



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 2016 semester, representing Human Rights Advocates at the meetings of two UN human rights bodies. Three Edith Coliver Interns attended the 60th session of the UN Commission on the Status of Women (CSW) in New York and six Frank C. Newman Interns attended the 31st session of the Human Rights Council (HRC) in Geneva, Switzerland.

The Edith Coliver Interns were supervised at the CSW session by Patience Tusingwire, a former Edith Coliver Intern and USF LLM Alum from Uganda. HRA's written statement was prepared by Laura Neacato during the Fall 2015 semester on microlending and other development programs for indigenous women (E/CN.6/2016/NGO/105 (3 December 2015), available at www.unwomen.org/en/csw/csw60-2016. The Agreed Conclusions and four resolutions adopted by the CSW are available at www.unwomen.org/en/csw/csw-60-2016/session-outcomes.

I supervised the six Frank C. Newman Interns who attended the HRC and participated in a number

of activities. Three were able to make oral statements before the full HRC, many of them were involved in resolution drafting sessions as well as discussions in side events, and met with government delegates, special mandate holders and members of other non-governmental organizations. They also met HRA's International Advisory Board member Cruz Melchor Eya Nchama.

Human Rights Advocates also co-sponsored a side event on Guantánamo which I moderated. Professor Peter Honigsberg, a long-time HRA supporter, presented a video of interviews he has 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, and Jamil Dakwar from the ACLU.

The HRC adopted 37 resolutions and 16 decisions. Twenty-four resolutions passed by consensus on issues such as: right to food (Res. 31/10), realization of economic, social, and cultural rights (Res. 31/5), the right to culture (Res. 31/12), human rights and the environment (Res.31/8), and rights of the child (Res.



HRA delegates at the Council (left to right); Gabriela Mendez, Cooper Findlay, Connie de la Vega, Caroline Holtgrave, P Lawrence Teal, Minh Le, and Rahul Rao.

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31/7). Only 6 substantive resolutions did not pass by consensus: the right to development (Res.31/4, adopted by vote of 34/0/13); the effects of foreign debt (Res. 31/11, adopted by vote of 33/12/1); non-repatriation of funds (Res. 31/22, adopted by vote of 32/0/15); the effects of terrorism on human rights (Res. 31/30, adopted by vote of 28/14/5); protecting human rights defenders (Res. 31/32, adopted by vote of 33/6/8); and protection of human rights in the context of peaceful protest (Res. 31/37, adopted by vote of 31/5/10). The resolution on the composition of the staff of the OHCHR (Res. 31/1) also was adopted by a vote of 33/13/1. Eight of the 12 country resolutions were adopted by vote, but since the U.S. was not a member of the Council, the resolutions on the Occupied Territories did not receive no votes this session, including the rights of people in Palestinians to self-determination (Res. 31/33 adopted by consensus), Israeli settlements in Occupied Palestinian Territories (Res. 31/36 adopted

by a vote of 32/0/15), and human rights situation in the Occupied Palestinian Territory (Res. 31/34 adopted by a vote of 42-0-5). There still were a number of other contentious resolutions on specific countries such as Syria (Res. 31/17 adopted by a vote of 27-6-14), Iran (Res. 31/19 adopted by a vote of 20-15-11), and Occupied Syrian Golan (Res. 31/25 adopted by vote of 31/0/16). This year three country resolutions passed by consensus: the Democratic People's Republic of Korea (Res. 31/18 –last year adopted by a vote of 27-6-14); Myanmar (Res. 31/24); and South Sudan (Res. 31/20). All of the 14 Decisions on the UPR reviews passed by consensus. The HRC resolutions and decisions can be found at: <http://www.ohchr.org> by going to Human Rights Bodies, Human Rights Council, Documents, Resolutions, 31st 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).

UNITED NATIONS ADVOCACY

What I Learned at CSW60 Advocating for Rural and Indigenous Women

By *Maija Calcagno*

My topic of research in preparation for the Commission on the Status of Women, 60th Session (CSW60), was Industrial Agriculture and its disparate effects on the lives of rural and indigenous women. The issues I focused on were market speculation and food insecurity, displacement of rural and indigenous peoples, prime agricultural land being used for export crops rather than feeding local people, and the effects of pesticides on the environment—looking at how all these issues disproportionately affect women. I wrote on these topics within the framework of the United Nations Sustainable Development Goals (SDGs), which was the subject of the CSW60.

I chose my topic of research because my homeland of Hawaii, where the agricultural landscape of large plantations has not changed much since our colonization, has recently become ground zero for agrochemical and genetically modified organisms (GMO) seed testing. The companies Monsanto, Syngenta, Dow AgroSciences, BASF Plant Science,

and DuPont Pioneer all have testing farms in Hawaii applying pesticides and fertilizers 12 months out of the year, which are slowly and insidiously poisoning our lands, waters, and bodies. In a state where 93% of food is imported, our agricultural land is being used for agrochemical testing and export crops. Unfortunately, I was not able to write about specific examples of what is happening in Hawaii because I found no currently



HRA delegates at the CSW (left to right): Patience Tusingwire, Maija Calcagno, Samantha Lewin, and Ike Durano.

available research on the subject specific to Hawaii.

I approached these issues as a Native Hawaiian/Kanaka woman, whose people and lands are victims of neoliberal agriculture practices. But my advocacy was asserting that this is a global problem affecting rural and indigenous peoples, with disparate effects on women and children throughout the world. (This is a continuation of the work done in Spring 2015, advocating for indigenous women's rights. The official Human Rights Advocates' statement is available at http://www.un.org/ga/search/view_doc.asp?symbol=E/CN.6/2016/NGO/105.)

When I arrived in New York, I wanted to hit the ground running. Being older than most other students and having worked in project-oriented environments, I had a task and was ready to get to work. I just did not fully understand what that task was. How do I advocate for language to be added to the CSW's Agreed Conclusions? What exactly are Agreed Conclusions?

Within the first two days of CSW60, I understood that Agreed Conclusions are really legislation—a framework for advocates on all sides to work with—and my task was about inserting myself into the legislative process. This meant competing with estimates of between 5,000 to 8,000 people at CSW60 for the opportunity to insert language into one working document.

Without scheduled opportunities to speak, my colleagues and I first went to each event, attempting to raise our hands before other people in order to be heard, sometimes in a room of hundreds of people. Within a few days, I realized that being strategic would be very important in my advocacy.

Instead of going to larger events, I found more opportunities to speak at smaller events. Smaller events also provided more opportunity to find allies. Where I finally found success was when I aligned myself with the Asia-Pacific Caucus, where people embraced me as an indigenous Pacific Islander. Unlike the North America/European Caucus meetings, which were very hierarchical, the Asia-Pacific Caucus meetings had a more communal flavor. There was more room for discussion.

The language of the Conclusions can be very frustrating because it is so broad. But I think law students and lawyers better understand why legislation needs to be broad in some instances because it not only leaves room for all sides to agree on, but it also leaves room for interpretation as times change and values change.

So in the end, at the Asia-Pacific Caucus, I advocated for the insertion of one word, “displacement,” which made it into the Final Draft conclusions and

then the Final Agreed Conclusions as “displaced.” I also advocated to keep the words “health” and “environment” in the section addressing private sector accountability. I felt this language was very important in regards to the rights of indigenous and rural women. That language also remained in the Final Agreed Conclusions. (Women's empowerment and the link to sustainable development Agreed Conclusions sections 23(m) and 23(h) are available at <http://www2.unwomen.org/~media/headquarters/attachments/sections/csw/60/csw60%20agreed%20conclusions%2024march.pdf?v=1&d=20160408T142735>.)

That the final product of my advocacy was the inclusion of one to three words in the Final Agreed Conclusions might seem underwhelming. But what we learn in law school is the importance of words and how even one word can open the door for advocating for a client.

Income Inequality and Its Role in Sustainable Development

By Samantha Lewin

I arrived at the CSW 60th session with the intention of advocating for better work compensation through policy that would more fairly distribute global prosperity. (<http://www.humanrightsadvocates.org/wp-content/uploads/2016/03/CSW60-Income-Inequality-Report-1.pdf>) I took a gendered approach to what I consider to be a universal issue which I later learned is very much a part of CSW advocacy. The session focused on 17 brand new international Sustainable Development Goals, or SDGs, derived from the 2030 Agenda—a nonbinding international agreement. (http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E). Eleven of these goals specifically mention women within their 169 targets. So advocates from all over the world spoke about how empowering women would help accomplish goals like affordable and clean energy, better industry, innovation, and infrastructure, as well as responsible consumption and production. Similarly, there were advocates who explained why underlining any one of the SDGs would have a positive impact on empowering women. I took up the challenge to illustrate how global income inequality was disproportionately negatively affecting women and advocated that by focusing on better valuing the labor of

lower income earners, we would be taking steps to both eradicating poverty and closing the 24% global wage gap between men and women.

While the economic empowerment of women was certainly a popular topic of side and parallel events, it often felt like the conversation was dominated by platforms designed by developed countries. Their take on achieving gender parity in socioeconomic opportunity seemed largely about empowering women to engage in STEM subjects – science, technology, engineering and mathematics. The rhetoric was reminiscent of Sheryl Sandberg’s *Lean In*; exploring topics like women in parliament and women’s entrepreneurship. Developing countries, however, seemed to fight to include initiatives in the conversation that were a bit less enterprising. Between the statistics about male vs. female CEOs, they advocated for non-exploitative working conditions and livable wages.

In the background of this dialectic was the pledge “to leave no one behind,” in the fight to end poverty and prioritize policies that have transformative and sustainable impact. (<http://www.un.org/sustainabledevelopment/blog/2016/01/ban-calls-strongly-on-governments-to-leave-no-one-behind/>). The conversation on women’s economic empowerment did not have to be exclusionary. I believe the lack of gender parity in opportunity can be addressed both by enhancing female participation in high paid, high power sectors while offering better protection for those who live and work in unacceptable states of deprivation. But there was a disconnect for me between the singular messages in the conversations I took part in and the pledge to leave no one behind. This disconnect led me to believe even more strongly about the value of my research topic and its capacity to be both remedial and inclusionary regardless of the state of development in a given country.

All of the NGOs at the CSW that were working on the issue of economic empowerment of women agreed that socioeconomically vulnerable women fare the worst in the global economy, but they diverged as to how to fix this problem – both in terms of the remedy they sought and the language they pushed for in the CSW outcome document – the Agreed Conclusions. I chose to emphasize that the wage gap between men and women is not only an issue of gender disparity, but also a result of inequality in the extent to which shares of prosperity are distributed between executives and laborers. Effectively, income tax rates are near lowest for those with the largest shares of global prosperity: A population which is predominantly men, as women

proportionally end up in lower-paying jobs and face a lower probability of being promoted. (Christian Gonzales, *Catalyst for Change: Empowering Women and Tackling Income Inequality*, pg. 15, October 2015). But the change I would like to see does not exactly call for improving the probability that women will achieve the level of wealth and status of the top 2%. What I want to see is the current state of wealth allocation reorganized so that 50% of global wealth, roughly 223 trillion dollars, is not retained predominantly in the hands of 300 men- or 300 any-bodies. (Global Economic Inequality Video at 1:57, <http://therules.org/campaign/inequality-video/>). I want to see a world where the number of people it takes to fill a commercial airline do not have more wealth amassed among them than the number encompassed by the population of the US, Brazil, China, and India combined)

As a consequence, more progressive tax policy became the backbone of my argument and has inspired me to continue research into more detailed corrective policy. Based on my experience at the CSW, I also developed an interest in understanding trade agreements and other tools which give profit-seeking agendas power over humanitarian ones. We had the conference outcome paper at the CSW- the Agreed Conclusions- as a tool to propel a human rights agenda over a profit-seeking one. And after many controversial drafts, I believe this tool has the potential to be an effective one. I am especially encouraged by the choice to articulate an agreement to strengthen institutional economic support worldwide “including by enhancing revenue administration through modernized, progressive tax systems...”(<http://www2.unwomen.org/~media/headquarters/attachments/sections/csw/60/csw60%20agreed%20conclusions%2024march.pdf?v=1&d=20160408T142735>).

Advancing Human Rights for Migrant Women Domestic Workers

By Ike O. Durano II

I went to the Commission on the Status of Women 60 (CSW60) with the fervent hope that something could come out of my report: “Addressing the Problems of Migrant Women Domestic Workers through Sustainable Development Goals.” An International

Labour Organization report estimated that there are now about 232 million migrants worldwide (ILO Global Estimates on Migrant Workers, Results and Methodology - Special Focus on Migrant Domestic Workers, 2015, p.5), including 17-25 million migrant women working in the domestic service sector who are continually facing abuse and exploitation in the workplace (ILO: Behind Closed Doors Protecting and Promoting the human rights of migrant domestic workers in an irregular situation, 2015, p.2). With limited access to technology to report their situation, without access to the police to hold accountable their abusive employers, without avenues to seek justice in the courts for labour, civil rights and criminal violations committed against their persons, without shelter and assistance – most of these migrant workers choose to endure their pain and suffering in silence.

This was the first session of CSW60 since adoption of the Agenda 2030 with its Sustainable Development Goals. The theme of the event, The Empowerment of Women and its link to the SDGs, was an acknowledgement on the vital role of women in the future of the world such that real sustainable development can only be achieved through their empowerment.

By immersing myself in the different parallel events, I came into contact with Non-governmental organizations (NGOs) women leaders from India, Bangladesh, Philippines, Indonesia, Malaysia, Scandinavia, Switzerland, Latin American countries and the US, and I was in awe of the emotional commitment that these women have made in the fight against abuses and exploitation, violence, discrimination and inequality. I also participated in the side events organized by MENA (Middle East and North African Region) and here, I came to an understanding why migrant workers are abused in these countries. This is because these patriarchal societies have legal systems that are often anchored on religion which provides a potent atmosphere for abuse and discrimination against women.

In most of these activities, I not only listened, but also participated and shared my written report with everyone. To my surprise, almost all the time I was given the microphone as most of the women were just so happy to see a man working on their issues. When they heard my concerns and read my report, most of the NGO leaders from MENA affirmed my research findings and they commented that now what

is needed is real accountability.

On the fourth day, I had the chance to talk to the Philippine delegation during their side event, Women on fire. I introduced myself as a Filipino. I was able to have an extensive conversation about my report with their Labour Undersecretary, Ma. Gloria Tango. They said that they were happy to have meet me at the CSW, that they were proud of what I was doing, and said that they would support the recommendations that I have made through the language in the Agreed Conclusions. However, they said that it would have to be in line with the position that the Philippine government was taking.

While we admittedly had our fair share of frustrations, I was happy to see the language in the Agreed Conclusions that I have advocated for:

- Sec. 23, par. I, The recognition of migrants and their contribution, especially women migrant workers and the need to eliminate violence and discrimination against them and the promotion of their empowerment through international, regional or bilateral cooperation among stakeholders in particular countries of origin, transit and destination.
- Sec.23, par. H, Taking the private sector accountable, that their acts should be in line with the guiding principles on Business and Human Rights, including the fundamental principles and rights at work of the International Labour Organization;
- Sec. 23, par. D, The removal of discriminatory provisions in legal frameworks including punitive provisions and setting up legal, policy and administrative and other comprehensive measures as appropriate to ensure women's and girl's equal and effective access to justice and accountability for violations of human rights of women and girls.

In the end, I am just thankful for the wonderful opportunity that the International Human Rights Clinic and Human Rights Advocates gave me to participate in CSW60. This experience taught me not only how to do extensive legal research and write academic reports, but also most importantly, it afforded me the opportunity to work to make a difference in the lives of women migrant workers all over the globe.

Enforcing the Rights of Children in the Juvenile Justice System

By Cooper Findlay

What a wonderful and great privilege it was to represent the University of San Francisco and Human Rights Advocates at the 31st session of the Human Rights Council in Geneva. My journey to Geneva and my report (A/HRC/31/NGO/53) focused on several areas of concern regarding juvenile justice including: juvenile life without parole sentences, juvenile death sentences, and transfers of juveniles to adult detention centers. With that focus in mind, my advocacy centered around getting language into the resolution on the “Rights of the child: Information and communications technologies and child sexual exploitation” (A/HRC/31/7), that reflected the need to protect children in juvenile justice systems around the world.

When we arrived at the Human Rights Council, however, it became clear that the Rights of the Child resolution was centered solely on protecting children in the realm of information and communication technology (ICT), and did not include criminal justice. Although ICTs were the theme of the day when I spoke to the Council, I still addressed violence against children in the criminal justice system. After speaking to the Human Rights Council, we attended a drafting session on the draft resolution on “Torture and other cruel, inhuman or degrading treatment or punishment: safeguards to prevent torture during police custody and pretrial detention” (A/HRC/31/31), sponsored by Denmark. It was in this drafting session that we found a place to try to insert language into the resolution reflecting the unique needs of children.

The draft resolution was focused on preventing torture in “pre-trial detention.” I approached the Danish delegation about including language in the resolution that would note that under international law, specifically Article 10 of the International Covenant on Civil and Political Rights, children and adults must be separated during detention. I also noted the Special Rapporteur’s recent report on torture, that putting children with adults in detention would constitute torture. The Danish delegation was reluctant to include any new language in the draft as there had been a battle

over the Special Rapporteur’s report.

We did not give up with the roadblock but pivoted our advocacy toward other countries in the drafting session. We talked to the delegates from Austria, Mexico, Uruguay, Brazil, and Argentina to get this language included. Uruguay agreed, and used our language in its proposal for new language draft resolution the next meeting. Many of the Latin American countries that we talked to immediately voiced their support for the new addition, as well as others. It was also a delight to see no objections raised by any other countries for such an important topic.

One of the most important side events I attended was Professor Honigsberg’s “Witness to Guantanamo” presentation, sponsored by Human Rights Advocates and the ACLU. I watched in absolute disappointment as former detainees, lawyers, and guards described the prison.

In my time at the Human Rights Council I learned so much more about the inner workings of the UN, the politics of the UN, and of the role of NGOs. NGOs have an important role in the advancement of human rights domestically and at the UN. It was sad to learn that many NGO human rights advocates face violence and persecution at home for reporting violations of human rights. Despite these bleak circumstances, the NGOs from some of these countries were resolute and unfazed, demonstrating that a commitment to human rights is a service to all of humanity. It was invigorating to hear them speak, and made me all the more grateful and humbled to have an opportunity to sit and work with them to help improve our world.

Environmental Threats to Securing the Right to Food

By P Lawrence Teal

The USF School of Law Human Rights Clinic offered me an opportunity to put to work my immense interest and prior experience with a number of international environmental law issues. In addition to those involving natural resources and forests, I entered the Clinic well acquainted with matters involving environmental threats to small-scale, rural farmers at

risk of losing their land to international agricultural corporations. When a natural resource or rural farm is threatened, the right to food and the nutritional security of the surrounding communities reliant on that source is undermined. And so my research in the Clinic and my advocacy in Geneva centered around the right to food, with a view to how food security is being threatened through restrictions on traditional resources and agri-business operations in developing countries.

One example of this arises under a program of the United Nations Framework Convention on Climate Change (UNFCCC), a treaty that aims to combat climate change. In 2007, the Conference of the Parties to that treaty adopted a resolution establishing the Reducing Emissions from Deforestation and Forest Degradation Programme, commonly known as REDD. In a nutshell, REDD provides financial incentives to developing countries in exchange for reductions in CO₂ emissions by preventing forest degradation. In practice, REDD can restrict indigenous people's access to traditional resources, indirectly threatening their right to food. REDD projects have been established in various parts of the developing world. Yet as I spoke with developing countries' delegates, I found most to be unfamiliar with it, let alone aware of potential implications on food security. I often became an instructor on the topic, which was somewhat of a barrier when trying to advocate for a certain position. Sensing that impediment, I would pivot to my second issue of small-scale farming, which usually proved easier to explore, given delegates' greater familiarity with that issue.

Large-scale agricultural operations in Latin America have begun to supplant local, staple crops with plants whose products are meant solely for international export, like palm oil. The right to food is implicated when corporations buy-out or sometimes force small-scale farmers out of their land, causing food insecurities for the surrounding communities.

One of my main objectives while at the UN in Geneva was to gauge support for and lobby delegates behind the development a legal remedy specifically for communities whose right to food has been threatened or violated. (See Human Rights Advocates, *The Right to Food Undermined by Threats to Indigenous Peoples' Land Security by REDD+ and Agro-Industrial Practices*, A/HRC/31/NGO/185, available at http://ap.ohchr.org/documents/alldocs.aspx?doc_id=26060.) A right to remedy for violations of the right to food specific to highly vulnerable communities, such as indigenous peoples and small-scale farming operations, would complement the

legal structures the UN has previously encouraged states to develop in the protection of natural resources directly related to the right to food.

My advocacy began with the Special Rapporteur on the right to food, who although was certainly supportive of the idea, did not necessarily have leverage to influence delegates one way or another, which was one of our main objectives. Listening intently to delegates' positions on the issue, and using any opportunity I could find to discuss my research in light of their previous statements, proved to be a useful lobbying tactic. I was eventually able to get a copy of the draft resolution on the right to food. During the debate on the resolution, I intervened to voice support for a legal framework, which had been removed from the draft text. As of the end of the March 2016 session, the resolution on the right to food included text encouraging states to consider developing their legal structures on the protection of the right to food and will hopefully remain in the coming debates.

I left Geneva having realized one of my key motivations for attending USF Law, and law school in general. I strived to gain a better understanding of the international rulemaking process, and worked to bring attention to a just and worthy cause—an unparalleled experience and opportunity.

Finding the Good Among the Political Barriers at the UN

By Gabriela Méndez

My report for the University of San Francisco Frank C. Newman International Human Rights Clinic was about the recruitment of children into armed groups including military, rebel groups, and gangs. (Prevention of the Use of Children in Armed Conflict, A/HRC/31/NGO/168.) I focused on the prevalent use of child soldiers in Sudan, South Sudan, and the Democratic Republic of the Congo, emphasizing that both governments and rebel forces are recruiting children. I also focused on gang recruitment of children in Central America, which is very similar in many ways to the recruitment of children in Africa, and I argued it should be included in the Special Rapporteur's report on Children and Armed Conflict.

Some of these similarities of recruitment include: that it is focused on communities of

impoverished children, it is forced, and education is insufficient or lacking for the children being recruited both prior to and post-recruitment. Another similarity is that children are often forced to migrate to avoid being recruited, or forced to migrate post-recruitment in order to get out of danger. I was faced with the difficult task of trying to hold both the Latin American and African countries accountable for allowing children to serve on the frontlines of armed conflict.

In my advocacy on this topic at the United Nations Human Rights Council, one particularly memorable experience was when the Sudanese delegation approached me to ask me to attend their side events. I struggled trying to balance my own personal passion about advocating against the genocides and violence that have been promoted by the Sudanese regime with representing my client, Human Rights Advocates, in the capacity of the research project I did. After receiving some guidance from Professor de la Vega, I was able to balance this by asking questions directly related to the recruitment of children during the meeting Sudan held. After the meeting I met with the attorney general of the Darfur region and I was able to inquire about some of the graver human rights abuses. However, for each question I asked, I received disappointing answers such as “tribal warfare” and “isolated conflict”—none of them holding the government at all accountable for widespread abuses and mass killings. From this experience, I further realized how political the issue was.

The group of students from the USF Human Rights Clinic and I met a close friend from South Sudan, who told me that if people from Sudan speak out against their government they will be fired, ostracized, forced to migrate like her father was, or even killed. I then realized that many of these people in attendance also face personal and grave human rights violations upon their return home simply for revealing the violations occurring in their home countries at a side event at the HRC.

Due to the limited time NGOs were given to speak, I was unable to make my statement before the full Human Rights Council. Fortunately, I was able to comment at side events, ask questions, and lobby there. I had the opportunity to make our frustration about the lack of time and attention allotted to NGOs known to the Office of the Deputy High Commissioner, who recognized the importance of civil society.

A highlight for me was that I was able to speak with the Special Representative on Children and Armed Conflict, Ms. Zerrougui. She had produced

an extensive report on the recruitment of children into armed conflict by researching and traveling around the world the past year. (Annual report of the Special Representative of the Secretary General for Children and Armed Conflict, A/HRC/31/19, 12/28/2015.) After sharing my report with her, she assured me that she has someone working on the Latin American issue regarding the recruitment of children into armed conflict and that gang recruitment would be something she will be looking at closely.

At times the process at the Human Rights Council seemed more politics-focused than human rights-focused and this was evidenced in the drafting sessions when countries seemed to want their minor edits in just to have the final word. It was often difficult to see how things were getting done and frustrating as well because each delegation was trying to defend itself or cover up what was actually going on in their countries.

Ultimately I believe that the NGOs and civil society who are at the UN for the right reasons—such as reporting back on extensive research and trying to get human rights violations addressed—are the ones who preserve the truth in the process at the UN. It is these groups that continue to hold governments accountable. Although their voices are sometimes small in the sense that they are often overlooked by the politics at the UN, it is these groups that keep the process an honest one and who keep the focus on what it needs to be: to come together and fight against human rights violations and violators.

Death Penalty and the Prohibition Against Torture and Cruel, Inhuman and Degrading Treatment and Punishment

By Minh Le

For the 31st session of the United Nations Human Rights Council (HRC), I focused my research and advocacy on the issue of capital punishment as it relates to torture. Although there is no complete bar against death sentencing at the international level, there are treaties and international instruments in place safeguarding an individual’s right to life, and protection against torture

and cruel, inhuman and degrading treatment and punishment. Capital sentencing and executions are often a violation of these international standards.

My research involved three aspects of death sentencing that constitutes torture, the death row phenomenon experienced by inmates, the method of execution involving unnecessary suffering and indignity, and punishments that are grossly disproportionate to the crime. Human Rights Advocates, Death Penalty and the Prohibition Against Torture and Cruel, Inhuman and Degrading Treatment and Punishment, A/HRC/31/NGO/184 (2016).

At the HRC, the topic of torture was an agenda item, however, mainly in the context of LGBT and detention centers. This hurdle required me to be flexible and strategic, and to take a different approach in terms of advocacy.

Although it was not listed as an agenda item for this session, it just so happened that an upcoming session was going to address the issue of death sentencing as it relates to torture, so I tailored my approach and lobbied certain delegates to consider the subject of the report in preparation for discussion, and drafting of the resolution in the upcoming session. Ultimately, I was also able to make connections, and I spoke with delegates who were genuinely interested in the topic of the death penalty and were strong supporters of universal abolition.

Another approach I took in trying to relay my message was to attend specific side events that related to the issues of torture to see which countries' delegates attended and what their concerns and interest were.

One side event that proved particularly rewarding was a panel discussion on torture of LGBT individuals across nations. During the open discussion, many countries, such as Bolivia, Argentina, Brazil, and Thailand voiced their concerns about the protection of LGBT rights and how to keep the discussion moving in future sessions. I used this lead to introduce my report into the conversation. Because a section of my report focuses on capital sentencing for crimes of status and homosexuality, I was able to address the concerns raised. I presented my position to the delegates as a way to keeping the conversation alive in the following sessions.

My final goal for the Clinic was to be able to speak to the delegate from Vietnam about the issue of capital punishment for non-violent crimes. During the summer after my first year of law school, while at the United Nations Development Programme (UNDP) office in Vietnam, one of my main tasks was to report

on the current conditions of capital sentencing in the country, and I worked with the local authorities to try to deregulate certain death-punishable crimes. More specifically, I worked to remove economic and drug crimes from that list. Since then, Vietnam has taken great strides forward, amending its penal code to better meet international standards. This was something I was able to speak to the Vietnamese delegate about, and I tried to convince Vietnam to take lead and essentially be the forerunner in the future session addressing the death penalty.

What I found most rewarding throughout this experience was how I was able to tie together my work at the UNDP in Vietnam, to my work with Human Rights Advocates in advocating for an international abolition on capital sentencing.

Although global changes do not happen overnight, I was fortunate to see some things unfold over the course of my law school career. I can only hope to continue to be involved in these changes as I move forward from this experience and into my legal career.

Advocating for Cultural Rights

By Caroline Holtgrave

This March I had the incredible opportunity to advocate for the importance of protecting cultural heritage as part of the right to culture at the 31st session of the Human Rights Council. I argued that cultural heritage is essential to cultural rights because it gives value to an individual's cultural identity and is necessary to fully access cultural rights. I emphasized the need to protect cultural heritage within the context of tourism. (See Written Statement submitted to the UN, A/HRC/31/NGO/52.)

In my recommendations, I urged the Council to include tourism within the context of cultural heritage protection in the Special Rapporteur in the field of cultural rights's mandate, and asked the Council to urge governments to address the protection of cultural heritage by creating mechanisms to ensure that tourism and cultural preservation can support and drive one another in a sustainable way.

In February, the first report of the new Special Rapporteur in the field of cultural rights, Karima Bennouna, was published on the UN website. (See Report of the Special Rapporteur in the field of cultural rights,

A/HRC/31/59.) Finding out that she would be focusing her studies on protecting cultural heritage, I became even more excited about advocating on my topic. Although she did not directly mention tourism in her report, I felt I still had the opportunity to contribute to her overall research and share my ideas of including tourism in the overarching understanding of cultural rights.

When in Geneva, I was fortunate to meet the Special Rapporteur in the first few days. She was the first person I spoke with about my research at the session and I was thrilled to share my ideas with someone so knowledgeable in the area. She seemed delighted to take my paper and excited to know there were NGOs working for cultural rights and the protection of cultural heritage.

One of the first side events I attended was a drafting session on a resolution entitled “Question of the realization in all countries of economic, social and cultural rights”. (A/HRC/31/5.) Although the United States is not a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), it was interesting to observe its delegation members actively objecting and trying to cut back on language to which other countries were themselves bound by virtue of having ratified the ICESCR. It seemed as though the United States was trying to undermine stronger language on economic, social and cultural rights for fear that it could perhaps be bound by customary international law if the language were to become widely accepted in the future. Seeing these actions by the United States made it even clearer to me that cultural rights need to be more strongly promoted and the international community needs to hold violators of cultural rights accountable.

A few days later I was able to attend a Cuban-sponsored drafting session on the promotion of cultural rights. (See Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity, A/HRC/31/12.) Although there was not very strong language supporting or promoting the protection of cultural heritage, I was glad that the words “cultural heritage” were at least present in the resolutions on cultural rights. I was also glad that Cuba decided to “take note” of the Special Rapporteur on the right to culture’s reports on intentional destruction of cultural heritage. Development in language, even if few words, can continue to develop into legal standards and protections of cultural heritage.

The last day we attended the Human Rights Council session, I went to a side event entitled “Promotion and Protection of Cultural Rights and Heritage” that discussed the destruction of cultural

monuments, transcripts, and other important heritage in Mali approximately 4 years ago. During the event, the Congolese Ambassador argued that although preserving culture might cost a lot, the cost of ignorance is much higher. He focused on the power of knowledge and the value in human cultural heritage, spreading an important message during a time in which so much culture is being intentionally attacked and destroyed.

I am hoping to expand my studies within cultural rights and to continue researching ways in which they can be protected in all contexts. Preserving cultural heritage for future generations is essential to cultural rights, as well as the right of education and knowledge for our future. Participating at the 31st session of the Human Rights Council was an enriching experience and I am incredibly grateful for the opportunity. I hope to continue to hone my research and advocacy skills, specifically within international law, and I look forward to following the development of cultural rights in the international community.

Protecting the Right to Adequate Housing in the Context of Mega-Projects

By Rahul Rao

In March 2016, through the University of San Francisco Frank C. Newman International Human Rights Clinic, I attended the 31st Session of the United Nations Human Rights Council and advocated for the right to housing, particularly in the context of large-scale development and infrastructure projects, or “mega-projects.” Using examples of the failures and successes of various States, my statement to the Human Rights Council suggested that the mega-project planning model most protective of the right to adequate housing successfully integrates both (1) citizen consultation throughout the planning and construction process, and (2) the meaningful implementation of subnational and local laws effectuating access to adequate housing (Protecting the Right to Adequate Housing in Mega-Projects, A/HRC/31/NGO/183 (February 24, 2016) available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/035/80/PDF/G1603580.pdf?OpenElement>).

Although I was unable to meet the Special

Rapporteur on the right to adequate housing due to scheduling differences, I was able to attend the consultation on the draft resolution on the right to adequate housing. Both prongs of my recommendation were addressed in the concluding paragraphs of the proposed resolution. Interestingly enough, despite California being one of my examples of the successful protection of the right, it was the delegate from the United States who wanted to change the particular language relevant to my two-pronged recommendation. I specifically used the California Housing Element Law, which conditions state funds on local governments providing adequate housing for people at all income levels, as a paradigm of a subnational bottom-up legal mechanism.

Ultimately at the end of drafting session, I approached the members of the panel comprised of the delegates from Germany, Brazil, and Finland, urged them to keep the relevant language vis-à-vis citizen consultation and subnational law, and delivered my report. Due to the proliferation of aspirational statements in the proposed language, I reiterated that preserving specific methods to guarantee the right to adequate housing is essential. For example, another drafting session I attended called “Human Rights

through Sport & the Olympic Ideal” was filled with superficial language highlighting how amazing sports are for preserving human dignity, while ignoring the human rights impacts of mega-events such as the Olympics. (See: Promoting human rights through sport and the Olympic ideal, A/HRC/RES/31/23, (March 21, 2016) available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/31/L.29).

The panelists agreed with me, and the Finnish delegate in particular was very excited about what I had to say. As I later discovered, the language from my two-pronged recommendation was ultimately preserved in the final draft of the resolution on the right to adequate housing (Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context, A/HRC/RES/31/9, ¶3 (March 18, 2016) available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/31/L.11).

I am grateful for the opportunity of this seminal moment in my legal career, facilitated by Human Rights Advocates and the faculty at University of San Francisco Law, to advocate for the right to adequate housing and to actively participate in the process of the United Nations Human Rights Council.

HRA Annual Meeting

By Jeremiah Johnson

HRA held its Annual Meeting on April 7, 2016 at the University of San Francisco School of Law - welcoming longtime members and new members alike. The meeting’s agenda included the election of the 2016-2017 Board members and discussed the financial business of HRA, but perhaps more importantly, it was an opportunity to engage with fellow members.

HRA Board President Jeff Kaloustian opened the meeting with welcoming remarks followed by a special tribute to Nicole Phillips who was leaving the Board after 16 years of service. He noted that she had and continues to dedicate her heart and soul to human rights, as is evidenced by her work in Haiti with Institute for Justice and Democracy in Haiti and with HRA.

After the business meeting and the Board elections, the meeting was opened for discussion. We discussed how HRA chooses the topics and issues for its work and how important it was that it addresses human rights issues and not necessarily focuses specifically on individual countries. It was also noted how remarkable

that such a small organization such as HRA could have such a loud voice at the UN!

In addition to its work at the UN, HRA members discussed HRA’s *amicus* filings, including work on the Juvenile Life Without Parole (“JLWOP”) cases.

At the end of the meeting, members felt recharged and inspired to continue with the important work that HRA does both at the UN and here in the US. This inspired a long-time HRA member, Regina Sneed, present at the meeting to sponsor 3 new members for HRA – audience members who happened to attend the meeting!

The following were re-elected by HRA members to serve as HRA Board of Directors for 2016-2017: Connie de la Vega, Jeremiah Johnson, Jeffrey Kaloustian, Abby Rubison, Birte Scholz, and Julianne Cartwright Traylor. Alen Mirza was also elected to serve (see Message from the President).

HRA thanks its members for all of their contributions and looks forward to another positive year dedicated to promoting and protecting international human rights in the United States and abroad.

BAY AREA CORNER

HUMAN RIGHTS HAPPENINGS AROUND TOWN

HRA co-hosts Happy Hour with UN Special Rapporteur David Kaye

On Thursday, March 31, Special Rapporteur on the Freedom of Opinion and Expression David Kaye addressed a sold-out crowd at a Bay Area Human Rights Happy Hour organized by the International Justice Resource Center and co-sponsored by Human Rights Advocates, with the Electronic Frontier Foundation, ACLU of Northern California, Amnesty International, International Law & Practice Section of the Bar Association of San Francisco, and the East Bay Chapter of the United Nations Association joining us in sponsoring the event.

Special Rapporteur Kaye began by providing an overview of the role of Special Procedures of the United Nations Human Rights Council, and his mandate, then spoke about a range of issues related to freedom of opinion and expression, using several examples from his recent trip to Tajikistan. He talked about the changing landscape in oppressing freedom of expression now that people can use social media sites where independent media are not present. He also described the pressure that “small journalists,” like bloggers, face when seeking to share views that their government opposes. As he explained, governments in some countries have shut down networks or sites that they disagree with, sharply limiting people’s ability to express their views.

As for his work going forward, the Special Rapporteur discussed his plans to explore the role of the private sector—starting with telecommunications companies and internet service providers. He also plans to examine state responsibility in that area, given governments’ ability to demand that companies allow them to access data they transmit and to shut down networks. Fielding a variety of questions from

an engaged audience, he also talked about hate speech, noting challenges posed by the lack of definition of this term under international law.

Finally, in speaking to an audience largely comprised of civil society, Special Rapporteur Kaye highlighted civil society’s valuable role in providing information to Special Rapporteurs—which are severely understaffed—to offer data, cases, or other fact-based findings that can strengthen the Special Rapporteurs’ investigation and analysis of issues under their mandates. (As an organization that regularly reports to UN Special Rapporteurs, HRA is happy to hear our work is so well appreciated!) We thank Special Rapporteur Kaye for an enlightening discussion and enjoyable evening.

A Message from the President of the Board of Directors

On behalf of Human Rights Advocates, I would like to convey our sincere and utmost gratitude to Ms. Nicole Phillips for her SIXTEEN years of service as a member of the Board of Directors. Nicole’s commitment to protecting and promoting international human rights, her legal expertise and vast advocacy experience have all been a great asset to HRA over the years. We wish Ms. Phillips much success with her current and future projects, including her work as staff attorney for the Institute for Justice and Democracy in Haiti. Nicole’s service as a Board Member will be missed, but we look forward to continued contact with her as an HRA member.

HRA is also excited to welcome Mr. Alen Mirza to the Board of Directors. Currently serving as Global Policy Associate for Asylum Access, Alen brings a wealth of international human rights advocacy and non-profit experience to his position on the HRA Board. We look forward to working with Mr. Mirza to further the goals of HRA.

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Human Rights Advocates

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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 \$_____

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

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