

Leadership is defined by those people who accept no problem as intractable, challenge conventional wisdom in the pursuit of new ideas, and advance innovative solutions with unfaltering courage.

-Janet Benshoof



Global
Justice Center

The Global Justice Center's Pledge for 2010 and Beyond: Empowering Leaders with Legal Tools for Building Global Justice

The three founding principles of the Global Justice Center

1. Implementation of the Universal Declaration of Human Rights is essential to justice, peace and security. Such implementation requires a global law regime with national and international courts enforcing international rights guarantees as a matter of course.
2. A global human rights regime is neither "global" nor "rights" based unless *de facto* gender equality is a foundational principle. This means gender parity in decision making positions and that laws infringing on women's rights, including pregnancy related laws, be invalidated. Applying these international equality guarantees in the United States would radically change the scope of women's legally protected equality rights. For example, the gender disparity in Congress and restrictive abortion laws would constitute *per se* sex discrimination.
3. International human rights law requires States to take positive measures to ensure that entrenched patriarchal legal and political systems are dismantled. Courts enforcing international instruments like the Universal Declaration of Human Rights, the ICCPR or CEDAW must address issues of systemic discrimination. For example, courts examining women's lack of access to justice must scrutinize the causal effect of a male-only judiciary and issue orders accordingly.

Dear Supporters and Friends of Global Justice,

One year ago, newly elected President Obama pledged, "to those who seek peace and security - we support you." This message galvanized millions of people around the world, generating newfound hope in American leadership in creating a just world. This turnabout also opened new doors for the Global Justice Center's human rights advocacy. Our international law-based arguments on equality, peace and security are increasingly being used in places like the United Nations Security Council, US Congress and the US State Department. These successes, in turn, increase the GJC's effectiveness as international law advisors to democracy leaders in areas in conflict or transition. The growing impact of the Global Justice Center is a tribute to our supporters.

The Global Justice Center takes a twofold approach to securing human rights. First, we provide "on the ground" legal expertise, such as advising Iraqi women leaders on how international law can be used to advance equality provisions in the Iraqi constitution. The GJC's advisory role, extending to the Iraqi Tribunal Judges, has already led to precedential holding in the Anfal decision that international, not domestic law, governs the rape prosecutions in all of the war crimes trials. This first use of international law to enforce the rights of women in Iraq sets the stage for reforming domestic laws.

Second, the Global Justice Center works at the international level by focusing on the UN Security Council's enforcement of international humanitarian law. The Global Justice Center is working to make Security Council Resolutions, such as those ending impunity for crimes against women in conflict, legally enforceable rights.

The GJC's efforts are making inroads at the United Nations, including our campaign with the Burma Lawyers' Council and the Women's League of Burma advocating for a Security Council referral of Burma to the International Criminal Court. The Security Council acknowledged the ongoing military crimes against ethnic women in Burma for the first time in July 2009 in response to the GJC's efforts to get Burma listed as a country in violation of SCR 1820. Following this, the November 2009 UN General Assembly Draft Resolution on Myanmar reinforced the call to end impunity and, in response to our arguments on the invalidity of the 2008 military constitution in Burma, requested that the constitution be examined "under international law."

The Global Justice Center's legal projects are directed at accomplishing certain milestones toward achieving our mission. Here are some examples...

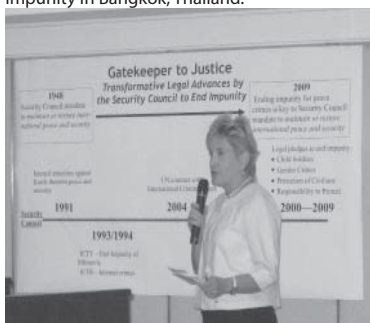
GJC LEGAL MILESTONES

- The UN Security Council refers the situation in Burma to the International Criminal Court, explicitly acknowledging the Council's legal obligation to do so given the military regime's crimes against women in conflict and the mandates of SCRs 1325, 1820, 1888, 1889 and 1674.
- The United States becomes the 111th member of the ICC and President Obama, acknowledging that international law compels such ratification, specifically references ending impunity for crimes against women as mandated in SCRs 1325, 1820, 1888, 1889 and 1674.

STEPS TAKEN IN 2009



Top: GJC at UNSC Open Debate on Resolution 1820. Below: Janet Benshoof presents on legal advances by the Security Council to end impunity in Bangkok, Thailand.



The Global Justice Center continues in its leading role advocating that Burma be referred to the ICC. In direct response to pressure from the GJC and the Women's League of Burma, Burma was listed as a violator country in the Secretary-General's report on SCR 1820, which mandates criminal accountability. This breakthrough led to Secretary of State Hillary Rodham Clinton referencing impunity for crimes in Burma in her September 2009 speech to the Security Council.

Janet Benshoof was the keynote speaker on the Security Council and International Humanitarian Law at an FIDH-sponsored conference in Bangkok. This conference brought together Burmese leaders in exile, human rights representatives and international law experts to explore ways to end impunity in Burma. FIDH has since joined the Global Justice Center and Burma Lawyers' Council in campaigning for Security Council action on crimes in Burma.

The GJC's campaign against the 2008 military constitution in Burma based on its violations of preemptory norms of international law is making steady gains. The GJC's constitutional analysis was used by US women Senators who noted the exclusion of women from key government positions in their letter to Secretary-General Ban Ki-moon, stating "the upcoming election is based on a unilaterally drafted constitution that violates international law and entrenches gender discrimination in Burma."

INTERNATIONAL EQUALITY LAWS & THE UNITED STATES

GJC LEGAL MILESTONES

- The United States ratifies the Convention the Elimination of all Forms of Discrimination against Women with no reservations, declaring that both CEDAW and the International Covenant on Civil and Political Rights, ratified by the US in 1992, are to be implemented as US domestic law.
- Legal authorities in Africa interpreting the African Protocol on Human and People's Rights issue opinions or general comments concluding that the US imposed censorship on abortion speech, required by the Helms' Amendment as a condition for governments receiving US aid, undermines the equality guarantees in the African Protocol and violates international law.
- Congress repeals the Helms' Amendment to the Foreign Assistance Act, ending thirty years of censoring abortion speech. The United States acknowledges that the Helms' Amendment violates ICCPR, CEDAW, and other international speech and equality guarantees and announces a campaign to reverse the effects of the Helms' censorship of abortion speech, including at the United Nations.

STEPS TAKEN IN 2009

“Benshoof concludes that ratifying CEDAW with these debilitating RDUs attached will hurt the cause of women's rights worldwide — and NOW agrees.”

**-NOW Press Release
August 31, 2009**

The Global Justice Center's advocacy on how the existing US *version* of CEDAW undermines equality led to an AP article published in over 100 newspapers around the world, acknowledging the growing support for the GJC's position that the US *version* of the treaty "will be burdened with damaging, politically expedient exceptions."

The NOW Foundation publicly credited the Global Justice Center for reversing their position in favor of ratifying only a clean CEDAW. This led to the NOW Foundation briefing the counsel to the Senate Foreign Relations Committee on the Global Justice Center's legal arguments on how Reservations, Understandings and Declarations would eviscerate the core of CEDAW's equality definition, undermining the rights of women in the United States and globally.

The GJC has a team of legal researchers examining the international law implications of the Helms' Amendment's abortion speech censorship in certain African countries.

IRAQ

GJC LEGAL MILESTONES

- The Iraq High Tribunal Judge issues a decision in the Marsh Arab trial upholding the charges of rape as a separate crime under war crimes and crimes against humanity. The decision also upholds convictions for "persecution due to gender," the first such convictions for this crime, as a crime against humanity, globally.
- The Iraq High Tribunal Judge issues decisions in the two Halabja chemical warfare trials holding that the chemical destruction of Kurdish women's reproductive organs are gender crimes under all three ICC categories.

STEPS TAKEN IN 2009

The Global Justice Center, working with UK MP Baroness Emma Nicholson on the Marsh Arab Trial, has ensured that the testimony of Marsh Arab women satisfies the elements necessary to prove rape under international law. Further, the Global Justice Center's memo on rape victims' rights to privacy and security protections was used by the Court to give full protections to the Marsh Arab women witnesses. The next step is for the GJC to submit an amicus brief on how the trial evidence supports Marsh Arab women's rights to criminal accountability.

The GJC prepared an extensive background memo on configuring reproductive crimes as gender crimes under crimes against humanity, war crimes and genocide. Using this legal outline, we are now working with the Halabja prosecutor to ensure that the evidence supports finding that destruction of reproductive organs are reproductive crimes and gender crimes.

"Without this precise and practical translation of complicated laws, I would not have been aware of the type of testimony that should be given nor of the protections that were available for those women who testified."

-Baroness Emma Nicholson on GJC legal memo on the Marsh Arab Trial

SIERRA LEONE

GJC LEGAL MILESTONES

- The Sierra Leone Supreme Court declares that international law is part of Sierra Leonean domestic law and under ICCPR, CEDAW and the Convention on the Rights of the Child, the domestic rape law, discriminating against children, is invalid and must be revised to comport with international standards.

STEPS TAKEN IN 2009

GJC Law Fellow Frances Issa, a Sierra Leonean lawyer, is engaging with top lawyers and judges in Sierra Leone on ways international law can be enforced as part of domestic law. There are currently great opportunities for embedding international law given a sympathetic Supreme Court and that Sierra Leonean judges have been using international law at the ad hoc tribunal. This has led the GJC to focus on challenging the 1861 rape law in Sierra Leone, which limits the definition of rape to forced sexual intercourse with a woman over the age of eighteen.



GJC Law Fellow Frances Issa discusses her work on Sierra Leone

"the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

- The Universal Declaration of Human Rights

The Global Justice Center needs your support to make real the world envisioned in the Universal Declaration of Human Rights.

Please make Global Justice a priority in 2010. All donations will be matched by an anonymous donor (\$1,000 for every \$3,000 we raise).

Warm wishes for a peaceful New Year.

Janet Benshoof,
Founder and President



Right: GJC with Nobel Peace Prize Laureate Shirin Ebadi. Far Right: Phyu Phyu Sann explains international justice mechanisms to Burmese activists in Thailand.



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