Advocacy at the UN

By Connie de la Vega

Eight students participated in the University of San Francisco’s Frank C. Newman International Human Rights Law Clinic during the Spring 2018 semester, representing Human Rights Advocates at the meetings of two UN human rights bodies. Two Edith Coliver Interns attended the 62nd session of the UN Commission on the Status of Women (CSW) in New York and six Frank C. Newman Interns attended the 37th 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. HRA’s written statement was prepared by Katie Hall during the Fall semester on Widow’s Land Rights. (E/CN.6/2017/NGO/3 (9 November 2017), available at https://undocs.org/E/CN.6/2018/20.) The Agreed Conclusions and resolutions adopted by the CSW are available at www.unwomen.org/en/csw/csw-61-2018/session-outcomes.

I supervised the six Frank C. Newman Interns who attended the HRC and were involved in a number of activities. Two 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 they all 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 CERN, thanks to our representative in Geneva, Claudio Marinucci.

The HRC adopted 42 resolutions and 14 decisions. Twenty-six resolutions passed by consensus on issues such as: the right to culture (Res. 34/2), right to privacy (Res. 34/7), human rights and the environment (Res.34/8), and rights of the child (Res. 37/20). Only 5 substantive resolutions did not pass by consensus: the effects of foreign debt on human rights (Res. 37/11, adopted by vote of 34-16-0); right to food (Res. 37/10 adopted by a vote of 46-1-0); unilateral coercive measures (Res. 37/21 adopted by a vote of28-15-3); Integrity of the Judicial System (37/3 adopted by a vote of 23-2-22); and Cooperation in the Field of Human Rights (Res. 37/23 adopted by a vote of 28-
Most of the country resolutions were adopted by vote, including those on Palestine and the Occupied Territories. All of the 14 Decisions on the UPR reviews passed by consensus. The HRC resolutions and decisions can be found at: www.ohchr.org by going to Human Rights Bodies, Human Rights Council, Documents, Resolutions, 37th 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).

Through my research, I learned that the most common methods used to facilitate illegal adoptions include the abduction of babies, and uninformed or coerced parental consent. Perhaps most alarming, however, is the reported involvement of state officials, nurses, doctors, lawyers, and judges, operating under the motive of improper financial gain. These webs of agents rely on the rampant practice of document falsification, which at best denies the child their right to identity and family, and at worst, renders them stateless.

The international framework addressing these issues is wrought with holes, including deficiencies in child protection systems, insufficient birth registries, and the confusion surrounding proper usage of key terms, such as: “sale,” “exploitation,” and “trafficking.” Lack of clear definitions and inconsistent application of language with regards to the sale of children creates threshold obstacles to guaranteeing that no child is ever again commoditized. For example, the word “adoption” itself elicits a deceivingly optimistic connotation—the inference that loving parents are giving a home to a child in need. This assumption is dangerous because it replaces the child’s best interests with those of corrupt intermediaries, and as a result, our youngest human-rights-holders are falling through the cracks.

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legislative and administrative measures to guarantee adoptions are never motivated by improper financial gain, nor a product of flawed relinquishment procedures. Further, I asserted that every adoption resulting from any crime must be prohibited, criminalized, and sanctioned as such. Finally, I recommended that the HRC dedicate a full-day discussion to the topic of illegal adoption at a future session to address the many ways this practice violates the most fundamental rights of its child-victims.

Although there was not a resolution being drafted on my specific topic during the 37th session, I was able to attend drafting sessions for the resolution on children in humanitarian situations. Through the research I conducted before Geneva, it became clear that conditions of severe poverty, natural disaster, and armed conflict create hotbeds for the profit and practice of illegal adoption. The initial language of the resolution on children in humanitarian situations made no mention of illegal adoption, however, through oral intervention I had the opportunity to make some suggestions that were ultimately included in the final language of the document. (Rights of the Child: Protection of the rights of the child in humanitarian situations, A/HRC/37/20, para. 11: “Calls upon States to protect children in the context of humanitarian situations from all forms of sale of children, including illegal adoption…”)

It may only be one small phrase, but seeing that language included in the final resolution was a truly culminating moment of my entire experience in the clinic. My biggest take-away has been the realization that no matter how extensively you’ve researched, at the end of the day, if you cannot translate that research into a persuasive argument for whomever your audience may be, then the work is lost because it’s only understood by you.

The Frank C. Newman International Human Rights Clinic takes its interns through multiple incantations of researching their chosen topic, from learning how to navigate the UN document system, to familiarizing ourselves with the vernacular and style of UN resolutions. Next we wrote 1500-word interventions, which we then expanded into 15-page reports. Finally, we reduced all of that information back down into 2-minute oral statements. Moreover, upon arrival at the HRC, we were then put in the position to lobby delegates and other supporters to further the goal of our overall work. These lessons and opportunities are invaluable, and certainly unobtainable in any regular classroom setting.

My decision to go to law school was solely motivated by the opportunity to be a voice for those without the capacity to speak on their own behalf. Interning for Human Rights Advocates gave me the opportunity to manifest the beginnings of that dream in a way I’ll truly never forget!

Torture Reparations for Women and Girls

By Amy Golinveaux

At the 37th Session of the Human Rights Council, my topic centered on the need for specific reparations for women and girls who were victims of torture. International law has established rights of individuals to be free from torture and other cruel, inhumane and degrading treatment. Yet, we find that many countries, including the United States, still utilize torture practices. Conventional concepts of torture that traditionally trigger torture reparations typically evoke images of men being illegally detained by tyrannical governments or as victims of waring political groups. While these narratives are incredibly real, they leave out the most vulnerable groups of people who are also subjected to horrific treatment and consequently not adequately considered when it comes to reparations.

Women and girls, generally, experience sexual and gender-based violence as a result of a number of tumultuous socioeconomic and humanitarian situations world-wide. This can be in the form of violent gang rapes, forced marriages, forced pregnancies, domestic slavery, and genital mutilation. It can be experienced in public spheres by both governmental and non-governmental actors, in detainment cells by police officer, and even in the home by their spouses and family. Women and girls are used as pawns in regions where there are significant instances of corruption, civil and political unrest, and war to humiliate and degrade communities on both sides of the conflict. They often suffer in silence, or are at the mercy of their communities to deal with the lasting physical, psychological, and social consequences of being a victim of torture. Particularly when these women come from marginalized communities, where their public voice is subordinated in the patriarchal social structure, women and girls are often dissuaded
from bringing claims of torture to judicial systems for fear of being stigmatized by their communities and isolated. If they can even access courts, judicial systems are in dire need of reform to make bringing gender-based and sexual torture claims and the obtainment of reparations more feasible. In easing this process, I recommended the implementation of engendered investigative techniques that make evidence retrieval and witness testimony achievable, supplying legal education and aid, and providing protection for those victims who are in danger of re-offense. (Torture Reparations for Women and Girls, A/HRC/37/NGO/50.)

My goal was to have the Council both address and adopt in the two resolutions I addressed the need for engendered reparations that included more than mere monetary compensation. Women and girls should have access to counseling, sexual and reproductive health services, monetary compensation that takes into account their current social standings, and legal and social reforms in their communities to ensure gender equality and guarantees against re-offense. They should also be integral contributors in conversations involving reparations schemes and actively participate in social and legal reform. (The negative impact of corruption on the right to be free from torture and other cruel, inhuman or degrading treatment or punishment A/HRC/37/19 and Situation of human rights in South Sudan A/HRC/37/31).

My time at the Human Rights Council, and in the Human Rights Clinic, has imparted on me a beneficial skill set that allows me to advocate and lobby for human rights in a way that cannot be taught in a classroom. I learned to speak with confidence and stand behind the research and recommendations that resulted from my work on the topic. The Human Rights Council is significantly different than preparing a case for trial where the rules are clear and the opponents are known. You must learn quickly, in a fast-paced and, often, unpredictable atmosphere identifying allies and targeting related issues. In an era where human rights are in such controversy, it is essential that we educate ourselves and hone these skills to help us persuade others to see our viewpoints and agree with our goals.

As a future public defender, I found this work especially gratifying and important. Too often, justice proves elusive to those who are most vulnerable to abuse, a tragedy that can only be remedied through human rights advocates willing to do the hard work and ask the tough questions. To work as a member of that global community to ensure the protection of rights for those most in need of lawyers and advocates was a long, but fulfilling process and reminds me to be grateful for the opportunities I have been given, but that there is still more work to be done.

### Protection of Journalists as Human Rights Defenders

By Betelhem Gedlu

This spring, I had the opportunity to attend the 37th Session of the Human Rights Council in Geneva to advocate for the protection of journalists as human rights defenders. This topic was of great interest to me because there are thousands of journalists that are being imprisoned by state governments all over the world, simply for reporting human rights violations for purposes of holding the governments accountable. These governments seeking to escape scrutiny and suppress opposition, often respond to critical reporting or activism with attempts to silence these defenders. This is particularly true in Ethiopia, where I was born and raised before coming to the US, so one of the case examples in my paper was the case of Ethiopia.

Most countries including Ethiopia use national security and counter-terrorism legislation that are repressive but deceivingly painted as ensuring public safety to detain and imprison journalists. For example, a prominent Ethiopian journalist by the name of Enkinder Nega, who has received multiple awards for his role as an advocate for freedom of the press and expression was sentenced to 18 years in prison under the country’s overly-broad Anti-Terrorism Proclamation. Even though the UN Working Group on Arbitrary Detention found his detention illegal under international law and called for his immediate release back in 2012 Nega still remains in jail. This prominent journalist was freed from prison two weeks before my departure to Geneva, and I was very surprised and happy about it. However, he was rearrested in less than a week after I came back from the Session and I am still in disbelief.

I advocated that states should be obligated to ensure that measures to combat terrorism and preserve national security are in compliance with their obligations under international law. I also recommended that the Human Rights Council should urge states to amend relevant legislation and to immediately release
journalists like Nega who have been imprisoned without judicial procedures or who have become victims of enforced disappearances. (Protection of Human Rights Defenders and Journalists’ Rights, A/HRC/37/NGO/70, February 9, 2018.)

Unfortunately, I missed the interactive dialogue on the situation of human rights defenders where I was going to make these recommendations and present my statement because it was covered in the first week before I arrived. Nevertheless, I was still able to attend some of the side events on this issue including the side event “Human Rights in Ethiopia” which occurred on my last day at the UN. I was also able to talk to some delegates that were interested in the topic, and I shared my report with them.

The resolution drafting session on the situation of human rights defenders was also scheduled for the 38th session, and I didn’t get a chance to include languages from my recommendations. However, I was sitting in various resolution drafting sessions on other topics and learned so much from these sessions. One of the big lessons I took was how words really matter to delegates. In one session, countries like the US and Canada were advocating for softer language like “invite/encourage” in order to respect the sovereignty of other states while others were advocating for stronger words like “calls upon.” In another session, a delegate from United Kingdom of Britain requested to change the phrase “all human rights” to “human rights for all,” and there was a lot of discussion about it from delegates on both sides, those who were for the change and others against the change. Initially, I didn’t think how significant the impact was in these and similar, varying languages, but I quickly learned that it would make a huge difference when dealing with human right norms and that is why these drafting sessions are important.

Another lesson I took from these drafting sessions was how the moderators strive to balance between passing a resolution with a consensus versus ensuring to include some language that they firmly believe should be incorporated even if there were delegates that were opposed to it. Often, they have to make tough decisions in balancing these interests. They also have to balance the interests of different delegates, who come from both developed and developing countries, and how the particular issue could play out differently depending on the development and economic status of the states.

The third and most important thing I learned at these sessions was how NGOs have the power to make changes and how delegates are willing to listen to them. Notably, an NGO that has developed an excellent standing with representatives from various countries, like Human Rights Advocates, gets lots of opportunities to be supported by these delegates since its advocacy work and professionalism has already been accepted. In one of the sessions, a delegate was showing his support to an NGO by mentioning his interest to sponsor the language that was suggested by the NGO. I am sure this is a result of the NGO’s advocacy work by talking to the delegate in advance of the drafting session.

This is the kind of opportunity that the International Human Rights Clinic gives us, students to advocate for human rights protections and I am very grateful that I had the chance to represent Human Rights Advocates at the 37th Session.

Vulture Funds Contribute to the Privatization of Traditional Government Functions

By Pilar Calderón

The greatest obstacle to the enjoyment of human rights, as it relates to foreign debt, arises when debtor nations reach a point of economic insolvency where they must choose between providing public services and servicing public debt. In reality, this decision is never absolute. Yet, the activities of private hedge funds that specialize in distressed assets cause significant disruption to the development of nations. These opportunistic groups, commonly referred to as ‘vulture funds,’ sometimes purchase the public debt of countries. These countries then seek financial assistance from intergovernmental organizations such as the World Bank Group. Financial assistance from the World Bank carries with it obligatory austerity measures that severely interfere with sovereign development strategies. I authored Human Rights Advocates’ (HRA) written statement “How Foreign Debt Impact the Enjoyment of Human Rights: Contributions of Vulture Funds to the Privatization of Traditional Government Functions” (A/HRC/37/NGO/71, 2 February 2018).

A vulture fund is a predatory private investment entity designed to purchase distressed credit from

Vulture funds have found profit in the purchase of public debt of developing countries. Political leaders, desperate to maintain relevance in the capital market, often turn to intergovernmental financial institutions, such as the World Bank, for relief. The World Bank imposes economic restructuring obligations on these indebted poor countries. In the case of Zambia economic restructuring materialized as user fee systems for hospitals and primary schools, and radical worker taxation schemes. Austerity measures have become synonymous with the auctioning off and outsourcing of key public utilities including sanitation services, water delivery, electrical grid maintenance, and telecommunications. A great number of the winning contractors are owned and headquartered in the highly industrialized Global North. Many neoliberal restructuring obligations are ordered by the World Bank without adequate transparency, making it difficult for independent watchdogs to discern whether decisions to privatize traditional government functions are the result of domestic policies or internationally imposed terms of borrowing.

On behalf of the HRA, I asked HRC to ask the General Assembly to consider urging the World Bank to be more transparent in its lending practices. Recognizing a link between predatory vulture funds and the shortcomings of intergovernmental austerity measures, I came to Geneva with the opinion that Core Panelists on the issue of human rights and foreign debt should expand the Independent Expert’s mandate to include the effects privatization of traditional government functions has on the enjoyment of human rights.

Due to inclement weather, my delayed arrival significantly impacted the success of communicating my research. Many of the delegates interested in the intersection of human rights and foreign debt had already shifted focus to the next agenda item. Consequently, I spent a great deal of time bearing witness to the numerous small non-profit organizations who had journeyed to Geneva to air grievances resulting from opaque fiscal policy changes of their respective governments.

While high-level debates and drafting sessions, riddled with political favors, carried on in the main hall (and often dominated by the will of the great world powers), the diverse movement of innovators, strategists, and human rights defenders worked tirelessly in the basement below. I soon realized that these small, yet dedicated, groups of people, working to restore environmental degradations and foster social justice, collectively comprised the largest movement on Earth. Their movement has no name, no leader, and no location. I bore witness to what author Paul Hawken has referred to as “The Blessed Unrest.”

Shortly after I returned to the United States, the UN HRC published the 22 March 2018 Resolution on Foreign Debt (www.undocs.org/A/HRC/RES/37/11). Though the resolution remained silent on the relationship between imposed austerity measures and the Global South’s failure to meet human rights norms, new and hopeful language appeared on record. The 2018 HRC Resolution on foreign debt recognized that not all efforts to reduce public spending was harmful and called for policies consistent with human rights obligations.

Minute adjustments to resolutions move at glacial speed, with member states agonizing over each word in numerous drafting sessions. Having listened to both the high-level discussions of member states and several independent side events by grass roots organizations, I realized that the relentless presence of the “blessed unrest” contributes to the articulations eventually found in international norms and laws. Coming away from Geneva, I was struck by how important the mass of leaderless voices is to the ecosystem of international human rights.

**Lobbying for Recognition of The Human Cost of Economic Sanctions.**

*By Gabriella Carnevale*

I worked on unilateral coercive measures (‘UCMs”) as a human rights violation. My research focused on the specific effects economic sanctions have when imposed unilaterally by one ‘sender’ state on a target...
state, as a violation to the enjoyment of economic, social, and cultural rights of the civilians of the target state. Through my research, I found that the Council's approach to addressing UCMs was piecemeal at best. Instead of focusing succinctly on one facet to get into the resolution, my research and report was directed more broadly on the steps which the resolution sponsors should adopt in order to comprehensively address the issue at hand.

When considering the effects of UCMs on economic security and social and cultural rights as a violation of human rights, the violations that occur include a hindrance on the ability of the citizens of the target state to conduct business, on a broad scale, and in many instances, impacts target state civilians' access to food, medicine, and adequate standards of living. When the US had its embargo on Cuba, not only were commercial goods blocked, but the health and welfare of the citizens of Cuba were affected. There was an increase in malnutrition and countless deaths from lack of access to medicine—not because the diseases had no cure, but because as a result of the embargo, Cuba struggled to find trading partners and was unable to import or produce enough medicine to treat these illnesses to the detriment of the rights of its civilians. (Garfield R, Santana S. The impact of the economic crisis and the US embargo on health in Cuba. American Journal of Public Health, 1997.)

Presently, in Venezuela the US and other states are imposing sanctions on the Maduro regime as a result of the contested election. There are statistics that show that as a result of sanctions, industry in Venezuela has suffered immensely. Since the state relies almost entirely on export of its oil reserves, the US and others sanctioning or boycotting of Venezuelan oil products has led to curtailing of goods and services in Venezuela, including access to food, medicine, and a heightened inflation rate which closed out 2017 at over 600% inflation. (Gillespie, Patrick. “Venezuela just defaulted, moving deeper into crisis.” CNN Money. November 14, 2017.) While the politics of these situations are tumultuous, my impetus for conducting research on this issue focused on the plight of the civilians in the target states. These are Cubans, Venezuelans, Iranians, South Sudanese, Iraqis, and countless others who have felt or are presently feeling the effects of UCMs in the form of economic sanctions.

When addressing this issue comprehensively, I found several flaws in the Council's focus for redress. For example, to date there is not yet an international registry used by institutional bodies to enumerate all of the unilateral economic sanctions in place around the world by various governments, against various governments. (Report of the Special Rapporteur, A/HRC/36/44 July 26, 2017 p.8) There are no concrete restrictions on extraterritorial sanctions, nor is there data to support which aspects, or elements, of sanctions lead to human rights violations. Further down the road, the Special Rapporteur suggested constructing an appeals process and compensation commission for those in the target states whose rights have been violated, in order to hold those responsible for these violations accountable. However, this cannot be achieved without first having an understanding of what measures related to sanctions cause violations, and what, if anything, can be done to regulate sanctions episodes to minimize human impact.

Through my research I found that the vast majority of economic sanctions episodes with extraterritorial effects are unsuccessful in achieving the goal at hand for a number of reasons. I also found data from varying reports, which would need to be independently studied by UN bodies prior to being included in the resolution, suggesting that the success rate and effectiveness of sanctions ranges from a mere 5% to 35% effectiveness, across the board. (Elliot, Kimberly. Evidence on the Costs and Benefits of Economic Sanctions. Speech given before the Subcommittee on Trade Committee on Ways and Means. United States House of Representatives. Washington, DC, October 23, 1997.) These figures are based on a number of studies aimed at quantifying the rate of success of economic sanctions episodes. In my report I called for a comprehensive, empirical study to ascertain both whether sanctions were effective at all as a diplomatic tool, and what elements of economic sanctions leads to violations in the first place. These factors had not yet been determined by the Council, nor had there been any push to approach this issue; instead, the drafters of the resolutions focused on the longer-term goal of eliminating UCMs and holding the sender states accountable for the violations of the rights of the citizens of the target states.

I went to Geneva and focused on what I like to call adaptive and strategic lobbying, based on the reactions I observed from state delegates in the main debates, and comments during informal side events and presentations. I took note of each state that mentioned
my topic in any of their addresses, and made sure to talk to delegates and give them my ‘elevator pitch’ of my research and what I hoped to accomplish. Due to the controversial nature of UCMs in general, I stuck to facts, statistics, and the more agreeable notion that something needed to be done, and then segued into my proposals. I expected to be shut down and ignored by delegates, but because I was strategic about the delegates I approached, I was able to have a more successful discussion about my topic.

I found the most success in my interactions with the state delegate whose country was drafting this year’s resolution. He was surprised that I, as an American, was interested in the topic since the United States is one of the states most involved in imposing sanctions. I replied by reiterating that I was with an NGO and I was interested in the wellbeing of the people, not the politicians. A drafting session, which had been taken off the agenda for this conference, was added days later and I attended, eager to see what this year’s resolution would say.

In the first draft, two points paraphrased the same proposals that I had set forth in my report. I got an email from a state delegate the day after this drafting session thanking me for my research and opening the channel for me to send future research their way on this issue. This, to me, was all but a confirmation that they had used my paper when drafting the resolution. This assumption was confirmed on the final draft, which further included some of the language I used, specifically advocating for the creation a system of comprehensive elements to determine what aspects of sanctions are detrimental. (Human rights and unilateral coercive measures, A/HRC/37/21, new paragraphs 22 and 23.) It was adopted by a vote of 28 to 15, with 3 abstentions.

It is impossible to say how this issue will move forward, but it appears that they looked at my paper and utilized portions of my framework for resolving this issue, and incorporated it into the draft. A major lesson I learned from this experience is to not underestimate the power of knowledge and strategic lobbying. Showing that you are well versed in this topic—basically an expert—and being able to describe specific points of your research and proposals in a very short conversation, can open doors to those who previously might not have wanted to listen.

**Planting a Seed: How Knowledge, Education, and Cohesive Effort Can Aid the Environment**

*By Darlene Balagot*

Humans are pushing the Earth beyond its limits. In 1992, world scientists reached a global consensus, finding that the international community needs “to take immediate action to stop the ever-increasing environmental degradation that threatens global life support systems on this planet,” Union of Concerned Scientists, World Scientists’ Warning to Humanity, http://fore.yale.edu/publications/statements/union). Twenty-five years later, the warning of immediacy has continued to be ignored. These scientists find that not only do majority of the environmental issues persist, the trend has only worsened (Union of Concerned Scientists, World Scientists’ Warning to Humanity: A Second Notice, https://academic.oup.com/bioscience/article/67/12/1026/4605229).

The Human Rights Council (HRC) has long affirmed the significance of the environment for the full enjoyment of human rights (Human rights and the environment, UN Doc. A/HRC/RES/28/11 (Mar. 26, 2015). In Article 3 of the Universal Declaration of Human Rights, it states that “Everyone has the right to life[.]” Moreover, the right to life is undeniably linked to many other human rights; such as the right to water, health, food, and so on. The Special Rapporteur on the environment has stated that these rights, in turn, are dependent on the Earth’s ecosystem, more specifically, the ecosystem’s biodiversity (Human rights and the environment). Accordingly, because the full enjoyment of human rights are contingent on biodiversity, the degradation of it equals the degradation of humans’ right to life and many others. The effects of climate change are indiscriminate and felt globally. However, these environmental occurrences are suffered most
acutely by the poorest and most vulnerable of society. Many of those who are most deeply affected may also not completely understand the extent of the situation (Human Rights Council Res. 34/20, ¶ 13 UN Doc. A/HRC/RES/34/20 (Mar. 24, 2017). Without that understanding, they do not have the power to make decisions affecting their very life—all our lives.

This is why education is needed, and this is why it is needed now. The United Nations has acknowledged that education is one of the keys to ending climate change (John H. Knox (Independent Expert on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy, and Sustainable Environment), Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy, and Sustainable Environment, UN Doc. A/HRC/22/43, ¶ 58 (Dec. 24, 2012), UN Doc. A/HRC/25/53, ¶ 1 (Dec. 30, 2013)). Education is not only limited to the school system, but also extends to educating civil society. Presently, climate change and the environment has become an increasingly popular topic. It is the center of much discussion in the media, political platforms, academic settings, and even the common household. Though climate change’s existence is acknowledged, civil society’s education, with regards to the actual science behind it, is critically lacking. The United Nations report from the Intergovernmental Panel on Climate Change (2013) has acknowledged humans’ primary role in triggering climate change (Intergovernmental Panel on Climate Change, Climate Change 2013: The Physical Science Basis, https://www.ipcc.ch/pdf/assessment-report/ar5/syr/AR5_SYR_FINAL_SPM.pdf). Yet, many of those in government roles and civil society do not share the belief that humans have had any effect on Mother Earth’s destruction.

Many entities from civil society to the government have acknowledged the environmental degradation and have taken meaningful steps towards combating it. For instance, the small village of Kamikatsu, Japan is known for being nearly “zero-waste.” Zero-waste refers to residents striving to adopt a waste-free lifestyle. Residents sort, wash, and transport their trash and recyclables to the town’s sorting center, which is then double-checked by staff. The task is not simple as there are 34 separate categories for waste. Although tedious and time-consuming, it is second-nature to the residents as the program was implemented in 2003. About 80% of their trash is recycled, reused, or composted. The program was created by the city and residents’ collective desire to prevent a further damaging environment. Kamikatsu hopes to become completely zero-waste by 2020 (Business Insider, The simple way this Japanese town has become nearly zero waste, http://www.businessinsider.com/zero-waste-town-kamikatsu-japan-2017-7).

In the United States, a nationwide non-profit organization called “Alliance for Climate Education” (ACE) is moving the country in a positive step towards climate change education. The non-profit conducts climate change education in high schools nationwide. The organization provides educators with innovative learnings tools to educate students such as videos, interactive trivia and lesson plans. The program was studied by Yale, George Mason University and Stanford researchers. It found that students who participated in ACE’s programs were more informed and involved in climate change issues, and also exhibited short and long-term positive behaviors such as using reusable items (Flora, Saphir, Lappé, Roser-Renouf, Maibach, Leiserowitz, Evaluation of a national high school entertainment education program: The Alliance for Climate Change Education, https://link.springer.com/article/10.1007/s10584-014-1274-1).

The issue of climate change education not only falls within lack of education, but also misinformation. Not only are false facts perpetuated, absent information equals an absence of societal concern, discussion, decision, and importantly, change. Therefore, education is key. Education creates a knowledgeable, conscious mindset that can create a positive, collective effort towards changing the environment. Learning and active participation creates agents for change who are more informed, more involved, and more conscious of this Earth. The topic of climate change will shift in the right direction when knowledge and education are recognized as a means for change, when civil society is fully engaged in decision-making, and when global effort is undertaken. Due to Human Rights Advocates’ efforts, the word “education” was included in the operative paragraph regarding disaster risk mitigation measures in the adopted resolution on the Question of the Realization in All Countries of Economic, Social and Cultural Rights (Question of the realization in all countries of economic, social and cultural rights, ¶ 10 UN Doc. A/HRC/37/13). The Human Rights Council has also made further progress in the resolution on the environment (Human rights and the environment, UN Doc. A/HRC/37/8).
Rural Women’s Intellectual Property Protections

By Roxanne Dominguez-Shell

In March 2017, I had the privilege to represent Human Rights Advocates as an Edith Coliver intern at the 62nd Commission on the Status of Women (CSW) at the United Nations Headquarters in New York. The 62nd’s priority theme was empowering rural women and girls, which I came to learn is a large vulnerable population in our world today who face many forms of oppression but remain strong and thrive despite it all.

The research topic for the CSW was rural women’s intellectual property protections. Rural women are an integral part of the agriculture world. They are farmers, seed managers, and custodians of traditional knowledge. Their roles and responsibilities help ensure rural food security and maintenance of agricultural biodiversity in their communities. In the developing world, rural women’s seed sharing, and informal exchange of knowledge is central to their farming practices. However, the World Trade Organization’s (WTO) Trade-Related Aspects of Intellectual Property Rights (TRIPS) and other bilateral and regional trade agreements can pose a threat to these practices by introducing monopolistic and exclusive rights regimes covering plants, plant varieties, and seeds. (UN Commission on the Status of Women, Report of the Expert Group Meeting on CSW 62 Priority Theme: Challenges and Opportunities in Achieving Gender Equality and the Empowerment of Rural Women and Girls, 20-22 September 2017, ¶ 4.3, EGM/RWG/Report).

Rural women are a major group affected by these agreements. At the CSW, my goal was to make aware the detrimental effects plant patents can have on the livelihoods of rural women negatively affecting their reproductive health, agriculture, food security and traditional knowledge in health care and medicines. I also aimed at highlighting rural women’s own contributions to seed and plant use and preservation and establishing their own intellectual property rights over their traditional knowledge. Before the conference, I was able to submit my recommendations for intellectual property protection language to the UN and they added it into the agreed conclusions, which was a major win because it meant the UN was acknowledging that intellectual property rights and protections are important issues that need to be addressed when protecting and fulfilling rural women’s human rights. (Commission on the Status of Women, Challenges and Opportunities in Achieving Gender Equality and the Empowerment of Rural Women and Girls: Agreed Conclusions (2018), ¶ u, v, aaa, http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/62/outcome/csw62-agreed-conclusions-advanced-unedited-version-en.pdf?la=en&vs=3837).

At the conference, I attended multiple presentations, workshops and panels on issues relating to agriculture, seeds, and land tenure. I spoke with delegates and other NGO representatives about the importance of rural women’s access to seeds and the protection of their traditional knowledge. It was empowering and inspiring to be around women from all over the world who were working on these issues, passionate about their work, and making a difference in their communities. What I learned most from the conference was that being a human rights advocate is a lot of work and you do not always see instant results, but if you continue to fight for what you believe in and if we continue to come together as a world to support each other in the fight things can and will change. Attending the conference gave me much hope that we will all be okay in these trying times. I am thankful for the opportunity to make a small difference in rural women’s human rights and to be a part of something bigger than myself. It was an enriching experience and one that I will hold close to my heart.

Securing Rural Women and Girls’ Land Equity

By Kai Valenzuela

I was honored to be selected as an Edith Coliver Intern and incredibly grateful for the opportunity to attend the 62nd session of the UN Commission on the Status of Women Conference (CSW). The focus of this year’s theme was “Challenges and opportunities in achieving gender equality and the empowerment of rural women and girls.” I decided to focus my research on the barriers
rural women and girls face in securing land tenure rights, as well as solutions. I found that land tenure rights were particularly important to rural women, the majority of whom depend on natural resources and agriculture for their livelihood. In fact, land rights directly affect their right to food, the right to financial sustainability, and in some cases the right to survival and life. Further, HRA's written statement to the CSW emphasized the need to specifically protect rural widow's land rights since they are often stripped of their inheritance rights and forced into dire situations because of customary discriminatory gender practices. (See, Widows' Legal Rights, UN Doc. E/CN.6/2018/NGO/3 (Dec. 7, 2017).

The research revealed that rural women represent one-fourth of the world's population. (See CEDAW, General Recommendation No. 34 on the Rights of Rural Women, UN Doc. CEDAW/C/GC/34, ¶ 3, March 4, 2016). According to the Swedish International Development Cooperation Agency (SIDA), in some of the developing countries they're responsible for about 60-80% of the food production. (See SIDA, Quick Guide to What and How: increasing women's access to land, Women's Economic Empowerment Series 1, Sept. 1, 2009). Yet, these same women have limited or no rights to land, such as in Africa where they produce 80% of the food but own only 1% of the land. (See UN Econ. Comm'n for Africa, Improving Access to Land and Strengthening Land Rights of Women in Africa 7, ¶ 2.1, May 2017, available at http://repository.uneca.org/bitstream/handle/10855/24140/b11874053. pdf?sequence=1.) These stark gender inequities in land ownership throughout the world are enforced by formal laws such as constitutions, statutes and civil codes, and/or customary laws, including family traditional patrilineal practices. Even when the formal laws establish the right for rural women's land rights, often customary laws and practices take precedence. Further, the pervasive oppressive gender norms that relegate rural women to subordinate roles only serve to reinforce the systemic inequities to women's land rights.

Article 15.2 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), states in relevant part, that State Parties should grant women and men equal legal capacities to contract and administer land. Yet, formal laws in some State Parties either outright deny women equal rights to contract or administer land or its laws conflict in practice. For example, in the Republic of Chile, Article 19 (2) of its constitution states that women and men are equal before the law, yet Civil Code Articles 135 and 1749, grant the husband all administrative rights to communal land, and even in so far to administer any land previously owned by his wife. (See Food and Agric. Org. of the UN (FAO), Country Profiles, Gender and Land Rights Database, http://www.fao.org/gender-landrights-database/country-profiles/countries-list/en/.) For rural women and girls who are only specifically addressed once in CEDAW Article 14.1, the level of land inequity and protection is much worse. (See CEDAW, Gen. Rec. 34, ¶ 5). Thus, I wasn't surprised that rural women and girls land rights was a hot topic at the CSW.

Every day at the UN there was a minimum of two directly related panel events/meetings on rural women's land rights, and often other events that were peripherally related. On my busiest 12-hour days at the UN, I attended more than six events/meetings that were directly related to rural women's land rights. My primary goal as an HRA delegate was to advocate for my proposed language to be included in the Agreed Conclusions, the principal outcome document of the CSW. However, prior to attending the conference we were forewarned by Professor de la Vega, and previous year participants, that many of the Agreed Conclusions meetings had been closed to NGOs the previous years. Unfortunately, I faced the same obstacles, and perhaps even less transparency as there were no announcements for the location or time of the Agreed Conclusions meetings. Therefore, as a delegate for HRA, I had to be even more creative and assertive in looking for delegates in my attempt to get the proposed language into those closed-door discussions, and ultimately into the Agreed Conclusions. I became very familiar with the Headquarters within days, and even befriended a security guard who took my colleague and me into the delegates-only lounge to grab lunch as all other cafes were closed. Unfortunately, it was a no-delegate contact security escorted visit, but at least I could see who the delegates were, and perhaps remember their faces in the hallways.

Although most delegates may have been in private meeting rooms developing the final authoritative document, some were also panelist at the events. I made sure that I approached every panelist that was a delegate, including high-level intergovernmental organization (IGO) representatives, such as Officers from the Food and Agriculture Organization of the UN (FAO) that are devoted to research and policy programming on gender equitable land tenure. I asked follow-up questions to...
their panel discussions, and strategically presented my research in connection to their topic just before giving them my 1-page paper that included the proposed language. This approach allowed me to meet the first female Vice President of Zambia, Hon. Madam Inonge Mutukwa Wina. I also met the Director of the Women’s National Institute of Uruguay, Ms. Mariella Mazzoti, and the Minister of the Republic of Mozambique, Cidalia Manuel Chauque Oliveira. While attending another land rights specific event, “Implementing tools for improving rural women and girls’ security of tenure and delivering the SDGs,” I struck a conversation with a woman seated next to me. We discussed the foundational barriers in addressing rural women’s inequity to land rights, specifically the discriminatory gender norms that need to include solution programming from a bottom-up community engagement approach. After conversing a few minutes with her, we exchanged business cards, and to my surprise found out she was a member of Parliament for the Republic of South Africa. I followed through with my strategic protocol and provided her with my 1-page summary, and she then asked if I could send her my full research paper.

While at the CSW Conference, I met intelligent, strong, and passionate women doing great work for gender equity. I also was able to attend roundtables and townhall meetings, in which I heard the Secretary General, António Guterres, address the CSW twice. I learned that cultural knowledge is important, since often some of these land rights problems have more levels of complexity, and solutions must come directly from the community. Further, there is no single solution that solves all rural women’s land rights concerns, but it was inspiring to see such a strong youth representation that is passionate and offered creative solutions to these issues.

In the end, the CSW 62nd session Agreed Conclusions contained language that I proposed and discussed with many delegates, IGOs, and NGOs. (See CSW 62nd Agreed Conclusions, March 26, 2018; http://www.unwomen.org/en/csw/csw62-2018/session-outcomes.) Undoubtedly this language was also proposed and supported by IGOs/NGOs committed to rural women and girls’ land equity.

In conclusion, being a delegate for Human Rights Advocates, gave me the opportunity to fully engage in the process of international advocacy and policy making. This experience undoubtedly enhanced my research, writing, and oral advocacy skills. The Clinic demanded more hours than any other project I have undertaken at USF School of Law. Yet, despite the many daunting hours, it has been the most gratifying law school experience to date. On a side note, since 6th grade, after doing a report on Eleanor Roosevelt, I became intrigued by the UN. I always had a desire to be part of it, and visit the General Assembly Hall, which is often pictured in children’s books. I can confidently say, thanks to the International Human Rights Law Clinic, that childhood dream was accomplished!

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**HRA Annual Meeting**

**A Time to Reflect and to Carry On the Legacy of HRA’s Advocacy at the UN and Home**

*By Julianne Cartwright Traylor*

On April 11th, Human Rights Advocates held its 2018 Annual Meeting bringing together longstanding as well as new members, to celebrate the accomplishments of the past year and to look ahead to another promising year full of activities both here in the bay area and at the United Nations in New York and Geneva. In my capacity as Board President, once again, I welcomed HRA members to our Annual Meeting in the Terrace Room in the Dorraine Zief law Library at the University of San Francisco School of Law, to hear business and financial updates of the organization, review of accomplishments of the previous year, as well as to hold the election of its new Board members for 2018-2019.

This year, Board member Abby Rubinson stepped down after many years of service. She spoke about what a valuable experience it had been to serve on the Board and that she was grateful for the opportunity and regretted having to retire from Board service, but she will continue to work with HRA in whatever capacity on future activities and projects.
We were able to give her a tribute in person at the meeting (see article below).

The slate for Board members, included incumbent members Jay Bijlani, Kathy Burke, Connie de la Vega, Jacqueline Brown Scott, Julianne Cartwright Traylor, and Trevor Yan, and Alen Mirza, a recent Board member who is able to serve once again. All were elected by the members present. The long-term broad experience and excellent qualifications of all of the Board members provide strong leadership for HRA as it faces the many challenges and complex issues that need to be dealt with both here at home and internationally.

After the vote and the detailed financial report by HRA Treasurer Connie de la Vega, participants in the meeting each had an opportunity to share information about their human rights work – including the students who had participated in this year’s USF International Human Rights Law Clinic as interns at the UN Commission on the Status of Women in New York, and the UN Human Rights Council in Geneva.

As we normally do at our Annual Meeting, we briefly reflected on the historical legacy the Frank C. Newman not only for some of us present at the meeting, but his role as one of the founding and inspirational figures for the promotion and protection of human rights both in the US and globally. Equally important, we also discussed ideas for HRA projects going forward such as continuing its Fellowship Program, as well as HRA Board members and other veteran members setting up some type of Mentorship Program and having more activities to mentor younger HRA members as they navigate their way from school into the working world during human rights advocacy in whatever capacity they desire.

At the conclusion of the meeting, I thanked all of the members who attended the 2018 Annual Meeting and for their financial contributions and time working on projects, and acknowledged the many challenges that we face advocating for human rights here in our own back yard, in the United States, as well as globally in our work at the United Nations.

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**HRA Newsmakers**

**On Cesspools And Human Rights: UN Special Rapporteur, HRA Member Philip Alston, Says Extreme Poverty in US is Shockingly at Odds With US Commitment to Human Rights**

*By Kathy Burke*

Philip Alston, the United Nations Special Rapporteur on Extreme Poverty and Human Rights, recently investigated poverty in the United States, asking “whether the persistence of extreme poverty in America undermines the enjoyment of human rights by its citizens.” His answer is a resounding “Yes.”

A member of Human Rights Advocates’ International Advisory Board, and a law professor at New York University, Professor Alston has served as the special rapporteur for more than four years, reporting on extreme poverty in Ghana, Chile, Romania, Mauritania, China, and Saudi Arabia. His United States investigation took him to California, Alabama, Georgia, Puerto Rico, West Virginia, and Washington, D.C. over two weeks in December 2017.

Professor Alston issued a concise and devastating report on December 15, 2017. It states: “[T]oday’s United States has proved itself to be exceptional in . . . problematic ways that are shockingly at odds with its immense wealth and its founding commitment to human rights.”

“Neither its wealth nor its power nor its technology is being harnessed to address the situation in which 40 million people continue to live in poverty.”

Professor Alston’s report notes the problem that the US refuses to recognize that international human rights law encompasses economic, social and cultural rights. “In practice, the United States is alone among developed countries in insisting that while human rights are of fundamental importance, they do not include rights that guard against dying of hunger, dying from a lack of access to affordable healthcare, or growing up in a context of total deprivation.”

Therefore, Professor Alston focused his report on civil and political rights, which the US government
does recognize. Similarly, when he presented the report to the UN Human Rights Council in Geneva on June 22, 2018, Professor Alston spoke particularly about how extreme poverty undermines the enjoyment of civil and political rights: “I document the ways in which democracy is being undermined, the poor and homeless are being criminalized for being poor, and the criminal justice system is being privatized in ways that work well for the rich but that seriously disadvantage the poor. Underlying all of these developments is persistent and chronic racial bias.”

A few days before Professor Alston presented his report to the Human Rights Council, the US government withdrew from the Council. UN Ambassador Nikki Haley called it “a cesspool of political bias.” Cesspools were in fact a subject of Professor Alston’s report: “In Alabama, I saw various houses in rural areas that were surrounded by cesspools of sewage that flowed out of broken or non-existent septic systems”, which the state government did not consider its responsibility to remedy. Speaking to the Human Rights Council, Professor Alston commented: “I concluded that cesspools need to be cleaned up and governments need to act. Walking away from them in despair, as in Alabama, only compounds the problems.”

While the US government was not present to respond orally to Professor Alston’s report, it did make a written response, which is available at https://geneva.usmission.gov/2018/06/22/country-concerned-statement-in-response-to-sr-alstons-country-report-on-the-united-states/.

During and after his extreme poverty tour, Professor Alston participated in multiple media interviews and public presentations in the US about what he saw and how the extreme poverty undermines human rights in the US.

Professor Alston is scheduled to make an official visit to the United Kingdom of Great Britain and Northern Ireland from November 6 to 16, 2018, to examine the interlinkages between poverty and the realization of human rights there.


Rare Eleanor Roosevelt Award Honors the Human Rights Work of HRA Advisory Board Member Rita Maran

By Kathy Burke

Rita Maran, PhD, was honored for her “extraordinary work in advancing the cause of human rights and understanding of UN human rights principles” when the United Nations Association of the United States of America (UNA-USA) recently presented her with its Eleanor Roosevelt Award named for the creator of the Universal Declaration of Human Rights. UNA-USA has given the award to only a few people over the organization’s 75-year existence.

Dr. Maran is a Founding Board Director of HRA, and currently serves on the HRA National Advisory Board.

On June 11, 2018, at the UNA-USA annual Leadership Summit in Washington, D.C., the organization gave the rare award to Dr. Maran, with this beautiful citation that recognizes her inspiring and multi-faceted work to advance human rights:

“It is my pleasure to award UNA-USA’s Eleanor Roosevelt Award to a true national champion for the rights and dignity of all persons. This award has only been given a handful of times over the arch of UNA-USA’s 75-year history and is reserved for a UNA leader who has done extraordinary work in advancing the cause of human rights and understanding of UN human rights principles both within their community and around the world. We are truly honored to award Rita Maran, a distinguished author and scholar known for her groundbreaking research on torture, an education leader who has connected students of all ages to the Universal Declaration of Human Rights, and an advocate who never fails to hold our nation’s elected leaders to account for our country’s own human rights performance. Rita on behalf of your friends at UNA from the East Bay to the shores of Turtle Bay in Manhattan we are inspired by your example and honored to be in your company.”

Dr. Maran – Rita – HRA congratulates you on receiving this well-deserved honor.
Human Rights Advocates

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 Abby Rubinson for her service on the Board since 2014. Her roles were many – including supervising HRA Fellows, editing official HRA submissions to various UN bodies, editing the HRA Newsletter, to name a few. Her expertise specializing on issues of the intersection of international human rights and the environment, and she has litigated and advocated domestically and internationally for strong protection of human rights and the environment, especially in the context of climate change. From her groundbreaking work to help set a precedent for human rights in a multilateral environmental agreement – the United Nations framework Convention on climate change (UNFCCC) Paris Agreement negotiated at COP 21 in December 2015, to her work as one of the lawyers on the Bowoto v. Chevron and Wiwa v. Shell cases, to her work on human rights in Brazil, she has been dedicated to human rights and environmental justice.

We in HRA as well as human rights advocates nationally and globally owe Abby a debt a gratitude for her dedication to the cause of human rights and know that even though she has stepped down from being a member of HRA’s Board, that she will continue to work with us on issues for the promotion and protection of human rights in the US and globally.

Our Advisory Boards

Human Rights Advocates has two Advisory Boards: National and International. We would like to thank our returning members of both Boards for their long-term commitment to HRA and welcome a new member to the International Advisory Board.

National Advisory Board

Sandra Coliver, Sr. Legal Officer, Open Society Justice Initiative, New York
Laurel Fletcher, Clinical Professor of Law, U.C. Berkeley, California
Paul Hoffman, Schonbrun, Desimone, Seplow, Harris & Hoffman LLP, Venice, California
Peter Honigberg, Professor of Law, University of San Francisco, California
JoAnne Kagiwada, Human Rights Consultant on Religious Affairs, Oakland
Rita Maran, Author, Human Rights Consultant, Berkeley, California
Roxanne Dunbar Ortiz, Director, Indigenous World Association, San Francisco
Naomi Roht-Arriaza, Professor of Law, Hastings College of the Law, U. of California

David Weissbrodt, Regents Professor of Law, University of Minnesota

International Advisory Board

Philip Alston, Professor of Law, New York University
Danwood Chirwa, Professor of Public Law, University of Cape Town, South Africa
Jose Lindgren Alves, Executive Secretary, Institute for Public Policies in Human Rights in Mercosur, Buenos Aires, Argentina
C.M. Eya Nchama, Judge, Court of Leases and Rents, Geneva, Switzerland
Adolfo Pérez Esquivel, Nobel Peace Prize Laureate, 1980, Argentina
Deepika Udagama, Center for Study of Human Rights, University of Colombo, Sri Lanka

We would like to introduce our new member to the International Advisory Board - Professor Danwood M. Chirwa from the University of Cape Town in South Africa. Professor Chirwa is head of the Department of
Public Law and professor in public law at the University of Cape Town.

He has vast research and teaching experience in human rights, especially children’s rights, socio-economic rights, and business and human rights on which he has authored and edited several books and journal articles. He has also worked with a variety of international and African non-governmental organizations. A former Secretary-General of the African Network of Constitutional Lawyers, Professor Chirwa has served as a member of board of directors for a number of organisations including the Open Democracy Advice Centre, the Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN), and the Socio-Economic Rights Institute of South Africa (SERI). Currently, he is also a member of the Board of Trustees for the UN Voluntary Trust Fund on Contemporary Forms of Slavery, of the Board of Directors of the Global Business and Human Rights Scholars Association, and of a Technical Working Group of the African Partnership to End Violence against Children.
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.

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