



WSBA World Peace through Law Section

May 2011

"The only language common to all Humanity is the language of human rights"

~Baltasar Garzón
May 14, 2011.

A Report on the Juvenile Justice Conference May 9-10, 2011

Immediate Past Chair Martha Schmidt and Executive Committee member Lisa von Trotha represented the Section at the May 9-10, 2011, Children's Justice Conference. We had been offered a table there so we could have a display and hand out information about the Convention on the Rights of the Child (CRC).

Martha offers this report:

There were about 1,200 people there. The title of the plenary was Children's Rights, at which Professor Upendra Acharya and Justice Debra Stephens did a fine job talking about international law as a source of children's rights in U.S. jurisprudence. Professor Acharya mentioned our section and WSBA as being leaders. Justice Stephens stated that we shouldn't focus only on getting the Senate to ratify the CRC, given the recently introduced Senate resolution specifically preventing consideration of CRC for ratification, or for the U.S. Supreme Court to invoke human rights treaty law, but we should see international law as another source of law for decision-making which can be invoked under the Washington State Constitution. Justice Stephens said there was no real difference in Washington jurisprudence between bringing in another state's law and bringing in international law as an aid in making good decisions.

In the Q & A, there was one question about treaty law (a person didn't understand the difference between signing and ratification, and wondered about impact of treaties on domestic law) which I was able to pursue in conversation with the questioner afterward. I also spoke with a couple of people who seemed quite influenced by right-wing dogma and talked about the CRC as a surrender of national sovereignty. They told me they got their information about the CRC from a parenting website. One of them asked if Belgium was a party to the CRC and then asserted that Belgium permits euthanizing of babies under age 12 months. I said if that were true it would be a violation of the right to life, but if indeed they got any information like that from that website, it was not reliable and they should question it. At least she acknowledged that she wasn't convinced the information was true.

While Lisa and I were at the WPTL table, a couple of people (both private sector juvenile welfare professionals) asked us how ratifying the CRC would improve the conditions of children in Washington.

---*Marti*

Congratulations to Marti and Lisa for this excellent outreach effort. It shows that our work is having an impact, although there is much more to do in the way of providing objective information about the facts and law.

Learn more about the Conference at: <http://www.dshscjc.com/>

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Baltasar Garzón

The Role of Law in the Struggle for Human Rights

Section members may remember Baltasar Garzón as the Spanish judge who brought charges in cases involving organized crime, terrorism and state terrorism, most notably indicting former Chilean dictator Augusto Pinochet under the legal theory of universal jurisdiction for crimes against humanity. We who work under the common law system may be surprised that the “inquisitorial system” of continental courts may provide fair and effective redress in human rights cases, although its limits may be seen in Garzón’s current suspension due to his investigating Franco regime crimes.

On May 14, 2011, Garzón received the first ALBA/Puffin Award for Human Rights Activism, saying:

“I am one of many who struggle against the theory that the course of the history of the world can only be changed by the force of arms, for only by force, they tell us, can peace, security, and the world order be maintained.

Yet this is not true. To give up guarantees and turn to the use of techniques that contradict the fundamental principles of the rule of law, is not only unacceptable legally, in the long run it also does more harm than good. Another way is possible. And that way must be led by Justice and the Rule of Law, to protect and defend the victims of war, terrorism, and mass crimes that have sown the earth with death and desolation.

All of us, my dear friends, have a moral and even legal obligation to fight against amnesia and indifference, just as we must fight against those who instigated or consented to barbaric acts. To do so means holding high the banner of dignity and human rights to shore up the crumbling edifice of the International Community, and finally turning away from the path of illegality and spaces where the rule of law does not exist, all in the name of the so-called war against terror. To do so means turning toward spaces of equality and the eradication of impunity....”

Read in full at: <http://www.albavolunteer.org/2011/05/judge-garzons-speech/>

GI Rights Training at SU June 11 & 12

Seattle Draft and Military Counseling Center (SDMCC), the local group serving the GI Rights Hotline, is offering GI Rights Hotline Training Saturday and Sunday, June 11 and 12, 2011. Seattle University’s Access to Justice Institute (ATJI) is generously lending space for this event at the law school, although SDMCC is solely responsible for the content.

Participants agree to provide volunteer GI rights counseling through SDMCC, Coffee Strong, or similar organization. While each organization has its own rules, a typical agreement with SDMCC is a one-week shift every calendar quarter, involving checking a voice-mailbox every other day; there is no face-to-face counseling. While participants may have the full range of motivations for offering assistance, the counseling methodology is non-directive, objective and apolitical. Thus, you may find yourself dealing with a caller who wishes to remain in the military (e.g., DADT cases) or who wishes to stay out (e.g., early enlistment cases); for all callers, the counseling is to provide an objective statement of options and let the caller apply them to his or her situation. Section members and others interested in participating in the training should sign up in advance by contacting Randy Winn rewinn2033@yahoo.com 206-446-4667 on a first-come, first-served basis. Learn more about SDMCC: <http://www.sdmcc.org/>.