ANNUAL **REPORT**

CYRUS R. VANCE CENTER
FOR INTERNATIONAL JUSTICE





HIGHLIGHTS OF 2021



Alexander
Papachristou
EXECUTIVE DIRECTOR

After the many challenges of 2020, we welcomed 2021 with renewed energy, strengthened programmatic work and an expanding team.

- The Vance Center **staff** grew significantly this year, as we hired four full-time positions across the Environment, Good Governance, Human Rights and Latin America Policy programs, as well as our first Fundraising Manager. We welcomed Vance Center Committee members Mayling Blanco and David Flechner (returning from a brief respite), and began planning for our upcoming **20th anniversary celebrations** in 2022.
- The Vance Center's mentorship and public interest lawyering programs continued to thrive. Fordham Law School awarded three scholarships to participants in **TotalLAW Prep**, which brings Afro-descendent and Indigenous lawyers from Latin America to pursue LLMs in the U.S., and three TotalLaw Prep alumni gained admission to top law schools. We secured financial sponsors and selected the first cohort for our

Access to Justice Practicum, promoting public interest lawyering in three Latin American countries.

 Our African Legal Fellows program held bimonthly webinars covering topics including global finance and the program's impact and future.
 We convened a workshop for judges in the Gambia on corruption and economic crimes; concluded our Africa Pro Bono webinar series with a discussion of pro bono practice and culture in Nigeria, South Africa, and Latin America; and launched a two-year project with the South African Legal Fellows Network to address the gender gap in legal leadership positions.

- The Human Rights and Access to Justice Program analyzed challenges to the rule of law in Haiti, hosted a webinar on SLAPPs, and through the Women in Prison initiative organized a workshop with network members on women's incarceration in Sierra Leone and presented to regional human rights bodies in the Americas and Africa.
- More than a decade of research by our Environment Program was validated in October, when the UN Human Rights Council for the first time recognized the right to a clean, healthy and sustainable environment. The program facilitated presentation of an expert amicus brief in a case before Ecuador's Constitutional Court with critical implications for Indigenous groups' ability to exercise self-determination rights against extractive projects. We also began researching domestic frameworks to evaluate application of the Escazú Agreement, a landmark environmental and human rights treaty, in Latin America and the Caribbean.
- The Good Governance Program worked extensively on freedom of expression issues, assisting the Organized Crime and Corruption Reporting Project (OCCRP) in fending off lawsuits, providing review and coordinating a training program for local journalism centers, and engaging Latin American law firms to prepare analyses of laws related to freedom of expression.
- Lawyers for Reporters continued to broaden its network and impact.
 Since June 2020 the project has helped 61 news organizations from 18 states with a wide range of legal matters.

- Our work in Latin America this year focused deeply on Guatemala. We held workshops with the Guatemalan Association of Judges for Integrity and hosted members during a visit to New York, participated in a webinar on threats to NGOs in Guatemala, and represented Judge Erika Aifán in proceedings in the Inter-American Human Rights system. The Lawyers Council for Civil and Economic Rights in the Americas also published a policy brief on Mexico's Supreme Court justice appointment process.
- Keep Families Together launched a special network for operations in Mexico and a task force to provide pro bono legal assistance to Afghan refugees arriving in Latin America and in the 22 countries where KFT works.
- Along with co-organizers Fundación Pro Bono Colombia and the Universidad del Rosario we virtually convened the annual conference of the Pro Bono Network of the Americas, focused on human rights, sustainability, and access to justice, and celebrating law firms' work on pro bono projects.
- We received important funding and grant support from the U.S. Mission to South Africa, the National Endowment for Democracy, the Press Freedom Defense Fund, and the United Nations Environment Programme, among others. The Access to Justice Practicum received generous support from funders including General Electric, J.P. Morgan, Sánchez Devanny, Brigard Urrutia, and Allende & Brea.

HUMAN RIGHTS AND ACCESS TO JUSTICE

The Human Rights and Access to Justice Program continued its work to promote and protect the rights of the most vulnerable through advocacy and engagement with regional and UN human rights mechanisms to protect human rights, pursue accountability for grave human rights violations, and promote responsible business conduct.

- The Human Rights Program's <u>Business and Human Rights Initiative</u> organized several events seeking to raise awareness and educate the legal and business communities and other stakeholders on key business and human rights issues. Together with the <u>Business & Human Rights Resource Centre</u> the Vance Center hosted a webinar on <u>strategic lawsuits against public participation</u>. The Vance Center also conducted a series of <u>events</u> with the New York City Bar Association's Working Group on Business and Human Rights.
- Along with the <u>International Legal Assistance Consortium</u>, the program conducted a <u>study</u> on the challenges to the rule of law in Haiti, including identifying challenges and opportunities for strengthening the justice system and supporting the judiciary and the legal profession. Key recommendations developed from the findings of the study included support to judicial actors on

investigating and prosecuting complex cases, as well as support to bar associations and the national legal aid system, and an increased focus on gender parity and protection of women against violence. The study and its findings were presented in a webinar featuring key actors from the judicial system, the legal profession, and civil society, and have been shared with local and international actors, including USAID, as it plans justice sector support programs in Haiti.





- The Human Rights Program made a key presentation to the Inter-American Court of Human Rights related to the <u>Women in Prison Initiative</u>. The Vance Center, on behalf of its Women in Prison Network, presented at a <u>public hearing</u> of the Court on the issue of "Differentiated Approaches to Persons Deprived of Liberty." The Court invited the Vance Center to make this presentation following its <u>Written Opinion</u> to the Court in December 2020, addressing a request from the Inter-American Commission on Human Rights.
- The Vance Center held a virtual session, <u>"Bar Associations and the Business and Human Rights Agenda: A Regional Vision 10 Years after the Guiding Principles,"</u> as part of the United Nations VI Regional Forum on Business and Human Rights in Latin America and the Caribbean. The <u>session</u>, which brought together more than a dozen bar associations from Latin America and the Caribbean for the first time, aimed to sensitize bar associations on the UN Guiding Principles on Business and Human Rights and highlight the importance of their involvement in this issue.

ENVIRONMENT

The <u>Environment Program</u> celebrated the recognition of the right to a clean, healthy and sustainable environment by the <u>United Nations Human Rights Council</u>, partnered with new clients in Latin America to defend the rights of Indigenous peoples and communities, expanded its work within the UN system on the environmental rule of law, and continued its work to promote and protect environmental rights across the globe.



- The Constitutional Court of Ecuador relied on an amicus brief facilitated by the Environment Program in an <u>historic decision</u> on the rights of Indigenous peoples to free, prior and informed consent (FPIC), <u>finding</u> that the Ecuadorian government had failed to adequately consult and protect Indigenous peoples in the granting of mineral concessions in lands adjacent to their territories. <u>Professor James Anaya</u>, former UN Special Rapporteur on the Rights of Indigenous Peoples, submitted the brief with the support of <u>Simpson Thacher & Bartlett LLP</u>, and in coordination with <u>Amazon Frontlines</u>.
- The Program assisted the <u>UN Special Rapporteur on Toxics and Human Rights</u> with a <u>report</u> for the Human Rights Council addressing the right to science in the context of toxic and hazardous substances. To support the conclusion that science is a crucial component of government policies that guarantee human rights protections, a team of four law firms provided a set of comparative case studies spanning six countries and research on the precautionary principle, a foundational principle of international environmental law. With the support of <u>Gómez-Pinzon</u>, the Program also submitted an <u>amicus brief</u> to the Constitutional Court of Colombia on behalf of the Special Rapporteur in connection with the resumption of glyphosate spraying by the government.

- On behalf of our client <u>Women's Earth & Climate Action Network (WECAN International)</u>, the Program, with the assistance of four partner law firms in Latin America, evaluated how the <u>Escazú Agreement</u>, a new environmental and human rights treaty, can be used to empower WECAN's clients in Latin America and the Caribbean. WECAN is using country reports for Antigua and Barbuda, Bolivia, Brazil, Colombia, Ecuador and Peru to advocate for women land defenders and for a global climate justice movement.
- The Program continued a long-running collaboration with White & Case to support the United Nations Environment Programme (UNEP) in its mandate to prepare a Global Report on the Environmental Rule of Law, to be published in 2022. The project so far has included the design of a set of indicators to help inform conclusions on the status and key trends of the environmental rule of law, and data gathering and analysis from all 193 UN member states.

GOOD GOVERNANCE

The <u>Good Governance Program</u> continued to defend journalists and media organizations reporting on matters of public interest from defamation claims. The Program was involved in two significant training initiatives—one for journalists and another for attorneys—to help combat growing threats to freedom of expression around the world.

• The Good Governance Program assisted the Organized Crime and Corruption Reporting Project (OCCRP) in fending off lawsuits related to stories on corruption in Afghanistan, Iraqi Kurdistan, Malta, Montenegro, Cyprus, and Ivory Coast, and in defending an ongoing lawsuit in Switzerland regarding reporting on corruption in Serbia. With the help of U.K. barristers recruited by the Vance Center, we regularly provided OCCRP with pre-publication defamation review on published stories. With pro bono support, we also helped the organization develop terms of use for its public records database, which includes more than 1,000 sources from 181 countries. With funding from UNESCO's Global Media Defence Fund, the Vance Center recruited 10 legal experts in the U.S. and U.K. and prepared a video training program for OCCRP's network

of local journalism centers in Eastern Europe and beyond, with the goal of avoiding defamation risk in the U.S. and the U.K.

 The Good Governance Program engaged several Latin American law firms to prepare analyses of national, regional, and international laws related to freedom of expression for international media rights organization Media Defence to use in training lawyers in 12 countries and in Media Defence's litigation training seminar in Bogotá in May 2022.



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Litigating Freedom of Expression Cases

- The Program was involved in two important cases in the Inter-American Human Rights System. In a case brought by Professor Douglass Cassel of King & Spalding with the Vance Center, the Inter-American Commission on Human Rights granted precautionary measures in favor of the owner of Canal 12, Nicaragua's main independent nationwide television broadcaster. The Commission. noting the human rights crisis in Nicaragua, ruled that the threat to freedom of expression was sufficiently grave and urgent to require emergency measures protecting the claimant. See more information here. Co-counsel Cassel and the Vance Center also undertook the representation of Guatemalan Judge Erika Aifán in seeking redress before the Inter-American Human Rights System. Judge Aifán faced a series of threats and attacks on her judicial independence and personal safety, as the Inter-American Commission on Human Rights recognized by granting her precautionary measures in October 2019. See more information here and here.
- UN Special Rapporteur on the Independence of Judges and Lawyers Diego García-Sayán recognized the Vance Center before the UN General Assembly and the Human Rights Council for providing research for two of his reports: one on the challenges for judicial independence from the COVID-19 pandemic, and another on the participation of women in the administration of justice.
 See more information here and here.

PRO BONO PRACTICE

In 2021, the Vance Center together with the <u>Pro Bono Network of the Americas</u> organized its virtual pro bono conference, hosted by <u>Fundación Pro Bono Colombia</u> and the <u>Universidad del Rosario</u> with support from the <u>Hanns Seidel Stiftung Foundation</u>. The conference, entitled "Human Rights & Sustainability in Access to Justice Issues," featured a series of weekly seminars with discussion focused on topics related to gender and diversity and social impact bonds. Clearinghouse members of the Network also organized workshops focusing on institutional strengthening, marketing and social media.



- For the second year, the Pro Bono Network of the Americas organized a race to benefit pro bono clearinghouses in the Network. Originated by Appleseed Mexico, the goal of the "Carrera del Abogado" event is to bring together lawyers in Argentina, Chile, Colombia and Mexico in a friendly competition to raise awareness of the importance of pro bono legal services for vulnerable populations and low-income civil society organizations.
- In its 14th year, the annual Vance Center-Latin Lawyer Pro Bono Survey saw record-breaking engagement from the corporate legal sector in Latin America, receiving—for the first time ever— more than 200 responses from law firms in the region. Survey results indicate that pro bono institutionalization at law firms and corporations is at an all-time high: more than 80% of survey respondents have designated pro bono coordinators. These results were especially inspiring in light of the COVID-19 pandemic, demonstrating that law firms' commitment to pro bono work was stronger than ever in the midst of a global health emergency.



KEEP FAMILIES TOGETHER

• In its third year of operation, Keep Families Together continued to expand in geography and scope of services. As of 2021, the initiative has formalized partnerships with 120 domestic and foreign entities: pro bono clearinghouses, corporate law firms, immigration legal services non-profit organizations, bar associations, and law school clinics. As of this year, the initiative operates in 25 countries around the globe, now expanding into Africa and Southeast Asia, with the majority of referrals coming from Central America. To date, the initiative has provided foreign pro bono counsel for approximately 250 migrant children and families.





- Together with Fundación Pro Bono Guatemala, KFT organized its first annual awards ceremony in January 2021 to honor the extraordinary commitment of corporate law firms to the initiative. In the event's inaugural year, we recognized eight law firms in El Salvador, Guatemala and Honduras for their efforts.
- In collaboration with <u>Centro Mexicano Pro Bono</u>, KFT launched a special task force for Afghan refugees arriving in Latin America. Recognizing the unique challenges Afghan citizens face with respect to migration in both the U.S. and Mexico, the task force brought together pro bono actors from civil society and corporate law firms to address those challenges and provided binational immigration advice and counsel.
- In late 2021, KFT created "Red Familias Unidas México"— a national sub-network of the broader KFT initiative. With support from three major bar associations in Mexico—Asociación Nacional de Abogados de Empresa (ANADE), Barra Mexicana de Abogados (BMA) and Ilustre & Nacional Colegio de Abogados de México (INCAM) the sub-network will grant KFT access to lawyers in locations where separated children and families from Mexico and other countries need the help. These bar associations complement the extraordinary efforts of Mexico's three national pro bono clearinghouses: Appleseed México, Centro Mexicano Pro Bono and Fundación Barra Mexicana.

LATIN AMERICA

<u>The Lawyers Council for Civil and Economic Rights in the Americas</u> continued focusing on combating corruption, strengthening judicial independence, and supporting civil society.



• The Vance Center organized a <u>series of virtual engagements</u> with the Guatemalan Association of Judges for Integrity (AGJI), seeking to strengthen the Association's institutional capacity and judicial independence in Guatemala. These included a virtual workshop series "Promotion and Defense of Judicial Independence," a virtual workshop "Declarations of Interest," and three virtual roundtables: "Challenges to the Work of Judicial Associations," "Conditions for Lifting Judges' Immunity," and "Conditions for Retirement of Judges."



• The Lawyers Council produced the Latin America Anticorruption Assessment 2020, which delineates legal efforts and shortcomings to preventing and redressing corruption in Argentina, Brazil, Chile, Colombia, Guatemala, Mexico, Panama, and Peru. The assessment found that lack of political will and inadequate independence of judges and prosecutors pose the main challenges to implementing anticorruption policies in Latin America. It relies on the perspective of legal professionals engaged in anti-corruption practice in various sectors, including law firms, businesses, academia, civil society organizations, and human rights defenders. The assessment received widespread media coverage in the region.





- The Lawyers Council organized a webinar, "The Future of the Rule of Law in Guatemala: Perspectives of the National and International Private Sectors", aimed at encouraging discussion throughout the national and international private sectors on the importance of rule of law to maintain a prosperous business and investment climate in Guatemala.
- The <u>Lawyers Council</u> published a <u>call for action and a policy brief</u> (available in Spanish) analyzing Mexico's process for appointing Supreme Court Justices, and encouraging the Mexican legal community, particularly bar associations, to participate actively in the process. The policy brief relies on international human rights standards and comparable regional experiences to offer considerations for the process.



WOMEN IN THE PROFESSION

WIP promotes the advancement of women in the legal profession, emphasizing individual and institutional leadership. The program's 19 Latin American chapters regularly host events, pro bono projects, mentoring programs, and other initiatives. In 2021: WIP conducted a pro bono project on legal research on gender-based violence for Violetta, a Mexican civil society organization working to deconstruct gender-based violence through a digital platform, featuring a virtual assistant that helps people identify violent relationships, provides recommendations on addressing violent situations, and connects them with professional counseling.

Hola, soy Violetta. Tu confidente digital.

Estoy aquí para hablar de todo eso que no se siente bien, específicamente de tus relaciones violentas.

Me crearon para **guiarte**, contestar tus **dudas** y si lo necesitas, estoy lista para conectarte con el **profesional** que te va a acompañar en los siguientes pasos.

Estoy disponible para ti en cualquier momento, en cualquier lugar.

Así que platiquemos.

violetta



- WIP held a series of webinars entitled <u>"WIP Awareness</u>
 <u>Tour: Drumming up Support for Women in Leadership"</u> to
 introduce the program to lawyers in Sub-Saharan Africa
 who might launch WIP chapters in their countries.
- Representatives of WIP chapters and the <u>Asociación</u> <u>Iberoamericana de Propiedad Intelectual (ASIPI)</u> hosted a <u>webinar</u> entitled "<u>Mentorship in Law Firms and New</u> <u>Generations</u>".
- WIP participated in a <u>social media campaign</u> of 16 days of activism against violence against women and girls, culminating on International Human Rights Day in December. The campaign <u>highlighted</u> some of the work of local WIP chapters from throughout the year.



ACCESS TO JUSTICE PRACTICUM

The Vance Center launched the <u>Access to Justice Practicum</u> to mitigate the access-to-justice gap in Latin America and create a pipeline for public interest lawyering. Through the Practicum, outstanding recent law graduates have the opportunity to work on one-year projects at pro bono clearinghouses in the Pro Bono Network of the Americas, tackling systemic problems facing poor and marginalized communities, initially in Argentina, Colombia, and Mexico.



- The initiative received financial support from multinational companies and leading law firms. General Electric, through its Equity, Diversity & Inclusion Council of the Global Law & Policy function, led the sponsorships, along with Colombian law firm Brigard Urrutia, Argentinian law firm Allende & Brea, and Mexican law firm Sánchez Devanny. In Argentina, JP Morgan Chase and Accenture also provided sponsorships.
- Three practitioners were selected from 53 applicants.
 See more about the practitioners here.



Si eres de Argentina, Colombia o México, te graduaste recientemente de Derecho, y tienes interés en una carrera de interés público, jeste programa es para ti!

Las personas seleccionadas trabajarán durante 1 año en la iniciativa pro bono de su país (Argentina, Colombia y México), en un proyecto sobre acceso a la justicia.

Crea una nueva vía para las carreras de Derecho dedicadas al **interés público**, proporcionando a las personas participantes experiencia práctica remunerada y un programa de capacitación.

¡Aplica antes del 15 de agosto!

Más información sobre el programa, requisitos y proceso de aplicación:













https://bit.ly/VCAJPe

TOTALLAW PREP

The Vance Center and TalentoTotal launched <u>TotalLAW Prep</u> to engage law firms, companies, bar associations, law schools, and pro bono clearinghouses to create a broad and ethnically diverse leadership pipeline of highly talented Afro-Descendant and Indigenous lawyers from Latin America.

This year, four candidates from the <u>TotalLAW Prep Mentorship Program</u> won admission to top law schools in the United States and will graduate in May 2022.



AFRICA

The Africa Program continued to collaborate with law firms, bar associations, judiciary, and the private sector in Sub-Saharan Africa to promote pro bono practice, advance civil society partnerships, increase diversity and access to justice, and strengthen the legal profession's international experience and connections.

• The Africa Program <u>launched</u> a bi-monthly webinar series for African Legal Fellows alumnae/i to describe their experiences, discuss topical issues in Africa, and set the pace for the Program's 20th anniversary in 2022. The fellowship program, which started in 2002 in South Africa and has since expanded to Nigeria, Kenya, and Ethiopia, has brought 60 African lawyers to spend up to a year as international associates in major New York City law firms and corporate legal departments. The bi-monthly webinar series continued even as pandemic restrictions prevented fellows from traveling to New York.



• With support from the <u>Chubb Rule of Law Fund</u>, the Vance Center and the <u>International Center for Transitional Justice (ICTJ)</u> organized a workshop for all superior court judges in the Gambia on the importance of transitional justice in fighting corruption and economic crimes. The workshop, conducted at the request of and in partnership with the Honorable Chief Justice of the Gambia, was presented by experts, lawyers, in-house counsels, and a judge from the Ghanaian judiciary, demonstrating the Gambian judiciary's effort to promote good governance, build confidence, and strengthen its capacity.



- The Program and its South African Legal Fellows Network (SALFN), in partnership with the <u>U.S. Mission to South Africa</u>, launched a two-year project, "<u>Advancing Women in the Workplace</u>," to address the gender gap in legal leadership positions in South Africa through a mentorship program and other activities. The <u>first Black female judge</u> of South Africa's Constitutional Court highlighted the value of women in leadership positions in South Africa and how the project goals could support young women of color. The project will include a survey on gender diversity and inclusion in law firms and corporate legal departments and an interview video to showcase the project's impact on women lawyers.
- The Program assisted client <u>The Children's Legal</u> <u>Defense Center</u>, Somaliland, with its work on juvenile justice to support children at conflict with the law. Led by <u>Webber Wentzel</u> (South Africa), law firms of Aztan Sulaf (South Sudan), Solutions and Partners (Rwanda), Tadesse Kiros Law Office (Ethiopia), and Talwar Thakore and Associates (India) prepared a multijurisdictional country report on how these jurisdictions determine the age of children in conflict with the law.

LAWYERS FOR REPORTERS

In its first full year of operation, <u>Lawyers for Reporters</u>, a collaboration of the Vance Center and the Press Freedom Defense Fund, continued to grow its client base, assisting many small, local news outlets throughout the country. Lawyers for Reporters recruited the help of major law firms throughout the country as well as solo practitioners specialized in the practice areas of corporate, tax, intellectual property, media, and litigation.

- Since June 2020 the project has helped 61 news organizations from 18 states with an extensive range of legal matters, including pre-publication reviews, joint publishing projects, fiscal sponsorships, applications for IRS recognition of tax-exempt status, nonprofit mergers, and a wide array of other legal issues affecting operations.
- Lawyers for Reporters has engaged 97 lawyers from 22 law firms to join in representing these clients, donating the equivalent of almost \$1 million in pro bono service, while also handling many additional requests through the initiative's own lawyers in alignment with the Vance Center's co-counsel model.
- Our work has supported the growth of local and community media outlets, helping to incorporate news nonprofits in Texas, Michigan, Washington, California, North Carolina, Maryland, and New York, among others.

Lawyers for Reporters connects local news outlets with free legal services

The pro-bono service helps new news outlets — that often cover and serve underrepresented communities — not only stay in business, but also build a sustainable business over time.

 Through webinars, direct representation and other collaboration, we strengthened our partnerships with organizations including the <u>Pivot Fund</u>, <u>Tiny News</u> <u>Collective</u>, and <u>Local Independent Online News (LION)</u> <u>Publishers</u>, leading to new client referrals and spreading our advice even more widely.

FINANCIAL REPORT

FY 2020-21 FY 2021-22

REVENUE:

\$1,574,229 \$1,573,034



EXPENSES:

\$1,467,343 \$1,740,113



PRO BONO **CONTRIBUTIONS:**

\$9,500,000

\$10,000,000

BY THE NUMBERS

Clients

Served

LAWYERS ADMINISTRATORS



Pro Bono **Projects**

615 145



Pro Bono Lawyers



SOURCES OF SUPPORT

National Endowment for Democracy	UNESCO	
The U.S Embassy in South Africa	Chubb Rule of Law Fund	
Power Africa	General Electric	
Press Freedom Defense Fund	Open Society Foundations	
Novo Foundation	JP Morgan	
United Nations Environment Program	Bay & Paul Foundations	

Allen & Overy	Arent Fox	Baker & McKenzie	Cleary
Akin Gump	Clifford Chance	Davis Polk	Debevoise
Eversheds Sutherlar	d Covington & Burling	Hogan Lovells	Hughes Hubbard
King & Spalding	Linklaters	Mayer Brown	Milbank
Morrison & Foerste	r Orrick	Paul Hastings	Paul Weiss
Proskauer Rose	Simpson Thacher	Shearman & Sterling	Skadden
Sullivan & Cromwel	l Weil	White & Case	Winston & Strawn
Freshfields	McDermott Will & Emery	Norton Rose	Willkie Farr



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