AMERICAN BAR ASSOCIATION RULE OF LAW INITIATIVE
2018 CONFERENCE ON CONTEMPORARY RULE OF LAW ISSUES

WHEN PEOPLE FLEE:
RULE OF LAW AND FORCED MIGRATION

APRIL 17, 2018
9 AM - 5 PM EST
SEVENTH FLOOR
THE GEORGE WASHINGTON UNIVERSITY
ELLIOTT SCHOOL OF INTERNATIONAL AFFAIRS
WASHINGTON, D.C.
WHEN PEOPLE FLEE: RULE OF LAW AND FORCED MIGRATION

Conflict currently displaces more than 65 million individuals around the world, forcing over 25 million refugees and 40 million internally displaced persons to flee their homes. Today’s rates of displacement are now at the highest levels since World War II, creating an influx that carries political, economic, social, and security consequences. Looking at the issues from the perspective of a migrant’s progress across countries from place of origin, to transit, and to destination, ABA ROLI’s Annual Issues Conference will highlight case studies as illustrations of the major issues and will evaluate the contributions and solutions of the rule of law community.

Presented by

ABA Rule of Law Initiative

Co-sponsored by

Elliott School of International Affairs
THE GEORGE WASHINGTON UNIVERSITY

ABA Section of Litigation

ABA Section of Human Rights

ABA Commission on Immigration

Section of Civil Rights and Social Justice
AMERICAN BAR ASSOCIATION

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ON SOCIAL MEDIA
AGENDA AT A GLANCE

8:30 am
Registration and breakfast (Seventh Floor Lobby)

9:00 am
Opening Remarks (City View Room)
- Elizabeth Andersen, Director of American Bar Association Rule of Law Initiative
- Dean Reuben E. Brigety, II, Elliott School of International Affairs

9:15 - 10:00 am
Opening Keynote Address (City View Room)
- Introductory Remarks by Judge Margaret McKeown, 9th U.S. Circuit Court of Appeals, Chair of American Bar Association Rule of Law Initiative Board
- Anne C. Richard, Georgetown University Institute for International Migration, Former Assistant Secretary of State for Population, Refugees and Migration

11:15 - 11:30 am and 2:45 - 3:00 pm
Coffee Breaks (Seventh Floor Lobby)

12:45 - 1:30 pm
Lunch Break (Seventh Floor Lobby)

3:00 - 4:00 pm
Closing Keynote Address (City View Room)
- Introductory Remarks by Hilarie Bass, President of the American Bar Association
- Louise Arbour, United Nations Special Representative for International Migration

4:00 - 5:00 pm
Networking Reception (City View Room and Terrace)

CENTRAL AMERICA TRACK
City View Room
10:00 am - 2:45 pm

AFRICA TRACK (Sixth Floor)
Lindner Family Commons
10:00 am - 2:45 pm

SYRIA TRACK
State Room
10:00 am - 2:45 pm

BREAK OUT SESSIONS

10:00 - 11:15 am
CENTRAL AMERICA
Fleeing the Northern Triangle: Poverty, Crime, and Corruption

AFRICA
Fleeing Fragility: African Migrants and the Evasive Dream of Something Better

SYRIA
From Arab Spring to Syrian Catastrophe: Civil War and Mass Displacement

11:30 - 12:45 pm
CENTRAL AMERICA
From the Pan into the Fire: Facing the Dangers of Organized Crime through Mexico

AFRICA
Along the Deadliest Route: Can the Rule of Law Save Migrant Lives Transiting through Libya?

SYRIA
En Route to Nowhere: Basic Rights in Transit

1:30 - 2:45 pm
CENTRAL AMERICA
Yearning to Breathe Free: Welcome to the United States?

AFRICA
Crossing the Mediterranean: Europe’s Mixed Migration Challenge

SYRIA
Seeking Calm in Europe
KEYNOTE SPEAKERS

Anne C. Richard (Opening Keynote)
Georgetown University Institute for International Migration,
Former Assistant Secretary of State for Population, Refugees and Migration

Anne C. Richard served as Assistant Secretary of State for Population, Refugees and Migration in the Obama Administration (2012-17). Previously, she was Vice President of Government Relations and Advocacy for the International Rescue Committee. She served in other senior positions at the U.S. Department of State, Peace Corps Headquarters and the United States Office of Management and Budget earlier in her career. She has enjoyed fellowships from the Council on Foreign Relations and the Robert Bosch Stiftung and was a Presidential Management Intern. Richard is a graduate of Georgetown University’s School of Foreign Service and has a master’s degree in Public Policy Studies from the University of Chicago. Since leaving office in January 2017, she has taught at Georgetown University (Spring Semesters 2017 and 2018) and been a visiting fellow at the University of Pennsylvania’s Perry World House (Spring and Fall 2017).

Louise Arbour (Closing Keynote)
United Nations Special Representative for International Migration

Louise Arbour is the United Nations Special Representative for International Migration, where she leads advocacy efforts on international migration, provides policy advice and coordinates the engagement of United Nations entities on migration issues. She previously served as United Nations High Commissioner for Human Rights and as Chief Prosecutor of the International Criminal Tribunals for the Former Yugoslavia and Rwanda. She is a former justice of the Supreme Court of Canada and of the Court of Appeal for Ontario. From 2009-14, Arbour was President and CEO of the International Crisis Group.

Expert Working Group Members

Eleanor Acer – Refugee Protection, Human Rights First
Elizabeth Ferris – Institute for the Study of International Migration, Georgetown University
Meredith Linsky – American Bar Association Commission on Immigration
Neha Misra – Human Trafficking and Migrant Worker Programs, Solidarity Center
Sana Mustafa – Network For Refugee Voices
Fleeing the Northern Triangle: Poverty, Crime, and Corruption

El Salvador, Guatemala, and Honduras consistently rank among the most violent countries in the world. In poor and marginalized communities in these countries, people are targeted for extortion, abuse, rape, murder, gender-based and gang-related violence. Weak, underfunded institutions, and corruption, have undermined efforts to address threats posed by organized crime and gang violence. Tax revenues as a percentage of gross domestic product in the Northern Triangle are among the lowest in Latin America, exacerbating inequality, straining public services, and under-cutting social investments to improve the well-being of average citizens and their communities. Not surprisingly, the number of people fleeing the Northern Triangle has surged to levels not seen since the peak of the civil wars in the region. This panel will explore why reform efforts have not yet managed to address the levels of violence in these countries. Can the Commission Against Impunity in Guatemala serve as a model for countries in the region to strengthen local judicial institutions and help efforts to combat crime and impunity? How can rule of law interventions in the region tackle violence, protect the displaced, and provide solutions that reduce the push factors influencing outbound migration?

Speakers
• David Holiday, Central America Unit Open Society Foundation
• Julio Guity-Guevara, D.C. Mayor’s Office of Latino Affairs
• Manuel Orozco, Migration, Remittances & Development, Inter-American Dialogue
• Michelle Alfaro, United Nations High Commissioner for Refugees (Washington D.C)
Moderator: Raquel Aldana, University of California, Davis (American Bar Association Rule of Law Latin America & Caribbean Council

From the Pan into the Fire: Facing the Dangers of Organized Crime Through Mexico

Violence in Mexico, including the drug cartels, the war on drugs, and the militarization of certain areas of the country, has increased the peril not only to Mexican citizens but also migrants from the Northern Triangle as they travel by way of clandestine channels through remote routes in Mexican territory. These areas are precisely those where organized crime and drug cartels operate. The dangers migrants face in these circumstances include robbery, extortion, kidnapping, physical, psychological and sexual violence, human trafficking, forced disappearance, and murder. In July 2014, Mexico instituted the “Southern Border Program” to regulate migration from Central America. Civil society organizations have expressed concern about the program’s emphasis on national security and the control of migration flows rather than protection of migrants, especially since there is widespread impunity for crimes against migrants in Mexico. Why have Mexican authorities been unable to improve protections for migrants or investigate crimes against them? How might the regional response be strengthened from a rule of law perspective? What reforms can be adopted to mitigate or prevent abuses of women migrants and unaccompanied minors? How might civil society contribute to developing a more comprehensive approach?

Speakers
• Maureen Meyer, Washington Office on Latin America
• Kirsty Macdonald, International Committee of the Red Cross
• Elizabeth Abi-Mershed, Inter-American Commission on Human Rights
Moderator: Victor Marquez, Board Member, American Bar Association Rule of Law Initiative

Yearning to Breathe Free: Welcome to the United States?

The U.S. has stood as a beacon of hope for immigrants and refugees from around the world for centuries. Not only has its commitment to welcoming those fleeing persecution long been a central component of its identity, but the U.S. has legal obligations—under the Refugee Convention and its protocol, human rights conventions, and U.S. immigration laws and regulations—to protect refugees from return to persecution and to respect individual rights. This panel will address how the U.S. has responded to the regional violence and displacement stemming from the Northern Triangle in Central America, and the increased numbers of families, children, and others seeking U.S. protection. Legal experts will speak about evolving U.S. policies and practices and their impact on Central Americans and other asylum seekers. What questions must the U.S. grapple with as it makes choices that determine whether it will welcome those seeking its protection? Has the U.S. upheld the rule of law or undermined it?

Speakers
• Eleanor Acer, Human Rights First
• Laura Tuell, Jones Day
• Gladis Molina Alt, The Young Center for Immigrant Children’s Rights
• Oscar Chacon, Alianza Americas
Moderator: Anita Sinha, Washington College of Law, American University
AFRICA TRACK
Lindner Family Commons Room - Sixth Floor

Fleeing Fragility: African Migrants and the Evasive Dream of Something Better 10:00 - 11:15 am

Protracted and cyclical conflicts; extremist, political, and communal violence; and deep-seated rule of law problems such as corruption and lack of government accountability continue to cause large-scale forced displacement in sub-Saharan Africa. Currently, seven out of the 10 major source countries of refugees are in sub-Saharan Africa, and the region is host to 38 percent of the world's internally displaced persons (IDPs). Sudden onset disasters, such as floods and storms, also cause significant displacement in sub-Saharan Africa, as do slow onset hazards caused by climate change. This panel will discuss the causes of large-scale displacement in the region and long-term solutions to address it, including the need for development actors—governmental and nongovernmental—to craft a shared response and rule of law approaches that can offer effective solutions and avoid unintended consequences that exacerbate the problems.

Speakers
• Courtney Blake, United States Agency for International Development, Office of U.S. Foreign Disaster Assistance
• Manal Taha, Conflict Resolution and Peacebuilding Consultant
• Ky Luu, Institute for Disaster and Fragility Resilience, The George Washington University
Moderator: Sebastian Albuja, American Bar Association Rule of Law Initiative

Along the Deadliest Route: Can the Rule of Law Save Migrant Lives Transiting through Libya? 11:30 - 12:45 pm

Following the 2011 revolution, Libya—a state ridden by political turmoil, conflict, and little capacity to implement the rule of law—has figured prominently in the global refugee and migration crisis. Fleeing from countries all across the continent, refugees and migrants transiting through Libya face the most dangerous and lethal route in the world. Thousands die while attempting to cross the Mediterranean Sea, while others become trapped within Libya’s borders, falling prey to violence, extortion, enslavement, arbitrary detention, and other abuses. At the same time, with its own internal displacement problem, Libya is an intended destination country for a large number of migrant workers, whose undocumented status puts them at a serious risk of exploitation. As European countries shut their borders and Libya attempts to restore its basic government structures, what role do lawyers and international development professionals play in promoting good governance and preserving human rights and freedom for refugees and migrants in Libya?

Speakers
• David Wood, Independent Peace Practitioner
• Azza Maghur, Libyan Lawyer
• Izza Leghtas, Refugees International
• Brian Kelly, International Organization for Migration
Moderator: Omar Badawi, International Section, Administrative Office of the U.S. Courts

Crossing the Mediterranean: Europe’s Mixed Migration Challenge 1:30 - 2:45 pm

Mediterranean routes to Italy and Greece remain the primary paths to Europe for sub-Saharan African migrants and refugees. The strain on human and financial resources for these gateway countries highlights the need for a comprehensive strategy for addressing the global migrant crisis. Bilateral migration agreements with third countries aim to deter more arrivals and minimize a backlog of asylum applications but risk undermining fundamental principles of international refugee law and human rights, most importantly the principle of non-refoulement. Even after admission, arrivals encounter squalid living conditions, neglect from authorities, and a lack of access to public services, basic health care, and shelter. Without a more comprehensive continent-wide policy approach to the migration crisis, entry point countries in Europe are limited in their ability to effectively address the large flows of migrants and refugees. How are host communities responding to the challenges? What regional policies will promote productive and rights-respecting responses?

Speakers
• Christopher Hein, Italian Refugee Council
• Ulrich Mans, European External Action Service
• Pia Oberoi, Office of the United Nations High Commissioner for Human Rights
• Mischa Thompson, United States Commission on Security and Cooperation in Europe
Moderator: Rhoda Margesson, Foreign Affairs, Defense, and Trade Division, Congressional Research Service
From Arab Spring to Syrian Catastrophe: Civil War and Mass Displacement  
10:00 - 11:15 am

After years of repression under Syrian President Bashar al-Assad, in March 2011, widespread discontent and the Arab Spring inspired thousands of Syrians to take to the streets and protest Assad’s regime, only to be met with violence and a brutal civil war that is now in its seventh year. One of the results was a security vacuum that led to great instability and allowed radical groups such as the Islamic State group to proliferate. Millions have fled their homes, with more than 6 million internally displaced inside Syria, over 5 million fleeing to neighboring countries, and more than 1 million applying for asylum in Europe. “From Arab Spring to Syrian Catastrophe” will explore the rule of law breakdown that caused this mass migration and the disproportionate affects the crisis has had on women and minority groups including Palestinians and Kurds. How are responders in Syria addressing the legal needs of displaced populations in this complex multi-sided war?

Speakers
• Adrienne Fricke, Harvard Humanitarian Initiative
• Sana Mustafa, Network For Refugee Voices
• Phillip James Walker, Access to Justice and Community Security

Moderator: Harris Mylonas, The George Washington University

En Route to Nowhere: Basic Rights in Transit  
11:30 - 12:45 pm

Since the start of the Syrian civil war in March 2011, more than 5 million Syrians have fled their homes to neighboring countries such as Jordan, Turkey, Lebanon, and Iraq. Their journey started as a “temporary move,” but seven years later most continue to live outside Syria, uncertain if or when they will return after to homes, communities, and livelihoods. More than 90 percent of Syrians living in the region do not live in camps but in urban communities. Syrians in these transit countries still struggle for basic rights such as the rights to work, obtain marriage and birth certificates, rent housing, or access education for children. In 2014, Turkey introduced the Temporary Protection Regime to cover certain rights and responsibilities of Syrians, and Jordan and Lebanon also have special regulations in place that govern how to treat Syrians. This panel will focus on the rule of law issues that confound Syrians’ realization of their rights under the Temporary Protection Regime, including challenges such as civil documentation and statelessness, work permits and labor rights, paths to citizenship, and more.

Speakers
• Daryl Grisgraber, Refugees International
• Paul Prettitore, World Bank
• Anna Crowe, International Human Rights Law Clinic, Harvard Law School

Moderator: Niki Dasarathy, American Bar Association Rule of Law Initiative

Seeking Calm in Europe  
1:30 - 2:45 pm

In 2017, millions of migrants and refugees resided in Europe, with large numbers of arrivals displaced from the Syrian civil war. As refugees fleeing violent conflict, Syrians follow different legal paths, and face different challenges than others who flee. Three years after the initial influx, divisions between asylum seekers and European citizens continue to grow as countries argue over how best to manage and strengthen borders, combat extremism and corruption, and integrate these new populations into European society. With populist anti-immigration parties on the rise, the need for practical safeguards to protect vulnerable groups is now greater than ever, including women heads of households, unaccompanied minors, victims of trafficking in persons, and those who have suffered from physical and mental abuse. With 50 countries in the region, there is no one-size-fits-all solution for Europe, but collaborative burden-sharing and sustainable solutions to forced migration challenges will surely benefit everyone, refugees and citizens included.

Speakers
• Timo Tonassi, German Marshall Fund
• Alex Silberman, Seefar
• Demetrios Papademetriou, Migration Policy Institute

Moderator: Tyler Thompson, Institute of International Education Democracy Fellow on Atrocities Prevention, U.S. Agency for International Development
Our mission is to promote justice, economic opportunity, and human dignity through the rule of law.

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