

HUMAN RIGHTS, ECONOMIC DEVELOPMENT AND GLOBALIZATION (HEDG)

Pedagogical team 2023-2024

- **Sylvain Aubry**, course co-lecturer
- **Lucie Chatelain**, course co-lecturer for the second semester
- **Sandra Cossart**, course co-lecturer
- **Paula Fernandez-Wulff**, course co-lecturer and HEDG clinic coordinator for the first semester
- **Sarah Jameson**, course co-lecturer for the second semester and tutor
- **Jeremy Perelman**, course co-lecturer for the second semester
- **Matthias Petel**, course co-lecturer for the second semester
- **Louise Anne Baudrier**, tutor
- **Juliette De Raigniac**, tutor
- **Pierre Farcot**, tutor
- **Morgane Fouillen**, tutor
- **Guillemette Guicherd**, tutor
- **Amina Hassani**, tutor
- **Ivana Jimenez Barrios**, tutor
- **Omar Kamel**, tutor
- **Chloé Petit**, tutor
- **Eva Trotta**, tutor

Projects 2023-2024

Project 1: Arbitration and development

In this project, the *Agence française du développement* explores the possibility of submitting its disputes to investment arbitration. Thus, students are invited to discuss whether AFD qualifies as an investor, and whether public development aids are investments that may benefit from investment treaties. They are required to question this possibility in the context of the purpose of such assistance: development. Furthermore, students will be required to examine the limits and risks of investment arbitration and to formulate recommendations regarding the settlement of disputes related to public development aid.

- Partner: **Agence française du développement (*French Development Agency*) (AFD)**
- Tutor: **Amina Hassani**

Project 2: Universal competence mapping

The project takes part of a key period for universal jurisdiction in France.

On the one hand, the division specializing in crimes against humanity and war crimes and offenses is experiencing a very strong expansion in the number of cases. On the other hand, several disputes have been filed to challenge article 689-11 of the code of criminal procedure which contains four obstacles which prevent the implementation of an effective fight against impunity.

The Court of Cassation rendered two judgments in plenary assembly on 12th May 2023 concerning Syrian nationals: in the first case, it gave an expanded interpretation of the notion of double criminality, and in the second case it referred to the “sovereign power of interpretation of judges” to assess the conditions of habitual residence. This current case law had a direct influence in the negotiations of the law of November 20, 2023 on the orientation and programming of the Ministry of Justice 2023-2027. In fact, this law removes the condition of double criminality but maintains and clarifies the condition of habitual residence, thus ratifying the demanding definition set by the Court of Cassation in the two Assembly judgments. This new definition has been

strongly criticized by civil society and by Amnesty International France, which has been advocating for many years for the removal of the four locks.

As such, the association's International Justice Commission is engaged in various advocacy and awareness-raising actions for MPs but also for the general public. On this point, the commission wishes to offer an interactive online map of all the cases before the French courts in order to show the role and place of victims, victims' associations and NGOs in strategic litigation linked to the fight against impunity. Students from the Sciences Po clinic are involved in this work by updating the database on which this mapping is based, and by producing reflex sheets on certain emblematic cases.

The database should be put online soon. Its format will be inspired by the database recently created by TRIAL International <https://trialinternational.org/resources/universal-jurisdiction-database/>, by adding criteria more specifically linked to the French case.

- Partner: **Amnesty International France, Commission justice internationale**
- Tutor: **Louise Anne Baudrier**

Project 3: Victims of corruption: the great forgotten

The "Victims of corruption: the great forgotten" project managed by clinic students in partnership with the association Ressource Matters advocates for compensation for victims of corruption within the framework of international regulations and peace agreements. After drawing up an inventory of corruption and compensation of victims in the context of the Glencore agreement in several countries, students and the association will present their findings at an international meeting bringing together various institutional players.

Following this exchange, the aim is to develop an advocacy strategy to raise the issue of compensation and redistribution with public authorities. Students will submit their recommendations in spring 2024.

- Partner: **Resource Matters**
- Tutor: **Chloé Petit**

Project 4: Environmental damage linked to products placed on the market by multinationals and liability for defective products

This project aims to explore the possible applications of the defective product liability regime, to determine whether an application of this regime to environmental damage, generated by the marketing of certain products by multinationals, would be possible. To do this, students working on the project are interested in the conditions set by legal texts and their jurisprudential application, as well as in doctrinal texts, carrying out interviews with professors specializing in this field. They are also interested in applications of similar regimes abroad.

This project will lead to the writing of a report stating the results of the research carried out. It will provide initial information to the Sherpa association, partner of this project, on the opportunity to rely on this regime in the context of future litigation.

- Partner: **Sherpa**
- Tutor: **Morgane Fouillen**

This is a joint clinic project with the JETE clinic programme.

Project 5: The right to health in Ivory Coast, what progress?

The Law school Clinic, in partnership with Human Dignity, is running a joint project focused on improving access to the right to healthcare in Côte d'Ivoire. This collaboration aims to follow up on the recommendations issued in a 2017 report, which highlighted the structural challenges of the Ivorian healthcare system. The main objective is to monitor the implementation of commitments made by the Ivorian state following this report, particularly regarding the necessary legislative, budgetary and infrastructural reforms.

As part of this project, a detailed report will be produced for presentation at Côte d'Ivoire's Universal Periodic Review (UPR), scheduled for the end of 2024. The methodology adopted includes in-depth interviews with Ivorian non-governmental organizations to better understand the health situation and identify public health priorities. This collaborative approach between Human

Dignity and the Law school clinic aims to provide precise and relevant recommendations for improving the living and health conditions of Ivorian citizens.

- Partner: **Human Dignity**
- Tutors: **Juliette De Raigniac** and **Ivana Jimenez Barrios**

Project 6: Environmental discrimination and access to water in overseas territories

The HEDG clinic, in partnership with the association Notre Affaire à Tous, is carrying out a research and litigation project around the notion of environmental discrimination.

Initially, it was a question of carrying out research and participating in a legal action (administrative court then Council of State) on the water crisis in Mayotte and the State's responsibility. The second semester gave rise to an expansion of research. Students carry out an inventory of the State's shortcomings in terms of access to water in Polynesia, Wallis and Futuna (infrastructure, drinking water and pricing) and the resulting situations of environmental discrimination. Research is carried out in conjunction with the University of Nanterre's law clinic.

As part of this project, students must write a detailed report which will include the following elements: structural and/or cyclical issues, quantitative, qualitative, and pricing, possible impacts on fundamental rights and state policies deployed in the recent years. Methodology adopted includes interviews with associations and local elected officials and online research on, among other things, news, litigation, press releases and official reports on these subjects. This report aims to provide precise elements that can be mobilized during future legal actions by Notre Affaire à Tous and to reflect on the best strategies to apply in this context.

- Partner: **Notre Affairs à Tous**
- Tutor: **Guillemette Guicherd, Fiona Vanston** and **Aurélien Bouayad**

Project 7: Measuring poverty beyond GDP

In mid-2024, the UN Special Rapporteur on Extreme Poverty and Human Rights will present a report to the UN General Assembly on "Measuring poverty beyond GDP". This report will make the

case for policy options that do not rely on economic growth to eradicating poverty, proposing alternative approaches to measuring societal wellbeing.

To support the development of this report, the HEDG Clinic team has produced a research memorandum identifying and analysing nine concrete case studies of alternative initiatives and mechanisms for measuring societal well-being, beyond GDP. The memorandum provides an examination of the main features and comparative strengths and weaknesses of the different examples and distils some key points and lessons that can guide the development of non-money-centric approaches to poverty and well-being.

- Partner: **Special Procedures of the Human Rights Council**
- Tutors: **Sarah Jameson** and **Eva Trotta**

Project 8: Elite capture and access to justice

- Partner: **UN Special Rapporteur on the Independence of Judges and Lawyers**
- Tutors: **Omar Kamel** and **Pierre Farcot**