

Update on Pro Bono Projects – July 2019

The Vance Center over the past year has provided 51 clients with pro bono representation in 80 matters, collaborating as co-counsel with 370 lawyers from 99 law firms in 52 countries. Here are summaries of selected matters involving some of the 30 law firms represented on the Vance Center Committee, according to our program areas.

Human Rights and Access to Justice Program

Protecting the Communal Land Rights of Indigenous and Afro-Descendant Communities in Nicaragua

We assisted the [Centro por la Justicia y Derechos Humanos de la Costa Atlántica de Nicaragua](#) (Center for Justice and Human Rights of the Atlantic Coast of Nicaragua) or CEJUDHCAN in attempting to protect the communal property of indigenous and Afro-descendant communities living on the Atlantic Coast of Nicaragua. Despite recognizing the communal rights of these communities, the government of Nicaragua has failed to protect them. CEJUDHCAN is working with these communities to understand their rights and assist them in accessing local and international venues to seek to protect these rights. We co-counseled with a law firm to research international law on available mechanisms, including procedures within the U.N. human rights system, to which these communities might take their grievances, given their lack of success at home.

Advocacy against Compulsory Detention of Sex Workers in Asia

We advised [Asia Catalyst](#), an NGO working on behalf of sex workers' rights in Asia, in advocating for the closing of compulsory detention centers where sex workers are subject to a wide range of human rights abuses. Together with a law firm, we researched the legal framework related to, and the actual conditions of, the compulsory detention of sex workers in Cambodia, Myanmar, Thailand, and Vietnam. In addition to the research, the project made recommendations on how such centers can be closed down, as well as any available alternatives to compulsory detention.

Business and Human Rights: Best Practices in Addressing Security and Human Rights Challenges in Complex Environments

We partnered with a law firm to assist the [International Committee of the Red Cross](#) (ICRC) and the [Geneva Centre for the Democratic Control of Armed Forces](#) (DCAF) to develop guidance for companies operating in complex environments to manage their security effectively and respectfully of human rights and international humanitarian law. The law firm and the Vance Center published a case study on the DCAF/ICRC online Knowledge Hub. The case study traces the history of a hypothetical oil and gas company making its first investment in a project in sub-Saharan Africa. It concludes with a series of lessons learned including the importance of

stakeholder engagement early in the investment process and on-going cooperation with community members.

Workshop on Business and Human Rights in Haiti

The Vance Center and a law firm led a workshop in Port-au-Prince, Haiti, on “Business and Human Rights: A Role for Alternative Dispute Resolution Mechanisms?” The workshop was part of the first International Forum on Arbitration in Haiti, hosted by the Chamber for Conciliation and Arbitration of Haiti. Vance Center Programs Director Marie-Claude Jean-Baptiste focused on the first two of the two pillars of the [United Nations Guiding Principles \(UNGPs\) on Business and Human Rights](#) and the law firm representative presented the third pillar. More than 20 participants attended the two-hour workshop, including lawyers, judges, and representatives of the business sector. In a lively discussion after the presentations, participants raised questions on the application of the UNGPs to the Haitian context.

Environment

Global Pact for the Environment

We assisted the [World Commission on Environmental Law](#) of the [International Union for the Conservation of Nature](#) in its efforts to promote the Global Pact for the Environment, a proposed global agreement on fundamental principles of environmental law. A law firm assembled a team from its offices around the world and prepared a comprehensive set of charts to demonstrate the consensus on principles and objectives in international environmental law in seven regions. These critical legal tools, now in use by members of the United Nations as part of the negotiations surrounding the Global Pact, set forth the correspondence between the Global Pact and the [UN Sustainable Development Goals](#), general principles of international soft law, multilateral environmental agreements, and various regional agreements.

Establishing the Right to a Healthy Environment

We are working with Prof. David Boyd, the [United Nations Special Rapporteur on Human Rights and the Environment](#), to develop an authoritative database of national constitutions and laws which recognize the right to a safe, clean, healthy, and sustainable environment. A law firm is coordinating the research in the national legislative databases of the 193 United Nations Member States, and identifying any national legislation which sets out a human right to the environment, including procedural rights and rights of access to justice and remedies. The research will provide Prof. Boyd with authoritative evidence of an emerging state practice which he intends to present in his reports to [United Nations Human Rights Council](#).

Promoting Environmental Rights Before the Chilean Supreme Court

We assisted [Human Rights Watch](#) in a case in Chile involving pollution caused by decades of intensive industrial development, which the plaintiffs alleged violates the right to live in a

pollution-free environment set forth in the national constitution. A law firm prepared an amicus curiae brief emphasizing the importance of international law relating to human rights and the environment in interpreting the Chilean constitution, and asking the court to consider the recently issued [Framework Principles on Human Rights and the Environment](#). The plaintiffs were successful in the case, and the Chilean Supreme Court granted extensive relief in their favor.

Protecting Rivers in Myanmar, India, Angola and Namibia

We advised [International Rivers](#) on the existing legal frameworks governing river protection and their applicability to conservation efforts in Myanmar, India, Angola, and Namibia. This work advances the organization's goal of maintaining free-flowing rivers in these jurisdictions through advice and recommendations on how nations can improve their respective legal frameworks, based on international law and best practices. Several law firms have prepared memoranda analyzing the laws and offering advice on the options for maintaining free-flowing rivers.

Advising an Indigenous Community in Ecuador

We advised an indigenous community in Ecuador to understand how Ecuadorean laws governing endangered species interact with the criminal code and the rights of indigenous peoples. This group had no contact with the outside world prior to oil exploration in the region and learned that some of its traditional activities potentially violate the law. A law firm advised the group on how Ecuador implements international law commitments to protect endangered species and how the criminal law applies to environmental crimes concerning endangered species and other activities.

Creating Water Funds in Colombia and Mexico

We are working with [The Nature Conservancy](#) to assist in the creation of several water funds in Colombia and Mexico. The funds are a key solution to achieving water security in these communities and require specific legal research and drafting of complex documents, in addition to negotiations, to establish multi-stakeholder governance mechanisms for the water funds. Several law firms have been researching the law and regulations, drafting the documents, and helping The Nature Conservancy establish the water funds

<h2>Good Governance Program</h2>

Supporting Investigative Journalism

We represent the [Organized Crime and Corruption Reporting Project](#) in a range of matters: 1) a defamation action in London resulting from a broad expose of state-sponsored corruption in Azerbaijan, for which we have involved a law firm as pro bono solicitor and a barristers chambers; 2) compliance with the recently-enacted European Union's General Data Protection Regulation, including the untested journalism exception; 3) corporate governance and administration; and 4) agreements for funding of specific investigations.

We serve as regular outside counsel as well to the [International Consortium of Investigative Journalists](#) and have assisted in potential litigation matters, corporate governance, and collaboration with other journalism organizations.

We also assisted [Bellingcat](#), the [Center for International Private Enterprise](#), and the [Arab Reporters of Investigative Journalism](#) with pre-publication defamation review. We provided the [Media Development Investment Fund](#) with pro bono counsel in Ecuador, Malawi, and Brazil to support its investments and in Poland to defend an existing investment.

Keeping Freelance Journalists Safe

We are assisting the [A Culture of Safety Alliance](#), a coalition of news organizations, freelance journalist associations and press freedom NGOs working together to champion safe and responsible journalistic practices, to develop an insurance program for freelance journalists and local media workers conflict zones. We also advised the Alliance on its corporate structure, as well as its staffing needs.

Ethics for Digital Rights Organizations

We are advising the [Digital Freedom Fund](#), which supports European and other digital rights organizations, to develop a code of conduct for its conferences and workshops and a model ethical funding policy, setting standards for receiving financial support. We also have assisted DFF to ensure its own corporate governance and compliance.

Surveying Solitary Confinement Worldwide

We have recruited law firms in 27 jurisdictions to participate in a survey of how their governments regulate solitary confinement, on behalf of the [Anti-Torture Initiative](#) of the Washington College of Law at American University, led by Professor Juan E. Méndez. As United Nations Special Rapporteur on Torture from 2010 until 2016, Professor Méndez determined that, except in highly limited circumstances, solitary confinement constitutes torture under international law. In 2016, we completed a survey of 35 jurisdictions and compiled a [report](#), which Professor Mendez presented at a side event of the U.N. General Assembly.