



Advocacy at the UN

By *Connie de la Vega*

Nine students participated in the University of San Francisco's Frank C. Newman International Human Rights Law Clinic during the Spring 2015 semester, representing Human Rights Advocates at the meetings of two UN human rights bodies. Two Edith Coliver Interns attended the 59th session of the UN Commission on the Status of Women (CSW) in New York and six Frank C. Newman Interns attended the 28th session of the Human Rights Council (HRC) in Geneva, Switzerland. One additional student will attend the Expert Mechanism on the Rights of Indigenous Peoples in July.

Patience Tusingwire, a former Edith Coliver Intern and University of San Francisco LLM Alum originally from Uganda, supervised the Edith Coliver Interns at the CSW session. Nicole Griffin prepared HRA's written statement during the Fall 2014 semester. ("The problem of trafficking women and the need for education," E/CN.6/2015/NGO/85 (26 November 2014), available at http://www.un.org/ga/search/view_doc.asp?symbol=E/CN.6/2015/NGO/85). In

addition to their work described below (see articles from Sharoia Taylor and Lizbeth Malmstead), the Edith Coliver Interns drafted a letter to the Bureau of the CSW regarding the lack of transparency in the proceedings of the CSW.

I supervised the six Frank C. Newman Interns who attended the HRC and were involved in a number of activities. All six students were able to make oral statements before the full HRC. The students also participated in resolution drafting sessions and side event discussions, and met with government delegates, special mandate holders and members of other non-governmental organizations. The students had the great fortune to meet HRA International Advisory Board member Cruz Melchor Eya Nchama.

HRA co-sponsored a side event on Guantánamo which I moderated. USF Professor Peter Honigsberg, a long-time HRA supporter, presented a video of interviews he conducted of persons released from the prison as well and others with various connections to the on-going detention. The panel also included Juan Méndez, the Special Rapporteur on Torture, Jamil Dakwar from the ACLU, and Julia Hall from Amnesty International. I also participated in a side event on the Universal Periodic Review of the United States where



HRA delegates at the Council (left to right): Bridget Engle, Jessica Weinger, Nuha Abusamra, Connie de la Vega, Brooke Longuevan, Anna Manuel, and Nicole Phillips

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I addressed the issue of juvenile life without parole sentences.

The HRC adopted 34 resolutions and 14 decisions. There were more contentious issues this year as only twenty resolutions passed by consensus on issues such as: right to food (Res. 28/10), realization of economic, social, and cultural rights (Res. 28/12), right to culture (Res. 28/9), human rights and the environment (Res.28/11), and towards better investment in the rights of the child (Res. 28/19). The United States was the sole country to continue to dissent on a number of resolutions, including the rights of people in Palestinians to self-determination (28/16 adopted by a vote of 45-1-1), settlements in Occupied Palestinian Territories (28/25 adopted by a vote of 45-1-1), and human rights in the Occupied Palestinian Territory (28/27 adopted by a vote of 43-1-3). There were a number of other contentious resolutions including many on specific countries such as Syria (Res. 28/20 adopted by a vote of 29-16-12), Iran (Res. 28/21 adopted by a vote of 20-11-16), and the Democratic Peoples' Republic of Korea (Res. 28/22 adopted by a vote of 27-6-14). Only one country resolution passed by consensus

– Myanmar (Res. 28/23) – though all the decisions on UPR reviews did as well. Contentious substantive resolutions included one on the composition of the Office of the High Commissioner on Human Rights (OHCHR) staff (Res. 28/1 adopted by a vote of 31-16-0), drones (Res. 28/3 adopted by a vote of 29-6-12), and the mandate on the effects of foreign debt (Res. 28/8 adopted by a vote of 31-14-1).

The HRC resolutions and decisions can be found at: <http://www.ohchr.org> by going to Human Rights Bodies, Human Rights Council, Documents, Resolutions, 28th 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: www.humanrightsadvocates.org (under UN Advocacy).



HRA delegates at the CSW (left to right): Patience Tusingwire, Sharoia Taylor, and Lizbeth Malmstead

UN COMMISSION ON THE STATUS OF WOMEN 59TH SESSION, NEW YORK

Sex-Trafficking and the Role Domestic Legislation Can Have on Accountability

By Sharoia Taylor

A major focus of the 59th Session of the Commission on the Status of Women (CSW) was the role the Beijing Platform and the Millennium Development Goals (MDGs) can play in establishing equity, economic stability, and the advancement of women and girls across the world. My project focused on the need for domestic legislation to criminalize traffickers in every region of the world by dismantling

safe havens where trafficking goes unprosecuted.

Trafficking and, more specifically, sex trafficking, is an issue among women, men and children that continues to be a significant problem around the world. Trafficking creates reprehensible levels of civil unrest, violence, and trauma. However, domestic legislation and the principle of universal jurisdiction can help hold perpetrators accountable, and dismantle and eventually eradicate trafficking rings. In order to do this, nations where these problems are most pervasive must adopt domestic legislation that is in compliance with the UN Trafficking in Persons Protocol. If all States came into compliance with the UN Trafficking in Persons Protocol, there would be no place for perpetrators of sex

trafficking to set up organizations lawfully.

Given the expansive, multi-national nature of trafficking, more nations should utilize the principle of universal jurisdiction to prosecute those trafficking perpetrators within their borders. If all State governments committed to bringing their domestic legislation into compliance with the UN Trafficking in Persons Protocol and utilized their power of universal jurisdiction to prosecute trafficking leaders, safe havens for traffickers could be dismantled and there could be a united front by all nations to combat trafficking globally.

During my time at the CSW, I became aware that a draft resolution was submitted by the Chair of the Commission on the Status of Women on the basis of informal consultations entitled *Political Declaration on the occasion of the twentieth anniversary of the Fourth World Conference on Women*, E/CN.6/2015/1. This resolution was already drafted before we arrived at the CSW and discussed in closed meetings over the course of the two weeks we were there. In previous years, the drafting process highlighted

the ways in which all views can come together for the greater good of the global community. However at this session, there were few opportunities for NGOs to present their perspective and no opportunity for all the key players on these issues – the delegates, NGOs and survivors – to have a joint conversation on them.

A resolution was adopted regarding the working methods of the CSW, but while the paragraph on NGOs noted that their participation should be increased at the sessions, all reference regarding their attendance at drafting sessions was deleted. (E/CN.6/2015/5).

In the final analysis, as one of the leading entities that directly inform the General Assembly on issues that affect women, the CSW's role in fostering strong bonds among States, NGOs and the UN must remain a prominent feature of the Commission. Through maintaining the collaboration of all of these invested entities, the global community can expect accountability, transparency and a belief in a progressive change for all women and children of the world.

Differing Views on Women's Rights

By Lizbeth Malmstead

In preparing for the CSW, I researched and reported on preventing human trafficking through education at the source, in transit, and at the destination of human trafficking. Although I did not get to speak at the CSW in the way I had expected, I had received an invaluable education about the situation of woman's rights internationally.

The most surprising thing I learned at the CSW concerned the divisions in the woman's rights movement. For example, there are various definitions on how to interpret what woman's rights actually entail. Some definitions are designed to protect woman from harm, others to empower woman from harm, and a handful of groups believe that woman's rights include children rights.

The persecution of prostitution and its role in gender equality raised some debate among the non-governmental organizations (NGOs) from different countries. Many of the NGOs from Nordic countries and large cities in the United States advocated for a "harm reduction" approach to prostitution. They believed in not punishing prostitution, but punishing the pimps and traffickers of prostitution. Some of the NGOs from developing countries disagreed. They viewed

prostitution as morally degrading to women and believed that it should not be legal, even if a woman chooses prostitution. Some NGOs even raised the matter that prostitution is a class issue - that it is often poor woman from rural countries who look to prostitution as a way to survive and that Nordic countries do not understand the dilemmas they have to face in a globalized world.

The role of abortion was a highly controversial issue at the CSW. To my surprise, some of the NGOs at the CSW were religiously based. Many such NGOs advocated that the words "Human Rights" and "children" in the Declaration on the Status of Woman preclude an internationally recognized right to abortion. I witnessed lively debates on abortion between the Caribbean and Central American countries in the Latin American Caucus.

The highly emotional debates that revolve around protecting and empowering woman are some of the reasons I believe that the Commission closed its session to NGOs this year. These debates have intensified in the last few years with countries recognizing a right to abortion and the issue being re-examined in countries already recognizing the right.

In summary, as I discovered the controversial nature of defining women's rights, I realized the great need to advocate for a woman's right to choose what to do with her life in today's global world.

UN HUMAN RIGHTS COUNCIL, 28TH SESSION

GENEVA, SWITZERLAND

Water under the Bridge: Reconciling Advocacy Barriers with Optimism for the Future

By Bridget Engle

During March of 2015, I had the great privilege of attending the 28th Session of the Human Rights Council in Geneva. For me, the session induced a wide range of feelings: a sense of accomplishment and empowerment, educational enlightenment, exhaustion, and a bit of frustration. Let me elaborate.

Under the agenda of “Human Rights and the Environment,” I brought to the Council the goal of educating States on the importance of extraterritorial obligations in redressing human rights violations caused by environmental harm (See Written Statement submitted to the UN, A/HRC/28/NGO/32). I focused my research and advocacy on global water pollution, a problem which negatively impacts the rights to health, life, water, food, and an adequate standard of living (See John Knox, Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, A/HRC/22/43 at para. 34 (2012), writing about environmental degradation as a whole, and its adverse impact on human rights).

Extraterritorial obligations have been recognized under international human rights law as duties owed by States to protect against human rights violations outside of their borders, whether by preventing and/or mitigating transboundary harm, or by regulating transnational corporations in their activities in other countries (See ETO Consortium, Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights, p. 3 (2013)). In both contexts, the failure of States to recognize the existence of these obligations creates the risk that victims will be improperly shielded from transboundary or global harm.

Despite putting my best foot forward, whether by giving a well-rehearsed oral statement in front of the Council, speaking up during resolution-drafting sessions to advocate for language related to my topic, or my personal favorite, anxiously hovering near delegates

until finding a brief moment to insert myself into their personal space in hopes of garnering their support, by the end of the session, I had learned that that States were simply unready to accept the existence of extraterritorial obligations. Rather, the mere mention of such responsibilities was either met with direct opposition, for example from countries such as the United States and Great Britain, or with trepidation associated with fear of stalling negotiations, for example from Costa Rica. In light of either form of resistance, I quickly learned that my issue was, for purposes of its inclusion in the 28th Session outcome resolution, “dead in the water” (For the 28th Session Draft Resolution on Human Rights and the Environment, see A/HRC/28/L.19, available at http://ap.ohchr.org/Documents/sdpage_e.aspx?b=10&se=163&t=4).

In any event, my time at the Human Rights Council was well-spent. I learned that certain issues, no matter how obviously crucial they seem to me, will fall flat at the international level if the global community is not ready to accept them. The lack of readiness pertaining to my topic was demonstrated by the fact that at the session, the Independent Expert on Human Rights and the Environment actually discussed transboundary environmental harm, yet his comments were not taken up during any of the resolution-drafting sessions. This may have resulted from the fact that this session’s resolution simply focused on a mandate-renewal of the Independent Expert, a type of resolution that tends to be broader than those delineating specific rights.

My strongest take-away from this experience reminds me of a lesson I learned in elementary school from the beloved story of the “Tortoise and the Hare,” the moral of that story being that *slow and steady wins the race*. As a policy advocate, it is unrealistic to assume that rapid results will always match hard work put in. This is particularly true in the context of convincing others to change the law. The experience at the Council taught me to be patient, and to know when to play my cards. Although the results of my advocacy were not as concrete as I had hoped, perhaps I planted a seed that will help future Frank C. Newman Interns have greater success. Ultimately, I am so grateful to have taken part in the stimulating

dialogue, and my hope is that the knowledge I have shared with others will serve to strengthen human rights protection everywhere, even in the face of political adversity and resistance.

The Right to Housing in the Context of Mega-Events

By Jess Weinger

I had the great privilege of representing the University of San Francisco and Human Rights Advocates at the most recent session of the Human Rights Council in Geneva. As part of my activities, I made an oral intervention during an interactive dialogue with the Special Rapporteur on the Right to Adequate Housing, and raised the issue of the right to housing in the context of mega-events such as the Olympics and the World Cup, and prepared a report on this topic (A/HRC/28/NGO/31).

The right to housing is included in the International Covenant on Economic, Social and Cultural Rights, and has been raised with the Council in the past, but widespread violations still occur in places that host these events. This issue was specifically addressed in a Council resolution in 2010 (*Adequate housing as a component of the right to an adequate standard of living, in the context of mega-events*, A/HRC/RES/13/10 (14 Apr. 2010)). The Special Rapporteur's mandate was extended last year (A/HRC/RES/25/17), and this year there was no related resolution, but the Special Rapporteur published her most recent report on the right to housing, entitled *Responsibilities of local and other subnational governments in relation to the right to adequate housing* (A/HRC/28/62).

Forced evictions and other actions continue to violate the rights of people in communities near infrastructure for these events, with the majority of violations being committed against indigenous peoples and those living in poverty. Existing housing is often demolished in order to make way for new infrastructure and developments such as stadiums, housing, and transportation for athletes and visitors.

FIFA, the International Olympic Committee, and their corporate sponsors contribute to the violations of the right to housing, and I advocated that they should be held to the standards detailed in the Guiding Principles on Business and Human Rights. Under these principles, they are obligated to prevent, mitigate, and

remedy the adverse human rights impacts of their action. I also advocated that the Working Group on Business and Human Rights should include international bodies like FIFA and the IOC in their consideration of the right to housing and the violations that occur as a regular part of those organizations' events. The rampant human rights violations that have occurred during mega-events are incompatible with the fundamental principles of the Olympic philosophy, FIFA statutes, and international law. The Special Rapporteur has issued a major report on this topic, and the Human Rights Council has taken steps to address these issues in resolutions. However, there has been a striking lack of accountability.

I witnessed the strong presence of NGOs at the session, and the ability of NGO representatives to make their voices heard. NGOs played a significant role in the discussions. Delegates and other panelists were very receptive to speaking with me and reading my report on the topic. Lobbying delegates working on resolutions related to the right to housing, rather than just delegates from countries included in my report, was important and a potentially more effective way to address the issue. While there was no resolution at this session that specifically addressed mega-events, delegates assured me that the issue was not forgotten, and would continue to be raised in the future.

Participating in the Clinic has been an amazing experience, and I am very grateful for the opportunity to not only learn about and observe the Human Rights Council session at work, but to also actively participate by making an oral statement to the Council and lobbying delegates.

Special Agenda on Torture and Commission of Inquiry on Syria

By Nuha Abusamra

The trip to the United Nations in Geneva has enhanced my journey in law school and contributed to my endeavor of spreading awareness about various international human rights abuses. The trip equipped me with information concerning international procedure and the rule of law and enabled me to network with various key players and passionate humanitarians. I had various tasks during this visit, which included serving as Professor Honigsberg's assistant during a presentation on torture, presenting on torture during a general debate, presenting

at the Universal Periodic Review of the United States, and attending the Commission of Inquiry on Syria.

Working with Professor Honigsberg was an educational process. I was fortunate to sit on a panel with the director of human rights from ACLU, the UN Special Rapporteur, a representative from Amnesty International, with Professor de la Vega as the moderator. Professor Honigsberg presented for nearly 20 minutes, showing crucial videos to an audience eager to learn about human rights violations occurring in Guantánamo Bay Prison. The audience was undoubtedly affected by the powerful videos shown, which spurred questions and concern among attendees.

Observing the deliberations on the agenda item on torture was a thrilling experience. It was interesting to see the inner workings of the Human Rights Council and understand what it means to remain diplomatic. I was fortunate to speak with the U.S. delegate on the matter and quickly approached him regarding his speech concerning the thematic procedure. I gave him a copy of my report, which addressed remedies and accountability for the operation of the prison. (Methods for addressing ongoing torture, A/ HRC/28/NGO/28.)

My presentation at the General Debate on Agenda Item 3 focused on addressing torture by illustrating certain practices committed in Syria, Iran, Russia, and Guantanamo Bay Prison. While I am not usually someone who adapts quickly to certain restrictions imposed by institutions, this experience taught me what it means to be diplomatic and taught me the process of bringing a statement forward. This process can be just as effective in achieving certain goals. I addressed Guantánamo torture abuses in a question to the panel on the U.S. Universal Periodic Review. I was impressed with the panel, as each person presented on a controversial human rights issue occurring in the U.S.

One of the most enriching experiences was witnessing the Commission of Inquiry on Syria. (See statement by Mr. Paulo Sérgio Pinheiro Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations Human Rights Council, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15843&LangID=E#sthash.c0SynXHq.dpuf><http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15843&LangID=E>.) As a Syrian woman, I was honored and privileged to be in a room where the Syrian government underwent criticism for its crimes against humanity from the past four years. As expected, the delegates from Syria responded defensively, and at times undiplomatically,

when various countries criticized their practices. It was an interesting dynamic to see each country deliver its opinion regarding the matter, whether it focused on addressing the opposition rebel groups or the Assad government. I delivered my report to the president of the Commission of Inquiry on Syria that proposed solutions regarding the torture committed by the Assad government.

Aside from these three main events, I also attended a number of side events that enriched my visit. I met with various key players from the Bahrain Human Rights Observatory, which presented a narrative that I have never heard as a Sunni Muslim. The event focused on presenting the torture Shias experience in Bahrain for their political activism. It was eye-opening, especially during a time where Sunnis and Shias have been feuding in the Middle East. I also attended side events addressing LGBT rights in Iran, the Kashmiri conflict and the Occupied Palestinian Territories.

I also meet with professionals from the U.S., including Jamil Dakwar, Director of Human rights at the ACLU. Following that meeting I better understood the role of impact litigation. I also met James Clark, from Amnesty International. It was interesting learning about his work regarding the abolishment of the death penalty in America.

In conclusion, the trip was an enriching and dynamic experience. I was privileged to address issues that I have always cared about through the utilization of international procedure. I acquired a basic understanding of how things get done at the UN. I am grateful for the experience Human Rights Advocates gave me.

Cultural Rights: Necessary But Still Undefined

By Nicole L. Phillips

Once I arrived at the United Nations I realized my challenge: finding people who understood and cared about my topic. I spent my time in the Clinic working on cultural rights (A/HRC/28/NGO/4, 18 Feb. 2015) - topic that I assumed would be very uncontroversial. It did not even occur to me that while the Human Rights Council espouses the belief that all people have cultural rights, these rights have not yet been fully elaborated and developed.

My project was centered on renewing the

mandate of the Special Rapporteur on the Right to Culture's mandate and having it include a discussion of at sustainable development, cultural rights, and the Sustainable Development Goals (SDGs). In my research, I looked even more specifically at tourism and cultural representations in textbooks.

Following the Millennium Development Goals (MDGs), many actors have encouraged the Council to recognize the importance of culture as both a driver and a goal of development. Culture merits a role in the SDGs agenda, and through the renewal of the mandate, the Council should encourage that point.

Culture is a path for sustainable development and is an increasingly self-identified factor, mentioned in more than 70 percent of the United Nations Development Assistance Frameworks in 2013. Tourism specifically represents 9 percent of the world domestic product, 30 percent of total exports and services, and one out of eleven jobs across the globe.

Culture should also be recognized as a goal of development, especially in post-conflict nations. Without a specific emphasis of the role that culture plays in development and recovery, there has been and will continue to be a danger of politicizing history and cultural representation through textbooks.

Having access to information and education and developing critical thinking and understanding of the realities and perspectives of others constitute a right owed to all people. Understanding history is key to developing a tolerant society.

While I was excited and passionate about my project, I quickly realized that this project was not a hot topic, nor did many people know what to do with cultural rights. In fact, the only event on this topic happened during the Special Rapporteur's interactive dialogue, resulting in the renewal of the Special Rapporteur's mandate (A/HRC/28/RES/9, 20 March 2015).

So I had to be creative in my lobbying. I had to really listen to what the states were saying in their interventions and attend a variety of side events that may or may not have had anything to do with sustainable development or cultural rights. After a couple unlucky days, I finally found other NGOs that were like-minded and would be attending the SDG events in New York. I was able to attend an event hosted by the Special Advisor of the Secretary-General on Post-2015 Development Planning, and there I was able to speak to her and provide her with a copy of my report.

There is still a lot of work to be done on the

SDGs, and it is my hope that while I cannot attend these lobbying sessions in New York, the work I did in Geneva will be represented through my report and the contacts that I made.

Detention of Unaccompanied Minors in Private Facilities

By Anna Manuel

During the 28th Session of the United Nations Human Rights Council, I raised the issue of violence against children in regards to private immigration detention centers. Human Rights Advocates, *Detention of Unaccompanied Minors in Private Facilities*, A/HRC/28/NGO/31, (2015). First, I will explain a few details about this topic. Second, I will discuss one method of advocacy that I learned through practical experience at the UN session.

Many Latin American children are entering the United States through Mexico to escape violent situations faced at home. When these children reach the U.S. and are detained, they are often put into private detention centers for women and children only. These facilities closely resemble incarceration because they are being run by private for-profit prison companies. Despite the UN Committee Against Torture's recommendation that the U.S. halt the expansion of family detention with a view to eliminating it, private detention of immigrant children is a growing industry.

Immigration charges now make up half of all federal arrests in the U.S. The immigration industrial complex has become a lucrative extension of the prison industrial complex. This scheme has resulted in the commodification of immigrants. When these companies cut corners to save money and increase profits, children in detention suffer harmful consequences.

Detained children complain of spoiled and meager food, non-potable water, temperature extremes, overcrowding, and denial of medical care. Detention centers are notoriously understaffed and their employees inadequately trained. There have been reports of verbal and physical abuse and retaliatory behavior from guards, including placing detainees in segregation. These children also face high risk of sexual abuse.

Finding accountability for violence against children in detention centers is difficult because the actors are private businesses and not state actors. The UN will call out governments for human rights abuses occurring within countries, but the state is generally responsible for ensuring that private business acts in accordance with human rights law. Yet, the state's use of private immigration detention for children is increasing despite customary international law, which prescribes that unaccompanied or separated children should not be detained and that detention cannot be justified solely on the basis of their status.

At the UN, I attended drafting sessions for the current resolution on the rights of the child. Human Rights Council, *Rights of the child: Towards better investment in the rights of the child*, 28th Sess., A/HRC/28/L.28, (April, 2015). There were two areas of the resolution that HRA had a stake in: first, strengthening protections for children held in immigration detention centers, and second, ensuring that private actors, and not just states, have a duty to uphold human rights law.

The purpose of attending these drafting sessions was to hear what government delegates had to say about the draft resolution, and to lobby the ones who might support the insertion or preservation of language that we felt should be contained in the resolution. For example, one section of the resolution recognized that duties and responsibility to respect the rights of the child extend beyond state-controlled services and institutions and apply to private actors and businesses as well. The U.S. delegate intervened in favor of deleting the word "duties" from that sentence, arguing that only states have these legal duties and private businesses do not. Other countries argued to keep the language as-is, that the word duty should in fact extend to private business. I approached delegates from those countries and provided my report and HRA's recommendations.

We also lobbied regional organizations that managed the drafting sessions, and officials who have other stakes in children's rights, including the Special Representative on Violence Against Children, and the Special Rapporteur on Torture.

As initially daunting as it was to approach these incredibly busy government delegates and UN officials, almost all of them were receptive to our position on this topic and genuinely interested in my research.

I came away with an understanding of how slow, detailed, and tedious UN processes can be, but also with a better understanding of why this is so. Getting

governments from all over the world to negotiate the contents of treaties and countless resolutions is a huge feat that I think many critics of the UN institution do not thoroughly consider or understand. While the U.S. bipartisan government can barely manage to reach agreements between just two parties, the UN has the capacity to find agreement between a vast number of countries that have enormous social, economic, and cultural differences. I look forward to following the evolving UN language for private actor accountability, especially in regards to human rights abuse inside private immigration detention centers.

Human Rights Abuses of Unaccompanied Immigrant Children: Central America, Mexico, and the U.S. Border

By Brooke Longuevan

I was extremely lucky to be a part of the Frank C. Newman International Human Rights Clinic this year. Our trip to the Human Rights Council in Geneva in March was an incredible and unique experience that is a highlight of my law school career.

I spent only two weeks at the UN offices in Geneva, but several months preparing and researching my topic. I raised the issue of rights of the child in regards to unaccompanied immigrant children and their treatment in their home countries and the U.S. border. Human Rights Advocates, *The Plight of Unaccompanied Migrant Children* A/HRC/28/NGO/29 (2015).

Thousands of children from Mexico and Central America are entering the United States to escape violence at home. More than 67,000 unaccompanied minors arrived in the U.S. during 2014, over 50,000 came from Central America. The Northern Triangle countries of Guatemala, El Salvador, and Honduras experience a multitude of problems forcing children to leave their home countries in search of safety. Honduran child migrants are from some of the most violent regions in the world; in 2012 Honduras's murder rate was 90 per 100,000, the highest in the world. Mexico's drug-war-torn states also have disturbing levels of crime and violence with the murder rate of underage Mexican boys more than doubling between 2007 and 2011. Powerful criminal

organizations contribute to violence and intimidation, which they use to further political and economic interests. Gangs operate within a culture of impunity with state security institutions unwilling or unable to curb gang violence and influence.

After fleeing their home countries, most children are apprehended at the U.S. border. Children who are apprehended at the border can be harmed throughout three stages: screening, deportation, and detention. The current screening process is discriminatory by depriving minors from contiguous countries the same rights as Central American children. Studies show an explicit bias within Border Patrol against recognizing Mexican children's need for protection. These children are almost always returned to Mexico and that many Border Patrol agents were under the impression that Mexican children are automatically deported.

The screening process and expedited legal proceedings result in many children with viable asylum claims being deported. Expedited legal proceedings limit children's ability to find an attorney and violate due process protections. Children are also placed in detention centers and have reported scores of human rights violations citing overcrowding, freezing concrete cells, denial of medical care to children, confiscating legal documents and personal belongings, and racially charged insults and death threats.

In raising this issue I made an oral intervention, attended drafting sessions, and lobbied state delegates. Making my oral intervention was the highlight of my UN experience. Although it was terrifying to speak in front of the general assembly, it was also empowering to address government delegates and NGOs on an issue that I'm very passionate about and something that had not been addressed specifically by the Council. It was rewarding to see that after making my oral intervention, several government delegates approached me to get a copy of my report and speak to me further on my topic.

I learned a lot from attending several drafting sessions on the rights of the child. Human Rights Council, *Rights of the child: Toward better investment in the rights of the child*, 28th Session, A/HRC/28/L.28 (April, 2015). In these sessions a core group

crafted a draft resolution while other government delegates voiced questions, concerns, additions, and deletions to the working document. These sessions often are contentious and can create dramatic interchanges between delegates. Unfortunately NGOs did not have a huge influence during drafting meetings. This required me to find delegates before and after meetings and try to convince them of the importance of including language on my topic. Fortunately for me, this process was overwhelmingly positive. Almost all delegates I approached were extremely kind and seemed genuinely interested in immigration issues. However the HRC is a political process and powerful delegates from the U.S. and India ultimately eliminated the passages mentioning violence against children, thus eliminating my ability to add language on immigration issues.

Although I was unable to make any headway in the language of the resolution, I felt satisfied that I had at least raised the issue with delegates and perhaps planted a seed for the future. I came away from this experience with a better understanding of the UN system and just how political and slow moving UN processes can be. While this was frustrating my experience in Geneva was incredible and provided me with the opportunity to sharpen my skills in research, advocacy, and international law.

Update on Migrant Rights at the UPR

The UN Human Rights Council addressed migrant rights at the Universal Periodic Review of the United States in May 2015. Accepting a recommendation proposed by Sweden, the Council's report urges the U.S. "to halt the detention of immigrant families and children, seek alternatives to detention and end use of detention for reason of deterrence." Draft Report of the Working Group on the Universal Periodic Review: United States of America, A/HRC/WG.6/22/L.10 (21 May 2015), ¶ 176.252.

Following the Council's review, immigrant rights advocates have increased pressure on the Obama administration to end its punitive policy of holding in prison-like conditions mothers and children fleeing danger and poverty in their home countries. See *Pressure Mounts to Shut Down Immigration Family Detention Center*, by Allie Yee (May 23, 2015), available at <http://www.commondreams.org/views/2015/05/23/pressure-mounts-shut-down-immigrant-family-detention-centers>.

As Professor Connie de la Vega noted, "one never knows what advocacy helps to raise awareness about a topic including at the UN."

HRA Annual Meeting

By Jeffrey Kaloustian

HRA held its Annual Meeting on April 09, 2015, at the University of San Francisco School of Law. The following were re-elected by HRA members to serve on HRA's Board of Directors for 2015-2016: Connie de la Vega, Jeremiah Johnson, Jeffrey Kaloustian, Nicole Phillips, Abby Rubinson, Birte Scholz, and Julianne Cartwright Traylor. At its first meeting following the Annual Meeting, the Board elected the following officers for 2015-2016: Jeffrey Kaloustian, President; Connie de la Vega, Treasurer; and Birte Scholz, Secretary. HRA extends great thanks to Julianne Cartwright Traylor for her recent tenure as President of the Board of Directors.

In addition to holding the Annual Meeting, participants from HRA's Edith Coliver and Frank C. Newman 2015 internship programs delivered informative and inspiring oral reports on their recent advocacy at the United Nations Commission on the Status of Women in New York and the Human Rights Council in Geneva.

HRA NEWSMAKERS

National Advisory Board Member Naomi Roht-Arriaza has been selected to serve on the Independent Panel on the Election of Inter-American Judges and Commissioners. The Panel will be assessing candidates for both the Inter-American Court and the Inter-American Commission on Human Rights.

Your contributions are greatly appreciated by HRA!

Please consider renewing your membership and making a donation – both of which are tax-deductible – by completing the form attached to this issue of the Newsletter.

Human Rights Advocates

P.O. Box 5675
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Connie de la Vega
Jeremiah Johnson
Jeffrey Kaloustian
Nicole Phillips
Abby Rubinson
Birte Scholz
Julianne Cartwright Traylor

Newsletter production: Philip Goldsmith



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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: _____

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Telephone: _____ Fax: _____

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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.

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