

BOSTON COLLEGE  

**CHRIJ** Center for Human Rights and International Justice

2019-20 Winter Newsletter



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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 Newsletter Contributors: Meredith Hawkins, Mary Noal and Sarah Engelberg-Nolan. Event photos courtesy of Chris Soldt and BC MTS.

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## Center News & Notes

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» **Center receives grant**

» The Center is pleased to announce that it has received a grant in excess of \$15,000 from a private foundation to support the operations of partner project the Martín-Baró Fund for Mental Health and Human Rights, and to support grant(s) to the Kelsey Rennebohm Fellowship for student summer research!

» **Summer research grants**

» The Center is offering summer research grants to BC undergraduate and graduate students once again this summer! Application deadline March 4. More details and how to apply on the Center's website: <https://www.bc.edu/bc-web/centers/chrij/academics/summergrants.html>. Thanks to the above grant, the Center anticipates being able to award multiple Rennebohm Fellowships this summer! Details at [tinyurl.com/RennebohmFellow](http://tinyurl.com/RennebohmFellow).

» **Summer internships**

» Are you a BC undergrad who would like to intern with the Center this summer and the 2020-21 academic year? If so, apply by February 20! Details and how to apply on the Center's website here: <https://www.bc.edu/bc-web/centers/chrij/about/opportunities.html>

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### Migratory Tour of Love and Memory

On October 29, the Center hosted a performance of the “Migratory Tour for Love and Memory” by Fernando López and Gabriela Álvarez Castañeda as part of an East Coast tour of the duo. Featuring López on the guitar and on vocals, and Álvarez Castañeda giving an interpretive dance performance, the audience was treated to a tribute to those who defend and exercise their right to migrate in search of a better life and join the efforts of this legitimate struggle for justice, memory, and love.



## Center marks 30th anniversary of the Martyrs of El Salvador

On November 21, 2019, the Center along with partner project the Ignacio Martín-Baró Fund (MBF, or “the Fund”) for Mental Health and Human Rights, co-hosted the 30th anniversary commemoration of the assassination of the martyrs of El Salvador. The event featured testimonies from Joan Liem, member of the Fund and Professor Emerita of Psychology at UMass Boston; Massachusetts 2nd District Congressman Jim McGovern; Walberto Tejada, a representative from Centro Bartolomé de las Casas in El Salvador; a video greeting from Carlos Martín-Baró, brother of Ignacio Martín-Baró, SJ; Boston College Lynch School Professor of Community-Cultural Psychology, Center co-director co-founder of the MBF, M. Brinton Lykes; Chung-Wha Hong, Executive Director of Grassroots International; and Professor Catherine M. Mooney, BC School of Theology and Ministry and longtime member of the MBF committee.

At 30 years, the Fund has raised over one million dollars in funding for grassroots projects around the world that engage in work that mirrors and carries on the legacy of the organization’s namesake. Words from Ignacio’s, or “Nacho’s,” brother describing the Fund sum up the general theme of the anniversary commemoration event quite well. He said that the work of the Fund is serving to represent “*la voz de Nacho adelante*” or “the voice of Nacho moving forward.” This sentiment was brought forth by Congressman McGovern as well in his reflection of his time in El Salvador and the difficulty he has faced in coming to terms with the US involvement in the violence, both historically and today, through his advocacy work as a government official and in representing the voices of the people of the US. Despite the pervasive indications that history may be repeating itself through the US’ oppressive immigration policies towards Central American migrants or its violent war on drugs, he noted that those who support the MBF have served – and must continue to serve – as a reminder to the Salvadoran people, and to survivors of mass atrocities everywhere, that there is still hope in this world.



Walberto Tejada

The 30th anniversary event featured accolades of Nacho’s personal qualities, professional accomplishments, and philosophies from his friends and colleagues all while highlighting the Fund’s sustained commitment to the oppressed and to those who live Nacho’s understanding of the need to “liberate psychology” toward creating “a new person in a new society.” Walberto Tejada, a representative from one of the Fund’s partners in El Salvador, Centro Bartolomé de las Casas (CBC), spoke about the embodied legacy of Nacho through the work and mission of CBC and its commitment to achieving social justice through first advocating for gendered justice and a sustained ideological praxis of accompaniment and critical reflection.

In partnering with organizations that foster well-being and critical social psychology through activism and accompaniment, the Martín-Baró Fund for Mental Health and Human Rights has maintained its roots in liberation psychology through walking with the popular majority against systems of oppression. The Jesuits embodied their faith through living intentionally through action and activism in the face of extreme oppression beneath the Salvadoran oligarchy. The Fund maintains this call to action and advocacy for human rights and community well-being through the accompaniment of grassroots organizations fighting for those harmed by political repression, structural violence, and social injustice around the world.

It was the hope of Nacho, and remains the hope of the Fund today, that through the fostering of psychosocial wellbeing and the pursuit of social reparations, society can begin to heal from its painful past and move towards a more equitable future.



Event speakers and members of the MBF grantmaking committee

## Center hosts workshop as introduction to US immigration issues

In a collaboration with the PULSE program, the Center hosted an immigration workshop on October 28th, aimed at students participating in service with immigrant communities. The workshop served to offer students a general background on the immigration situation in the United States, provide narratives to reveal the nuanced experiences of immigrants from different identities, sexualities, and legal statuses, describe the history of immigration restriction in the US, and finish with information and opportunities surrounding advocacy networks and actions occurring in Massachusetts.



Attorney Heather Friedman addresses a group

Heather Friedman, the Supervising Attorney for the Center, began the workshop with an in-depth explanation of the legal apparatuses that implement immigration legislation in the United States. The path to legal immigration differs largely depending on one's country of origin, their employment status, and whether or not one has family in the US. Having family in the US, however, does not guarantee a shorter immigration journey as countries with higher interest of movement have wait times upwards of a decade. Friedman examined the apparent recent upsurge of attacks on the legal status of asylum seekers and refugees occurring beneath the Trump administration. An increase in restrictions of the numbers of asylum seekers and refugees being admitted into the country have been implemented through agreements with coun-

tries over migration policies, general limits on immigration flows into the US, and the family separation "zero tolerance policy."

The event included two concurrent activities, one being a video screening of testimonies from immigrants to the United States in which they reflected on their experiences, the other being an in-depth review of US immigration history led by BC Lynch School Professor Andrés Castro-Samayoa. The video reflected the unique experiences of immigrants, with the testimonies including video footage from a DACAmented teenager fearful of her future legal status due to the uncertain future of the DACA program, to the story of a woman whose child was separated from her at the border. Castro-Samayoa led the other activity through presenting a timeline of historic immigration restriction in the United States, beginning with the Chinese Exclusion Act of 1882 to current day policies. The timeline revealed the rather consistent restrictive and racist nature of US immigration policy that has led to the current power structures in the US today.



Prof. Andrés Castro-Samayoa presents US immigration history

The event finished with a presentation by Joel Rivera, a community organizer at the Massachusetts Immigration and Refugee Advocacy Coalition (MIRA). Rivera discussed his work at MIRA and their current advocacy campaigns, including fighting the proposed "public charge" rule which would allow the US government to block people who might need public benefits from immigrating legally, and advocating for the availability of in-state tuition to green card holders and DACAmented students.

## Beyond Human Rights, Under the Storm, while Living World(s) Apart

On November 5th the co-authors of the book *Grassroots Postmodernism: Remaking the Soil of Cultures*, Madhu Prakash and Gustavo Esteva, performed a reading in an event entitled “Beyond Human Rights, Under the Storm, while Living World(s) Apart.” Co-sponsored by Boston College Latin American Studies, the Organization of Latin American Affairs (OLAA), the BC Lynch School of Education and Human Development’s Teacher Education, Special Education, and Curriculum and Instruction Program, and the BC Institute for the Liberal Arts, the event problematized the notion of universal human rights through discussion and examples.

Gustavo Esteva is an activist, author, and the co-founder of the Universidad de la Tierra (University of the Earth) in Oaxaca, Mexico. Madhu Prakash is a Professor of Education at the Pennsylvania State University as well as a researcher and writer. The performance was styled as a conversation between the two authors, both of whom have, in their

intellectual and activist careers, come to view universal human rights as the “trojan horse of recolonization.” Through storytelling and reflection, Esteva began by explaining the incongruence often found between human rights “justice” and the lived truth of justice in communities. Human rights discourse, largely substantiated with Western values, claims to supercede individual morality, replacing it with a morality larger than the individual itself. This sort of morality, which grounds itself as higher than the individual, often does not work within community-focused societies. Therefore human rights discourse infiltrates and disintegrates communitarian values while often being used as the benevolent face of recolonization.

Prakash continued the conversation by problematizing the claim of the universal right to education. As a Professor of Education, Prakash spent much of her career analyzing philosophies of teaching, leading her to focus on Ivan Illich’s provocative book, *Deschooling Society*. Illich suggests that in a consumer society, education is consumer training and the hidden curriculum in schooling creates

efficient consumers who support the financial status of the state. According to Illich, obligatory schooling constructs this paradigm in each student, as they are not allowed to refuse the education. Prakash argues against the universality of the right to an education, particularly in contexts where states control the education curriculum.

In another provocative question, Esteva stated he supports the abandonment of human rights for indigenous people. He explains

that many crimes are committed in the name of human rights, and the universality principle does not fit within the context of many indigenous communities. This does not mean the entire abandonment of juridical proceedings as a mode of justice, but rather a change in the conception of rights upon which the juridical proceedings are based. In lieu of individual human rights Esteva proposes collective rights which enforce communal norms and allow for

self-government. In his view, abandoning universalism does not mean adopting cultural relativism but radical pluralism.

Esteva and Prakash concluded by questioning the efficacy of the nation-state and the claim that human rights are grounded in the democratic nation-state. They find hope through the work of grassroots organizers and supporters of radical democracy. Mass movements of people have begun rejecting the nation-state as a reliable interlocutor and have denounced many colonizing development initiatives that base their projects on human rights and moral doctrine.



(From L-R): Esteva and Prakash

## Summer Research Grant Reports

Brief summaries of research findings from our 2019 summer research grantees. Our Summer 2020 application deadline is March 4.

▶ **Javier Reyes Martínez, PhD candidate, School of Social Work**  
“Social, Economic and Cultural Rights in a Context of Violence and Poverty: a Case Study of Artists in Acapulco”

Reyes sought to analyze the attainment of social, economic, and cultural rights among vulnerable populations in communities that find themselves at the nexus of extreme structural and physical violence and economic impoverishment. The project focused specifically on the experience of artisans in Acapulco, Mexico, which is considered one of the most violent places in the world. Through conducting eight interviews with individuals working within artistic and cultural disciplines, Reyes investigated questions of economic, social, and cultural rights as well as personal experiences of violence. Many of the individuals interviewed lacked “formal” employment aside from their artistic trade and indicated an inability to obtain basic resources due to the per diem financial nature of being an artist, bureaucratic payment processes, and maltreatment from employers. Reyes found that it was necessary to supplement artistry with a more traditional job in order to assure basic survival for the individual and their family; only those with a “traditional” job are covered by Mexico’s Social Security, health insurance, and housing plans. While many artisans reported flexible schedules and the ability to enjoy cultural activities, they also indicated a greater need for professionalization of the field – including more formal education, better working conditions, and quality payment and protection measures. While a few individuals endured experiences of discrimination or physical violence, many cited structural victimization as a reason for their impoverishment and the waning interest in art amidst times of economic and political turmoil as their pressing issues. Reyes’ conclusion asserts that to be an artist (without supplemental “formal” employment) in Acapulco, means to live in vulnerable socioeconomic conditions, with this position of precariousness being produced and perpetuated by poor economic conditions and the failure of government on state and local levels to ensure formal and fair work conditions. The preliminary results of this study were submitted, accepted, and presented at the III Forum on Cultural Policies, “Cultural and Artistic Rights in the Context of the Political Transformations,” organized by the Observatory of Art and Culture (OAC) and held on November 14 and 15, 2019, in Mexico City.



▶ **Justin Schnebelen, MCAS '22, English and Communications**  
Revelation Days: Stories of Suffering, Resiliency, and the Demands of Justice

Schnebelen’s research focuses on the Pine Ridge Indian Reservation, or the “Rez,” which has been home to the Oglala Lakóta since they were forcibly removed from their native lands. He strives to tell the stories of this community who have been deprived of their voice and ancestral lands as a result of the genocide committed against native peoples by the creation and expansion of the United States. He begins by discussing the multiple facets of oppression faced by those on the reservation, the physical manifestations being found in the low life expectancy for Pine Ridge’s 40,000 tribal members as well as the lack of working electricity and running water. The Oglala Lakóta County also has the lowest per capita income of any county in the United States at \$8,768. The Lakóta understand one of the only routes to a modest living means working for the government, most often the military, or the other option is to abandon the reservation to work in border towns. Through his research, where he spent time at the Rez working with a man from the Oglala Housing Development, Schnebelen found that approximately 85% of families experience alcoholism on the reservation, and one in four children are born with Fetal Alcohol Syndrome. The implications of this are devastating, with about 8 in 10 people experiencing substance abuse or violence in the home. In a poignant phrase, he points to these generations of oppression as “the scar tissue of ‘Manifest Destiny’.” Schnebelen’s research leads him to insist that the reality of life on Pine Ridge must evoke a reckoning and that we, as a nation, must answer to our history by redressing our wrongs and using a restorative approach to justice.



▶ **Ellen Gutowski, PhD candidate, Counseling Psychology, Lynch School of Education & Human Development**  
**“Coercive Control in the Courtroom: Litigation abuse and its consequences”**

Gutowski observed that many survivors of interpersonal violence (IPV) who have separated from their abusers are usually involved with the court system – regarding divorce proceedings or questions related to custody of the children, shared finances, etc. – and are often met with long-lasting distress from such involvement. In this study, Gutowski aims to examine the ways in which violence is perpetuated among survivors of interpersonal violence via, what she calls, litigation abuse: the process by which abusers continue their violence through utilizing the court system as a means of coercive control. To provide relevant and impactful counseling and policy intervention targeting this particular continuation of violence, Gutowski established the need for a large-scale quantitative measure of such abuse. Her overall goals of the investigation are threefold: first, create a clear measure of litigation abuse that highlights the true consequences of the issue; second, investigate the relationship between litigation abuse and mental health outcomes; and third, determine whether or not distress-inducing outcomes from legal decision-makers moderate the relationship between litigation abuse and mental health. In order to effectively measure litigation abuse, Gutowski engaged in initial item-generation processes, administered a survey, and conducted factor analyses to refine the items and establish the measure’s psychometric properties. She did so through conducting interviews with the study population (female, family court-involved, survivors of IPV). She subsequently conducted structural equation modeling to investigate the correlation between this form of abuse and adverse mental health outcomes. While the data collection is still underway, Gutowski anticipates the findings will demonstrate that litigation abuse is associated with mental health difficulties of PTSD and depressive symptomology for survivors. She also believes the data will indicate that judicial responses impact the relationship between litigation abuse and mental health concerns. The ultimate goal is to enhance awareness surrounding litigation abuse as a form of violence that is often unaccounted for but can have devastating consequences for families seeking protection from harm.



▶ **Zoe Fanning, International Studies, MCAS ‘20**  
**“Armed Conflict and Civilian Health”**

Fanning traveled to Geneva, Switzerland for one month during the summer to conduct her interdisciplinary research project, which aimed to explore the intersection of civilians’ health and human rights during times of conflict and explain the variation in responses among different actors within the international community. She compiled the views of officials and experts on the impacts of conflict on health outcomes, the role of the international community in responding to health needs during conflict, and the effectiveness of such work. Fanning conducted interviews with 27 people from internationally-focused organizations and academic institutions, including employees at the United Nations. Her interviews were composed of questions about the impacts of conflict on civilians, the factors that affect an organization’s response to a health crisis, suggestions for further case studies regarding health and human rights, and the most neglected areas of research in the fields of health, human rights, and humanitarian aid. One area that was brought to Fanning’s attention was Land Mine Action, which represents an important and potential case study regarding the interaction between global organizations and countries experiencing adverse health effects due to the explosive remnants of war and conflict. Overall, Fanning found important implications for her research and plans to use the data she collected in Geneva for her senior thesis, in which she will utilize the social determinants of health to understand the cyclical nature of armed conflict and health issues and how conflicts disproportionately affect certain populations.



► **Julia Bloechl, International Studies, MCAS '20**

**“The Catholic Church and the Rwandan Genocide: Problems of the Past and Prospects for the Future”**

Last summer Bloechl analyzed the Catholic Church’s role before, during, and following the genocide committed against the Tutsi population in Rwanda. Through attending the conference “Reinventing Theology in Post-Genocide Rwanda: Challenges and Hopes,” speaking with religious leaders and community members, and visiting museums and memorials of the genocide, Bloechl analyzed the role of the Church via different facets of society.



The ethnic distinctions between the Hutu and Tutsi populations, largely fabricated by Belgian colonists in the 1930s, pervaded the colonial period through decades of ethnic massacres and in what, ultimately, exploded into the 1994 genocide against the Tutsi population. In just 100 days, over one million Tutsi were killed with little intervention from the international community. Tracing back from the genocide, the Catholic Church was an important institutional power in substantiating ethnic divisions in colonial Rwanda. European missionaries often failed to address the growing ethnic tensions and instead utilized them as a tool for efficient colonial control through categorization of people, furthering divides between them. This particular role of the Catholic Church was addressed in the conference Bloechl attended, specifically supporting the idea that the Church must promote reconciliation and peace, bringing victims and perpetrators together to heal in a process called *Gacaca*. While the conference emphasized memory and history, Bloechl noted a lack of emphasis on recognition of the Church’s historical role in the conflict, and further stated that the Church did not go far enough in implicating itself for its wrongdoings at the conference. In speaking with the community in Kigali, Bloechl found that many feel the Church has not come to terms with its role in the genocide and has, instead, avoided properly speaking directly of it. Bloechl visited the Kigali Genocide Memorial where she examined the collective memory of Rwandan society surrounding the atrocities as well as the Ntarama and Nyamata Churches, notable sights of massacres. Through her travels in Rwanda, Bloechl was able to further comprehend the Catholic Church’s complicity in the genocide, the growing censorship and corruption in the government, and necessary work of the Church to be dedicated to healing and recovery while recognizing their actions in the atrocities.

► **Dale Maglalang, MSW student, School of Social Work**

**“Experiences of Filipina Home Care Workers in New England”**

*Kelsey Rennebohm Fellowship*

Maglalang interviewed 14 immigrant home care workers employed in New England who identified as Filipina to identify their present working conditions and reasons for migration to the United States/ the region. The rationale for migration ranged from family reunification to employment desires and healthcare needs, while the overarching theme behind the decision to work overseas was the necessity of providing for family members or other dependents. In regards to data surrounding the tasks of the home care workers, the job responsibilities included caring for children, cooking, cleaning, and laundry, while other participants had more specific roles that limited them singularly to the care of their employer. Three of the participants were human trafficking survivors who fled from their home care employers in New England. Their escape was not easy as they faced varying forms of maltreatment by their employers including harassment and wage theft. The working conditions of Filipina care workers in New England vary but reflect the need for larger studies on care workers in similarly precarious situations. Maglalang concludes that future studies are necessary to identify how healthcare institutions can act as agents of intervention to combat human trafficking in home care settings. It is also noted that the participants were resilient in the face of harassment and were adamant to advocate for themselves and others in similar situations regardless of fears relating to their immigration or employment status.



## Fighting Back Against Family Separation at the Border

On October 8th, 2019, the Center hosted Emma Winger, staff attorney with the American Immigration Council, for a presentation titled “Fighting Back Against Family Separation at the Border.” Her presentation highlighted the government’s decision to separate parents and children at the US border, the history of family separation, and organization’s representation of six mothers and their children who were victims of this policy.

Winger began by giving a background of the criminalization of immigration and migration, which is particularly relevant to the policy of family separation. She explains that it is not a crime to be present in the US without lawful status; however, it is a misdemeanor to enter the US without authorization and it is a felony to reenter the US after deportation. Through programs such as Operation Streamline, the government has prosecuted individuals arriving at our borders without authorization for many years.

In early 2017, family separation was proposed as an effective way to deter future migration. The justification for this was that the government would prosecute everybody arriving at the border, and because children cannot be held in criminal custody, the government would have to separate children from their parents. During the summer of 2017, the government started a pilot project in El Paso, Texas in which almost 300 individuals and families were separated. The government deemed the program a success and began to plan for the project’s expansion.

In April 2018, the Attorney General announced the Zero Tolerance Policy, in which everybody coming to the border would be prosecuted. Although the government was warned about the con-

sequences of family separation, they went forward with the policy. With no system in place to facilitate communication between parents and children, nor a system to track them, parents often went weeks without knowing the whereabouts of their children. While the justification for this policy was that it was necessary to prosecute criminals, children were often separated from their parents before they were taken into criminal custody. In addition, federal public defenders have stated that the US never had the capacity to prosecute every individual arriving at the US border in any case.

In June of 2018, President Trump issued a proclamation that there would be an end to the family separation program, but there was no plan in place for family reunification. The ACLU and its partners sued in federal court for a preliminary injunction, ordering the government to stop this policy. As a result of this, Judge Sabraw ordered that the government reunify separated families.

At this point, the government has admitted to separating almost 4,000 children from their parents, and it is likely that this number is probably higher. The government has continued separations on the grounds of minor convictions or allegations linking parents to gang activity. Lastly, Winger described AIC’s successful defense of five mothers and their children under the Federal Court Claims Act in a case against the government’s policies on claims of negligence and intentional infliction of emotional distress.



## Friedman helps Guatemalan family to find closure over missing daughter



In late 2018, Center Supervising Attorney Heather Friedman took up the case of helping to find the whereabouts and possible fate of a Guatemalan woman, “Mishel” (a pseudonym), who fell out of contact with her family. The father, who suspected she may have tried to migrate north to the US after having left their rural village in Guatemala’s Pacific Lowlands for work in Guatemala City, contacted the Center through Fr. Ricardo Falla, SJ, a Guatemalan anthropologist who is also a fellow of the Center. Through months of complex investigation involving different branches of the US government and the Guatemalan Consulate, Friedman was finally able to uncover information which helped, with the help of DNA testing, identify Mishel’s remains alongside a highway in West Texas. It is thought that she crossed the desert as part of a group which US Customs and Border Protection rescued, with many of the survivors suffering from hypothermia in December 2017. This would implicate that she traveled around 2,000 miles to get to where she was ultimately found. It was another grim reminder of what many migrants will undertake and suffer to try to find a secure livelihood, however the identification of Mishel’s remains due to Friedman’s persistent efforts in this helped to provide some closure for the family in their loss.

A detailed article about this case was produced by the BC Chronicle and can be found online at [tinyurl.com/TheFateofMishel](http://tinyurl.com/TheFateofMishel).

## The Work of the New York City Human Rights Commission

On September 26th, the Center hosted Brittany Saunders, the Deputy Commissioner for Strategic Initiatives at the New York City Human Rights Commission and former Interim Counsel for Mayor Bill de Blasio, for a luncheon presentation entitled “The Work of the New York City Human Rights Commission.” Saunders is also the inaugural Senior Fellow in residence with the Rappaport Center for Law and Public Policy at Boston College Law School.

The discussion centered around the Human Rights Commission’s work in New York City, which ranges from looking at the relationship between human rights and culture to theorizing how governments can contribute effectively to promoting reconciliation and peacebuilding in divided societies. The Commission is also responsible for enforcing New York City’s human rights law, which applies in the areas of employment, housing, public accommodations, discriminatory harassment, and bias-based profiling by law enforcement.

Saunders’ role in the Human Rights Commission is in the policy unit, which was created to help facilitate partnerships with other city agencies, to review legislation coming out of city council, and to promulgate rules and legal enforcement guidance to help New Yorkers know how they interpret the city’s human rights law. The goal of her work is to ensure that residents of New York are made aware of the protections that they have under human rights law.

In 2018, the Commission partnered with the street artist Tatyana Fazlalizadeh to produce murals across the city designed to elevate New Yorkers’ concerns about gender-based street harassment and anti-black racism. Through this partnership, the Commission was not only able to bring more awareness the existence of such discrimination, but also to spread its values of dignity, inclusion, and respect beyond its specific areas of jurisdiction.

Saunders also explored the question of how international human rights law relates to national immigration and deportation policies. She highlighted two of the Commission’s recent actions to address this issue, one of which being a set of legal enforcement guides about discrimination on the basis of immigration status at the city level. Under the Commission’s interpretation, it is unlawful in New York City to harass individuals due to their immigration status. Moreover, the Commission compiled statements made by city human rights officials condemning conditions in which people were detained at the US-Mexico border.

Saunders continued by discussing the following question: “in a world that is so deeply aware of cultural differences, is it still possible to affirm that human rights are truly universal, moral standards?” Saunders stated that the Commission often reflects on creating a balance between working to make sure that they are enforcing specific elements of local human rights law and affirming and voicing the values behind human rights law. Saunders discussed

how the Commission has created public facing campaigns to be attentive to the specific local cultures present in New York City. Through consultations with partners in communities of many different backgrounds as well as building a staff that is reflective of the diversity in the city, the Commission has worked to be representative.

In her presentation, Saunders highlighted the initiatives, policies, and programs that the New York City Human Rights Commission has introduced that are intended to spread awareness of the Commission’s values and efforts and to acknowledge the specific concerns of the diverse communities that compose New York City.



## Between Hope and Despair: The Politics and Challenges of Humanitarian Assistance at the Border Between the U.S. and Mexico

On October 24th, the Center hosted Fr. Alejandro Olayo-Méndez, Jesuit priest and Assistant Professor at the Boston College School of Social Work, for a presentation and discussion entitled “Between Hope and Despair: The Politics and Challenges of Humanitarian Assistance at the Border Between the U.S. and Mexico.”

The discussion focused on Dr. Olayo-Méndez’s findings from interviews with migrants residing at the US-Mexico border. More specifically, examining the ways in which the current Migration Protection Protocols (MPP), commonly known as the “Remain in Mexico” policy, affect migrants and asylum seekers, the border communities in Mexico, and the tensions resulting in cities where many migrants are detained. Olayo-Méndez’s presentation emphasized the dynamic and “living” nature of the current migration pathways, citing the infamous caravans of asylum seekers traveling across Central America to reach the US that saturated news coverage at the end of 2018 and beginning of 2019 as an example. Olayo-Méndez highlighted the important role media coverage has played in mobilizing politics, both within the US and Mexico, through characterizing the caravans as humanitarian and security crises. Pressure from the US on Mexico to “control” the flow of asylum seekers crossing the borders has led to, in Olayo-Méndez’s opinion, unique challenges for humanitarian aid providers in Mexico who are now faced with a sudden need to provide for the large number of migrants stranded at or around the border.

Written in the terms of the MPP, migrants are forced to wait outside of the US until their asylum claim has been processed and they are permitted to stand trial. These policies place the responsibility on Mexico to provide all of the necessary humanitarian aid to those individuals seeking refuge by refusing them from entry to the US during the waiting period. The lack of an institutional support model in Mexico equipped to deal with such a large volume of international migrants who will be in need of protection for the medium to long term future is what Olayo-Méndez points out as the most pressing problem. While the Mexican government grants asylum seekers 180-day work permits, there are many other serious challenges for migrants. They are often easily identified as asylum seekers in the Mexican border cities and targeted for violence



and extortion. They also have family challenges and suffer effects of poverty, exacerbating the already difficult process of temporary settlement within the federal shelters or local *casas de migrantes*.

The ensuing discussion of whether or not this is a situation of humanitarian aid or de-facto containment of refugees enacted by Mexico as an agent of the US, became a larger conversation regarding whose responsibility it is to protect the rights of the returned individuals. Olayo-Méndez proposes that, while the responsibility has been deflected to Mexico as the border country hosting many of the migrants, Mexico must move from a paradigm of hospitality to a paradigm of integration. The policies of the US have made it that these migrants will be in Mexico for an extended period of time and therefore systems of “support from below” should work to integrate them into the larger community. This challenge of addressing the immediate needs of integration, according to Olayo-Méndez, rests in the hands of Mexican civil society.

## Two Center Visiting Scholars reflect on their recent stays at BC

The Center hosted two international Visiting Scholars on campus this past year, who were able to use the Center and BC resources to advance their research in collaborative fashion. Here they share their advances made during the year and reflect on their stays:

### Özgür Erdur-Baker

*Professor of the Psychological Counseling and Guidance working at Middle East Technical University, Ankara, Turkey*



I arrived at Boston College in January 2019 as a Visiting Scholar of the Center after having been awarded a Fulbright Scholar award to support my research project “Developing a Need Based, Gender and Culture Sensitive Psychosocial Support Intervention Model for Displaced Syrians Through Community-Based Participatory Research.”

I arrived with several data sets and questions I was seeking answers for concerning the ongoing refugee crisis that impacted my country of Turkey the most. I am a firm believer that due to the increased interconnections among countries, disasters can no longer be considered as local events. Climate change, war, poverty, violence, terrorism, and other natural and human induced disasters appear to be major reasons for forced displacement which creates traumatic stress. However, these motivating factors of migration may also end up as consequences of that very migration. For example, exclusion/discrimination/stigmatization, recognition gaps, ethnic tension, violence, and poverty rates increase in refugee receiving countries with already stretched resources. The world is currently experiencing the highest levels of migration rate ever, with 70.8 million displaced people. All of Europe, including Turkey, is being greatly impacted by the recent Syrian refugee crisis. Turkey hosts the largest refugee population in the world (UNHCR,

2019). Almost 46% of the refugees in Turkey are younger than 18. However, many of the refugees arrive in Turkey to transit to European countries with the hope that they may find better resources and living conditions. Therefore, Turkey is yet another departure point for refugees and immigrants after their country of origin. Considering migrant-sending, migrant-receiving, and transit country positions, Turkey seems to be a critical country for displaced people (Refugee Rights Sub-Commission, 2018). One reason would be its geographical location. Specifically, Turkey is considered a natural bridge between economically less developed countries in the East and the more developed countries in the West. In addition, the Aegean and Mediterranean coasts are convenient for illegal crossings of coastal borders due to the geographical nature of the coasts (Refugee Rights Sub-Commission, 2018). However, even if these illegal entries from the coasts seem convenient, they are highly risky.

Following the agreements between Turkey and the European Union (EU), the formal closure of the immigration route from Turkey to Europe has been enforced since March 2016. Such regulations have not been successful in stopping the movements of irregular immigrants, however. Their numbers have increased along with the number of smuggling networks. Due to the restrictions applied by the European countries, refugees and migrants have been forced to return to their departure points, during which many tragedies have happened. The large scale of international immigration also has



A common migration route from Syria to Europe

the potential to cause domestic immigration, as is the case for Turkey. With the policy of “open Eastern Doors” yet “closed Western Doors,” refugees who flee to Turkey feel stuck and the whole country can feel like one big refugee camp. As refugees from Iraq,

Afghanistan, Syria settle in the country, locals are forced to immigrate domestically and internationally. Moreover, the majority of the refugees resettle in developing countries and the bulk of them come from low socioeconomic status (SES). Refugees with higher education levels and economic resources tend to choose to immigrate to developed countries and these countries are more likely to open their doors to them. So although all of Europe is experiencing a refugee crisis, the size and the nature of the crisis varies from country to country, and this requires the development of creative, context specific, and flexible/adaptable intervention programs. My Fulbright research aims to address to this challenge, looking at macro- and local-level dynamics in forced migrant-receiving countries, and addressing mental health trauma in children and adults. Also considering the strain often felt by the local populations and resources such as health and education, particularly in low resource countries, my research seeks to examine the development of flexible and democratic adaptation policies to aid immigrant integration. During my sabbatical year, I had a chance to think about and discuss about these issues with several wonderful people from different universities and NGOs in Boston. At Boston College, the Center for Human Rights and International Justice provided me the most stimulating environment for my research goals. I am most grateful to my host, Center co-director Dr. Brinton Lykes who spent precious hours discussing my data and sharing her extensive knowledge and insights. I had an opportunity to listen to several wonderful talks, and attend several conferences. Even though I disagreed with the content of some of the talks (such as one where it was claimed that the most moral/ethical solution for the global refugee crisis is to give money to current hosting countries such as Turkey so that refugees would stay where they are and not to reach her country), I am still grateful to have been exposed to different opinions. I also feel assured of a consensus of “yes, the global refugee crisis is indeed a political issue.” I am grateful for advocates for human rights and international justice, such as Center directors Brinton Lykes, Daniel Kanstroom, and Timothy Karcz, and stress the need for more in world! I would like to thank the Center’s undergraduate research assistants, Meredith Hawkins, Mary Noal and Sarah Engelberg-Nolan for all their assistance with literature search and review since last summer. Also, my research benefited greatly from the substantial expertise and contributions of Adam Williams from the School of Social Work Library in helping with the methodology of the systematic review that was central to my work at BC. A great thank you to him all as well. Thank you in particular to Brinton, Tim, and Center Staff Assistant Bonnie Waldron for making my stay memorable. You will be missed.

*A slightly more detailed version of this article is available in the News and Announcements section of the Center’s homepage, [bc.edu/humanrights](http://bc.edu/humanrights).*

## **Barbara Boschetti**

*Professor of Administrative Law at Catholic University, Faculty of Political and Social Sciences in Milan, Italy*

I came to Boston College as a Visiting Scholar of the Center in July 2019, for a two month residence. I worked on advancing my current research interests, which focus generally on smart(er) regulatory approaches and procedures. The aim is that of understanding if, how and what these may do to help democracies deal with the urgent economic, social and political issues they are facing today, without betraying their (constitutional) commitments to human rights and the rule of law. The idea is that regulatory and administrative flexibility and adaptability are nowadays becoming essential to the resilience of legal systems, especially when constitutional guarantees and democratic identity are at stake. Based on previous research works [Boschetti, 2018], Immigration law and new regulatory strategies set forth in immigration law were found to be a perfect test-bed in order to verify and assess the above mentioned research outputs. It is worth noting here that current reforms of EU Immigration law pave the way to new flexible and smart(er) procedures specifically aimed at ensuring democratic and rule of law standards at all stages (admission, stay, and eventually removal of migrants and asylum seekers). This notwithstanding, as Kanstroom’s works on US deportation system and on smart(er) deportation procedures clearly show, the use of administrative efficiency and of smart procedures in immigration law may significantly differ from one legal system to another. This is precisely what brought me to the Center for Human Rights and International Justice. At BC, the Center, thanks to Prof. Kanstroom’s generous hospitality (and to Timothy Karcz’s tremendous efficiency in managing all bureaucratic and logistical arrangements), I was part of an enthralling research environment that drove me through and into the US immigration system. I had the great opportunity to discuss my ideas face to face with Prof. Kanstroom, to participate to his amazing classes and to learn from his deep and enlightening understanding of immigration systems. By the way, the Center is not only a place where new ideas and concepts unceasingly grow and develop, but also where human rights, immigrants’ rights, are day by day practiced and upheld, thanks to the untiring and passionate work of lawyers such as Center Supervising Attorney Heather Friedman.



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## Two Center Visiting Scholars reflect on their recent stays at BC

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She patiently led me into the latest cases she was working on and shed light on the role discretionary powers play in the US immigration system. This experience allowed me to outline the different set of regulatory styles provided in US immigration law, and to better understand the role the US' unique constitutional framework plays in determining such different regulatory styles in immigration law. Back in Italy after my residence at BC, as a member of Italian Migration Academy's (ADiM, in Italian) EULab, I enjoyed the responsibility to lay down ADiM's position paper on the EU's new Regulation establishing a common procedure for international protection, and to present its conclusions at ADiM's national

conference in Viterbo, Italy last November (full video available in Italian at [tinyurl.com/2019ADIM](http://tinyurl.com/2019ADIM)). The position paper on the EU forthcoming Regulation will also be presented to the EU parliament later in 2020. I am currently finalizing my paper on new regulatory styles in EU immigration law (and beyond). It will clearly show that the alliance between administrative flexibility/efficiency and the rule of law is not only possible but also key to re-invent our democracies and their commitment to human rights. In this way, the paper is not just a way to extend the mission of the Center, but, I believe, the beginning of an enduring dialogue.

## Center representatives report back on trip to US-Mexico border and educate on how the BC community can respond locally



Brinton Lykes

On September 12, the Center hosted an event to report back on a trip three of its representatives made to the US-Mexico border in El Paso, Texas in May, and to highlight ways in which people in the Boston area can respond locally to advocate for immigrants' wellbeing.

Center co-director and Lynch School Professor of Community Psychology Brinton Lykes, Lynch School Professor of Education Raquel Muñiz, and Center Assistant Director Timothy Karcz presented in an effort to bring the experiences of their trip back to campus. The trio traveled to El Paso to take part in the *Encuentro* Project, an inter-congregational, collaborative project that includes the Jesuits, the Marist Brothers, the Sisters of San Francisco



Raquel Muñiz

of the Holy Family, lay people, and the Instituto Fronterizo Esperanza (Hope Border Institute). A recap of the trip was previously reported in the Center's summer 2019 newsletter (at [tinyurl.com/CHRIJ2019](http://tinyurl.com/CHRIJ2019)).



Timothy Karcz

After the recap, which contextualized these arrivals at the border historically, the attendees formed breakout groups to discuss current issues affecting immigrants in Massachusetts. Each group was assigned a topic, including cooperation agreements between local police and ICE Massachusetts, availability of in-state tuition to undocumented students in Mass., and proposed changes in so called Public Charge rules, which could potentially block many immigrants from immigrating legally to the US based on income and/or health factors. The groups then reported out to what they had learned and how they proposed attendees could advocate around those issues. There was much interest and energy in the full room to advocate for immigrant rights on the issues highlighted in this time when many of those rights are under attack in the US by the government.

## Center screens documentary about struggles and activism of DACA students in Georgia

On October 2, the Center hosted a screening of the documentary *The Unafraid*, cosponsored by the BC Organization for Latin American Affairs. The documentary follows the personal lives of three DACA students in Georgia, a state that has banned them from attending their top state universities and disqualifies them from receiving in-state tuition at any other public college. Shot in an observational style over a period of four years, this film takes an intimate look at the lives of Alejandro, Silvia and Aldo as they navigate activism, pursuing their right to education, and fighting for the rights of their families and communities.

Following the well-attended screening, a panel of students with experience with the DACA program commented on the film and connected their personal experiences and struggles with many of the film's themes and protagonists. The panel consisted of Armando Guerrero Estrada, doctoral student of theology and education at the Boston College School of Theology and Ministry, and Carlos Águilar, a doctoral student of Culture, Institutions, and Society, Harvard Graduate School of Education. The panel was moderated by Raquel Muñiz, BC Lynch School Assistant Professor, and Liaison to the Law School, and affiliated faculty member of the Center.

The film is available to view online for BC account holders through the BC Library.

The Boston College Center for Human Rights and International Justice Presents:

THEY ARE UNDOCUMENTED. THEY ARE UNAPOLOGETIC. THEY ARE...

full frame  
2018

THE UNAFRAID

A DOCUMENTARY BY ANAYANSI PRADO AND HEATHER COURTNEY

THE UNAFRAID official poster designed by Julio Salgado

HEY GEORGIA: LIFT THE BAN

I AM UNDOCUMENTED

Commentary and Q&A with:

- Raquel Muñiz, Assistant Professor, Lynch School of Education & Human Development, and Liaison to the Law School
- Armando Guerrero Estrada, PhD student of theology and education, BC School of Theology and Ministry
- Carlos Aguilar, PhD student of Culture, Institutions, and Society, Harvard Graduate School of Education

Wednesday, October 2  
7:00 PM | Stokes (South) S195  
RSVP: [tinyurl.com/UnafraidBC](https://tinyurl.com/UnafraidBC)

Co-sponsored by Organization for Latin American Affairs (OLAA)

THIS EVENT IS FREE AND OPEN TO THE PUBLIC.  
CONTACT: CHRIJ 617.552.8491 | [HUMANRIGHTS@BC.EDU](mailto:HUMANRIGHTS@BC.EDU)  
[WWW.BC.EDU/HUMANRIGHTS](http://WWW.BC.EDU/HUMANRIGHTS)

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## Upcoming Spring 2020 Events

For more details & RSVPs: [tinyurl.com/CHRIJevents](http://tinyurl.com/CHRIJevents)

### THURSDAY, JANUARY 23

#### Pereira Brito v. Barr: The ACLU's Class Action to Secure Fair Bond Hearings for Detained Immigrants

With Dan McFadden, staff attorney at ACLU of Massachusetts  
12:00 PM · Boston College, McElroy, Room 237

### THURSDAY, FEBRUARY 6

#### Film Screening of "Detained" with filmmaker Emily Kassie

Emily Kassie will present this documentary, which features extensive commentary from Center Co-director, and BC Law Professor Dan Kanstroom.

5:30- 7:30 PM · Boston College, Law School, East Wing 115B (Newton campus)

### THURSDAY, FEBRUARY 20

#### Film Screening of "The Trial of Ratko Mladic" with filmmaker Henry Singer

Henry Singer and BC Law Professor Steve Koh to offer commentary after the film.

5:00 PM · Boston College, Fulton, Room 511

### FRIDAY, MARCH 13

#### Features and challenges of the Inter-American System of Human Rights

With Daniela Urosa, Adjunct Professor, BC Law School  
12:00 PM · Boston College, Barat House (Newton Campus)

### THURSDAY, MARCH 19

#### Film Screening of the documentary "Exiled"

With Michael Wishnie, Professor of Law, Yale Law School  
5:30 - 7:00 PM · Boston College, Higgins, Room 310

### THURSDAY, MARCH 26

#### The Arc of Protection: Reforming the International Refugee Regime

With Leah Zamore, Director of the Humanitarian Crises program at NYU's Center on International Cooperation

### THURSDAY, APRIL 16

#### Film Screening of "L'EAU EST LA VIE (WATER IS LIFE): FROM STANDING ROCK TO THE SWAMP"

With filmmaker Sam Vinal, for film commentary and Q&A  
6:00 PM · Boston College, Higgins, Room 300

### APRIL 23-25

#### Conference: "Simone Weil on Spirituality, Beauty and Justice"

April 23 evening inaugural address by Elaine Scarry; April 24-25 conference 8:30AM-5:30 PM in Campion 139

### MONDAY, APRIL 27

#### Film screening of New Immigrant and Refugee Visions films

Four short films on the immigrant experience in the Greater Boston area will be shown and the filmmakers will be present for Q&A  
7:00 PM · Boston College, Stokes South, Room 195

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