Advocacy at the UN

By Connie de la Vega

Ten students participated in the University of San Francisco’s Frank C. Newman International Human Rights Law Clinic during the Spring 2017 semester, representing Human Rights Advocates at the meetings of two UN human rights bodies. Four Edith Coliver Interns attended the 61st session of the UN Commission on the Status of Women (CSW) in New York and six Frank C. Newman Interns attended the 34th session of the Human Rights Council (HRC) in Geneva, Switzerland.


I supervised the six Frank C. Newman Interns who attended the HRC and were involved 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 and were able make the annual trip to the renowned physics research center CERN, thanks to our representative in Geneva, Claudio Marinucci.

During the HRC session, 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 Jamil Dakwar from the ACLU. The Special Rapporteur on Torture was not able to join us, as he
I participated in the University of San Francisco Frank C. Newman International Human Rights Law Clinic during the spring 2017 semester, representing Human Rights Advocates at the 61st session of the UN Commission on the Status of Women (CSW) in New York. This was an enriching opportunity for learning. I focused my research and advocacy there on the treatment of migrant women workers.

There are about 150 million migrant workers around the world, according to a recent United Nations study, which provides useful labour migration data for policymakers as they seek to make headway on the 2030 Agenda for Sustainable Development. The report, ILO Global Estimates on Migrant Workers, found that there are 232 million international migrants, of which 206.6 million are 15 years old and up. Of this working-age migrant population, 72.7 per cent, or 150 million, are migrant workers; 83.7 million are men and 66.6 million women. International Labor Organization, Global Estimates on Migrant Workers, available at www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_436343.pdf.

I had the opportunity to attend the opening ceremony session, and the privilege to speak with the Minister of Labor from Mexico. I introduced myself as a Mexican/American and was able to have an extensive conversation with her about my report. The Minister
from Mexico said that she was proud of what I was doing and said that Mexico and the United States need young women who promote education and make recommendations to achieve good communication between the two countries.

I also interacted with NGO women delegates from Nigeria and Mexico and participated in conversations and shared my written report with them. I attended and participated in discussions at a number of side events – speaking from the audience at two of them. When they heard my concerns and read the summary of my report, an NGO leader from Nigeria and a representative from the International Labour Organization affirmed my research findings and commented that now what is needed is to focus on the human rights of these women workers. Saying that my report addressed a very important topic, they encouraged me to continue to work on this issue and recommended that I attend sessions of other UN bodies such as The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), the UN body of independent experts that monitors implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by its State parties.

I came to understand the need to eliminate violence and discrimination against women migrant workers and the promotion of their empowerment through international, regional or bilateral cooperation among stakeholders in particular countries of origin, transit and destination. Promoting education is the key our society needs to keep in mind to achieve the empowerment of women.

I also came into contact with Gabriela Leal, a media manager for a women’s non-profit organization in Mexico. During the side event, she helped me to understand that a way to promote human rights is to become an activist. To be an activist is to conduct studies on a particular problem of a region, and promote solutions.

In the end, I am very grateful to the Frank C. Newman International Human Rights Law Clinic for this opportunity. The respect for and study of human rights have always been part of my life. 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 society. It also promoted my desire to become an activist.

I would like to share the phrase of Marcela Romero, an activist from Argentina: “Human rights cannot be just a speech.” For this reason I invite people to become promoters of human rights. We need to start in our families, in schools, workplaces, and communities, and most importantly, to remember to defend our own dignity.

Advocacy to End Gender Discrimination in the Workplace

By Ida Florianne Kersten

I had the privilege to represent Human Rights Advocates during the UN Commission on the Status of Women (CSW) in New York in March 2017. The experience significantly broadened my perspective on workplace gender discrimination and taught me how to be a better advocate to fight this type of discrimination.

At the CSW, I was given the opportunity to present my research on the issue of discrimination against women in the workplace, and to discuss this important issue with advocates from all over the world, including my country of origin, Ivory Coast, as well as India, Mexico, and other countries not included in my research -- Rwanda, Sweden, Nigeria, Cameroon, Madagascar, Liberia, France, and Burkina Faso.

In short, the CSW confirmed my research findings that the United Nations has been a driving force for change, but gender-based discrimination both inside and outside the workplace persists despite these efforts. Perhaps one of the most important takeaways from this experience and these interactions was that the CSW greatly expanded my vision of workplace gender discrimination and what needs to be done to combat it on a global scale. These interactions greatly expanded my knowledge and corroborated many of my initial findings and beliefs that I had ascertained through my studies. By listening to the panelists and attending all the events, I realized that discrimination against women in one country is very similar to what happens in every other country around the world.

My topic is covered several times in the Agreed Conclusions, especially in the Introductory section, “Strengthening normative and legal frameworks,” as
well as “Strengthening education, training and skills development,” and “Implementing economic and social policies for women’s economic empowerment.” (See http://undocs.org/E/CN.6/2017/L.5 , 27 March 2017). With this kind of dedication to the issue from around the world, it gave me hope that things will continue to improve and that one day, gender discrimination may be eradicated from the world.

In conclusion, this experience proved to me that my topic of gender discrimination in the workplace is as pressing and important as ever in our modern society. And the only way to ensure improvement is for advocates to keep strengthening their advocacy efforts, which is what I was able to do by leaps and bounds by attending the CSW.

Closing the Gender Pay Gap to Achieve Gender Pay Equality

By Amy Golinveaux

I attended the UN Commission on the Status of Women (CSW) to lobby for equal pay under the session’s priority theme of Women’s Economic Empowerment in the Changing World of Work. After extensively researching the topic of equal pay on a regional level, and formulating recommendations, I set out to advocate for policy change directed at achieving pay parity. We attended events discussing critical issues for women’s economic development and the various modes of implementation employed by States, while monitoring the discord that would influence the formulation of the Agreed Conclusions. I was quickly confronted by the realization that this was a much more complex issue after attending many of the side events that illustrated intersecting issues.

No country in the world has entirely closed the gender pay gap. At the current rate of change, it will take 170 years for women to reach global pay parity, supporting the suggestion that this is an intergenerational issue with long-lasting effects. A number of other women’s issues, including maternity benefits, unpaid care work, and workplace advancement, have proven to be both a cause and effect of this core issue. However, its resolution could provide a profit to States. For example, according to the delegate from the UK, unpaid or low valued care work is not factored into the GDP, but saves the United Kingdom 132 billion euros annually by not providing government assistance for these care services to some groups. Closing the wage gap would contribute significantly to the economy by not requiring that the government provide additional services, and by creating taxable income.

The gender pay gap is most notable in the private sector as it easily evades government regulation and is not as easily influenced by government collaboration and incentive. State governments have made gains in closing, or significantly decreasing, the gender pay gap through the use of incentives, tax breaks, and programs that allow States to form partnerships with public companies and implement policies confronting discrimination.

Another area of interest was intersectionality: how many different issues and areas affect a single issue. The gender pay gap, for example, is an issue that affects all women. However, it is felt more deeply, and more significantly, for women of color on the lower end of the socioeconomic ladder. Low-income indigenous workers and immigrants see larger wage gaps than middle class, white women in a number of countries. Factoring in race, national origin, and age greatly influences the size of the gender pay gap and exposes gaps in policy and implementation that have a trickle-down effect, sometimes leaving the most exploited groups with little resources.

My time at the CSW was not without its obstacles as it was quite difficult to gain access to delegates as a representative of an NGO, and the United States’ delegate’s presence and position on issues was often uncertain. However, it was an educational immersion into the diverse and often political world of the United Nations. We discovered in our North American Caucus meetings that the US delegate had been working to soften the language of the Agreed Conclusions in an attempt to diminish the importance of the provisions, and international observance and implementation, of the Convention on the Elimination of All Forms of Discrimination against Women. It was an issue we had noticed even when discussing the overarching theme's use of the word “empowerment” as opposed to the word “equality.” The vague and ambiguous language that was thrust into the Agreed Conclusions was challenging, particularly since negotiations were closed to NGOs.

I had the privilege of making an oral intervention at the expert panel on “Enhancing the
availability of gender data and statistics for accelerated implementation of the Beijing Platform for Action and the 2030 agenda for sustainable development.” It was an opportunity to promote the need for disaggregated data and improvements to collection techniques that would be instrumental in constructing pathways to gender equality. Archaic means of data collection are often in the form of male-biased surveys that can gather little, if not leave out entirely, important information on the most vulnerable groups of women and girls.

Overall, the CSW was a great experience that taught me a lot about the inter-workings of policy and international relations, and I appreciated the chance to represent HRA and the USF School of Law.

Advocating for Global Maternity Protections

By Sydney Ferris

This year I was honored to be chosen as an Edith Coliver Intern and given the opportunity to attend the UN Commission on the Status of Women (CSW) in New York. This year the focus of work at the CSW was “Women’s Economic Empowerment in the Changing World of Work.” My topic was the need for global maternity protections for women (www.humanrightsadvocates.org/wp-content/uploads/2017/04/Global-Maternity-Protection.pdf).

In our current global economy, gender wage disparity is a growing concern among women all over the world. One of the integral factors that can contribute to the differences in wages between men and women is the need for women to leave the workforce for a significant amount of time to prepare for and recover from childbirth. Maternity protection is conducive to social and economic development and was a point of discussion at many of the events at the CSW this year.

Historically, there was often one parent in the home full-time, typically the female, who was able to care for the needs of the home, raise the children, and contribute to the running of the household. Now that women have entered the workforce in large numbers, the need to change the traditional role of women as a stay-at-home parent has emerged throughout the world. Throughout the CSW session, a number of countries discussed their approach to support women in the changing world of work. In addition, according to the International Labour Organization’s Maternity Protection Convention (2000), maternity benefits should be at least 14 weeks and women should be offered at least ⅔ of their salary by the government or employers. Currently, 34 percent of countries meet this requirement, and many exceed the ILO standard for maternity protections. (Maternity and Paternity at Work: Law and Practice Across the World, International Labour Organization, May 13, 2014.)

Although throughout the world maternity benefits have improved, there are several industrialized countries that still fall extremely short of the standards laid out by the ILO. In the United States, the federal government offers no paid maternity leave. Because of this reality, states and smaller municipalities are taking action to offer paid maternity benefits. California and other states have passed state legislation to offer some minimal level of pay to workers on maternity leave.

At the CSW, I was able to attend several side events convened by countries that have implemented creative ways of addressing maternity benefits through their government. One such event that I attended, hosted by Hungary, discussed Grandmothers’ Pensions, which are early, fully paid pensions paid out to grandparents so that they can stay home and care for young grandchildren while the mother returns to work. At another side event hosted by Australia, representatives discussed flexibility in work and pointed out the need to create positions within the workplace that are conducive to being both an employee and an active parent in the home.

As a final outcome of the CSW session, all of the Member States negotiated and deliberated on its Agreed Conclusions. In its first several drafts, maternity benefits were mentioned several times. As a result of these discussions and debates among countries regarding the language in the document, I think the final document has the potential to create change. I am encouraged by the fact that the “Strengthening normative and legal frameworks” section of the document includes enacting or strengthening legal and regulatory frameworks that “…ensure equality and prohibit discrimination against women, in particular in the world of work, including their participation and access to labour markets, inter alia, discrimination based on pregnancy, motherhood, marital status or age, as well as other multiple and intersecting forms of discrimination…” (See Para. 40, sec. c in http://undocs.org/E/CN.6/2017/L. , 27 March 2017).
I attended the Human Rights Council to address the issue of foreign debt and its consequences for development and the realization of other human rights. (www.undocs.org/A/HRC/34/L.3). I am interested in arguments that are persuasive outside of the international human rights legal community because of the difficulty economic policy has in asserting its relevance in human rights discourse. On the one hand, it seems that the public is not used to understanding money as a human right, even though without it, people cannot afford to live. And on the other hand, profit-seeking seems to enjoy impunity as if it were a reasonable justification for callousness toward humanity. As Warren Buffet observed in his tenure as international investor, it is “sickening that rich people and companies use the Cayman Islands to lower their tax bills, but moral outrage is a weak weapon against international tax arbitrage.” (http://financesonline.com/income-inequality-views-solutions-from-experts/).

But rather than framing this approach to profit-seeking as a product of greed or corruption, in my research I focused on acknowledging the contemporary struggle governments face to foster economies that generate earnings and to tax these earnings appropriately so that sufficient government revenue can be devoted to debt management and essential social welfare programs. (www.undocs.org/A/HRC/34/NGO/48). I am always interested in advocating for progressive taxation because I believe the lack of effective wealth distribution is a huge contributor to the contemporary disparity in this world where 8 people own about 17% of an estimated 256 trillion dollars in total global wealth while another 17% is shared by 3.6 billion people.

I am increasingly frustrated that reporting about monetary policy seems to favor wealth redistribution via progressive taxation as a solution to inequality. But on the operational level, effective implementation is still sparse. It was validating to know that I wasn't the only one who saw this: That there was a panel on international financial policy that devoted at least 30 minutes to talking about how the International Monetary Fund releases staff reports which advocate for progressive reform and yet demand regressive contingencies on their loans. It was reassuring to see others interested in challenging the status quo of the deregulation that contemporary international creditors and corporations enjoy – whether that challenging was in a lobbying capacity or in hosting a panel of nonpartisan experts and creating opportunity for dialogue without political aims.

But ultimately, there is an endgame for the Council meeting session: to develop a series of legally authoritative documents that include language about government responsibilities toward human rights efforts in citable, written resolutions. And creating these resolutions entails opening up dialogue between government delegates, which includes their competing political aims. What was empowering to realize is that as a representative of a nongovernmental organization, I did not have those political aims. I did not carry this baggage of a history of competing for resolution sponsorship or a reputation for asserting the same politically loaded comments and concerns. And when it came to submitting suggestions to the government delegations sponsoring these resolutions, they did not have the same reflexive defensiveness or suspicion of my constructive criticism. I was well positioned to assist. I realized that amidst important and sometimes intimidating career politicians, the role of NGOs was extremely valuable as the closest one could get to objective observers. Offering well-researched and legally based language suggestions on resolutions to governments who don’t always have resources to address all the issues has the power to mitigate international political tensions by not taking sides.

I ended up spending some time working on a resolution called “The negative impact of the non-repatriation of funds of illicit origin.” (www.undocs.org/A/HRC/34/L1.6/Rev.1). It was interesting and perhaps not surprising to hear a lot of government delegates say they did not understand the relevance this resolution had to a human rights agenda. It is tough because advocating for financial policy reform from a rights-based perspective is unpersuasive in economic
disciplines, but not including this rhetoric leaves it wide open to dismissive critics in human rights circles. So my challenge when suggesting language was very much in choosing words that have interdisciplinary authority and appeal. In the end, I do think we have a way to go before the world understands equitable financial policy as necessarily having human rights implications, but I do think having these conversations and creating citable legal authority brings us closer together.

Cultural Rights as Hindered and Defined by Cultural Relativism/Universality and Extremism/Fundamentalism

By Matthew Elmaraghi

For the 34th session of the United Nations Human Rights Council (HRC), I focused my research on the intersections of violent extremism and the right to culture, and how the two are defined by cultural relativism and universality. Like “terrorism,” there is no working legal definition of “violent extremism,” and because of this, many have oppressed other cultural groups and individuals as allegedly justified by their own culture. Despite the lack of legal definitions, acts rooted in culture and tradition that bring harm to other cultural groups and individuals have been condemned by much of the international community, including Special Rapporteurs in the fields of culture and terrorism.

In December, I had the opportunity to speak to the Special Rapporteur in the field of cultural rights, Karima Bennoune, and to discuss her last report on protecting cultural heritage and how that was influencing her current report on culture and extremism in preparation for the 34th HRC. This helped me develop my topic for the HRC.

My research focused on examples of culture that cross into the realm of violent extremism and argued that although the right to culture is imperative to the preservation of culture and tradition, certain limitations, on both the domestic and internationals levels, are crucial to the protection of human rights of minorities who are common targets of cultural right perversions. (See HRA, Written Statement on Right to Culture, A/HRC/34/NGO/52.) My report highlighted three contemporary examples where culture and tradition can also be categorized as violent extremism. In Egypt and India, cultural practices which involve female genital mutilation and Sati, and in the US, cultural norms perpetuated by Trump’s administration, have led to violent acts against ethnic and religious groups. Despite strong legal reform prohibiting these types of practices, acts like these often continue because of societal pushback against what is regarded as cultural destruction. Following my recommendations and during the HRC’s General Debate, I urged the Council and respective Special Rapporteurs to continue to work toward a legal definition of violent extremism. I also urged States to implement broader-reaching educational programs that target the societal pushback against cultural rights reform needed to combat violently extreme practices.

In Geneva, the first side event I attended was entitled “Facing up to the Global Avalanche of Hate: The impact of fundamentalism and extremism on cultural rights.” At the event I learned more about how cultural extremism has targeted women in Algeria and South America, as well as artists all over the Middle East and Eastern Asia. I was able to directly ask the Special Rapporteur and panel a question regarding communal pushbacks against strong legal mandates that prohibit forms of extremism as justified by culture.

I was able also to attend the draft session on a resolution entitled “The effects of terrorism on the enjoyment of all human rights” hosted by the Permanent Mission of Egypt. (See resolution of the Permanent Mission of Egypt, A/HRC/34/L.9.) Though the United States is not a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), its delegation had the most critical comments about the use of economic accountability language. It may have been the United States’ intention of trying to avoid further development of customary law. The next week I attended the draft session on a resolution entitled “Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity” hosted by the Permanent Mission of Cuba (See resolution of the Permanent Mission of Cuba, A/HRC/34/L.2). At this draft session I noticed there was a lack of language holding States accountable for protecting cultural rights and enforcing against
violations thereof. I worked with members of the delegation and successfully introduced this language, mirroring the report of the Special Rapporteur into the final version of the resolution.

By the end of my time at the UN, I learned that the HRC can, at times, be more politically driven than human rights focused. This was especially evident during the main meeting when certain countries continuously attacked each other during each agenda item and in drafting sessions where specific countries tended to propose language modifications that clearly benefited their own agendas. I appreciate the respect and level of autonomy the HRC gives to NGOs, by being the microphone by which they can voice concerns directly to member States. I know that human rights reform on the international level does not happen instantaneously, but I was lucky enough to be directly a part of the process during my law school career through the clinic, and I look forward to continuing my work in this sphere.

Worldwide Abolition of the Death Penalty

By Shelly Saini

The topic that I covered for the 34th session of the Human Rights Council (HRC) is the abolition of the death penalty. My report covered the current status of the death penalty, methods of execution, the death row phenomenon, and moratoriums. (A/HRC/34/NGO/47 (2017.) There are more countries moving towards the abolition of the death penalty, but there are still concerns among some of those countries. For example, Mongolia, which has amended its laws to remove the death penalty, currently is delaying implementation of these new laws, which leaves death row prisoners in limbo. Since Mongolia’s new laws are not retroactive, not only is this a violation of Article 15 of the International Covenant on Civil and Political Rights (ICCPR), but it also makes the prisoners who are in limbo subject to the death row phenomenon.

Despite movement towards the abolition of the death penalty, there is still an increase in executions. For this reason, I focused my report on how moratoriums on the death penalty—which have been consistently posed as a solution to move towards abolition—do not lead to the abolition of the death penalty. Pakistan is a perfect example. In 2014, Pakistan lifted its moratorium on the death penalty for terror-related crimes and then in 2015 lifted its 6-year moratorium on all civilians for capital cases. The Diplomat, Pakistan and the Death Penalty (Apr. 2016), available from http://thediplomat.com/2016/04/pakistan-and-the-death-penalty/. This has resulted in 326 executions. Other countries have acted in a similar way, for example, Jordan, which lifted its 8-year moratorium on the death penalty and immediately executed 11 people.

The solution I proposed is for countries to directly move to the abolition of the death penalty—rather than having a moratorium, which allows a country to decide when the death penalty still can be applied in the future.

What I learned from my experience in attending the HRC is how NGOs play a very important role. From what I saw, delegates from every country have their own agenda set for what they are instructed to do, and these individuals are not necessarily experts on all the issues addressed. This is where NGOs come into play because of the opportunity to inform delegates about what is going on in their country in relation to a human rights concern. Some of the delegates I met were very interested in learning about what I knew their country was doing in terms of the death penalty. It was a bit shocking because I felt like I had to educate them on topics I assumed they would have already known about. But the benefit of that was having delegates willing to listen to what I had to say.

When I attended the meeting for the renewal mandate on torture, I noticed the general language that countries were insisting on throughout the entire document. After the meeting, I approached the delegate from Denmark and I spoke to her about how construing the death penalty as torture may not be seen in this document any time soon. She laughed and said an obvious “yes, of course that won’t be seen in here any time soon.” But there is also this understanding that many countries value general language like an umbrella that satisfies all the countries.

But I want to bring it back to the NGOs. My impression from those I spoke to was that the death penalty will be abolished one day, the question is just about when. It gave me faith in the NGOs that have been consistent in pushing towards a resolution on a human rights issue and continuously putting pressure on the countries that need to make a change.
The Right to Privacy: Compromise in the Resolution Process

By Nicole Beckley

This year I had the privilege of attending the 34th Session of the Human Rights Council, where I advocated for privacy rights in the digital age. My paper and advocacy were focused on ensuring States comply with International Covenant on Civil and Political Rights ("ICCPR") privacy provisions when creating legislation involving data surveillance and retention (A/HRC/34/NGO/49). This session was tasked with drafting the first formal resolution on digital privacy (A/HRC/34/L.7/Rev.1), which allowed me to think broadly about what kind of protections needed to be in place to ensure States would be in compliance with the ICCPR privacy requirements.

I concentrated my paper on mass surveillance and retention of metadata, as there is currently a significant debate regarding the importance of metadata and whether the information it reveals is as sensitive as what is revealed by content data. I also made recommendations for judicial oversight mechanisms, affirmative and explicit user consent policies, transparency measures, and access to remedies.

Because this was the first session in which a comprehensive resolution on digital privacy was to be drafted, I was able to see first-hand how such a resolution comes together. The core group consisting of Brazil, Germany, Liechtenstein, and Mexico, used prior precedent from other resolutions to establish a framework for digital privacy within the right to privacy as it has been previously defined, which reaffirmed that it is a fundamental human right, and that the vast changes in technology require the need to discuss privacy in the digital age under this structure.

The core group then articulated concerns existing where unlawful or arbitrary surveillance and/or data interception intrude upon privacy and what kind of procedural safeguards are needed to address those concerns. It was at this point that the resolution began to advance the accepted norms already established and to bring further protections to privacy, such as including measures on encryption and anonymity, which resulted in many delegates debating over the need to make such a drastic step forward. For example, the US delegate was fond of the phrase “carefully negotiated language,” and was a proponent of maintaining the status quo.

Of most interest to me during this process was the way delegates debated and fought for or against small, nuanced changes in language, that to the average reader may not appear to be all that meaningful, but which actually served to stagnate or promote human rights norms. For instance, several delegates were concerned that noting that metadata revealed just as sensitive information as content data was premature, believing there is insufficient evidence that metadata is as important as content data in the sensitivity of the information it reveals. I suggested that including language that certain metadata can be as revealing as content data would reinforce that metadata is not always as important as content data. This satisfied one faction of delegates, while also moving the notion forward that metadata has the potential to cause harm in the same ways as sensitive content data, satisfying the proponents. It all turned on the words “certain” and “can.”

I found the willingness to compromise among the delegates to be surprising and it gave me hope that some good would come out of the drafting sessions. This hopefully would result in a resolution offering to protect digital privacy rights that actually made advancements, rather than being an ineffectual document giving the illusion of advancing human rights but being denuded of all practical protections.

I was fortunate to be able to make a few suggestions during the draft resolution meetings that appeared in the final resolution (A/HRC/34/L.7/Rev.1 preambular paragraph beginning with: “Noting also that, while metadata may provide benefits, certain types of metadata, when aggregated, can reveal personal information that can be no less sensitive than the actual content of communications...”; and operative paragraph 8). While this result is rewarding in its own right, it is more rewarding to know that I was able to play a small role in effectuating stronger privacy protections for people around the world.

UN bodies and treaties are often criticized for being ineffectual institutions that do not give rise to real protections. Although there is much that can be improved upon, after seeing the Human Rights Council in action, I believe the UN machinery is still relevant and that, even though it is often small and nuanced, progress is achieved through the resolution process. Small compromises can still influence human rights for the better, and in the context of digital
privacy, even small protections—such as finding that certain metadata can reveal sensitive information, and that policies that retain this information must have procedural safeguards against abuse—can have a lasting impact on how individuals enjoy their right to privacy.

Learning How to Advocate for the Rights of Children

By Katie Hall

In preparation for attending the UN Human Rights Council (HRC) I researched children sold into forced labor, and learned that the international framework addressing the sale of children has many gaps and loopholes that enable perpetrators to continue the practice. There are extensive UN treaties about child trafficking, ILO conventions on child labor, and even an Optional Protocol on the sale of children; however, they are written with very general language, resulting in few national laws that protect children. In my research, I found that if children are put into work that is generally seen as acceptable for children, e.g., domestic work or working on the family farm, national laws and to an extent international laws, do not offer children protection.

I went to Geneva with the idea that I would speak to as many people as possible about the need to address the sale of children. After arriving, however, I quickly realized that wanting to address only one small element of a child's rights was thinking too small. At the first drafting session on the resolution on the rights of the child, I realized that there were several problems with the resolution, and even though they did not specifically focus on the sale of children, I knew enough from my research to identify the problems, and I had some suggestions that could hopefully strengthen the resolution. I learned that even though I had prepared to address one specific issue, I actually knew much more than many delegates in the room and I needed to use this opportunity to press their opinions about other issues that could improve the rights of children. I learned to not be so narrowly focused and to use any opportunity given to me. I provided many delegates with my report, and hope that it helped influence their decisions. See A/HRC/34/RES/34/L.25.

I am very grateful for the opportunity given to me by Human Rights Advocates and USF School of Law. I hope to continue a career in international law and know that this experience has helped show me the possibilities that can be achieved.

Protecting Children And Their Rights To Education

By Melika Farnia

This past spring I had the incredible opportunity to participate at the 34th Session of the United Nations Human Rights Council in Geneva, Switzerland. My report and research at the Council focused on human rights violations regarding children in armed conflict. Because the topic is so broad and
encompasses all types of issues involving children in armed conflict, I decided to narrow my research to what I believe to be the building block of all children and countries: education. In my report, I talked about education for children who are refugees and are displaced, and/or children who are internally displaced due to conflict. (See the written statement submitted, A/HRC/34/ NGO/50.)

Currently, more than 75 million children and young people (aged 3-18) are out of school in 35 crisis-affected countries, while less than 2% of global humanitarian aid goes towards education. (www.warchild.org.uk/what-we-do/education.) Even when children are able to access education in conflict-affected countries, there are huge challenges – such as overcrowded classrooms, lack of teachers and resources, and violence in or en route to school. The issues particularly affecting education in crisis-affected countries are displacement of children into foreign countries, and destruction of schools for military use purposes.

In my recommendations, I urged the Council to set up a mechanism to enforce its guidelines and its recommendations under the 2015 Resolution 28/19 (A/HRC/RES/28/19), and to ensure that this resolution was being complied with, particularly in holding states accountable to ensure that children are protected from direct conflicts. I also asked for their thoughts on collaborating with the UN Security Council to create safe zones within areas of armed conflict.

With that focus in mind, my advocacy centered around getting language included in resolutions involving the rights of the child, and finding better ways to incorporate education in times of conflict. Further, I attended side events that related to issues involving children in order to examine the arguments made by countries’ delegates regarding education for children.

The draft resolution for “Rights of the Child” was sponsored by the European Union and Uruguay. (A/HRC/34/L.25.) In that draft resolution I witnessed first-hand the effects of cultural differences. I noticed that certain countries worked together in order to include a specific topic or language in the resolutions and certain countries constantly fought back. At one of the meetings, I was able to approach the South African delegate and talked about including language in the resolution that would emphasize the importance of education for displaced children and children living in camps. The South African delegate was very eager about this issue and understood the urgency of education for such children.

I was also fortunate enough to meet the Special Rapporteur of the Secretary-General for Children and Armed Conflict, Leila Zerrougui. In her speech she emphasized the need for better data, and mentioned that refugee children are not provided basic healthcare or education. Unfortunately, this session was her last mandate; however, she was hopeful that countries would work together in order to help all children affected by armed conflict.

Overall, in my time at the Human Rights Council I came away with much respect and understanding of the difficulties faced in drafting resolutions and asking countries to cooperate with each other. I also learned about the inner workings of the UN and the role of the NGOs. I am hoping to expand my studies in this area and continue to research ways that could protect children especially in times of conflict.

**Litigation update**

*By Connie de la Vega*

On March 23, 2017, Human Rights Advocates filed an *amicus curiae* brief in support of a petition for certiorari to the United States Supreme Court in the case of *Smith v. Ryan* , No 16-8071. Mr. Smith has spent almost four decades on death row in Arizona. He has spent most of that time alone in a cell measuring 86.4 square feet (roughly the size of a compact parking space). HRA urged the Court to consider international law and the law of most common law countries that prohibit execution of persons subject to prolonged incarceration under a death sentence. The brief addressed the relevance of international and comparative jurisprudence in interpreting the U.S. Constitution, as well as the international and regional cases that have held that prolonged periods on death row constitute torture or cruel and unusual punishment. The brief included decisions by the European Court of Human Rights, the Inter-American Commission and Court of Human Rights, the UN Human Rights Committee, the UN Committee Against Torture, and the UN Special Rapporteur on Torture, and decisions by the courts in Canada, India and Singapore. On April 24, 2017, the US Supreme Court denied *certiorari* in the case.
HRA Annual Meeting

Continuing the Legacy of Human Rights Greats

By Birte Scholz

On April 18, Human Rights Advocates held its 2017 Annual Meeting, bringing together longstanding as well as new members, to celebrate the accomplishments of the past year and to look ahead to a bright new year. Approximately 40 HRA members met in the USF Law School Terrace Room in the Zief Law Library to hear business and financial updates of the organization, review accomplishments, as well as to vote in new Board members.

This year, three Board members stepped down after many years of service. Jeff Kaloustian, 2016-2017 president of HRA, Birte Scholz, former Secretary and long-time chair of the Education Committee, and Alen Mizra, former secretary, said their goodbyes to HRA’s Board. Birte and Jeff, both present at the meeting, emphasized the great experience it has been to serve on the Board, and shared their regret at leaving the Board. At the same time, both expressed excitement for the Board as new and very able members joined in their place.

The slate for Board members, including three new members Regina Sneed, Kathy Burke and Trevor Yan, as well as incumbents Connie de la Vega, Julianne C. Traylor, Jacqueline Brown and Abby Rubinson, was voted in by members present. Both Regina and Kathy, long-time human rights activists with distinguished careers in human rights and social justice, have come full circle, having served on the HRA Board during its nascent years over 30 years ago. Their experience in advocacy and human rights knowledge is invaluable. Trevor Yan is a relatively new member of HRA and currently an attorney with a local legal aid office. He brings new enthusiasm and fresh ideas to HRA, also key to its success. This combination of long-term experience and new enthusiasm, along with the excellent qualifications of all incumbents, will make for a very strong leadership of HRA.

After the vote and a detailed report on finances by HRA Treasurer Connie de la Vega, participants in the meeting each had an opportunity to share information about their work. It was inspiring to be joined by so many students sharing their enthusiasm and stories of their success from their recently concluded USF International Human Rights Clinic internships, culminating in recent advocacy visits to the UN Human Rights Council in Geneva, and the UN Commission on the Status of Women in New York.

The meeting was further enriched by the participation of longtime HRA supporter Sandy Coliver – she is the daughter of Edith Coliver, for whom both the USF International Human Rights Law Clinic Internship to the UN CSW and the HRA fellowship are named. Sandy shared the inspiring history of her mother’s amazing work as an international activist and human rights promoter. Truly a human rights advocate, Edith Coliver began her human rights career as an interpreter for the Nuremberg Trials, and continued to advocate for equal rights for all. Sandy carries forward her mother’s legacy, most recently as the Open Society Foundation Justice Initiative senior managing legal officer for freedom of information and expression. Sandy particularly encouraged the students in the room to keep up the “good fight” and not give up on human rights work.

A brief history of HRA given by Julianne Traylor and Connie de la Vega provided further inspiration. They shared stories of Frank C. Newman, one of the foundational figures for the promotion and protection of human rights worldwide and the impetus of the founding of HRA. HRA remains dedicated to continue his legacy of encouragement to law students to pursue a human rights career, to effectively promote and protect human rights for all.

HRA thanks members who attended the 2017 Annual Meeting, and all of its members for their contributions, and looks forward to another productive year dedicated to promoting and protecting international human rights in the United States and abroad.

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.
HRA Congratulates Advisory Board Member Paul Hoffman on Santa Clara Law’s 2017 Alexander Prize

By Abby Rubinson

HRA is thrilled to share the news that Paul Hoffman, a longtime HRA Advisory Board Member, is this year’s recipient of Santa Clara Law School’s 2017 Katherine and George Alexander Prize. One of the most eminent human rights and civil rights lawyers of our time, Paul clearly fits the award’s purpose of honoring “lawyers who dedicate their legal talents to alleviating injustice and inequity.” His accomplishments include successful litigation holding human rights violators accountable, to protect freedom of expression, and to reduce unlawful police and government surveillance.

I had the honor and pleasure of working with Paul on a number of US Alien Tort Statute (ATS) cases and was immensely impressed by his rational, level-head thinking—including under quick and infuriating developments in the cases—and his brilliance and judgment in finding compelling arguments and constructive solutions. The lead lawyer on those and numerous other ATS cases, Paul has a calming presence and treated everyone on our team with genuine respect, not the arrogance or hierarchical approach one might expect from a lawyer in that role.

Paul’s storied career includes a ten-year stint running the ACLU Foundation of Southern California, the co-founding of the Center for Justice and Accountability, and arguing two ATS cases before the US Supreme Court. Since 1999, he has been a partner at Schonbrun Seplow Harris & Hoffman, litigating constitutional and civil rights cases, including on the First Amendment, discrimination, privacy, civil and criminal appeals, and international human rights. He also directs UC Irvine School of Law’s International Human Rights Litigation Clinic.

Santa Clara Law honored Paul with an award ceremony in March. In a press release about the award (www.scu.edu/news-and-events/press-releases/2017/march-2017/eminent-civil-rights-attorney-paul-hoffman-to-receive-2017-alexander-law-prize.html), Paul said, “I am very grateful to the Alexander family for this recognition of my work over the years. The need for effective civil and human rights lawyering has never been greater. I hope the prize will inspire many young lawyers and law students to join the fight for civil and human rights.” I am sure this award, and Paul, will continue to do just that.

A Message from the Board of Directors

As an all-volunteer organization with no paid staff, the fulfillment of HRA’s mission is highly dependent on the participation of its members. HRA conducts monthly meetings of its Board of Directors to coordinate and carry forward the organization’s work.

We would like to enthusiastically thank Birte Scholz for her 9 years of service as a member of HRA’s Board. Birte fulfilled many roles for HRA over the years, including organizing educational events, supervising fellows, and editing official HRA submissions to various human rights bodies. HRA would also like to thank Alen Mirza for his long-term connection and efforts on behalf of HRA starting back with he was a member of the USF Frank C. Newman Clinic and for his contributions to HRA as a recent Board member. While Birte and Alen will be missed on the Board, HRA looks forward to their continued involvement with the organization as HRA members.

Finally, HRA would like to thank Jeff Kaloustian for all of his years of service to HRA – most recently serving as President of its Board of Directors. Jeff has a long-standing relationship with HRA beginning as a student in the USF Frank C. Newman International Human Rights Clinic. He is a USF Law Alum, class of 2009, and was the first HRA Fellow researching issues related to the human right to food. He has been instrumental in leading the Board as it has developed its revamped Fellowship Program, and has offered his expertise on a number of issue areas of importance to HRA’s work here in the US and at the United Nations – all while practicing in areas such as general criminal defense law in his own firm – which has resulted in him being designated a Super Lawyers as a rising star! He has been a star for us on the Board, and we know that he will continue to be involved with us as an HRA member as we go about our work to promote and protect human rights here in the US and abroad.
Meet Our Newest Board Member

Our newest Board Member is Jagdish (Jay) Bijlani. He was nominated and approved by the Board of Directors pursuant to the By-Laws when Regina Sneed recently resigned. Jay is a 2005 graduate of USF School of Law. That Spring he participated in the FCN International Human Rights Clinic and attended the last meeting of the Commission on Human Rights. In 2006, Jay worked as a fellow at the Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia. Subsequent to that his work included handling criminal appeals for the Central California Appellate Project, being a bar grader for the California State Bar, and teaching lawyering skills at Santa Clara and Golden Gate Schools of Law. At present, he is a Law Tutor and Curriculum Consultant (www.CalLawTutor.com) and looks forward to being involved with HRA’s work.
MEMBERSHIP FORM

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

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

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

Please return this form to:

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

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

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