



JAMES CAVALLARO

Candidate 2014-2018

Inter-American Commission on Human Rights

JAMES CAVALLARO

Professor of Law, Stanford Law School
Director, International Human Rights and Conflict Resolution Clinic
Director, Stanford Human Rights Center



An engaged scholar and practitioner...

Professor Cavallaro has taught and lectured at some of the most prestigious universities in the Americas. In addition to the positions he has held at Harvard and Stanford Law Schools in the United States, Professor Cavallaro has been invited to teach or speak in English, Spanish, and Portuguese at the following institutions in the Americas, among many others:

- Universidad de Palermo (Argentina)
- Pontificia Universidade Católica de São Paulo (Brazil)
- Pontificia Universidade Católica do Rio de Janeiro (Brazil)
- Université de Quebec à Montréal (Canada)
- Universidad Diego Portales (Chile)
- Universidad de Los Andes (Colombia)
- Escuela Libre de Derecho (Mexico)
- Universidad de Panamá (Panama)
- Universidad Columbia de Paraguay (Paraguay)

...with extensive experience in the Inter-American human rights System...



Cavallaro and colleagues at the Inter-American Court of Human Rights

For more than two decades, Professor Cavallaro has engaged with the Inter-American human rights system, promoting the advance of human rights through representation of victims, as well as through critical reflection on the system and means of enhancing its efficacy.

Professor Cavallaro has served as counsel before the Inter-American human rights system in dozens of matters since 1992, including many resulting in successful friendly settlements (e.g. *Matter of Urso Branco Prison regarding Brazil*, Court; *Emasculated Children of Maranhão state*, Commission), and final disposition by Inter-American Commission (*John Doe et al v. Canada*) and Court (e.g. *Damião Ximenes Lopes v. Brazil*).

Since 1988, Cavallaro has worked on human rights issues in the following states in the Americas: **Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Guyana, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, and the United States.**



...who has promoted collaborative university engagement throughout the Americas ...

Cavallaro pioneered the development of a university clinical consortium that brings together human rights centers from the Global South and the Global North to address human rights problems facing societies throughout the Americas. The North-South Consortium, which has involved the Universidad Diego Portales (Chile), Universidad de los Andes (Colombia) as well as Stanford (US) and Harvard(US), has addressed human rights promotion in Chile, Colombia and the United States.

Cavallaro, second from left, and colleagues at an international human rights event.

...who advocates for engagement by all parties...

Cavallaro recognizes that the Inter-American human rights system often achieves its objectives most effectively when it promotes engagement by all parties and consensus-based resolution.

Those engaged in the system, Cavallaro has written, *“must bear in mind that a final determination on the merits of a case by the Commission or the Court may not be the most effective tool for achieving justice, even in the individual case, as states may be more likely in some cases to enforce negotiated settlements than Commission or Court orders.”*

-James Cavallaro & Emily Schaffer, *Less as More: Rethinking Supranational Litigation of Economic and Social Rights in the Americas*, 56 *Hastings L.J.* 217 (2004-2005)

...a measured jurisprudence...

“Supranational litigation has been and will continue to be an important tool in the efforts to promote respect for economic, social, and cultural rights in the Americas. But it is merely one tool among many... If employed unwisely - indiscriminately, excessively, or without due consideration for non-legal factors that influence economic, social, and cultural rights - it carries the potential to produce more harm than good.”

-James Cavallaro & Emily Schaffer, *Less as More: Rethinking Supranational Litigation of Economic and Social Rights in the Americas*, 56 *Hastings L.J.* 217 (2004-2005)

...and robust economic development.

A fair and independent advocate for human rights...

...who understands the political context...

Professor Cavallaro has promoted human rights through engaged practice in a range of countries in the Americas and beyond, on many vital human rights issues. His work demonstrates an even-handed approach that seeks to promote human rights in diverse contexts, including both developing and developed states.

Some of his practical work involving the states of the Americas includes:

Defense of the Rights of Undocumented Immigrants, through Amicus Curiae to Inter-American Court on Advisory Opinion 18 (OC-18)

Defense of migrants against abuses by Border Patrol agents (Frontier Injustice: Human Rights Abuses Along U.S. Border with Mexico...)

US drone practice in counter-terrorism (“Living Under Drones: Death Injury and Trama to Civilians in Northwest Pakistan”)

Defense of the rights of adult prisoners in detention centers in Panama (“Del Portón para Acá se Acaban los Derechos Humanos”)

Representation of victims of the Bolivian gas wars in litigation in the United States against high level officials alleged to be responsible for harms suffered in September and October 2003 (Mamani v. Sanchez de Lozada, US federal court)

Advocacy in support of greater concern for human rights by the United Nations MINUSTAH mission (“Keeping the Peace in Haiti?”)

The bodies of the Inter-American human rights system “will be most effective when they understand the specific dynamics of change in a country or region... supranational [bodies] enhance their effectiveness to the extent that they recognize political realities on the ground and are able to tailor their decisions” to the circumstances.

-James Cavallaro & Stephanie Brewer, Reevaluating Human Rights Litigation in the Twenty-First Century: The Case of the Inter-American Court, 102 Am. J. Int'l L. 768 (2008).

School children in Grenada

... and the need for the Commission to tailor its approach to individual democratic states, focusing on advancing human rights through constructive dialogue.

“The now-democratic governments of Latin America are less likely than their predecessors to engage in blatant, targeted human rights violations (such as mass forced disappearances)”

-James Cavallaro & Stephanie Brewer, *Reevaluating Regional Human Rights Litigation in the Twenty-First Century: The Case of the Inter-American Court*, 102 Am. J. Int'l L. 768 (2008).

“[M]any complex human rights problems... [often] addressed separately by human rights and dispute resolution practitioners would benefit from a more integrated approach.”

-Stephan Sonnenberg and James L. Cavallaro, *Name, Shame, and Then Build Consensus? Bringing Conflict Resolution Skills to Human Rights*, 39 Wash. Univ. J. of Law & Policy 257 (2012)



Cavallaro leads a Harvard delegation to speak with a police official in Paraguay

Selected Publications

James L. Cavallaro, Legal Comment: How to Advocate Against Torture? Understanding and Countering the Dynamics of Support for Abusive Interrogation, in J. Hanson, ed. *Ideology, Psychology, and Law* (Oxford) (2012)

James L. Cavallaro and Fernando Delgado, The Paradox of Accountability in Brazil, in Vesselin Popovski and Monica Serrano (eds.) *After Oppression. Transitional Justice in Eastern Europe and Latin America*, Tokyo, UN University Press (2012)

Stephan Sonnenberg and James L. Cavallaro, Name, Shame, and Then Build Consensus? Bringing Conflict Resolution Skills to Human Rights, 39 *Wash. Univ. J. of Law & Policy* (2012)

James L. Cavallaro and Stephanie Erin Brewer, Reevaluating Regional Human Rights Litigation in the Twenty-First Century: the Case of the Inter-American Court, 102 *Am. J. Int'l. L.* (2008)

James L. Cavallaro and Sebastián Albuja, The Lost Agenda: Economic Crimes and Truth Commissions in Latin America and Beyond in K. McEvoy and L. McGregor (eds) *Transitional Justice From Below* (Hart/Oxford) (2008)

James L. Cavallaro and Stephanie Erin Brewer, Never Again?: The Legacy of the Argentine and Chilean Dictatorships for the Global Human Rights Regime, 39 *J. Interdisc. Hist.* 233 (2008)

James L. Cavallaro, Looking Backward to Address the Future?: Transitional Justice, Rising Crime and Nation-Building, 60 *Maine L. Rev.* 462 (2008)

James L. Cavallaro and Stephanie Erin Brewer, The Virtue of Following: The Role of Inter-American Litigation in Campaigns for Social Justice, 8 *Sur J. on Human Rts.* 85 (2008)

M. Minow, S.E. Brewer, J. Cavallaro, F. Delgado, Y. Lam & D. Popowski, Mobilizing Against the Military Commissions Act of 2006, 1 *Harv. L. & Pol. Rev.* (2006)

James L. Cavallaro and Emily Schaffer, Rejoinder: Justice Before Justiciability: Inter-American Litigation and Social Change, 39 *N.Y.U. J. Int'l L. & Pol.* 345 (2006)

James L. Cavallaro and Mohammad M. Mohamedou, Public Enemy Number Two: Rising Criminality and Challenges to Human Rights Defense in Transitional Societies, 18 *Harv. Hum. Rts. J.* 139 (2005)

James L. Cavallaro and Emily Schaffer, Less as More: Rethinking Supranational Litigation of Economic and Social Rights in the Americas, 56 *Hastings L. J.* 217 (2004)

James L. Cavallaro, Book Review: *Violence Workers: Police Torturers and Murderers Reconstruct Brazilian Atrocities*. By Martha K. Huggins, Mika Haritos-Fatouros and Philip G. Zimbardo (University of California Press, 2002), 43 *British J. Criminology* 817 (2003)

James L. Cavallaro, Toward Fair Play: A Decade of Transformation and Resistance in International Human Rights Advocacy in Brazil, 3 *U. Chi. J. Int'l. L.* 482 (2002)

Selected Academic Publications in Portuguese

James L. Cavallaro & Thamy Pogrebinschi, A Emergente Jurisprudência em Direitos Econômicos, Sociais e Culturais no Sistema Interamericano, (Emerging Jurisprudence in Economic, Social and Cultural Rights in the Inter-American System) in *Direitos Humanos, Globalização Econômica e Integração Regional*, Editora Max Limonad (2001)

James L. Cavallaro, Mortos e desaparecidos políticos: reparação necessária, (Disappeared and Politically Executed: Necessary Reparations”) in Janaina Teles, Editor, *Mortos e Desaparecidos Políticos: Reparação ou Impunidade?*, University of São Paulo Press (2000)

James L. Cavallaro & Saulo Carvalho, A situação carcerária no Brasil e a miséria acadêmica, (Prison Conditions and the lack of Prisons Literature), in Ney Fayet and Simone P. Miranda Corrêa, Editors, *A Sociedade, a Violência e o Direito Penal*, Porto Alegre, Editora Livraria do Advogado (2000)

Juán Méndez, José Miguel Vivanco and James L. Cavallaro, Apresentação, (Preface) in G. Dimenstein, *Democracia em Pedacos*, São Paulo, Companhia das Letras (1996)

Selected Human Rights Publications in Spanish

J. Cavallaro y Fernando Elizondo García, ¿Cómo establecer una Clínica de Derechos Humanos? Lecciones de los prejuicios y errores colectivos en las Américas, *Revista Jurídica de la Facultad Libre de Derecho de Monterrey* (2011)

J. Cavallaro, J. Kopas, Y. Lam, T. Mayhle, S. Villagra, *La Seguridad en Paraguay: La Seguridad en el Paraguay: Analisis y Respuestas en Perspectivas Comparadas*, Human Rights Program Practice Series/Harvard University Press (2008)

“In this critical period in its history, the Inter-American Commission on Human Rights must ensure continued engagement by all those involved in the system -- states, civil society and victims.”

-James Cavallaro, Candidate, 2014-2018
Inter-American Commission on Human
Rights



A full biography is available at:

<http://www.law.stanford.edu/profile/james-cavallaro>