



Research Centers Newsletter, March 2020



Event Spotlight: Wisconsin International Law Scholars Conference (WILSC)

The **Wisconsin International Law Journal (WILJ)** will host the **Wisconsin International Law Scholars Conference (WILSC)** on Thursday, April 2nd and Friday, April 3rd at the UW Law School. The event, titled "**The Limits and Potential of Human Rights in Pursuit of Climate Justice,**" will explore the unresolved legal issues surrounding climate change. Climate change poses unprecedented challenges to the enjoyment of rights. The Human Rights Council has adopted several resolutions on the link between climate change and human rights and the Paris Agreement included a provision on human rights in relation to climate action in 2015. Despite this recognition, many legal issues remain unresolved –extraterritorial dimension of human rights, forced displacement associated with climate change ("climate refugees"), small island states and their people, the loss and damage mechanism, the responsibility of major emitters are just a few issues requiring novel approaches to international law. The objective of the conference is to bring together international legal scholars to discuss high-quality working papers and to promote research collaboration and advancement.



The event will begin with a keynote address by **Dr. Dessima Williams**, former United Nations Ambassador for Grenada at 4:00pm on Thursday April 2nd in Room 2260. Friday's program will

consist of papers in a workshop format.

For more information, please [visit the WILSC webpage](#).

HRP Visitor Spotlight: Dr. Dessima Williams



[Dessima Williams](#)

Dr. Dessima Williams serves as Special Adviser for Implementation of the Sustainable Development Goals for the United Nations. She will be in residence at UW-Madison as a short term visiting scholar of the Human Rights Program, with support from the International Division and IRIS, from April 1 - April 21. Dr. Williams will deliver the keynote address at the Wisconsin International Law Scholars Conference on Thursday, April 2nd on "Climate Change and Human Rights in Small Island Nations."

During her time in Madison, Ambassador Williams will speak in various classes on campus, hold Q&A sessions with students, and participate in a panel on climate migration at the Earth Day conference on April 20 at the Monona Terrace. Ambassador Williams will also host an Information Session with students on setting up internships at the UN and other organizations.

Selected Upcoming Events

- **March 4, 2020:** Faculty Exchange Speaker Brian Larson (Dean's Office)
- **March 9, 2020:** Compliance Initiative Speaker Timothy Caprez (ILS)
- **March 12, 2020:** GLS Speaker Maggie Gardner (GLS)
- **March 25, 2020:** Ideas & Innovations Speaker Paul Butler (Dean's Office)
- **April 1, 2020:** Faculty Exchange Speaker Brook Gotberg (Dean's Office)
- **April 2, 2020:** Faculty Exchange Speaker Michael O'Hear (Dean's Office)
- **April 2-3, 2020:** Wisconsin International Law Scholars Conference (WILSC) (GLS/HRP)
- **April 16, 2020:** Mildred Fish Harnack Lecture by David Kaye (HRP/GLS)

For a complete list of upcoming events, visit: <http://law.wisc.edu/researchcenters/events.html>

Faculty Spotlight: Erin Barbato

Erin Barbato

Erin Barbato, who has been the Director of the Immigrant Justice Clinic (IJC) at the University of Wisconsin Law School since 2016, has represented people seeking asylum in the immigration courts in the United States for the past fifteen years. Seeking asylum in the U.S. has never been easy. Applicants must prove they are refugees – people who were victims of past persecution or torture or who have a well-founded fear of future persecution or torture based on race, religion, nationality, political opinion or membership in a particular group. Applicants for asylum also must find legal representation or be prepared to represent themselves in a complex court proceeding in a foreign country, conducted in a foreign language. Applicants who receive legal representation are three to five times more likely to be granted asylum compared to those without representation. Unsurprisingly,



Erin Barbato

because the immigration system does not provide counsel for refugees, the system is completely overwhelmed with self-represented litigants, many of whom will be wrongfully denied asylum and sent back to a country where they face torture or worse. As a result, the immigration system has come to rely on the absolutely essential work of pro bono attorneys and programs like UW's IJC. Unsurprisingly, most refugees seeking asylum cannot afford an attorney, so they rely on volunteers or attorneys working for non-profit organizations. IJC helps to fill this systemic gap in the immigration system by providing representation to people seeking asylum. The fabric of this work has changed substantially since January of 2019.

IJC represents people from all over the world seeking asylum, including people from Cuba, Turkey, Cameroon, China, El Salvador, Guatemala, Mexico, Venezuela, Haiti, and the Democratic Republic of Congo. Every month, the students in IJC travel to Dodge County Correctional Facility (DCCF) to conduct intakes and provide legal orientation to all immigrants seeking information. DCCF currently has 200 beds for immigrants in removal proceedings, including people seeking asylum. Up until recently, the people seeking asylum arrived at DCCF after embarking on harrowing journeys, fleeing persecution and torture in their home countries and presenting themselves to Custom Border and Protection (CBP) at Ports of Entry along the southern border of the United States. After demonstrating a credible fear of return to their home countries, they are transported long distances while wearing prison uniforms and shackles on their hands and feet, to DCCF in a small town in Wisconsin, with little to no access to legal representation except for IJC. However, most asylum seekers no longer even make it to detention at DCCF because they are now ineligible for asylum or are otherwise forced to remain in Mexico because of new immigration policies.

Because most attorneys cannot travel to Mexico, 99% of asylum seekers detained in Mexico do not have legal representation. Professor Barbato's work and research has taken her across our southern border to Mexico to understand the astounding consequences of the new immigration

policies. Consistent with the UW Law School's longstanding Law-in-Action tradition, she has observed how the Third-Country Transit Bar (TCTB) and the Migrant Protection Protocols (MPP) are applied on the ground. Erin recently traveled to Tijuana with two students in IJC and an alumna from IJC to research and provide legal orientation to people seeking asylum while waiting in Mexico. Professor Barbato will continue to return to Mexico to research the impact of these policies and provide desperately needed services in the coming months. She also plans to return to Tijuana this summer with fourteen law students to research and provide access to justice to asylum seekers forced to remain in Mexico.

Visiting Scholar Spotlight



Ekaterina Libova

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Ekaterina Libova, whose home institution is The Higher School of Economics in Russia, is visiting the Law School for the Spring 2020 semester. Her faculty advisor is Professor Kathie Hendley. Ekaterina's research analyzes the effects of global digitalization on human presence. Digital identity will play a key role in a global community, the lack of the proved legal identity may cause exclusion from political, economic, and social life. Nevertheless, the legal status of the digital personality remains not deeply investigated. Her research seeks to understand the theoretical and practical issues on functioning of a so-called "digital person" and focuses on possible solutions to harmonize the digital identity standard of a private person without violating basic human rights. When choosing UW Law School for her research, Ekaterina was drawn to the school's resources, including the library and professors. The Global Legal Studies Center and CREECA program were also appealing to her. She believes that UW Law is a great place to continue developing her research.

Student Spotlight

Leakhena Au and Jake Lund

3Ls Jake Lund and Leakhena Au spent the fall 2019 semester in Florence, Italy at the European University Institute (EUI). The EUI is unusual in that it is a graduate student only institution, where the focus is largely on research in the social sciences and humanities fields. In addition to Italian language courses, Jake and Leakhena took courses in legal research and theory, including Regulatory Theory, Normative Approaches to Law, Regional Economic Integration (trade), and EU Rule of Law Backsliding. These courses were a departure from the law in action approach of the UW Law School because there was less discussion around practical application of the law and more of a focus on legal institutions, how law is developed and why.

Leakhena traveled largely on day trips within a few hours of Florence, but even within that sphere, it was impossible to see everything that she wanted to see. She loved exploring the food, the history, and the culture (especially the architecture) of central Italy. She would recommend it to students who are interested broadly in legal theory and development of international law.

Jake travelled regionally as well, visiting several large cities such as Venice, Rome, and Bologna in addition to taking day trips to several smaller villages. He was also able to travel by car to the Italian and Austrian alps. Jake was particularly fond of the food and enjoyed visiting local restaurants away from the typical tourist areas. He noted that while living in Italy was unique in many ways, it was a very pleasant experience. Jake believes the EUI is a great opportunity for anyone thinking about continuing their legal education after law school.



Leakhena Au and Jake Lund

News and Announcements

- **Call for Proposals:** The **South Asia Legal Studies Working Group** invites you to **submit a short paper or project proposal for the annual workshop** on **Thursday, October 15, 2020**. Proposal submissions are due on **Friday, April 10, 2020**.
- **Save the Date:** The **2020 ILS Midwest Law & Society Retreat** will take place **11/13 - 11/14** at the Pyle Center. **Submit a proposal or register by 6/1/2020**.
- Check out episode 7 of **UW Law's Wisconsin Law in Action Podcast** featuring **Professor Yaron Nili**.

