



BOSTON COLLEGE

CHRIJ

Center for
Human Rights
and
International Justice

2017-18 Winter Newsletter

Center Hosts “Rights in Conflict” Luncheon Discussion Series

This academic year, the Center is hosting a luncheon discussion series around the theme of “Rights in Conflict.” As such, speakers are invited to reflect on areas of their expertise and the ways in which rights claims may come into conflict, and how they can raise problems of interpretation, legitimacy, strategies and tactics for activists, etc. The series is hosting speakers from a variety of disciplines this year to examine instances of this phenomenon and to engage in conversations on the topic with attendees. The following are briefs from this past fall semester’s presentations.

Resistance Lawyering

On September 14, BC Law professor Daniel Farberman joined the Center for a luncheon presentation on the concept of resistance lawyering. He defines this field as the practice of law within a system that you recognize as unjust or abhorrent in some way. However, Farberman believes that in the modern day, the connection between tangible, day-to-day service lawyering and progressive political movements is very abstract. Conversely, throughout history, resistance lawyering had seen a much closer connection between day-to-day lawyering larger social movements, particularly in the era of the Fugitive Slave Act. This act attempted to bring people who had escaped slavery back south, and eventually prompted the writing Uncle Tom’s Cabin and further laid the groundwork for the Civil War. It gave the accused no right to a jury or to present evidence. Although the accused lost 50% of the cases, some later found ways to escape, or had their freedom bought by their community. Farberman believes the biggest lesson from this period is how lawyers created a space for community organizing. He recounted various cases in which mobilizing the larger political movement, collecting money, and gathering mobs outside the courthouse gave lawyers time to compose solid legal arguments and help their clients win freedom. They also focused on exploiting the discrepancies between state and federal law, holding some of the accused in state custody for smaller crimes so they could not be brought south.

Farberman is a skeptic of slavery exceptionalism, and believes the closest present day analog for resistance lawyering lies in immigration. Ideally, resistance lawyering concerns ethical questions, but in reality it is a practical toolbox, employing mass media, non-profit mechanisms, and legislative loopholes. In the context of immigration, people often seek refuge in sanctuary cities, using state law or even local law to resist federal Immigration and Customs Enforcement (ICE) agents and the threat of deportation. By bringing explicit

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ABOUT US

The Center for Human Rights and International Justice addresses the increasingly interdisciplinary needs of human rights work through academic programs, applied research, and the interaction of scholars with practitioners. The Center’s Co-directors are Law School professor Daniel Kanstroom and Lynch School of Education professor of Community-Cultural Psychology M. Brinton Lykes. Mr. Timothy Karcz is the Assistant Director.

CHRIJ Review Contributors: Lori Niehaus and Michaela Simoneau

Center News & Notes

» Summer research grants

The Center is offering summer research grants to BC undergraduate and graduate students once again this summer! The **application deadline is March 6**. More details and how to apply can be found on the Center's website: <http://www.bc.edu/bc-web/schools/lsoe/sites/chrij/academics/summergrants.html>

» Summer internships

Are you a BC undergrad who would like to intern with the Center this summer? If so, **apply by February 22!** Details and how to apply on the Center's website here: <http://www.bc.edu/bc-web/schools/lsoe/sites/chrij/about/opportunities.html>

Center Students Participate in JUHAN Student Leadership Conference

From June 27-29, the Center, with support from the BC Volunteer and Service Learning Center, sent a contingent of students to the Jesuit Universities Humanitarian Action Network (JUHAN) Student Leadership conference at The College of the Holy Cross in Worcester, MA. The theme of the conference was "Principles in Crisis: Refugees and Responsibility." It was the fourth instance of the biennial conference, to which the Center has organized a contingent of attendees from BC in each year.

Prior to the conference, a number of Jesuit universities' students collaborated to stage a refugee camp simulation for attendees to engage in. Center undergraduate interns Lori Niehaus and Michaela Simoneau researched and staffed the Health and Sanitation station of the simulation, which included information on what types of illnesses or diseases one might contract while in the camp and the possibilities that they could get treatment. Niehaus and Simoneau used the experience of the simulation to help lead and stage a similar simulation at BC in November, enlisting the assistance of various BC student organizations (see article on page 7).



Beginning the conference, there were several keynote speakers, including former Center director David Hollenbach, SJ, who gave a talk on "Principles in Response: 'Responding to the Refugee Crisis: Ethical Principles and Spiritual Resources'." Attendees then had the opportunity to select from a number of breakout sessions, with presentations focusing on issues related to the conference theme and how to advocate on their campuses. There were also visits to community partners in the Worcester area doing humanitarian work, such as to a refugee resettlement agency, a community health center and other grassroots community groups supporting resettled refugees in the Worcester area.

Center Assistant Director Timothy Karcz said, "The conference was a great opportunity for our students to engage in these important issues related to responsibility towards forced migrants, hearing from experts in the field as well as collaborating with other students engaged in research and advocacy on other Jesuit campuses across the country. It was also great to see the students bring what they learned at the conference back to campus to advocate and educate here, consonant with the goals of the conference."

Center Hosts “Rights in Conflict” Luncheon Discussion Series (continued from page 1)

arguments about injustice into the courtroom, lawyers can reconnect their everyday practice to the broader political context. One challenge is that most practitioners avoid sharing their methods with other lawyers, because they are afraid if they become known they will become ineffective for future clients. Despite this, Farbman discussed how it is a necessary struggle to find creative solutions and work within arduous procedural mechanisms to resist the legal regime from within. Then, by directly challenging social injustices in the courtroom, lawyers can help their clients and reclaim the bigger picture movement of social justice in their day-to-day work.

Origins of cultural genocide and white supremacy in New England

On October 12, the Center hosted Dr. Mishy Lesser of the Upstander Project to discuss the cultural genocide of Native peoples both as a general phenomenon, and then specifically within the New England area. Drawing on the Upstander Project’s recent short documentary, *First Light*, freely available online at upstanderproject.org, Lesser explored the findings of the first-of-its-kind Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission (TRC), which found Maine’s child welfare agency guilty of the forced removal and assimilation of Wabanaki children. The talk concluded with a glimpse into the complete story of the ongoing genocide against indigenous peoples in the US as featured in a 28-minute preview of the Upstander Project’s new documentary, *Dawnland*, scheduled to be released in 2018. The film follows both Native and non-Native participants through the Maine truth and reconciliation process and offers important insight into the continuing effects of over 500 years of colonial domination of Native peoples.



The encounter of knowledges: Challenges and opportunities for the social sciences and threats for social researchers

Rosa Macz shared important insights from her work in the Alta Verapaz region of Guatemala with the BC community during her lecture on November 9. A legal researcher at AVANSCO in Guatemala, Macz explained the impact of capitalism on indigenous Guatemalan communities, and the methodology her team uses to accompany these communities. As a survivor of the armed conflict in Guatemala, she is no stranger to the violence faced by many of the communities she works in. At the time Macz was preparing for her presentation, indigenous peoples were being forced to move off their land by Guatemalan security forces who entered their community and burned their

homes and possessions to dissuade them from returning. Macz explained that the community contained forced laborers—those forced to work the land without any official claim to it, despite having lived there for many years. Many of the community members have been attempting to establish a constructive dialogue with the government to have their labor rights respected, but their petitions continue to be ignored.

In communities like this one, women and girls are particularly vulnerable to the violence of extractive industries. These extractive industries are concentrated in the north of the country, where Macz and the PICTA Research team investigate the development of organizational struggles of resistance by women, the dynamics of capitalism, and the efforts of communities to resist those dynamics. Macz explained the group’s methodology is to encounter knowledge, not through a single moment or event, but through peer dialogue and a collective process of decolonization of past knowledge and reconstruction of new knowledge. The extractive industries they examine include mining, wood extraction, and hydroelectric companies, among others. Not only are women displaced from their lands because of these industries, many also report rape and other sexual violence that leaves them with lasting psychological and physical damage. Additionally, many men drink too much while seeking refuge in bars, which can lead to further violence against women. Cases against extractive companies are rarely prosecuted and many of those who try to help are threatened and thrown in jail. It is the stories of the people in the northern region of the country who have survived violence yet continue to resist that Macz and her colleagues tell in their new book, *Despojos y resistencias: Una Mirada de la Región Extractiva Norte desde Tezulutulán-Verapaz* [Dispossession and resistance: An examination of the Northern Extractive Region in Tezulutulán-Verapaz].

Summer Research Grant Reports

The following are summaries of research findings from last summer's undergraduate recipients of Center summer research grants. The application deadline for summer 2018 grants, for both graduate and undergraduate students, is **March 6**. See Center website for details.

▶ **Lisa Unangst, Lynch School of Education, PhD candidate, International Higher Education**
“Facilitating Refugee and Migrant Access to German Universities”

Through a case study conducted at six German universities, Unangst aimed to identify comprehensive processes or programs in place for the facilitation of access to university services for refugees and migrants. While recognizing the laudable effort of the German government to provide higher education to these individuals, Unangst sought to identify possible gaps in the provision of services at the federal, state, and institutional levels. Her interviews highlight the perceptions of university students, staff, and faculty regarding support for refugees and migrants at their universities. Her findings add to current literature suggesting the high threshold of C1 German language proficiency generally required to enter a German language university degree program acts as a barrier to degree program entry. The interviews also illuminated the substantial challenge of learning content knowledge concurrent with learning new academic vocabulary. Almost all interviewees displayed a lack of knowledge of the refugee support structures offered at other universities, indicating a lack of familiarity with best practices and demonstrating the need for improved data collection to inform policies and research agendas.



KELSEY RENNEBOHM FELLOWS

▶ **Matthew DelSesto, PhD candidate in Sociology, Morrissey School of Arts and Sciences; and**
Megan Donovan, MSW, School of Social Work and MA, School of Theology & Ministry
“Roots of Resistance and Resilience: Agroecology Tactics for Resettlement”

Through their investigation of a women's farming cooperative and farming activities in the Santa María de la Esperanza community on the outskirts of San Salvador, El Salvador, DelSesto and Donovan identified current human rights and international justice issues facing the Santa María community and El Salvador as a whole. These issues included land rights, migration and displacement, trauma and the aftermath of war, environmental quality, and economic subsistence inequality. Their objectives were two-fold – to learn about these issues, but also to build meaningful relationships with residents. Santa María is a resettlement community, meaning its residents arrived during the Salvadoran civil war from rural areas or refugee camps. The extraordinary resilience of community members was clear, as well as their radical hospitality. Despite apparent material shortages when viewed by US standards, community members consistently referenced abundance and suggested a connection between community, land, and spirituality in many of their interviews. DelSesto and Donovan concluded that in Santa María, growing food was part of a daily life of cultural resistance against dominant capitalist modes of production and social violence.



Kerri Evans, PhD candidate, School of Social Work

“Exploring Integration of Refugee Youth Served through Foster Care: Comparisons by Country of Origin”

Evans explored the impact of the Unaccompanied Refugee Minor (URM) Foster Care Program on refugee children of varying countries of origin. The program targets children who lack parents or caregivers at the time of entry to the US and is designed to be comprehensive and culturally competent. By examining a sample of 392 refugee youth, Evans assessed the levels of educational attainment, economic integration, and social integration for refugee youth from Burma, the Democratic Republic of the Congo (DRC), Eritrea, and Somalia at the time of their discharge from the program. Results showed a significant relationship between country of origin and education, with Burmese youth most likely to be enrolled in college at the time of discharge. The majority of youth from other countries were most likely to still be enrolled in K-12 education programs. There was also a significant relationship between country of origin and employment, with youth from Burma and the DRC most likely to be employed at the time of discharge.



Ellie Gutowski, PhD candidate, Counseling Psychology, Lynch School of Education

“‘Like I’m invisible’: Intimate Partner Violence survivors’ subjective experiences of the family court system”

In Massachusetts family courts, which have jurisdiction over divorce, abuse prevention, child custody, and more, as many as half of all litigants show signs of intimate partner violence (IPV). To investigate the deeper economic, psychological, and physical damage that these cases can inflict on survivors separating from abusive partners, Gutowski and her research team conducted a community-based participatory research study in partnership with a local collaborative of survivors and professionals. The descriptive qualitative study focused on examining common themes in IPV survivors’ subjective experiences in family court as they sought child custody, and how the processes impacted their mental health and wellbeing. Findings from the research revealed that abusive parents generally have better legal resources, and extend coercive control within the courtroom, prolonging and increasing survivor trauma. The court atmosphere can be triggering of trauma for survivors, and many survivors of IPV face internal barriers to recounting their traumatizing experiences, fearing ex-partner retaliation. Gutowski concluded that courts often demonstrate bias in favor of the abusive parent, dismissing or trivializing evidence of abuse, or judging and blaming the survivor. The researchers plan to compile a full report to provide recommendations for practitioners and policy makers about how to mitigate these problematic outcomes.



Juliana Butrón, MA student in Political Science, Morrissey College of Arts and Sciences

“Implications of the Justice Against Sponsors of Terrorism Act for norms of sovereignty, accountability, and American foreign policy ”

Butrón examined the implications of the Justice Against Sponsors of Terrorism Act (JASTA), passed on September 28, 2016. The law gives victims of 9/11 terrorist attacks the ability to sue Saudi Arabia for financial or personal losses, altering American foreign policy precedent concerning the law of sovereign immunity. Historically, sovereign immunity was absolute, preventing independent states from taking each other to court. Since the Cold War, legislation has codified specific exceptions for commercial activities, torts, and eventually terrorism, but due to geopolitical circumstances they could not be applied in the 9/11 case. This restrictive precedent was overturned in the US Supreme Court’s *Samantar v. Yousuf* (2010) decision, galvanizing Congress to pass the JASTA amendment. JASTA, by limiting sovereign immunity, helps victims hold state terrorist actors accountable. However, Butrón also considers JASTA’s threats to the United States, especially in the possibility of retaliatory litigation. By delegating sensitive, intelligence-informed foreign policy decisions to courts, it threatens the separation of powers and the executive branch’s authority in diplomatic affairs. Butrón concludes it is too early to tell whether the implications of this policy shift will be in regards to fighting terrorism and how foreign policy is affected, but speculating that further suits brought under the act under different scenarios will clarify what its ultimate effects will be.



Center Visiting Scholar Johnston attends Vatican symposium on nuclear disarmament

Dr. Laurie Johnston, a Visiting Scholar of the Center and a Professor of Theology, was recently a participant at a Vatican symposium entitled “Prospects for a World Free of Nuclear Weapons and for Integral Disarmament.” The colloquium came on the heels of the UN treaty banning nuclear weapons, which was passed last July. The Vatican was a major champion of that treaty and was among the very first countries to ratify it. Among the participants at the symposium were UN and NATO officials as well as 11 Nobel Peace Prize winners, including representatives of the 2017 awardees, the International Campaign to Abolish Nuclear Weapons.



The highlight of the symposium was an audience with Pope Francis, who took the opportunity to make a striking statement about nuclear weapons. Past Catholic teaching has consistently condemned any use of nuclear weapons, but on this occasion, Pope Francis condemned the “very possession” of nuclear weapons. Not only do the billions of dollars devoted to maintaining nuclear arsenals represent a gross misuse of resources, but the possession of nuclear weapons brings the risk of an accidental detonation. And any use of nuclear weapons would inevitably bring “catastrophic humanitarian and environmental effects.” The Pope called world leaders to move beyond the “mentality of fear” that colors international relations. For the theologians and Catholic leaders who, like Professor Johnston, are part of the Project on Revitalizing Catholic Engagement on Nuclear Disarmament, there is much work ahead to be done on this crucial issue.

Center screens “The U-Turn” and hosts filmmaker Luis Argueta



On November 14, the Center hosted a screening of *The U-Turn* (2017), a 55-minute documentary concerning the incredible journey of immigrant workers at the Agriprocessors meatpacking plant, who worked with their Postville, Iowa community to speak out about the abuses they suffered. *The U-Turn* is the third in a trilogy of documentaries on immigration by filmmaker Luis Argueta, who presented the film and answered audience questions after its screening. The BC Film Studies Program also co-sponsored the event.

The film highlights the U nonimmigrant status visa (U-Visa), an immigrant relief protection intended for victims of mental or physical abuse who are helpful in an investigation or criminal prosecution. Postville now has the distinction of being the place where the most U-Visas have been obtained for victims of violent crimes in a workplace context, with 179 workers and their families being approved for visas under the program. By telling their story, the documentary attempts to spread awareness of

U-Visas so that they can be better understood and utilized by immigrant workers, human rights advocates, and law enforcement authorities.

The film portrays the journey of these workers and their families, from separation and heartbreak to eventual triumph, demonstrating the power of community solidarity along the way. Community members provide financial and social support, as well as pro-bono legal representation to the immigrants affected by the raid. Even more importantly, the film emphasizes the perseverance and resilience of the individuals ensnared in the terrifying battle for family reunification, as they seek legal remedies to protect their rights. As they gain the courage and voice to speak out against their abusers, they hold them accountable for their crimes of employing child labor and deplorable working conditions.

In overcoming their fear, the families are able to reclaim and transform their lives. In the current political climate, 4.1 million US child citizens with at least one undocumented parent live in fear of being separated from their loved ones. This film is a timely reminder that silence only gives abusers power, while speaking out with the support of community and legal structures can have revolutionary results.

“Walk a Mile in My Shoes” Refugee Camp Simulation

On November 29, the Center hosted a refugee simulation in the Heights Room of Corcoran Commons, bringing together students, staff, and community members in an experiential learning environment, based on a module by the Jesuit Refugee Service. Over 130 students attended and experienced the simulation.

The Center collaborated with various student organizations to run the event, each of which was responsible for running a different station. Model UN started the simulation off by running the border security station, during which each participant was provided with a unique refugee identification card. Participants assumed the character on their card for the duration of the simulation. After passing border security, participants stopped at the health and sanitation checkpoint ran by GlobeMed at Boston College. There, participants were shown the likelihood of having or developing different types of illness during their stay at a refugee camp. Timmy Global Health ran the following food station where participants visualized the difference between standard food rations at a refugee camp and a standard meal from Boston College’s dining hall. The water station ran by Charity: water made participants aware of the large amount of water they use in daily tasks, including showering and washing dishes, compared to the small ration given to families in many refugee camps.

In the back of the room, a tent was set up with tape on the ground to mark the standard 37 square feet designated as the “minimum standard area” for shelter for a refugee. Since this standard is rarely met, tape was also placed to designate a more realistic area of provided shelter, about half the size of the original space. Participants were encouraged to enter the tent with blankets and cooking supplies. An education station was run by BC Social Workers for Social Justice (SWSJ). Participants were split into two groups and given a series of questions with answers that could be found in a provided book. In one group, all participants received individual pencils and books, while in the other, only one pencil and one book were provided to the group to share, to simulate an under-resourced refugee camp school. The next station, organized by Catholic Relief Services’ Student Ambassadors, gave participants an idea of the duration they would likely remain in a camp, based on their country of origin provided on their identity card. Participants were also given advocacy tools to contact their representatives to encourage their backing of policies that support refugees and migrants.

Near the end of the simulation, participants were presented UN statistics demonstrating that there is the greatest number of displaced people in the world since World War II, and contrasting this with the current US response toward refugees, where the number of refugees to be accepted for resettlement has been slashed by the Trump administration to a historically low cap of 45,000 for 2018. Catholic Charities of Boston’s Refugee and Immigration Services was also present to provide information about the refugee resettlement process in the US and support networks in our community.





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Upcoming Spring 2018 Events

"Rights in Conflict" luncheon discussion series



THURSDAY, MARCH 15

Rights, South African Constitutionalism, and the Legacy of Apartheid

12:00 PM • Boston College, Devlin Hall, Rm 010
With **Elizabeth Anker**, Associate Member of the Law Faculty and Associate Professor, Department of English, Cornell University



FRIDAY, MARCH 16

Retaliation Nation: How government action aimed at restricting immigration intrudes on foundational democratic principles

12:00 PM • Boston College, Campion Hall, Rm 139
With **Dina Haynes**, Professor of Law, New England School of Law



WEDNESDAY, APRIL 4

Resilience and Protective Factors in Children Exposed to War: Moving from a longitudinal/ intergenerational study to mental health services research in Sierra Leone

12:00 PM • Boston College, McGuinn Hall, Rm 521
With **Theresa Betancourt**, Salem Professor in Global Practice, Boston College School of Social Work, and Director of the Research Program on Children and Adversity (RPCA)



MONDAY, APRIL 9

The Exclusionary Israeli Asylum Regime in a Comparative Context

12:00 PM • Boston College, McElroy Commons, Rm 237
With **Tally Kritzman-Amir**, Senior Lecturer at the College of Law and Business, Israel, and Visiting Fellow at the Human Rights Program, Harvard Law School

More details & RSVP for lunch at event listings at <https://tinyurl.com/CHRIJevents>

Join the CHRIJ listserv to receive news and reminders of CHRIJ events via email.
Go to BC.EDU/HUMANRIGHTS/MAILINGLIST and simply enter your email address to join.