a waiver of deportation from the immigration judge.

Law student Margaretta Homsey won the case of a 54-year-old woman from Brazil who came to the U.S. in 1993. She was a lawful permanent resident, yet the government sought to take away her status because they alleged that she abandoned her residency through her long departure from the U.S. She had sought free treatment for serious medical issues in Brazil, and her stay there lengthened as successive treatments were ineffective, eventually requiring surgery. The immigration judge agreed that the client had not abandoned her residency and allowed her to remain in the U.S. as a permanent resident.

* Congress eliminated Section 212(c) in 1996. However, the Supreme Court later ruled that those like Mr. Lampe, who pleaded guilty to offenses before the new law took effect, continue to be eligible for such relief.
Bishop Alvaro Ramazzini at Boston College

Bishop Alvaro Ramazzini, from San Marcos, Guatemala, delivered a lecture on “Immigration and Deportation Today and Tomorrow: Human Rights for Migrant Workers” to a group of more than 200 Boston College students, professors, and members of the greater Boston community on September 16, 2008.

Bishop Ramazzini spoke of the 36-year internal conflict in Guatemala from 1960-1996, which resulted in many migratory movements out of Guatemala and into neighboring countries, including the United States, as people fled for their safety. Following the peace accords 10 years ago, Ramazzini argued that many people expected Guatemala to enter a period of equality and development. This, however, was not the case, as conditions of widespread poverty have continued to increase. Ramazzini referred to Guatemala as a country of contradictions, claiming that it is unjust economic and social structures that have resulted in huge inequalities and caused many people to search for economic opportunities in the United States. Ramazzini argued that migrations out of Guatemala are forced, and that poverty is the main culprit. “A human being who confronts necessity does what he or she has to do,” the Bishop explained to his audience.

Bishop Ramazzini continued by discussing the ethical injustices in many of the United States immigration laws. He argued that with respect to immigration, legal justice is often in tension with ethical justice. A law is morally just if it respects peoples’ fundamental human dignity, which many United States immigration laws and policies fail to do. In addition to unjust laws and detention centers, the Guatemala Free Trade Agreement with the United States fails to respect the fundamental human rights of each human being, and instead gives the economic market priority over human beings. Bishop Ramazzini ended his lecture with the claim that we are all co-responsible for solving this human crisis in a way that upholds principles of social justice and the fundamental human rights of each person. “You here, us there. In the end we are on the same planet,” and we all must work together to “humanize globalization and globalize solidarity.”
Post Deportation Human Rights Team in Guatemala

In July 2008, Center Associate Directors, Professors M. Brinton Lykes, Daniel Kanstroom and other members of the interdisciplinary Post Deportation Human Rights Research Team (PDHRP), an initiative of the Center for Human Rights and International Justice, traveled to Zacualpa, Guatemala. The team joined colleagues there who had visited Boston in November 2007 — Ricardo Falla, SJ, an anthropologist, and Ana Gutierrez, Maya youth advocate and researcher — to investigate the effects of immigration and deportation on families in Guatemala.

The trip began with meetings in Guatemala City with representatives of advocacy, research, and human rights organizations. The team learned of strong local and national advocacy efforts aimed at protecting the rights of undocumented immigrants as they crossed borders, during work site raids in the United States (U.S.), and of some programs targeting those who had been deported. They also learned the full scope of Guatemalan families’ dependence on remittances from family members working in the United States — resources that are used for medicines, education, and other basic needs. In addition, the millions of dollars sent back to Guatemala annually are a significant contribution to the Guatemalan Gross Domestic Product. Thus, the psychological and material costs of the growing intensification of detention and deportations by the Immigration and Custom Enforcement (ICE) in the U.S. is having harsh consequences in Guatemala.

The team then headed to Zacualpa, in the Highland Region of El Quiché, Guatemala. Zacualpa is home to many of the families who participated in the U.S.-based PDHR Project, and many of their children and family members still live in this town or its surrounding villages. There the team met and interviewed community leaders and families about immigration and deportation. The interviewees described missing parents and children who were living in the U.S. while also acknowledging that these family members had migrated, and others will continue to follow, out of necesidad, that is, the extreme poverty, lack of work, and the absence of a living wage for those who are employed, factors that contribute, according to the World Development Indicators of 2005, more than 6% of the population living on less than a $1 a day and 37.4% living on less than $2 a day.

For these reasons, families continue to take out loans against their property to send a relative to the U.S., with or without papers, in search of employment and a paycheck. Many further explained that they have more faith in the U.S. government than in their own when it comes to searching for a better quality of life because of the terror the Guatemalan government reaped on the indigenous population during more than 36 years of war. Zacualpa experienced many massacres and military occupation in the 1980s. Many further described the current detention and deportation processes within the U.S. as a new wave of low-intensity warfare.

Immigration and deportation are intergenerational and transnational family affairs. Entire families suffer when relatives migrate, but arguably suffer more when they are deported and there are no remittances coming from the U.S. The PDHRP Team is now analyzing the interviews described here to develop a report as well as to enhance its collaboration with local Zacualpan leaders as they seek to enhance resources that support families both here and there.
Welcome new Affiliate Faculty

The Center for Human Rights and International Justice extends a warm welcome to its newest Affiliated Faculty, **Professor Kalina Brabeck**.

Professor Brabeck is Assistant Professor at the Counseling, Educational Leadership and School Psychology Department of Rhode Island College. She holds a Ph.D in Counseling Psychology from the University of Texas Austin and works closely with Center Associate Directors M. Brinton Lykes and Daniel Kanstroom on the impacts of post deportation on families and communities.

Award for CHRIJ

In November, the PDHRP was honored with a **Human Rights Award** from Alternative Chance/Chanc Alternativ, a Haiti-based re-entry program for Haitian deportees. Prof. Daniel Kanstroom accepted the award on behalf of the PDHRP at the organization’s annual award dinner in Brooklyn, New York.