Advocacy at the UN

By Connie de la Vega

Ten students participated in the University of San Francisco’s Frank C. Newman International Human Rights Law Clinic during the Spring 2014 semester, representing Human Rights Advocates at the meetings of two UN human rights bodies. Three Edith Coliver Interns attended the 58th session of the UN Commission on the Status of Women (CSW) in New York and seven Frank C. Newman Interns attended the 25th session of the Human Rights Council (HRC) in Geneva, Switzerland. Students who went to Geneva also participated in the Human Rights Committee’s review of the U.S. report. Two of the members of the HRA delegation were LLM students at USF – one from Saudi Arabia and one from India.

The Edith Coliver Interns were supervised at the CSW session by Patience Tusingwire, a former Edith Coliver Intern and USF LLM Alum originally from Uganda. Much of the construction at the UN in New York had been completed which facilitated the participation of the NGOs this session. One of the Interns was able to make an oral statement. HRA’s written statement was prepared by Kendall Kozai during the Fall semester. (“Education as a means to advance gender equality in the post-2015 development frame-
to liberty and security of person and freedom from arbitrary arrest and detention. The response urges the Human Rights Committee to consider the violations of the right to be free from arbitrary arrest that result from having private companies run prisons.

The HRC adopted 38 resolutions and 17 decisions. Twenty-four passed by consensus on issues such as: right to food (Res. 25/14), counterterrorism (Res. 25/7), realization of economic, social, and cultural rights (Res. 25/11), the mandate on torture (Res. 25/13), mandate on the right to housing, cultural rights (Res. 25/19), human rights and the environment (Res.25/21), and access to justice for children (Res. 25/6). The U.S. was the sole country to dissent on a number of resolutions, including the right of Palestinian people to self-determination (25/27 adopted by a vote of 46-1-0), settlements in Occupied Palestinian Territories (25/28 adopted by a vote of 46-1-0), and human rights in the Occupied Palestinian Territory (25/29 adopted by a vote of 46-1-0). The U.S. was also the only country to vote no on the resolution on the integrity of the judicial system (24/4 which was adopted by a vote of 27-1-19). The focus of the resolution was on the report on military tribunals so the U.S. vote was not surprising.

There were a number of other contentious resolutions including many on specific countries such as Syria (Res. 25/23 adopted by a vote of 32-4-11), Iran (Res. 25/24 adopted by a vote of 21-9-16), and the Democratic Peoples’ Republic of Korea (Res. 25/25 adopted by a vote of 30-6-11). A few country resolutions did pass by consensus such as those on Myanmar (Res. 22/14), Guinea (Res. 25/36), and Libya (Res.25/37). The latter two addressed technical assistance to those countries. Contentious substantive resolutions included one on the promotion of a democratic, equitable international order (Res. 25/15 adopted by a vote of 30-14-3), the mandate on the effects of foreign debt (Res. 25/16 adopted by a vote of 30-14-3), and drones (adopted by a vote of 27-6-14). The HRC resolutions and decisions can be found at: http://www.ohchr.org by going to Human Rights Bodies, Human Rights Council, Documents, Resolutions, 25th session. The HRA written statements can be found at the same web site under Documents. All the student reports are available at the HRA website: http://www.humanrightsadvocates.org/advocacy-at-the-un/).

---

UN COMMISSION ON THE STATUS OF WOMEN
58TH SESSION, NEW YORK

Promoting Equal Access to Rights and a Consistent Gender Perspective: Best Practices for Eradicating Poverty and Extreme Hunger

By Bridget Engle

As a member of the Frank C. Newman International Human Rights Clinic, I had both the honor and privilege of attending the 58th session of the Commission on the Status Women, which took place at the UN Headquarters in New York City during March 2014. As the anticipation, nerves, and excitement of this life-changing opportunity accrued, rest assured that substantial preparation took place during the months leading up to the session. Many hours of research, writing, and consultation with clinic director and
Human Rights Advocates co-founder, Professor Connie de la Vega, collectively enabled me to produce a report that would ultimately become my advocacy tool at the CSW. Before diving into the details of this extraordinary experience, I’d like to share a small piece of the topic I chose to explore, and in so doing, the vital information I learned about protecting women’s rights.

In the year 2000, the United Nations General Assembly adopted the Millennium Declaration, a powerful and detailed statement that reiterates the importance of an international commitment to human rights (UN General Assembly, United Nations Millennium Declaration, A/RES/55/2, 18 September 2000). Following this historic moment, world leaders and experts engaged in an enlightened discourse that led to the manifestation of the Millennium Development Goals (MDGs) (available at http://www.un.org/millenniumgoals/). These eight goals were meant to be the “road map for implementing the Millennium Declaration.” (UN Women in collaboration with ECLAC, Report of the Expert Group Meeting on Structural and Policy Constraints in Achieving the MDGs for Women and Girls, EDM/MDG/2013/REPORT, Mexico City, Oct. 2013).

Unfortunately, despite an impressive political will to generate change, the MDGs themselves fell short of capturing the necessary means to achieve binary ends. For example, MDG #1 seeks to “eradicate poverty and extreme hunger.” This leads me to the focus of my own report. My research informed me that despite some achievements, the global fight against poverty has experienced serious shortcomings, in part because of the failure of poverty rates and reduction strategies to consistently incorporate a gender perspective (see Report of the Expert Group Meeting, supra). In my report, I advocated for ways in which the international community might address those shortcomings moving forward.

To give an example, one issue I chose to explore proved to be pervasive throughout the dialogue at the CSW, which is the trend of “unpaid care work.” Unpaid care work includes but is not limited to cooking, cleaning, and caring for children and the elderly (United Nations Statistics Division, The World’s Women 2010, available at http://unstats.un.org/). Women often receive the brunt of this work, a trend that consistently remains overlooked and undervalued. The Office of the High Commissioner for Human Rights reported in 2013 that if the unpaid care work of women worldwide were given a monetary value, it would constitute between 10 and 39% of GDP (OHCHR, Unpaid work, poverty, and women’s human rights, available at http://www.ohchr.org/EN/Issues/Poverty/Pages/UnpaidWork.aspx). This burden is exacerbated by the fact that it hinders the opportunity of women to engage in work that is given a monetary value. In order to avoid contravening principles of equality that are engrained in international law, I advocated that States must be conscious of ways to reduce and redistribute this work so as to better promote their commitments to gender equality.

Regarding my actual participation at the CSW, it turns out that my time there was not only about advocacy for gender equality. Rather, an experience of learning, introspection, and cascading emotions occurred during those truly unforgettable two weeks. First and foremost, I was extremely encouraged to learn that most, if not all, UN member States actually care about promoting women’s rights. Moreover, there seemed to be a consensus that the achievement of gender equality is a necessary condition to sustainable development (for the definition of “sustainable development,” see http://www.iisd.org/sd/). In light of the immense challenges the global fight for gender equality faces, this consensus is not only promising, but is necessary to maintaining the political will to sustain that fight. Despite the enormous hurdles that lay ahead for women and girls around the globe, being at the CSW demonstrated that there are individuals everywhere who are committed to seeing this long-fought battle all the way through.

Now I have a much better understanding of the landscape of the gender equality movement after contributing to the international dialogue. However, despite my attempts to lobby delegates to incorporate stronger language into the Agreed Conclusions (unedited, advanced version of the Agreed Conclusions of the 58th session, available at http://www.unwomen.org/~/media/Headquarters/Attachments/Sections/CSW/58/CSW58-agreedconclusions-advanceduneditedversion.pdf), which is the principle outcome of each CSW session, at times I found myself feeling like a needle in a haystack alongside the thousands of other NGO representatives just as enthusiastically promoting their causes.

In the final analysis, futile efforts to advocate my own recommendations did not leave me feeling that my presence at the CSW was fruitless. Rather, having the opportunity to engage in the international discourse on women’s empowerment was an experience that is without comparison. Upon personal reflection after leaving the CSW, I began to realize that being an advocate for anything is not only about individual efforts, but is about strengthening a group of individuals...
to generate a very loud voice. I view my own efforts at the CSW as a puzzle piece, and the thousands of others in attendance together as the completion of the puzzle. Without my part, the puzzle itself would have been a little bit weaker, and the voice of the group a little bit softer. That piece of the puzzle not only gave me my most memorable experience as a USF law student. It proved to be a catalyst for my continued interest in the challenging, rewarding journey of human rights advocacy, which I now view as a lifelong commitment.

The United Nations: A Reflection in Activism

By Catherine Tran

The Millennium Development Goals are international development goals that were established in 2000 following the Millennium Summit of the United Nations. The theme of the 58th session of Commission on the Status of Women was to discuss the challenges and achievements in furtherance of those goals. (See United Nations Women, Commission on the Status of Women: 58th Session, http://www.unwomen.org/en/csw/csw58-2014).

My report for this year’s CSW conference was achieving the Millennium Development Goals (MDGs) through a rights-based approach to combatting human trafficking. Women have historically, and continue to be, underappreciated members of society. Since access to employment and education are both rights, I asserted that a system that provides for and promotes these rights for women and girls would inevitably help reduce the number of human-trafficking victims.

Increasing employment opportunities will help eradicate poverty and hunger, a Millennium Development Goal. Providing equal access to education will help promote gender equality, empower women, and achieve universal primary education, also a MDG. Girls and women with a greater knowledge of the world and themselves will contribute to improving maternal health and reduce child mortality, more MDGs. It is clear then that the rights-based approach to combat trafficking is a step in the right direction that also satisfies many MDGs.

After the research, came the advocacy. Being at the UN was a humbling experience to say the least. A crossroads of beliefs, cultures, and languages, I remember having to take it all in the first time I wandered into the General Assembly Hall. This leads me into one of the more important aspects of my personal experience. I felt it was very useful to be present in the General Assembly Hall. It was there that I familiarized myself with faces and was able to literally catch delegates on their way out. After attending side events on human trafficking, I was able to return to the room and find the delegates of the country that I wanted to speak with. Alternatively, for side events that were closed due to reaching seating capacity in the meeting room, I was still able to track down delegates from the country that had sponsored the event, there in the General Assembly Hall. It was there that I befriended a few delegates, who in turn introduced me to other delegates - all of whom gladly took my report and briefly described the anti-trafficking policies they have implemented in their respective countries. The panels were also held in that room so there was generally a lot of interest and traffic around the area.

Next, I would like to also emphasize how comforting it was to know that there is an annual meeting dedicated to women and girls’ rights. Going from room to room for events on human trafficking, I realized I should take advantage of the other topical events that were being held. So I joined the large number of other NGO delegates learning about issues such as what women bring to sustainable living, the role of men and boys in contributing to the achievement of gender equality, domestic violence, unpaid care work, and child marriages. Not only was I there as an advocate against human trafficking, I also listened and learned, viewing the CSW session as a vehicle to bring people together, to spread ideas, and gain some insight on a number of human rights issues.

In the time since the CSW session has ended, the final text of the Agreed Conclusions has been published. I found that whether or not language can be attributed to my efforts, there is language concerning human trafficking in them. The Conclusions, in its relevant part asked its member countries to “Strengthen bilateral, regional, and international cooperation for the full and effective implementation of the UN Convention on Transnational Organized Crime and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in persons, especially Women and Children...and take appropriate measures to raise public awareness of the issue of trafficking; to review and adopt laws, regulations and penalties necessary to deal with this issue and publicize them to emphasize that trafficking is a serious crime,” so on and so forth. (see Agreed

In the end, attending the annual CSW session gave me insight into what life as an activist would look like and I am forever honored and grateful that HRA gave me the opportunity to be at the United Nations. I fulfilled a life dream.

The Political Participation of Women As a Means for Meeting the MDGs

By Areej Alharbi

As a student at University of San Francisco School of Law, I had the chance to participate in the Frank C. Newman International Human Rights Law Clinic, which gives law students the chance to work in the United Nations Headquarters in New York and Geneva, Switzerland, as a human rights advocate. I participated at the 58th Session of the Commission on the Status of Women in New York.

As part of the Clinic I had to write a report advocating a human right. I chose female political participation. In my report I concluded that quotas, that grant a specific percentage of women's political participation, constitute only one method for achieving that goal. The process of setting quotas has to be done in conjunction with national and UN programs, along with pressure from women's groups to effectively support the political participation of women. This idea is what I spoke about with delegates at the United Nations. This article will go over what I covered in my report and then my experience going to the United Nations.

The 3rd goal of The United Nation's Millennium Development Goals (MDGs) which promotes gender equality and empowerment of women is where I started the journey of advocating women political participation. Regardless of what progress that has been made in women's political participation, as of June 2013 only eight women were serving as Heads of State and thirteen as Heads of Government. Some of the arguments against the use of quotas are that many women do not want to get elected just because they are women and that quotas go against the principal of equal opportunity for all, since women are given preference. Therefore, I pointed out in my report that by implementing these programs (under MDG 3) to train women to have the leadership skills they need to participate in the political arena, they would get the chance to participate without the need of the quotas. While conducting research for my report I found that NGOs play an important role in empowering human rights by creating public awareness and sharing their knowledge of human rights, as well as by providing education and training programs.

Education was the highlight of my experience in attending the 58th session of the Commission on the Status of Women. By that I mean, first, the amount of knowledge I gained attending the events organized by the UN and NGOs during those 2 weeks. Even though my topic was political participation, I had a chance to attend events about different topics such as the right to housing, human trafficking, and reproductive rights. I have learned a lot about the progress made and what more can be done to help to make the world a better place. Second, by going to these events I noticed that the solution to implement, promote and protect human rights was education. Luckily, this was related to the thesis of my report, which emphasized the importance of educating women and teaching them the appropriate skills to increase their political participation. Moreover, when communicating with these delegates, who were so humble and reachable, I found out that everyone in the United Nations – regardless of who they are, cares about the same issues and the same human rights that are being violated around the world.

Finally, the main goal of going to the UN was trying to add some language supporting the right we are advocating – in my case the right to political participation, to the Agreed Conclusions of the 58th session. Chasing government delegates to give them copies of my report was the way to achieve that goal. Most importantly, despite the fact that it was hard as NGOs to add language to the Agreed Conclusions, I hope that I helped to educate delegates about the importance of women's political participation and that they would then use this knowledge to benefit women in the future.

Last, but not least, I really appreciate having had the opportunity to be a part of this journey, in which I have gained so many experience in life and in working as a human rights advocate. For that I thank Human Rights Advocates for allowing me to be part of it, and, more specifically Professor de la Vega, who has been a great mentor throughout this experience.
Mega-Events and the Right to Housing

By Robin A. Sheehan

The issue I raised on behalf of Human Rights Advocates at the 25th Session of the Human Rights Council was the right to housing during mega-events, such as the FIFA World Cup and Olympics. I thought that this issue was timely in light of the Winter Olympics in Sochi and the upcoming FIFA World Cup and Olympics in Brazil. The right to housing is enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights, and this right has been violated in almost every Olympic and FIFA event since the 1980s.


I advocated that the needs of low-income communities must be considered in the planning, preparation, and follow-up procedures of mega-events. Host cities and countries attempt to eliminate signs of poverty in their cities in preparation for these events by removing slum settlements and other forms of low-income housing, resulting in mass displacements of low-income communities. These violations of housing rights disproportionately affect low-income individuals and other marginalized communities. (Report of the Special Rapporteur on adequate housing as a of the right to an adequate standard of living, and on the right to non-component discrimination in this context, Raquel Rolnik, A/HRC/13/20, (December 2009), at 4, (hereinafter “Report of the Special Rapporteur on adequate housing, A/HRC/13/20”)).

Forced evictions, increases in housing prices, reductions in low income housing, and polices criminalizing homelessness frequently occur during mega-events. In preparation for the 2008 Beijing Olympics approximately 1.5 million people, primarily low-income individuals, were evicted. (Lucy Amis, Striving for Excellence: Mega-Sporting Events and Human Rights, Institute for Human Rights and Business (“IHRB”), October 2013, at 2, available at http://www.ihrb.org/pdf/2013-10-21_IHRB_Mega-Sporting-Events-Paper_Web.pdf (hereinafter “Lucy Amis, IHRB”)). Also, prior to the 2012 London Olympics, housing costs skyrocketed near the event site; while a building providing low-income housing located on the event site was demolished. Id. at 10. During the 1996 Atlanta Olympics, approximately 9,000 homeless people were issued arrest citations after the city enacted the Quality of Life Ordinance that criminalized sleeping in derelict buildings and begging. Report of the Special Rapporteur on adequate housing, A/HRC/13/20 at 10. These violations further marginalize low-income communities by forcing them out of city centers and away from jobs, schools, and public transportation. Id. at 6-9

Advocating for this issue taught me the distinction between international and domestic advocacy. In law school, we are taught to fight for our clients and put our strongest argument forward. This requires using the facts most favorable to our client and making the best argument for the client’s case to win support of the judge or jury. During my time in Geneva, I had to learn how to put this instinct aside and approach my advocacy in a more diplomatic way. Instead of persuading a judge or jury, we were trying to persuade government delegates about our positions, which sometimes required not presenting the strongest argument in support of the issue. I felt that my strongest argument was demonstrating that the right to housing had been violated consistently in every mega-event since the 1980s by using examples of violations in former host cities and countries, such as China, South Africa, Brazil, the US, and the UK. However, I had to consider the fact that these countries were all voting members of the Human Rights Council.

Therefore, using host-city examples was not the best method of winning support for my cause, and it was better to modify my arguments by making general statements instead of using specific examples. Instead of saying that “there are reports of violations of the right to housing in preparation for the Sochi Olympic games
and the World Cup in Brazil,” I said “there have been reports of violations of the right to housing in several recent and upcoming mega-events.” I felt that this was an effective method and I accomplished the goal of raising awareness of this issue.

In the final analysis, I felt that my time in Geneva was successful, even though we did not get the specific language I wanted into the new resolution due to the fact that this year was a renewal of the mandate and states did not want to use specific language regarding mega-events. Many of the delegates received copies of my report, which is available on the Human Rights Council website. I also spoke with the Special Rapporteur on the right to adequate housing at several of the side events. The Special Rapporteur remembered my oral statement and brought up the mega-event issue in her discussions in the side events held during the Council.


Promoting the Right to Food Through Food Sovereignty

By Ankit Prakash

I was fortunate to be one of the Clinic LLM students selected to represent Human Rights Advocates at the United Nations Human Rights Council, 25th session in Geneva during March 2014. I had the opportunity to advocate in support of promoting the right to food through food sovereignty. The report that I submitted before the interactive panel discussed the ability of people to control their own food and agricultural systems and how genetically modified crops undermine food sovereignty by forcing farmers to rely on corporations that supply genetically modified seeds. The U.N. Food & Agricultural Organization reported that one in eight people in the world suffered from undernourishment between 2010 and 2012. Global food insecurity persists because food production and distribution do not meet the needs of the world’s population.

Genetically-modified crops may increase production in some cases; however, it is not the best method to do so. (See Dr. Vandana Shiva, Debbie Barker and Wender Berry, The Emperor Has No Clothes: Global Citizens Report on GMOs, available at http://www.navdanya.org/attachments/Latest_Publications8.pdf). The United States Department of Agriculture and other sources have stated that crop yields are significantly less than reported by a prominent agricultural corporation. (See GM Crops – Just the Science, Non-GMO Project, available at http://www.nongmoproject.org/wp-content/uploads/2009/07/GM-Crops-just-the-science.pdf). Moreover, independent studies on rats indicate that genetically-modified crops can lead to harmful side effects, such as increases in liver size. In addition, these methods undermine people’s control of their own means of food production without relying on large agricultural corporations. All this was argued in HRA written statement to the United Nations Human Rights Council (See Promoting right to food through food sovereignty, A/HRC/25/112).

My dream to work for the United Nations and serving the world, took its first step by being the part of the International Human Rights Clinic. While attending the Council session I got the opportunity to work and discuss my report with the High Commissioner of India, various country delegates, and NGOs from different parts of the world. Participating in the Session helped me to become familiar with and aware about different human rights violations in different parts of the world. Unfortunately, the language we proposed was not accepted, but the initial draft went through very significant changes that strengthen the resolution before it passed by consensus. (See Resolution on right to food, A/HRC/25/L.26).

The strongest language addressed was “Acknowledging that the right to food is the right of every individual, alone or in community with others, to have physical and economic access at all times to sufficient, adequate and culturally acceptable food that is produced and consumed sustainably, preserving access to food for future generations.” When I attended a side panel on women and food crisis, I was the only male present in the room.
supporting the cause and my presence was specifically appreciated by the one of the panelists. In that moment, I really felt that there are issues where everyone has to take a joint initiative to stop the violation of various human rights.

I learned that advocacy is more than just crafting the best argument, but also engaging with global policy makers on a personal level to explain why our issues need addressing and to provide insight on these issues that can affect the development of such human rights in the future. I would like to specially thank HRA and Professor de la Vega for giving such a great opportunity to an internationals student. And, lastly, thanks to all of my fellow Clinic students for their support. All of this reminded me of why I chose to attend USF’s School of Law and its LLM Program.

Contested Issues on Human Rights and the Environment at the Council and the International Law Making Process

By Rahman Popal

I was tasked with addressing the topic of human rights and the environment at the 25th Session of the Human Rights Council in Geneva. Because of the breadth of the subject matter, I worked closely with Professor de la Vega to simultaneously narrow my focus while preserving my thesis—that the mandate on human rights and the environment must be strengthened to address the full range of human rights implicated by environmental degradation. Considering rapid developments in technology and its increased generation in both developing and developed countries, I chose to focus on the problem of electronic waste (“e-waste”). My work on this topic at the Council was rewarding and I am grateful for the opportunity that I was afforded. I learned both the intricacies of my subject matter and the workings of the United Nations Human Rights Council, and more specifically the process of international lawmaking.

The issue of e-waste falls under the purview of both the Special Rapporteur on toxic waste and the Independent Expert on human rights and the environment. Despite concurrent jurisdictions over the issue, there is a clear gap in coverage. While the Special Rapporteur has, in past reports, focused on the direct threats that e-waste poses to the full enjoyment of human rights, there has been inadequate attention paid to the indirect and long-term consequences that e-waste poses to human rights (See Report of the Special Rapporteur on the Adverse Effects of the Movement and dumping of Toxic and Dangerous Products and Wastes on the Enjoyment of Human Rights, U.N. Doc. A/HRC/15/22/Add.3 (September 2, 2010)). In light of the danger that e-waste poses indirectly to human rights, such as the rights to life, health, food and water, I advocated for strengthening the mandate of the Independent Expert on human rights and the environment (See The Need for Stronger Mandates and Concerted Action on Electronic Waste, U.N. Doc. A/HRC/25/NGO/9 (February, 2014)).

A strengthened mandate on human rights and the environment would allow for a direct complaint procedure mechanism. Because the Special Rapporteur on toxic waste has had success in reporting on direct threats to human rights stemming from e-waste processing, the proposed complaint mechanism procedure under the mandate on human rights and the environment would allow for consideration of resulting long-term and indirect human rights consequences. Unfortunately, the Council was not prepared to adequately consider a discussion on strengthening the mandate on human rights and the environment. Rather, much of the discussion at the draft resolution sessions concerned the recent report of the Independent Expert, that suggested that countries have procedural, substantive and transboundary obligations with respect to human rights violations arising from environmental degradation under international law.

Participating in the draft resolution sessions was a unique experience. It made me aware of the importance of lawmaking, and how law school curriculum often overlooks this extremely important tool. The debate at the draft sessions centered on the aforementioned issue of country obligations arising from environmental degradation. The most hotly contested issue was whether and to what extent countries have an obligation to remedy and prevent environmental degradation that results in human rights abuses in other countries.

In order to support the core group in charge of drafting the resolution on human rights and the environment, which was urging for the recognition of an affirmative transboundary duty, I drafted a memorandum documenting international law precedence that recognizes the extraterritorial effect of environmental obligations. During these discussions, many country delegates were either confused about existing international law obligations or, to some
extent, in denial of their existence. As a Frank C. Newman Intern, I was able to present delegates with the legal justification supporting the recognition of transboundary obligations with respect to human rights abuses stemming from environmental degradation.

Considering my efforts from the lens of our adversarial system, I lost my case. The final resolution did not mention transboundary obligations. But, as a lawmaker that was participating in an ongoing dialogue that will continue to shape the trajectory of international law, I believe that I laid the foundation for future Frank C. Newman Interns to assist in codifying the obligations of countries with respect to transboundary harms negatively effecting human rights that stem from environmental degradation. And, by intervening at the draft session, I was able to allay the concerns of the United States delegate who objected to language that recognizes the direct and indirect nature of human rights abuses stemming from environmental degradation. This language is now codified and appears in the final resolution that was passed by consensus through the Council (see Human Rights and the Environment, U.N. Doc. A/HRC/RES/17/2, July 6, 2011) and the right to culture (Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity, A/HRC/RES/23/10, June 20, 2013).

To advocate on the integrity of the judicial system, I raised the issue of private prison corporations affecting the administration of justice (See document A/HRC/25/NGO/113 available at http://ap.ohchr.org/documents/sdpage_e.aspx?b=10&se=152&t=7). My report focused on the inherent conflict between private interests and the purpose of incarceration. This was the reason the Israeli Supreme Court decided to ban all forms of privatizing prisons. (Academic Center of Law and Business v. Minister of Finance, HCJ 2605/05). Another issue is maintaining fixed occupancy rates to generate profits, thus equating each prisoner with a monetary value. Moreover, there is little incentive to comply with international human rights standards since there is a severe lack of accountability. As a result, prisoners are unjustifiably denied basic human rights to serve bottom line profits.

Along with private prisons, the other private interest I addressed for affecting human rights was the private collecting of cultural artifacts (See document A/HRC/25/NGO/109 available at http://ap.ohchr.org/documents/sdpage_e.aspx?b=10&se=152&t=7). Behind guns and drugs, cultural objects are the most illegally trafficked item. This has a devastating effect on indigenous communities who rely on sacred sites and cultural objects to continue their way of life. As a result, my second report focused on how States need a legal framework to protect indigenous and minority cultures from exploitation caused by looting sacred sites and illicit acquisition of cultural patrimony. The most effective way to achieve protecting this right is by allowing the indigenous community to lead the discussion and implementation of the law. Fortunately, I was able to present this research in an oral statement on cultural rights in front of the Human Rights Council. A copy of my long report on cultural rights is available at http://www.humanrightsadvocates.org/wp-content/uploads/2014/03/HRC-25-Promoting-Cultural-Rights-Through-Heritage-Laws.pdf.

What I learned from this experience is listening is crucial. Knowing the delegate’s interests and what part of the human right issue strikes him or her as most important is essential in tailoring our research to the delegate’s mission. This requires a certain degree of receptiveness and flexibility that is only achieved through listening to the other’s perspective.

To conclude, the Clinic is the reason I decided

Private Prisons’ Impact on the Integrity of the Judicial System and Promoting Cultural Rights Through Heritage Laws

By Greg Caso

The word to describe the Frank C. Newman International Human Rights Clinic in Geneva is unbelievable. Not only were we able to discuss our research with people from all over the world, but we also had the opportunity to address the heads of delegations on an equal footing. Very few law students can say they had such an opportunity to tackle an international human rights issue with global leaders.

The Clinic began by selecting a human right to research for submitting a report to the Human Rights Council (HRC). I submitted a report under two topics, integrity of the judicial system (“Mandate of the Special Rapporteur on the independence of judges and lawyers,” A/HRC/RES/25/10, August 2, 2011) and the right to culture (Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity, A/HRC/RES/23/10, June 20, 2013).

Considering my efforts from the lens of our adversarial system, I lost my case. The final resolution did not mention transboundary obligations. But, as a lawmaker that was participating in an ongoing dialogue that will continue to shape the trajectory of international law, I believe that I laid the foundation for future Frank C. Newman Interns to assist in codifying the obligations of countries with respect to transboundary harms negatively effecting human rights that stem from environmental degradation. And, by intervening at the draft session, I was able to allay the concerns of the United States delegate who objected to language that recognizes the direct and indirect nature of human rights abuses stemming from environmental degradation. This language is now codified and appears in the final resolution that was passed by consensus through the Council (see Human Rights and the Environment, U.N. Doc. A/HRC/RES/17/2, July 6, 2011) and the right to culture (Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity, A/HRC/RES/23/10, June 20, 2013).

To advocate on the integrity of the judicial system, I raised the issue of private prison corporations affecting the administration of justice (See document A/HRC/25/NGO/113 available at http://ap.ohchr.org/documents/sdpage_e.aspx?b=10&se=152&t=7). My report focused on the inherent conflict between private interests and the purpose of incarceration. This was the reason the Israeli Supreme Court decided to ban all forms of privatizing prisons. (Academic Center of Law and Business v. Minister of Finance, HCJ 2605/05). Another issue is maintaining fixed occupancy rates to generate profits, thus equating each prisoner with a monetary value. Moreover, there is little incentive to comply with international human rights standards since there is a severe lack of accountability. As a result, prisoners are unjustifiably denied basic human rights to serve bottom line profits.

Along with private prisons, the other private interest I addressed for affecting human rights was the private collecting of cultural artifacts (See document A/HRC/25/NGO/109 available at http://ap.ohchr.org/documents/sdpage_e.aspx?b=10&se=152&t=7). Behind guns and drugs, cultural objects are the most illegally trafficked item. This has a devastating effect on indigenous communities who rely on sacred sites and cultural objects to continue their way of life. As a result, my second report focused on how States need a legal framework to protect indigenous and minority cultures from exploitation caused by looting sacred sites and illicit acquisition of cultural patrimony. The most effective way to achieve protecting this right is by allowing the indigenous community to lead the discussion and implementation of the law. Fortunately, I was able to present this research in an oral statement on cultural rights in front of the Human Rights Council. A copy of my long report on cultural rights is available at http://www.humanrightsadvocates.org/wp-content/uploads/2014/03/HRC-25-Promoting-Cultural-Rights-Through-Heritage-Laws.pdf.

What I learned from this experience is listening is crucial. Knowing the delegate’s interests and what part of the human right issue strikes him or her as most important is essential in tailoring our research to the delegate’s mission. This requires a certain degree of receptiveness and flexibility that is only achieved through listening to the other’s perspective.

To conclude, the Clinic is the reason I decided
to apply to USF. The two weeks in Geneva made all the challenges and struggles through the previous two and half years of law school more than worth it. A huge thank you to HRA, Professor de la Vega, Julianne Traylor, and Nina Lopes for making this all possible.

The Death Penalty Constitutes Torture

By Blake Theo Porter

As a Frank C. Newman Intern, I had the amazing opportunity to advocate against use of the death penalty at the Human Rights Council in Geneva, Switzerland. Students in the Clinic have advocated for abolition of the death penalty in previous years, and have focused on how the death penalty violates international laws which prohibit torture, cruel, inhumane and degrading treatment.

Our argument before the Council is that the death penalty violates prohibitions on torture in at least two ways, one because of the death row phenomenon suffered by those on death row, and two because of the pain caused by the methods of executions used to carry out death sentences. Calls for moratoriums have been issued by the Council in the past, but they only exacerbate the torture suffered by those waiting on death row. This is why we advocate for moratoriums on sentencing and complete abolition of the death penalty. (The Death Penalty Constitutes Torture: The Need for Moratoriums on Sentencing, A/HRC/25/NGO/111.)


Like most death row inmates around the world, he spent most of this time in solitary confinement, a form of punishment condemned by the Special Rapporteur. (Report on Solitary Confinement, Juan E. Méndez, August 5, 2011, A/66/268, para.72.) In Japan death row inmates are not informed ahead of time of their execution date. They are simply told the morning of the execution that it is their day to die. (Amnesty International, Japan: Death row inmate's retrial rejection is "travesty of justice"). I can only imagine the mental anguish of waking up every day for 40 years wondering if it was my last day to live.

In addition to the death row phenomenon, there is no method of execution that comports to international standards of humanity and dignity. Every method of execution constitutes torture because they all involve physical pain. Methods previously believed to be painless and humane, such as lethal injection, have increasingly been proven otherwise. (Amnesty International, Anything But Humane, available at: http://www.amnestyusa.org/our-work/issues/death-penalty/lethal-injection.) In reaction to the EU’s refusal to supply drugs used for lethal injection, some U.S. states have been experimenting on inmates with new drugs to carry out death sentences. In January one such drug experiment resulted in a man grimacing, gasping for air, and choking for 15 minutes before finally passing away. (Death Penalty Information Center, Problems Arise as Ohio Tries New Execution Procedure, available at http://deathpenaltyinfo.org/problems-arise-ohio-tries-new-execution-procedure.)

Participating in this Clinic has taught me a lot, including the importance of understanding other people's culture and history. In lobbying different country’s delegates, knowing my audience was extremely important, and this knowledge helped improve my negotiation skills. This lobbying skill will transfer to any work I do, whether I work in international law, domestic civil law, criminal law, or work in a field that has nothing to do with the law.

Being able to go the UN and actually observe and participate in the deliberations of the Human Rights Council, the Special Rapporteurs, and to watch the expert members of Human Rights Committee question members of the U.S. delegation, really helped remind me about so many things I had learned in school, and really gave me a working understanding of how these various groups interact and perform their functions.

The opportunity to participate at the UN as much as we did in the general meetings and side events was both humbling and empowering. In a side event, the Special Rapporteur on Torture addressed the issue of mental torture and I was able to ask him and country delegates on the panel what they thought about the death row phenomenon constituting torture. It felt awesome to advocate and discuss this issue with the people who really influence and create international law.

Most importantly, I learned that although this
line of work can be extremely slow and frustrating, I do believe that it is a system that works, albeit not perfectly.

Shortly after the Human Rights Council session, fellow HRA Clinic delegate Kendall Kozai found an article online that reported Hakamada Iwao had been retried, and released after 45 years on death row. I don’t think it’s a coincidence that a week after Japan was pressured by various NGOs and States about this man’s plight at the Council, that they finally responded to a six year old appeal for a retrial, retried him, and released him from prison. (Irish Examiner, Japan releases longest-serving death row inmate, found at: http://www.irishexaminer.com/world/japan-releases-longest-serving-death-row-inmate-263482.html.) Japan didn’t re-write the law, but it was a step in the right direction and it’s cool to see something concrete actually happen from all the talk that goes on at the UN.

Being in the Clinic was the best opportunity at this law school, and was the best decision I have ever made. I am so grateful to Professor de la Vega and Human Rights Advocates for this amazing experience.

Extreme Criminal Sentencing for Juveniles: Violations of International Standards

Lauren Schweizer

My topic at the UN was Extreme Sentencing for Juveniles. To give a bit of background on the topic, juveniles require special protections and different treatment from adults while going through the justice system. The purpose of the juvenile justice system is rehabilitation, and the rehabilitative goal of punishment is best served through separate juvenile justice systems and penal codes.


Despite international law protecting juveniles, countries continue to violate juveniles’ rights when they enter the justice system. The pattern of trying juveniles at a young age, treating them as adults in the justice system, and sentencing juveniles to extreme punishments that lack a rehabilitative purpose violates juveniles’ rights. Given this trend, my research focused on countries that still sentence the juvenile death penalty and juvenile life without parole, the transfer of juveniles into adult court, and the setting of a minimum age of criminal responsibility.

While at the UN, many of us had the experience of addressing the delegates to the Council in two to three minute speeches. I spoke on my topic at the Annual Day on the Rights of the Child, that focused on the issue of Access to Justice. The panel was structured such that the panelists, who are experts, each got to speak first. Then the comments were broken into two parts, each with twenty country delegates speaking and then two NGOs speaking. Between the two parts, the panelists got to respond to the comments. I was the second NGO to speak in the first section, so the panelists commented directly after my remarks. It was a really great experience, especially since the panelists directly addressed my concerns about access to justice for juveniles whose rights were violated while going through the justice system.

When it came to lobbying delegates, I found the side events to be the most useful for finding the right person to speak with from each delegation. The side events were organized by either a country’s delegation or by an NGO, and they focused on a narrow topic. For example, I attended a side event on restorative justice for juveniles organized by Norway. The delegates who were attending the side events relevant to my topic were most likely to be the ones working on the draft resolution I was concerned with.

While we were in Geneva, the US was being reviewed under the International Covenant on Civil and Political Rights. Under the different treaty bodies, each country is reviewed ideally every 3-5 years by a panel of experts. The experts raise issues under the treaty that they are concerned about for each country. The experts raised many issues with the United States, such as closing down Guantanamo, the use of drones, voter exclusion laws, and juvenile life without parole sentences. The US delegation that was responsible for addressing the expert’s concerns consisted of members of the State Department and the Department of Justice. There were also regional representatives, such as the mayor of Salt Lake City and the attorney general of Mississippi there. The attorney general of Mississippi addressed the juvenile life without parole concern, and in my opinion he skirted the issue. So during the break I got to go speak with him and ask more specific questions about how Mississippi is addressing
Advocating for the Right to Vote at the UN Human Rights Council

By Kendall Kozai

What I first observed at the Human Rights Council (the Council) was that human rights are violated everywhere by everyone. While this may be a slight exaggeration, it’s really not far from the truth. The “human rights fatigue” at the Council forces states to prioritize certain rights, for better or for worse. While some rights are championed by states, others fall by the wayside. Unfortunately, the right to vote, the issue that I worked on at the Council this year, is one of these invisible rights. In an effort to shed light on the issue, Human Rights Advocates (HRA) encouraged the Council to create a separate mandate regarding the right to vote to investigate various aspects of this right, including whether states’ electoral laws are reasonable and proportional, and to promote good practices that encourage free and fair elections. (The right to vote: Interference by voter registration laws, A/HRC/25/NGO/8, available at http://ap.ohchr.org/documents/sdpage_e.aspx?b=10&se=152&t=7.)

The right to vote is a basic human right that empowers citizens to influence governmental decision-making and to safeguard their own human rights. (International Covenant on Civil and Political Rights [ICCPR], Article 25.) Voting is a mechanism by which citizens hold their leaders accountable and promote good governance. While there are many aspects to this right, I focused predominantly on states’ domestic voter registration laws, particularly in the U.S. Such laws disenfranchise voters by denying the right to certain demographic groups, such as convicted prisoners, or through procedural requirements, such as voter identification laws that disproportionally impact vulnerable groups. These restrictive policies present an obstacle to the full participation of eligible voters in democratic life.

The United States is a “persistent offender” of the right to vote. Professor de la Vega would not let me use the phrase “persistent offender” in my actual report or at the Council, but since I’m among friends and colleagues, I suppose I can use it now.

In Shelby County v. Holder, 133 S.Ct. 2612 (2013), the U.S. Supreme Court struck down a key provision of the Voting Rights Act that required states and jurisdictions with a history of discrimination to obtain federal permission (or preclearance) before changing their voting procedures. (42 U.S.C.A. § 1973b.) Now that this requirement has been eliminated, such jurisdictions have subsequently placed new restrictions on voting eligibility. Today, approximately 21 million would-be eligible voters, a significant number of whom are low-income, racial and linguistic minorities, women, youth, elderly, and physically disabled, are disenfranchised as a result of states’ discriminatory voter ID laws. (American Civil Liberties Union [ACLU], Oppose Voter ID Legislation, available at https://www.aclu.org/files/assets/aclu_factsheet_on_voter_id_legislation_7_2011.pdf.)

The U.S. also has some of the most restrictive prisoner disenfranchisement policies as the laws prohibit an estimated 5.8 million Americans from voting because of a past criminal conviction. (The Sentencing Project, Felony Disenfranchisement, available at http://www.sentencingproject.org/template/page.cfm?id=133.) One of every 13 adult African Americans is unable to vote and Hispanic men and women are incarcerated in state and federal prisons at higher rates than non-Hispanics. (The Sentencing Project, Democracy Imprisoned: A Review of the Prevalence and Impact of Felony Disenfranchisement Laws in the United States, (September 2013), at 2, available at http://www.sentencingproject.org/doc/publications/fd_ICCPR%20Felony%20Disenfranchisement%20Shadow%20Report.pdf.) While most U.S. states terminate voting restrictions at the end of an offender’s term of incarceration, some states permanently disenfranchise prisoners.

These issues were discussed at the U.S. review of its International Covenant on Civil and Political Rights (ICCPR) obligations, which was conducted at the same time as the 25th session of the Council. Even though the right to vote was not explicitly discussed at the Human Rights Council, it was brought up during the 2-day review by the Human Rights Committee.

Committee members explicitly asked the U.S.
about its voter registration practices and pressed the U.S. delegation on its prisoner disenfranchisement policies. While the U.S. responded with mostly contrived, yet at times candid, responses to the Committee-members' questions, the Committee noted that the U.S. was more forthcoming and honest this year than in years past. The review also provided an opportunity to meet and have discussions with other NGOs representatives working on similar topics.

After the U.S. review concluded, a few of us rushed down to the floor to convince the delegates to lend us their ears. I gave my report to one of the heads of the delegation, a Deputy Attorney General at the U.S. Department of Justice and it was at that very moment when I realized why Professor de la Vega insisted that I do not name the U.S. as a “persistent offender” of the right to vote in my report. I appreciated her persistent objections to my use of that phrase.

HRA has lobbied for the creation of a special mandate on the right to vote for years now, and while we have not yet been successful in convincing the Council to do this, the Council, including the U.S., recognized the importance of this right in a landmark resolution in 2012. (Resolution 19/36, Human Rights, democracy, and the rule of law, A/HRC/19/36, adopted by the UN Human Rights Council at its 19th session, April 19, 2012, available at http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/19/36.) Despite all the U.S. bashing, there has been recent momentum in the U.S. in addressing the right to vote as the U.S. government, at least at the federal level, has taken a strong stance against voter ID and prisoner disenfranchisement laws. Voter ID laws currently are being challenged across the U.S. in federal courts. Further, the U.S. federal government and several states have advocated for the repeal of felony disenfranchisement laws.

This Clinic is the very reason why I choose to attend USF. I want to reiterate what my colleagues have already said, and express my gratitude for having the opportunity to represent HRA at the Human Rights Council. I encourage prospective students to apply for and join the Clinic, as you will receive invaluable insight into the inner workings, and, at times, not so great workings, of the UN. This has been an incredible experience and has further fueled my commitment to advocating for human rights and pursuing a career in public international law.

M. Eya Nchama, a former member of the HRA International Advisory Board, has been named head of the municipal council of Grand-Saconnex near Geneva, Switzerland, becoming the first black person to reach such a position in Switzerland.

Patience Tusingwire, a former Edith Coliver Intern who participated at the Commission on the Status of Women, has been elected to the NGO/DPI Executive Committee as a Director. HRA nominated Patience to the NGO/DPI Committee that oversees the participation of NGOs at the UN in New York. Patience is originally from Uganda and has recently supervised Edith Coliver Interns at the CSW. HRA congratulates Patience on this great accomplishment. And congratulations to all the other HRA Newsmakers!

HRA Annual Meeting

HRA held its Annual Meeting on April 10, 2014, at the University of San Francisco School of Law. The following were elected by HRA members to serve on HRA's Board of Directors for 2014-2015: Connie de la Vega, Jeremiah Johnson, Jeffrey Kaloustian, Nicole Phillips, Abby Rubinson, Birte Scholz, and Julianne Cartwright Traylor.

HRA welcomes Abby Rubinson to the Board. Abby is an Associate Attorney with Earthjustice's International Program based in San Francisco, California. Abby received her law degree from University of Michigan and B.A. from Duke University. Before joining Earthjustice in 2010, Abby was one of the lawyers for the plaintiffs in Bowoto v. Chevron and Wiwa v. Shell, both international human rights cases related to oil operations in Nigeria.

HRA thanks Kimberly Irish for her five years of service with HRA, including two years as President of the board, and wishes her well in her new position as Program Manager at OneJustice, that provides free legal assistance to low-income Californians.

At its first meeting following the Annual Meeting, the Board elected the following officers for 2014-2015: Julianne Cartwright Traylor, President; Connie de la Vega, Treasurer; and Jeffrey Kaloustian, Secretary.
MEMBERSHIP FORM

I want to become an HRA member to support HRA’s activities and receive the Newsletter and announcements of events. Enclosed is my check for annual dues, fully tax-deductible, in the amount of:

___ Regular Membership $40.00
___ Student or low-income (sliding scale available) $20.00
___ Other $50.00 $75.00 $100 $125 $______

Name: ______________________________________________________
Address: ____________________________________________________
City: ________________________ State: ____  Zip:  ________________
Country: _____________________
Telephone: ___________________  Fax:  _________________________
Email:  _____________________________________________________
Profession/Affiliation:  ________________________________________
HRA Committee Interest:
___ Education ___ United Nations ___ Litigation/Legislation
___ Publications ___ Fundraising/Finance

Please return this form to:

The Treasurer
HUMAN RIGHTS ADVOCATES
P.O. Box 5675
Berkeley, CA  94705

An * by your name means you have not paid your dues for a number of years and this will be your last newsletter.

HRA is a non-profit public corporation with 501(c)(3) status; dues and contributions are tax-deductible.