

# TARA J. MELISH

525 John Lord O'Brian Hall, SUNY Buffalo Law School, Buffalo NY 14260 ♦ tmelish@buffalo.edu

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## CURRENT TEACHING AND PROFESSIONAL COMMITMENTS

### **SUNY Buffalo Law School, State University of New York**

*Professor of Law*, Aug. 2016–present

*Director, Human Rights Center*, 2009–present

*Associate Professor of Law*, 2009–2016

Courses: Public International Law; International Human Rights Law; Human Rights Cities; Comparative Economic, Social and Cultural Rights; Human Rights Research; Human Rights Lawyering

### **Global School on Socio-Economic Rights—Åbo Akademi University, Finland**

*Faculty*. 2008–present

Advanced Course on the Justiciability of Economic, Social and Cultural Rights

### **Academy on Human Rights and Humanitarian Law, American University College of Law**

*Faculty*: Advanced Course on Economic, Social and Cultural Rights

### **Disability Rights International**

*Legal Advisor (pro bono)*, 2007–present

Advise and draft strategic litigation initiatives before the inter-American human rights system involving rights abuses in Guatemala, Mexico and Paraguay; advise treaty ratification campaigns.

## EDUCATION

### **Yale Law School, J.D. 2000**

Activities: *Yale Human Rights and Development Law Journal*, Editor-in-Chief

*Yale Journal of International Law*, Book Reviews Editor; Editor

Honors: Ambrose Gherini Prize for Best Paper in the Field of International Law

### **Brown University, B.A., magna cum laude, Comparative Studies in Society and Development, 1996**

Honors: Honors Thesis selected for publication as one of four best in all fields at Brown

1996 Development Studies Prize (best work in Department)

1996 World Hunger Program Research Award (best work in Program)

1996 Community Leadership Award (Brown University)

Sarr Public Service Fellowship (Brown University)

Rotary “Service Above Self” Fellowship (four-year recipient)

Phi Beta Kappa

Foreign Study: Bolivia (Fall 1994); Kenya (Spring 1995) (School for International Training)

## PAST TEACHING EXPERIENCE

### **University of Notre Dame Law School**

*Visiting Assistant Professor of Law*. Spring 2009

Courses: Comparative Regional Human Rights Systems; Comparative Social Rights Jurisprudence

**George Washington University School of Law**

*Professorial Lecturer in Law*. Fall 2008

Courses: Human Rights Lawyering

**Oxford University**

*Professorial Lecturer in Law*, Summer 2008

Courses: Human Rights Advocacy and Dissemination

**University of Georgia School of Law**

*Visiting Assistant Professor of Law*. Spring 2008

Courses: Constitutional Law II and Torts.

**University of Virginia School of Law**

*Visiting Professor*. Fall 2006

Courses: International Litigation of Economic, Social and Cultural Rights (short course).

**St. Thomas University School of Law**

*Visiting Assistant Professor of Law* (J.D. Program). Spring/Fall 2002, Spring 2003

Courses: Constitutional Law I, Constitutional Law II, and Criminal Law.

*Visiting Faculty* (LL.M Program in Intercultural Human Rights): Spring 2002 to Fall 2006

Courses: Economic, Social and Cultural Rights; The African System of Human Rights Protection

**PUBLICATIONS:**

**BOOKS & EDITED VOLUMES**

ENFORCING HUMAN RIGHTS INDIVISIBILITY: BEYOND THE “SEPARATE BUT EQUAL” PARADIGM  
(under contract with Pennsylvania University Press, forthcoming) (~250 pp.)

*Special Symposium Issue on Implementing Truth and Reconciliation: Comparative Lessons for Korea*,  
19 BUFFALO HUMAN RIGHTS LAW REV. (2012-2013) (primary editor of book-length special issue,  
with M. Nathan & E. Meidinger) (315 pp.)

PROTECTING ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN THE INTER-AMERICAN HUMAN RIGHTS  
SYSTEM: A MANUAL ON PRESENTING CLAIMS (Yale Law School & CDES, 2002) (473 pp.)  
—Reviewed in 25 HUMAN RIGHTS QUARTERLY 1154 (2003) (describing book as “bold” and  
“meticulous,” with “richly-documented arguments and analysis”)

—Spanish edition, LA PROTECCIÓN DE LOS DERECHOS ECONÓMICOS, SOCIALES Y CULTURALES EN EL  
SISTEMA INTERAMERICANO DE DERECHOS HUMANOS: MANUAL PARA LA PRESENTACIÓN DE  
CASOS (Yale Law School & CDES, 2003) (526 pp.)

HUMAN RIGHTS TO FOOD IN GUATEMALA: FROM RHETORIC TO REALITY (Wayland Press, 1998)  
(206 pp.)

**JOURNAL ARTICLES & BOOK CHAPTERS**

*Putting “Human Rights” Back into the U.N. Guiding Principles on Business and Human Rights:  
Shifting Frames and Embedding Participation Rights*, in BUSINESS AND HUMAN RIGHTS:  
BEYOND THE END OF THE BEGINNING, ed. César Rodríguez-Garavito (Cambridge Univ. Press,  
2017), 21 pp.

- An Eye Toward Effective Enforcement: A Technical-Comparative Approach to the CRPD Drafting Negotiations*, in HUMAN RIGHTS & DISABILITY ADVOCACY, M. Sabatello & M. Schultz eds. (Penn. Press 2013), pp. 70-96
- Truth Commission Impact: A Participation-Based Implementation Agenda*, 19 BUFFALO HUMAN RIGHTS LAW REVIEW (2012-13), pp. 273-315
- Implementing Truth and Reconciliation: Comparative Lessons for the Republic of Korea*, 19 BUFFALO HUMAN RIGHTS LAW REVIEW (2012-13), pp. 1-71
- Justice Jackson's 1946 Nuremberg Reflections at Buffalo: An Introduction*, 60 BUFFALO LAW REVIEW (2012) (with Fred Konefsky), pp. 255-282
- Protect, Respect, Remedy and Participate: 'New Governance' Lessons for the Ruggie Framework*, in THE U.N. GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS: FOUNDATIONS AND IMPLEMENTATION, ed. Radu Mares (Martinus Nijhoff Publishers, 2011) (with Errol Meidinger), pp. 303-336
- The Inter-American Court of Human Rights: Beyond Progressivity*, in SOCIAL RIGHTS JURISPRUDENCE: EMERGING TRENDS IN COMPARATIVE AND INTERNATIONAL LAW, ed. M. Langford (Cambridge University Press, Spanish ed. 2011) (substantially updated version from first 2008 edition), 65 pp.
- Maximum Feasible Participation of the Poor: New Governance, New Accountability, and a 21st Century War on the Sources of Poverty*, 13 YALE HUMAN RIGHTS & DEVELOPMENT LAW JOURNAL (2010), pp. 1-134
- From Paradox to Subsidiarity: The United States and Human Rights Treaty Bodies*, 34 YALE JOURNAL OF INTERNATIONAL LAW (2009), pp. 389-462
- From Paradox to Subsidiarity: The United States and Human Rights Treaty Bodies*, in THE SWORD AND THE SCALES: THE UNITED STATES AND INTERNATIONAL COURTS AND TRIBUNALS, ed. Cesare Romano (Cambridge University Press, 2009) (modified version of YJIL article), pp. 210-296
- Introductory Note to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*, 48 INTERNATIONAL LEGAL MATERIALS (2009), pp. 256-261
- The Inter-American Court of Human Rights: Beyond Progressivity*, in SOCIAL RIGHTS JURISPRUDENCE: EMERGING TRENDS IN COMPARATIVE AND INTERNATIONAL LAW, Malcolm Langford ed. (Cambridge University Press, 2008), pp. 372-408
- The Inter-American Commission on Human Rights: Defending Social Rights through Case-based Petitions*, in SOCIAL RIGHTS JURISPRUDENCE: EMERGING TRENDS IN COMPARATIVE AND INTERNATIONAL LAW, Malcolm Langford ed. (Cambridge University Press, 2008), pp. 339-371
- Hacia La Protección Efectiva de los Derechos Sociales: La Jurisprudencia de la Corte Interamericana de Derechos Humanos*, en LOS DERECHOS ECONÓMICOS, SOCIALES Y CULTURALES EN LAS AMERICAS (United Nations OHCHR & ECLAC, 2008), 27 pp.
- The U.N. Disability Convention: Historic Process, Strong Prospects and Why the U.S. Should Ratify*, 14(2) HUM. RTS. BRIEF (2007), pp. 37-47  
 —reprinted in DISABILITY DISCRIMINATION (Amicus Books, 2009)  
 —reprinted in U.N. CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES: SIGNIFICANCE AND RELEVANCE (Amicus Books, 2009)

*Rethinking the “Less as More” Thesis: Supranational Litigation of Economic, Social and Cultural Rights in the Americas*, 39 NYU JOURNAL OF INTERNATIONAL LAW & POLITICS (2006), pp. 171-343

—excerpted in HUMAN RIGHTS (Henkin, Cleveland, Helfer, Neuman, Orentlicher eds. 2009) *Counter-Rejoinder. Justice vs. Justiciability? Normative Neutrality and Technical Precision, The Role of the Lawyer in Supranational Social Rights Litigation*, 39 NYU JOURNAL OF INTERNATIONAL LAW & POLITICS 385 (2006), pp. 385-415

“Positive” Obligations in the Inter-American Human Rights System, 15 INTERRIGHTS BULL. (2006) (with Ana Aliverti), pp. 120-122.

*A Pyrrhic Victory for Peru’s Pensioners: Pensions, Property and the Perversion of Progressivity*, I CEJIL REVISTA (2005), pp. 51-66

*El Litigio Supranacional de los Derechos Económicos, Sociales y Culturales: Avances y Retrocesos en el Sistema Interamericano*, in LOS DERECHOS ECONÓMICOS, SOCIALES Y CULTURALES (2005), pp. 173-219

#### **SHORT PIECES**

Preface, in DISABILITY RIGHTS CASES IN NEPAL (2014) (with Daniela Ikawa)

#### **IN PROGRESS**

*Book Review – Beyond Human Rights: The Legal Status of the Individual in International Law by Anne Peters*, American Journal of International Law (invited for 2019)

*An Historical Introduction to the Convention*, in THE U.N. CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES: AN ARTICLE-BY-ARTICLE COMMENTARY, eds. Ilias Bantekas, Michael Stein & Dimitris Anastasiou (Oxford Univ. Press, forthcoming)

“Human Rights Assessment Standards”

“From Monuments to Ladders: The Limits of Social Rights Typologies”

“Reclaiming Narratives: Framing Social Rights in the United States”

“Three Tales of the International Human Rights Movement”

“Participatory Instrumentalism: How Human Rights Law Succeeds”

“Constructing Regional Rights Norms: Interpretive Principles in the Inter-American Human Rights System”

#### **PROFESSIONAL RESEARCH AWARDS AND FELLOWSHIP SUPPORT**

**John D. and Catherine T. MacArthur Foundation Award.** 2005–2006 recipient of research and writing grant from the MacArthur Foundation: “Ensuring Economic, Social and Cultural Rights in Resource-Limited, Technologically Changing Contexts.”

**Robert L. Bernstein Fellowship, Yale Law School.** 2004–2005. To pursue litigation and research in the field of economic, social and cultural rights at the Center for Justice and International Law.

**Fulbright Scholarship,** 1996–1997. To work on border-area food security issues in Central America.

## PROFESSIONAL EXPERIENCE

### **Disability Rights International (DRI)**

*United Nations Representative* (2005–2007); *Legal Advisor* (2007–present). Represent DRI policy positions in the drafting negotiations of the UN Convention on the Rights of Persons with Disabilities, through proposal drafting, State-by-State lobbying, and article-by-article oral interventions. Advise DRI on litigation and lobbying initiatives, both internationally and domestically.

### **Center for Justice and International Law (CEJIL), Washington D.C.**

*Legal Advisor* (2004–2011); *Staff Attorney / Bernstein Fellow* (2003–2004).

Litigate cases before the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, represent victims, petition for precautionary and provisional measures.

### **George Washington University School of Law**

*Visiting Scholar* (2006–2007; Fall 2008). Complete research and writing projects, while providing external support to variety of non-profit, public-interest entities, including the Norwegian Research Council, the Irish Participation and the Practice of Rights Project, the U.S. Human Rights Network and its members, the Poor People’s Economic Human Rights Campaign, and the Consumer Rights Organization of Chile.

### **United Nations Secretariat, Department of Economic and Social Affairs**

*Associate Social Affairs Officer* (2004–2005). Prepare direct support materials, including session reports, summaries, and background papers on comparative disability law and human rights standards, for the UN Ad Hoc Committee charged with drafting the UN Convention on the Rights of Persons with Disabilities.

### **The Honorable James R. Browning, U.S. Court of Appeals for the Ninth Circuit, San Francisco**

*Law Clerk* (2000–2001).

### **Orville H. Schell, Jr. Center for International Human Rights, Yale Law School**

*Student Director* (1998–1999). Organize events, panels and debates on current issues in international law.

### **Land Claims Court of South Africa, Johannesburg, South Africa**

*Court Clerk* (May–July 1998). Assist Court in researching claims of unjust land dispossession under apartheid laws.

### **Centre for the Study of Violence and Reconciliation, South Africa (July–Aug 1998)**

*Research Associate* (July–Aug 1998). Prepare report on 1998 National Poverty Hearings, in which over 10,000 poor South Africans testified publicly on the socio-economic legacy of apartheid, complementing mandate of Truth and Reconciliation Commission.

### **Institute of Nutrition for Central America and Panama (INCAP), Guatemala**

*Research Associate* (1996–1997). Work in human rights education, community organizing, and development project consultation with local border communities of Guatemala, El Salvador and Honduras in regional border-integration initiative. Conducted research on basic food rights, monitoring government fulfillment of state obligations under national, regional and international law.

### **World Hunger Program, Brown University, Providence, R.I.**

*Researcher* (1995–1996). Investigate local food security issues in Central America and among Central American immigrants in R.I.

## ACADEMIC PRESENTATIONS, EXPERTS WORKSHOPS, TRAININGS, FIELD MISSIONS

### Most recent/relevant:

“Economic, Social and Cultural Rights: Grappling with Inequality,” Invited Panelist, Human Rights and the Politics of Solidarity: A Conference in Honor of Wiktor Osiatyński, University of Connecticut, Storrs, April 4-5, 2019

La Protección de los DESC: Desafíos para el Sistema Interamericana de Derechos Humanos,” Tercer Encuentro Internacional de Especialistas y Redes del SIDH, 22-23 octubre 2018, Instituto de Investigaciones Jurídicas, Universidad Nacional Autónoma de México (UNAM)

“El Comité DESC y el Derecho a la Vivienda,” Diálogos de Jurisprudencia Internacional, 25 julio 2018, Universidad Externado de Colombia, Bogotá.

“Solidarity: Sustaining the Struggle for Human Rights in a Fractured World,” Panel Moderator: Culture and Change, Robert L. Bernstein Human Rights Symposium, Yale Law School, April 13, 2018

“The Cost of Global Human Rights Activism,” Invited Speaker, Community Conversations – Human Rights and Activisms: Global and Local Struggles, UB School of Social Work, March 15, 2018

“Recientes Desarrollos en la Jurisprudencia de la Corte Interamericana en materia de justiciabilidad de los DESC,” Panel en paralelo al 167 Período de Sesiones de la Comisión Interamericana de Derechos Humanos, Universidad Externado de Colombia, Bogotá, Colombia, March 2, 2018 (en español)

“Economic and Social Rights,” Invited Speaker, Sir Nigel Rodley Human Rights Conference, Urban Morgan Institute for Human Rights, University of Cincinnati College of Law, October 29, 2017

“Counterterrorism, Electoral Politics, and Human Rights,” Invited Chair, Alison Des Forges International Symposium, University at Buffalo, April 27, 2017

“A CEDAW Ordinance for Buffalo,” Invited Speaker, Women’s Bar Association of Western New York, Legislative Committee, April 6, 2017

“A CEDAW Ordinance for Buffalo,” Invited Speaker, Erie County Bar Association, Human Rights Committee, April 5, 2017

“On Indivisibility and Social Rights Enforcement: Beyond the ‘Separate but Equal’ Paradigm,” University of Cincinnati, March 29, 2017

“Honor, Systems of Masculinity, and Violence against Women: Responses and Solutions – Legal Systems and Interventions,” Invited panelist, UB Gender Institute, University at Buffalo, October 28, 2016

“NGOs and Human Rights,” Invited panelist, Dr. Claude Welch Retirement Celebration: Human Rights 1939-2016, University at Buffalo, April 29, 2016

“The Future of Economic and Social Rights,” Invited panelist, Boston College of Law, April 19-20, 2016

“Human Rights Cities,” Moderator, American Society of International Law, Annual Meeting, Washington D.C., April 1, 2016.

“Sixth Consultation on the Situation of Economic, Social and Cultural Rights: United States and Canada,”  
Invited panelist, ESCR Unit, Inter-American Commission on Human Rights, Washington D.C.,  
January 27, 2016

## **OTHER INTERNATIONAL TEACHING CONSULTANCIES**

**International Legislative Drafting Institute**, Georgetown Law Center, June 2007, sponsored by the Public Law Center at Tulane School of Law. Train delegates from eight countries on how to draft national implementing legislation for UN Convention on the Rights of Persons with Disabilities.

**Second International Training Course for South American Human Rights Lawyers**, Caracas, Venezuela, Nov. 2004. Academic coordinator and lecturer in two-week training program for lawyers from Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, and Venezuela, entitled “Strengthening the Protection of the Rights to Health and Education in the Inter-American Human Rights System.” Lectured on precautionary and provisional measures, the rules of legal standing, case-framing strategies, and emerging issues in indigenous rights cases.

**Regional Training Course for Southern African Countries**, Harare, Zimbabwe, Sept. 2004. Expert lecturer in three-week program entitled “Economic, Social and Cultural Rights Course for Southern Africa,” organized by the Human Rights Trust of Southern Africa (SAHRIT). Taught courses on human rights instruments, social rights thematic issues, regional and universal protection systems, monitoring and enforcement strategies, minorities and indigenous rights, and the right to health.

**Regional Training Course for East African Countries**, Nairobi, Kenya, Aug.-Sept. 2004. Expert lecturer in two-week course entitled “East African Programme on the Equal Status and Human Rights of Women,” organized by the Nairobi-based Education Centre for Women in Democracy, for participants from Ethiopia, Kenya, Rwanda, Tanzania, and Uganda. Taught courses on the UN system, international social rights jurisprudence, regional systems, presentation of state reports to the CEDAW Committee, and CEDAW’s impacts in Latin America.

**Universidad Peruana Cayetano Heredia, Faculty of Public Health and Administration**, Lima, Peru, Aug. 2004. Invited lecturer in University’s International Diploma on the Human Right to Health. Taught one-week course “The Justiciability of the Right to Health,” presenting lectures (in Spanish) on the inter-American system, strategies for protecting the right to health under the American Convention, and comparative adjudication of the right to health in Peru and other Latin American countries.

**International Training Course for South American Human Rights Lawyers**, Buenos Aires, Argentina, May 2003. Invited expert in program “Fortaleciendo la protección del derecho a la educación y del derecho a la salud mediante el uso del sistema interamericano,” sponsored by the Raoul Wallenberg Institute and CEJIL. Presented lectures (in Spanish) on establishing state responsibility for human rights violations in the regional system and litigating under the “integration approach.”

## **PROFESSIONAL PROBONO ACTIVITIES AND BAR MEMBERSHIP**

- Invited Member, Scientific Steering Committee of the European Horizon 2020 ValUEs Project – “EU as a Value-Based Global Actor: Bridging the Gap between Ethical Power and Market Power in Europe” (composed of leading experts in the subject areas most relevant to the *ValUEs* Project, with aim of ensuring the scientific soundness and relevance of the Project and its outcomes).
- American Society of International Law (ASIL)

- Program Committee Member, 2013 Annual Meeting
- Advisory Board Member, International Courts and Tribunals Interest Group
- ASIL Cables contributor
- Open Buffalo, Emerging Leaders Program, trainer and mentor
- Participatory Budgeting Steering Committee (Buffalo)
- Cities for CEDAW Buffalo, Steering Committee Convener
- Scholars Board, ActionSpeaks Radio Program
- Strategic Litigation Working Group of the International Network on Economic, Social and Cultural Rights (ESCR-Net)
- Bringing Human Rights Home Lawyers' Network (BHRHLN)
- HURAH (Human Rights at Home) State and Local Implementation Sub-Committee
- Advisory Group to the American Constitution Society for a proposed Blueprint on Human Rights in the United States (preparing recommendations for a new Administration), 2008-2009
- ABA Committee on the American Convention on Human Rights (preparing recommendations on U.S. ratification for a new Administration)
- Chair, Working Group on Domestic Implementation of CERD Treaty Obligations, U.S. Human Rights Network (principal drafter of U.S. shadow report chapter on domestic implementation)
- Admitted to practice in New York and Massachusetts

#### **SUNY COMMITTEE WORK**

- Committee on Committees, 2014-2015
- Academic Program Planning Committee (APPC), 2014-present
- Curricular Reform Committee, 2013-2014
- Appointments Committee, 2011-2013
- (University-wide) Faculty Liaison Committee, UB2020 Strategic Planning Process, 2012-2013
- Mitchell Lecture Committee, 2009-2012
- International Programs Committee, 2009-2010, 2015-16
- Law School Survey of Student Engagement (LSSSE) Committee, 2010-2012
- Vision and Mission Committee, 2011-2014
- Orientation Committee, 2012-2014
- Pro Bono Scholars Committee, 2018-2019

#### **HUMAN RIGHTS ACCOMPANIMENT WORK**

- National Coordination of Guatemalan Widows (CONAVIGUA) (Guatemala, May-July 1994)
- Resettlement of Guatemalan Refugees from Mexico (Chiapas/Guatemala Nov. 1991)
- Witness for Peace (1990-93) (annual fact-finding delegations to Guatemala and Nicaragua)