

BORDERS, THE PANDEMIC & HUMAN RIGHTS

PROMISE INSTITUTE & JILFA 2022 SYMPOSIUM

OFFICIAL PROGRAM

FEBRUARY 26, 2022



The Promise Institute
for Human Rights
UCLA School of Law



JILFA
Journal of International Law and Foreign Affairs

UCLA

School of Law
Center for Immigration
Law and Policy

UCLA

School of Law
Williams Institute

This **February 26, 2022**, UCLA Law’s Promise Institute for Human Rights and the UCLA Journal of International Law and Foreign Affairs, co-sponsored by UCLA Law's Center for Immigration Law and Policy and UCLA Law's Williams Institute, are proud to host a symposium on "Borders, the Pandemic and Human Rights". Borders regulate rights, resources, and responsibilities. Globally, national borders have tightened in response to COVID 19, while socially constructed “borders” – such as race and indigeneity, sexual orientation and gender identity, and disability status – have filtered the impact of the pandemic on people at home and on the move. This symposium considers the interplay of these different borders, the pandemic and human rights.

UCLA School of Law is a State Bar of California approved MCLE provider. Each panel is approved for 1.25 hours of general MCLE credit. An individual can receive a maximum of 3.75 hours of general MCLE credit.

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HOW TO ATTEND

IN-PERSON

All sessions will take place at the UCLA School of Law, Room 1347
385 Charles E. Young Drive East, Los Angeles CA 90095

VIRTUAL



Join Zoom Webinar:

<https://ucla.zoom.us/j/96151491410>

Webinar ID: 961 5149 1410



Join YouTube Livestream:

https://youtu.be/xQF_yIYcwZU





KEYNOTE

E. TENDAYI ACHIUME

E. Tendayi Achiume is the inaugural Alicia Miñana Chair in Law at UCLA School of Law, and former Faculty Director of the UCLA Law Promise Institute for Human Rights. She is also a Research

Associate with the African Centre for Migration and Society at the University of Witwatersrand. The current focus of her work is the global governance of racism and xenophobia; and the legal and ethical implications of colonialism for contemporary international migration. More generally, her research and teaching interests lie in international human rights law, international refugee law, international migration, and public international law. She received the Distinguished Teaching Award in 2020—UCLA's highest honor for excellence in teaching—and the Eby Award for the Art of Teaching.

In November 2017, the United Nations Human Rights Council appointed Professor Achiume the UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, making her the first woman to serve in this role since its creation in 1993. In 2016, she was appointed to co-chair the 2016 Annual Meeting of the American Society of International Law (ASIL), she is former co-chair of the ASIL Migration Law Interest Group and currently serves on the editorial board of the American Journal of International Law.

Professor Achiume earned her B.A. from Yale University and her J.D. from Yale Law School. She also earned a Graduate Certificate in Development Studies from Yale.

Professor Achiume's publications include: "Racial Borders," (forthcoming *Georgetown Law Journal*) "Migration as Decolonization," 71 *Stanford Law Review* 1509 (2019) (selected for the 2018 Harvard-Stanford-Yale Junior Faculty Forum); "Governing Xenophobia," *Vanderbilt Journal of Transnational Law* (forthcoming 2018); "Syria and the Responsibility to Protect Refugees," 100 *Minnesota Law Review* 687, (2015); and "Beyond Prejudice: Structural Xenophobic Discrimination Against Refugees," 45(2) *Georgetown Journal of International Law* 323 (2014). Professor Achiume is a core faculty member of the UCLA Law School Promise Institute for Human Rights, the Critical Race Studies Program, and the Epstein Program in Public Interest Law and Policy.



KEYNOTE

SOLEDAD GARCÍA MUÑOZ

Soledad García Muñoz is the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA), from the Inter-American Commission on Human Rights (IACHR), OAS. She

is a lawyer with a specialty in fundamental rights from the University Carlos III of Madrid, Spain. She is a renowned academic and activist with a long career trajectory of regional and global work on human rights, gender and women's human rights. She has provided professional and voluntary services to different agencies of the United Nations, to Amnesty International, the Ibero-American Youth Organization, among other prestigious organizations. Before starting her tenure as Special Rapporteur, she was the regional representative for South America of the Inter-American Institute of Human Rights based in Montevideo, Uruguay. She is the first holder of REDESCA's mandate, after being elected by the IACHR in an Inter-American public competition.

PROGRAM

8:30 am PT **COFFEE AND CHECK-IN**

9:15 am PT **OPENING REMARKS AND WELCOME**

9:30 am PT **KEYNOTE SPEECH I**

Soledad García Muñoz | Inter-American Commission on Human Rights
Special Rapporteur on Economic, Social, Cultural and Environmental Rights

10:00 am PT **PANEL ONE: RACE AND ETHNICITY**

This panel will look at borders, the pandemic and human rights through a lens of race and ethnicity. Using multiple perspectives, including Critical Race Theory and Third World Approaches to International Law, the panelists will explore how various racial identity markers themselves become borders that mediate access to rights, in the context of migrations and global pandemics.

PANELISTS

John Reynolds | Maynooth University

Karla McKanders | Vanderbilt Law School

Matiangai Sirleaf | University of Maryland School of Law

Odilia Romero | Comunidades Indigenas en Liderazgo (CIELO)

MODERATOR

Aslı Ü. Bâli | UCLA School of Law

This panel is approved for 1.25 hours of general MCLE credit. To receive credit, an individual must attend the entirety of the panel in person or by Zoom.

11:25 am PT

BREAK

11:45 am PT

PANEL TWO: SEXUAL ORIENTATION AND GENDER IDENTITY

While SOGI discrimination may cause migrants, refugees, and asylum seekers to flee their country of origin, socially derived SOGI borders continue to exist inside territorial boundaries and impact immigration practices. This panel will address how international and domestic law contributes to the reinforcement of SOGI borders and SOGI-based denial of human rights, particularly in the context of the COVID pandemic.

PANELISTS

Macarena Sáez | Women's Rights Division of Human Rights Watch

B Camminga | African Centre for Migration & Society, Wits University

Kimahli Powell | Rainbow Railroad

MODERATOR

Ari Shaw | Williams Institute, UCLA School of Law

This panel is approved for 1.25 hours of general MCLE credit. To receive credit, an individual must attend the entirety of the panel in person or by Zoom.

1:00 pm PT

LUNCH BREAK

Shapiro Courtyard - Boxed lunch provided for those registered to attend in person.

2:00 pm PT

STUDENT PAPER PRESENTATION

Bharath Gururagavendran | LLM Student, UCLA School of Law

Discussant, **Professor Khaled Abou El Fadl** | UCLA School of Law

2:40 pm PT

PANEL THREE: DISABILITY

This panel will seek to address how the social conception of disability status drives and impacts migration, and serves as a barrier to those attempting to access and utilize domestic power structures and institutions. It will also consider how the challenges faced by persons with physical and mental disabilities are exacerbated in the context of global pandemics.

PANELISTS

Katherine Pérez | Coelho Center for Disability Law, Policy, and Innovation

Ron McCallum | University of Sydney Law School (Professor Emeritus)

Mary Crock | University of Sydney Law School

MODERATOR

Brad Sears | Williams Institute, UCLA School of Law

This panel is approved for 1.25 hours of general MCLE credit. To receive credit, an individual must attend the entirety of the panel in person or by Zoom.

3:55 pm PT

BREAK

4:15 pm PT

KEYNOTE SPEECH II

E. Tendayi Achiume | UCLA Law and United Nations Special Rapporteur on Racism, Racial Discrimination, Xenophobia and Related Intolerance

4:45 pm PT

CLOSE

4:50 pm PT

RECEPTION

Shapiro Courtyard

PANELIST AND MODERATOR BIOGRAPHIES



KHALED ABOU EL FADL

Dr. Khaled Abou El Fadl is one of the world's leading authorities on Shari'ah, Islamic law and Islam, and a prominent scholar in the field of human rights. He is the Omar and Azmeralda Alfi Distinguished Professor of Law at the UCLA School of Law where he teaches *International Human Rights; Islamic Jurisprudence; Political Asylum and Refugee Law; The Trafficking of Human Beings: Law and Policy; Political Crimes and Legal Systems; and Muslims, Race and Law*. He was also formerly the Chair of the Islamic Studies Interdepartmental Program at UCLA. He is the founder of the Institute of Advanced Usuli Studies ("The Usuli Institute"), a non-profit educational institute dedicated to ethics, beauty and critical thinking in the Islamic intellectual tradition. He was previously appointed by President George W. Bush to serve on the U.S. Commission for International Religious Freedom, and also served as a member of the board of directors of Human Rights Watch. He works with human rights organizations such as Amnesty International and the Lawyers' Committee for Human Rights (Human Rights First) as an expert in a wide variety of cases involving human rights, terrorism, political asylum, and international and commercial law.



ASLI Ü. BÂLI

Aslı Ü. Bâli is Professor of Law at UCLA School of Law. She was the founding Faculty Director of the Promise Institute for Human Rights and also previously served as Director of the UCLA Center for Near Eastern Studies. She currently serves as co-chair of the Advisory Board for the Middle East Division of Human Rights Watch and as chair of the Task Force on Civil and Human Rights for the Middle East Studies Association. She has also been a visiting professor at Yale Law School and at Columbia Law School. She is completing a project examining the post-Cold War erosion of the United Nations Charter prohibition on the use of force. Her scholarship has appeared in the *American Journal of International Law Unbound*, *International Journal of Constitutional Law*, *University of Chicago Law Review*, *UCLA Law Review*, *Yale Journal of International Law*, *Cornell Journal of International Law*, *Virginia Journal of International Law*, *Geopolitics, Studies in Law, Politics and Society* and edited volumes published by Cambridge University Press and Oxford University Press.



JOSEPH BERRA

Joseph Berra is Human Rights in the Americas Project Director with the Promise Institute for Human Rights at UCLA School of Law. His teaching and research interests include immigrant rights, international human rights, and the rights of Indigenous and Afrodescendent peoples in Central America. Berra coordinates projects with organizational partners in the U.S. and Latin America to engage students in human rights advocacy and the Inter-American system for human rights. Current projects include collaboration with Indigenous organizations resisting extractivist industries in their territories, litigation at the Inter-American Commission for Human Rights, and research on the human rights challenges faced by Indigenous migrants in the U.S. detention and immigration systems. In addition to his role with the Promise Institute, Berra serves the Vice-Chancellor for Equity, Diversity and Inclusion as Special Projects Director for Programming in coordination with the Special Advisors to the Chancellor for Immigration and Native American and Indigenous Affairs. Berra holds a J.D. from St. Mary's University School of Law; an M.A. in Social Anthropology from the University of Texas at Austin; an M.Div. from the Universidad Centroamericana in San Salvador, El Salvador; and a B.A. in Philosophy from St. Louis University.



MARY CROCK

Mary Crock is Professor of Public Law and Co-Director of the Sydney Centre for International Law at the University of Sydney. Her expertise spans immigration, citizenship and refugee law, disability rights, administrative and constitutional law, public international law, particularly human rights and international refugee law, and comparative law. Her publications include

texts on Australian immigration and refugee law and ground-breaking work on the intersections between disability, migration and human rights. Her research has been cited frequently in Australia's Federal Courts and High Court and she has given evidence before many parliamentary hearings in Australia, serving as adviser to the Australian Senate (Inquiry into Australia's Refugee and Humanitarian Program, 2000); consultant to the Human Rights and Equal Opportunity Commission (on immigration detention); and consultant to the Royal Commission into Child Sex Abuse (on children in immigration detention). She has made frequent contributions to national and international media. She has made frequent contributions to national and international media.



BHARATH GURURAGAVENDRAN

Bharath Gururagavendran is an LLM Student (UCLA) specializing in International & Comparative Law, and Law and Philosophy. A student researcher at the Institute for Technology, Law and Policy, he explores challenges to human rights, stemming from the deployment of digital technologies. After completing his undergraduate law degree in India, he was the recipient of

the LAMP (Legislative Assistant to Member of Parliament) Fellowship 2020-21, and worked under Member of Parliament Mr. Asaduddin Owaisi. He's passionate about Public International Law, TWAIL research, International Human Rights Law, and post-colonial history.



RON MCCALLUM

Ronald C McCallum AO was the foundation Blake Dawson Waldron Professor in Industrial Law in the University of Sydney Law School. He took up this position in January 1993 and retired from this position on 30 September 2007. This Blake Dawson Waldron professorship was the first full professorship in industrial law at any Australian university. Ron is the first totally blind person to

have been appointed to a full professorship in any field at any university in Australia or New Zealand. Ron McCallum was employed on a fixed-term contract as a Professor of Labour Law in Sydney Law School from 1 February 2008 until 31 December 2010. In January 2011, he was appointed to an Emeritus Professorship in Sydney Law School. He has written extensively on labour law matters. He taught Administrative Law, Public Law and Labour Law at Sydney Law School at both the undergraduate and postgraduate levels. He has also taught Labour Law at the Osgoode Hall Law School at York University, Ontario Canada, and at Duke University, North Carolina United States of America. Before commencing teaching at the University of Sydney, he taught at Monash University from 1974 to 1992.



KARLA MCKANDERS

Karla McKanders is Clinical Professor of Law and Legal Clinic Associate Director at Vanderbilt Law School. She is an expert on immigration, race and the administrative state. Her research, scholarship and advocacy has taken her throughout the U.S. and abroad teaching and researching the efficacy of immigration policies, laws and legal institutions charged with

processing migrants. As the founding director of the Immigration Practice Clinic, Professor McKanders supervises students providing representation to asylum seekers and unaccompanied minor children in their humanitarian immigration cases before the Department of Homeland Security, the Department of Justice and federal courts of appeals. Her clinic has also worked in Nashville and nationally advocating for immigrant communities in Supreme Court amicus briefs, legislative and policy advocacy. Before joining Vanderbilt's law faculty, McKanders was a tenured associate professor at University of Tennessee College of Law, where she started the first Immigration Clinic in the state. While at Tennessee, she received a Fulbright grant in 2011 to lecture on refugee and humanitarian law in Rabat, Morocco. In Morocco, she helped start a refugee legal aid organization for asylum seekers presenting their refugee status determinations before UNHCR.



KATHERINE PÉREZ

Katherine Pérez is the inaugural Director of the Coelho Center for Disability Law, Policy, and Innovation. She graduated from the UCLA School of Law (2013) and is a current doctoral candidate in Disability Studies at the University of Illinois at Chicago where she is writing a dissertation on the Burger Supreme Court (1969-1986) cases on the criminal legal system and

mental disability. Katherine writes about and presents on Disability and Immigration law and policy. Her article, "A Critical Race and Disability Legal Studies Approach to Immigration Law and Policy" advocates for an intersectional approach to understanding immigration that considers disability as well as a multidisciplinary approach that combines grassroots activism with legal work. Katherine teaches a Disability Rights Law course at Loyola Law School as a Visiting Professor of Law. From 2015-2019, she helped launch and led The National Coalition for Latinxs with Disabilities (CNLD), an intersectional organization that advocates on important issues and provides a positive space for the disabled Latinx community. The American Association of People with Disabilities (AAPD) honored Katherine in 2017 with the prestigious Paul G. Hearne Award for her work as a CNLD co-founder.



KIMAHLI POWELL

Kimahli Powell is a long-time advocate for social justice, having spent over twenty years advancing the rights of youth, the African/Caribbean/black community, people living and affected by HIV, and the LGBTQI+community. Among his career highlights is supporting Dignitas International's innovative work in supporting community based –system health strengthening in

Malawi, as well as helping launch the HIV Legal Network's constitutional challenge to Jamaica's anti-sodomy law while developing a monitoring and evaluation framework on legal advocacy. Since joining Rainbow Railroad as Executive Director, Kimahli has led the organization through transformational growth, helping thousands of people in the process. Kimahli and Rainbow Railroad have been recognized with several awards, including the International Lesbian & Gay Travel Association's Pathfinder Award, the Mark S. Bonham Centre for Sexual Diversity Studies' 2018 Award, and the 2018 Inspire Award for Community Organization of the Year. Kimahli is the 2019 recipient of the Steinert & Ferreiro Award and was listed in Out Magazine's Out 100 profile of influential LGBT people.



JOHN REYNOLDS

John Reynolds is Associate Professor at Maynooth University Department of Law. Prior to this he taught at the European Inter-University Centre in Venice, and the Irish Centre for Human Rights at NUI Galway, where he held the NUI EJ Phelan Fellowship in International Law. He holds PhD and LLM degrees in international law from NUI Galway. His book on *Empire, Emergency and International Law* (Cambridge University Press, 2017) was awarded the Kevin Boyle Book Prize for Outstanding Legal Scholarship. His scholarship appears in journals such as the *European Journal of International Law*, *Third World Quarterly*, the *Journal of International Criminal Justice*, the *Journal of Conflict & Security Law*, the *UCLA Law Review*, the *American Journal of International Law*, and the *Palestine Yearbook of International Law*. He is a founding editor of the *Third World Approaches to International Law Review* journal and website. He was appointed to Ireland's Department of Foreign Affairs Civil Society Standing Committee on Human Rights in 2015.



ODILIA ROMERO

Odilia Romero is the co-founder/executive director of Comunidades Indígenas en Liderazgo (CIELO); she is also an independent interpreter of Zapotec, Spanish, and English for indigenous communities in Los Angeles and throughout California. She has two decades of experience organizing indigenous migrant communities. Her organizing knowledge and experience are held in high regard, with multiple academic publications, awards, and lectures in universities across the United States, including John Hopkins, USC, and UCLA. Ms. Romero has published on the challenges of organizing in indigenous communities, developing women's leadership, and preparing a new generation of youth. Her work has also been featured in the [Los Angeles Times](#), the [New York Times](#), [Vogue](#), and [Democracy Now](#).



MACARENA SÁEZ

Macarena Sáez is the executive director of the Women's Rights Division of Human Rights Watch. An internationally recognized expert in gender, sexuality, family law, and human rights, Macarena was a full-time faculty member in the International Legal Studies Program teaching Family Law, Strategic Litigation in International Human Rights, Human Rights and Vulnerable Populations at the American University Washington College of Law in Washington, D.C. She was also the director of the American University's Center for Human Rights and Humanitarian Law. Under her leadership, the center conducted research projects in the Middle East, Latin America, and South East Asia, empowered activists in human rights, gender and sexuality, and litigated international human rights cases. Macarena appears regularly as a speaker and guest lecturer in academic and other professional fora around the world. She is a founding member of the Network of Latin American Scholars on Gender, Sexuality and Legal Education ALAS, an organization that provides training to law professors in Latin America on mainstreaming gender and sexuality perspectives in legal education. She is also member of Libertades Públicas, an organization that promotes civil liberties in Latin America.



BRAD SEARS

Brad Sears is Associate Dean for Public Interest Programs and David Sanders Distinguished Scholar of Law and Policy at UCLA School of Law. He was the founding director and Executive Director of the Williams Institute, as well as the previous Associate Dean of Programs and Centers, and Adjunct Professor. At UCLA School of Law, Sears teaches courses on sexual

orientation law, disability law, and U.S. legal and judicial systems. He has published a number of research studies and articles, primarily on discrimination against LGBT people in the workplace and HIV discrimination in health care. Sears has given hundreds of academic and community presentations on HIV/AIDS and LGBT legal issues. He has testified before Congress and a number of state legislatures, authored amicus briefs in key court cases, helped to draft state and federal legislation, and been cited by a number of media including the *New York Times*, the *Los Angeles Times*, National Public Radio, and CNN.



ARI SHAW

Ari Shaw, Ph.D., is Director of International Programs at the Williams Institute, specializing in international human rights, LGBTI politics, and U.S. foreign policy. He was previously on the senior staff at Columbia World Projects and has worked on human rights, global governance, and LGBTI issues for the Open Society Foundations, the Gill Foundation, the Council on Foreign

Relations, and the United Nations Association of the USA, among others. Shaw was a visiting researcher at the Center for Human Rights and Global Justice at the Universidad de los Andes in Bogotá, Colombia, where he was a Fulbright Scholar. He was also a Multirights Fellow at the Norwegian Centre on Human Rights in Oslo. Shaw holds a Ph.D. in political science from Northwestern University, an M.Sc. in international relations from the London School of Economics and Political Science, and a B.A. in government from Harvard College.



MATIANGAI SIRLEAF

Matiangai Sirleaf is the Nathan Patz Professor of Law at the University of Maryland School of Law. She writes and teaches in the areas of global public health law, public international law, international human rights law, international criminal law, post-conflict and transitional justice and criminal law. One of Sirleaf's current lines of research is the disproportionate distribution of

highly-infectious diseases and the role of law in facilitating this result. She has several forthcoming and recent law review articles, book chapters, and online publications in this area. She also serves as an editor at Just Security. Sirleaf is editing the first thematic print volume in a new partnership with Just Security and OUP Academic, which builds off her Racing National Security symposium. *Race & National Security* will be forthcoming with Oxford University Press in 2022/2023.

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ABOUT THE PROMISE INSTITUTE FOR HUMAN RIGHTS

The Promise Institute for Human Rights is the center of human rights education, research, and advocacy at UCLA. Drawing on the unique strengths and resources of UCLA, and the creativity and dynamism of the city of Los Angeles, the Promise Institute contributes to improving human rights for people around the world by empowering a new generation of human rights lawyers and leaders, generating new thinking on human rights and by engaging our students and our research to drive real world positive impact. Our research and advocacy focuses on the intersection of human rights with migration, race and indigeneity, accountability, technology and protection of the environment.

ABOUT THE JOURNAL OF INTERNATIONAL LAW AND FOREIGN AFFAIRS

The *UCLA Journal of International Law and Foreign Affairs* is an interdisciplinary publication promoting scholarship in international law and foreign relations. It publishes articles by leading scholars, practitioners and other professionals from around the world as well as student comments. Some of JILFA's issues are topical, focusing on themes such as immigration or international gender and race discrimination, and others offer more variety, ranging from conflicting approaches to technological developments, to the international criminal court, to sovereign debt crises.

ABOUT THE WILLIAMS INSTITUTE

The Williams Institute is the leading research center on sexual orientation and gender identity law and public policy. We ensure that facts — not stereotypes — inform laws, policies, and judicial decisions that affect the LGBT community. The Institute is dedicated to conducting rigorous, independent research on sexual orientation and gender identity law and public policy. The Institute disseminates its research to policymakers, judges, the media, and other stakeholders to ensure that decisions impacting the lives of millions of LGBT people and families are based on data and facts.

ABOUT THE CENTER FOR IMMIGRATION, LAW AND POLICY

Founded in 2020, the Center for Immigration Law and Policy at the UCLA School of Law generates innovative ideas at the intersection of immigration scholarship and practice; serves as a hub for transforming those ideas into meaningful changes in immigration policy at the local, state, and national level; and empowers students with unique opportunities for experiential learning through work with academics, practitioners, policymakers, and activists.

NOTES

