

Editor's Note

Although gender-related concerns have long formed one component of the human rights discourse, recent global developments highlight just how integral these concerns are to the movement to expand human rights. Post-conflict nations such as Rwanda, Afghanistan, and Iraq have captured the world's attention as they struggle to rebuild their societies and to improve the status of women. More than twenty-five years after CEDAW and ten years after the Beijing Platform for Action, the international community continues to debate the best strategies for combating gender discrimination, especially as globalization generates new human rights concerns that impact women and men differently. Meanwhile, new justice mechanisms like the International Criminal Court and the Special Court for Sierra Leone are in a position to rely on more established understandings of gender relations or perhaps to chart more progressive paths.

In this spirit, we have dedicated the majority of Volume 18 to a multifaceted but by no means comprehensive exploration of recent developments involving gender and human rights. Hilary Charlesworth, professor of international law and human rights at the Australian National University, examines critically the project of "gender mainstreaming" in human rights institutions, especially the U.N., and argues that the project has often provided little more than rhetorical cover for a lack of substantive action in addressing gender issues. Jessica Neuwirth, president of the U.S.-based human rights group Equality Now, argues that despite the legally binding nature of state obligations under CEDAW, the Beijing Platform for Action has thus far been more effective in mobilizing public pressure to reform sex-discriminatory laws still in force around the world. Her sobering analysis highlights the substantial gap that persists between the rhetoric and reality of sex equality before the law.

Next, Valerie Oosterveld, legal officer for Foreign Affairs Canada, provides a behind-the-scenes account of the negotiations over the definition of gender in the Rome Statute of the International Criminal Court. She suggests that while the definition is a paradigmatic example of "constructive ambiguity" allowing for political compromise, critics should not thereby expect it to foreclose progressive action by the Court regarding gender-related crimes. Binaifer Nowrojee, counsel for Human Rights Watch Africa, reflects on her personal experiences at another justice institution, the Special Court for Sierra Leone. She strikes a cautiously optimistic note on the progress the Court has made in redressing the atrocities that Sierra Leonean women suffered during the nation's violent civil war.

As part of the Journal's tradition of publishing a diversity of outstanding scholarship, this volume includes three articles that examine pressing concerns in other areas of human rights. Ratna Kapur, director of the Centre for

Feminist Legal Research in New Delhi, provides a theoretical framework for understanding how new patterns and demands of transnational migration challenge outmoded concepts of sovereignty and citizenship. James Cavallo, clinical director for the Harvard Human Rights Program, and Mohammad-Mahmoud Ould Mohamedou, associate director of the Harvard Program on Humanitarian Policy and Conflict Research, coauthor a provocative piece that analyzes how rising crime and states' responses to that crime in transitional societies complicate the advocacy position of local human rights organizations. Robin Geiss, assistant editor of the *International Review of the Red Cross*, argues for the inclusion of new mechanisms that provide stronger humanitarian safeguards in the design of economic sanctions regimes.

Furthering our commitment to publishing exemplary student research, we are proud to include two student notes in this volume and a Recent Developments section. Drawing primarily on personal interviews, Chi Mgbako evaluates the Rwandan government's use of *ingando* solidarity camps to foster reconciliation in post-genocide Rwanda. She argues that for this project to succeed, it must reflect a commitment to promoting human rights rather than to suppressing independent thought. Theresa Lawson focuses on the particular human rights abuses experienced by female migrant workers from Guatemala and proposes ways in which sending countries can better protect women who travel abroad for work. Our Recent Developments section features four shorter student pieces on a range of topics: the Israeli-Palestinian barrier, the U.K.'s response to terrorism, the right to life under the European Convention on Human Rights, and violence against Sikhs in India.

We hope that Volume 18 contributes to the ongoing discourse on gender, justice, and other urgent concerns on the front line of the human rights movement.

—Karen Tseng and Jesse Tampio
Editors-in-Chief, Volume 18