

Vance News

January 2015

Vance Center Hosts Spanish Pro Bono Advocate

Leire Larracoechea, a Spanish LL.M. student at Harvard Law School and former associate at **Cuatrecasas, Gonçalves**

Pereira in Madrid, recently completed a winter fellowship at the Vance Center. Her research focused on the ingredients for establishing and operating a pro bono clearinghouse. Ms. Larracoechea plans to return to Spain and engage in institutionalizing pro bono practice, to which she was introduced at her law firm there. She received a Fulbright Scholarship to study this topic at Harvard. As she explained, Spain has had to cut government-funded legal services for those who cannot afford lawyers, so the need for pro bono support is greater than ever.



At the Vance Center, Ms. Larracoechea worked with Director of Pro Bono Partnerships Dina Stukanow on organizational issues within the Vance Center and among its partner clearinghouse organizations in Latin America and elsewhere. She also collaborated with Program Director Marie-Claude Jean-Baptiste on international human rights and access to justice projects. The Vance Center expects to continue to work with Ms. Larracoechea as she develops her plans for pro bono institutionalization in Spain.

Vance Center Initiates International Collaboration



The Vance Center's Environment Program recently began collaborating with Dr. Marie Jacobsson, a member of the **United Nations International Law Commission** (the "ILC") and its Special Rapporteur for the Protection of the Environment in relation to armed conflict (or "PErAC"). The ILC is a body established by the United Nations General Assembly in 1946 that promotes the progressive development of international law and the codification of international law where there has been extensive State practice, precedent, and doctrine.

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On behalf of the ILC, Dr. Jacobsson is addressing, in a series of reports, legal measures to be taken to protect the environment before, during, and after armed conflict. The Environment Program is assisting Dr. Jacobsson in her continuing efforts to look beyond international humanitarian law (the law of warfare) and determine whether environmental and human rights law jurisprudence from international and regional Courts and tribunals may provide direct or indirect protection to the environment during times of armed conflict.

(Photo Credit: IntLawGRRLS)

Kenyan Court Confirms Rights Asserted by Vance Center

The **Kenya High Court** recently ruled that intersex children enjoy equal rights under the Kenyan Constitution and international law to registration of their births, as argued by the Vance Center and Morrison & Foerster in an amicus brief on behalf of **Kenya Human Rights Commission**. The case involved a baby born with ambiguous genitalia whose birth the hospital did not register, because the state-provided registration form was insufficient. John Chigiti, a Kenyan pro bono lawyer, sued the Kenyan government on behalf of the baby and the baby's mother, contending that the baby would need a birth certificate to enjoy rights guaranteed to children under the Kenyan Constitution and international law, including the right to attend school and the right to obtain a national identify card and passport. He asked the court to order the government to issue guidelines for the treatment of intersex children, including guidelines about when corrective surgery on an intersex child is and is not permitted.

Kenya Human Rights Commission, which advocates for human rights and democratic reform in Kenya, asked the Vance Center to research how other jurisdictions treat intersex children. The Vance Center worked with the law firm of Morrison & Foerster in preparing a memorandum explaining that countries like Colombia, Nepal, and Australia have taken specific measures to guarantee and protect the rights of intersex children. For example, the courts of Colombia have held that, before corrective surgery is performed on an older intersex child, the child's consent must be obtained, while in the case of a younger child parental consent suffices, but must be fully informed.

The Kenya High Court issued its judgment on December 5, citing KHRC's amicus brief in its decision. The court confirmed that an intersex child is entitled to the same rights as any other child, including the right to a birth certificate, and directed the government to prepare guidelines based on international standards for the treatment of intersex children.

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Vance Center Hosts Transparency International Meetings

Transparency International board chair **Jose Ugaz** led a team from TI's secretariat to New York for consultations on TI's "**No Impunity**" initiative. The Vance Center, which is providing pro bono legal support to the initiative, hosted Ugaz and his colleagues, along with international legal experts and NGO leaders, first at a reception at the New York City Bar Association and then for two days of working sessions. These focused on seeking a legal definition for grand corruption, the large-scale abuse of public office for private gain, depriving people of their basic human rights.

Participants in the sessions included Richard Goldstone, former South Africa Supreme Court judge and member of the Vance Center International Council, former International Criminal Court chief prosecutor Luis Moreno Ocampo, Judge Mark Wolf of the Federal District Court of Massachusetts, Stephen Zimmerman, director of operations of the Integrity Vice Presidency of the World Bank, Akaash Maharaj, **GOPAC** executive director, and Zorka Milin of **Global Witness**. Ugaz himself is a regular partner in Vance Center activities, including 2013 and 2014 **delegations to Guatemala** and leadership of **Alianza Pro Bono** in Peru where he practices law at **Benites, Forno & Ugaz**.

