



## Advocacy at the UN

By *Connie de la Vega*

Nine students participated in the University of San Francisco's Frank C. Newman International Human Rights Clinic during the Spring 2023 semester representing Human Rights Advocates at UN meetings.

Seven students participated at the 52<sup>nd</sup> session of the Human Rights Council (HRC) in Geneva, Switzerland, and two participated at the UN Commission on the Status of Women (CSW) in New York. The students who went to Geneva met with International Advisory Board Member Cruz Melchor Eya Nchama. The students who attended the CSW met with Patience Tusingwire, a USF Clinic graduate and LLM alum who provided them with guidance while they attended the meetings in New York.

The students who attended the CSW prepared reports on issues related to this year's priority theme of Innovation, Technology, and Achieving Gender Equality in the Age of Digital Education. The written statement was submitted in the Fall and covered the inequitable education and labor opportunities

for women in science, technology, engineering and math. (Statement Submitted by Human Rights Advocates, E/CN.6/2023/NGO/25, 29 November 2022.) The students who attended the Human Rights Council prepared written statements for the 52<sup>nd</sup> session which are posted on the HRC website for the 52<sup>nd</sup> session.

The students covered a wide range of themes that included the right to housing, countering disinformation, the detention of immigrant minors in private facilities, human rights related to environmental migration, and the LGBTQ's community right to culture. The citations to the written statements are included in their articles below. The reports of all the students are available at the HRA website, [www.humanrightsadvocates.org](http://www.humanrightsadvocates.org). The following are the articles written by the students regarding their work on behalf of HRA at the UN bodies.



From L to R: Sophia Lennox, Nico Gonzalez, David Watson, Clare Henry, Connie de la Vega, Lauren McKinney, Piero Orlandin, and Cherie Corona at the UN in Geneva

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## A Human Rights Approach to Countering Disinformation

*By David Watson*

I was one of the seven students who attended the 52<sup>nd</sup> Session of the UN Human Rights Council in Geneva, Switzerland. I was incredibly grateful for the opportunity to advocate on behalf of Human Rights Advocates and the University of San Francisco. While in Geneva, my advocacy focused on domestic law in countering disinformation, and, more specifically, how States are using laws passed for countering disinformation to arbitrarily target human rights defenders and the freedom of expression. (For those interested, my report can be found at A/HRC/52/NGO/156.)

Disinformation is one of the biggest challenges of our time. Every State is vulnerable, and many States are perpetrators. In the U.S., our democratic elections have been targets of disinformation campaigns and disinformation is currently playing a key role in the war in Ukraine. States must find the proper balance between countering disinformation and safeguarding human rights. Most States, up to this point, have gotten this balance wrong. Tackling one problem has led to the creation of another. A rash of legislative efforts around the globe are vague and overbroad, opening the door to abuses by governments. Therefore, international human rights law should set the guardrails for legislation in this area.

In talking to States about this problem, I advocated for content specific responses to disinformation. There is not a set definition of disinformation and States should stop attempting to create one. To counter disinformation, I urged States to consider a three-factor framework being promoted by many leading experts on the topic. Firstly, States should consider who is speaking. For example, is it someone's grandmother or is it a public official? Secondly, they should consider the behavior of the account or accounts promulgating the information. Is it a complex network of viral bots and trolls or is the information transmitted in a way that can be easily limited? Thirdly, they should consider the content of the information. If the information is true then it

should be amplified, not censored. These are critical questions that States must ask and the answers to each should prompt a different response.

After all, disinformation is in the eye of the beholder and unfavorable truths of the government are sometimes prosecuted as disinformation. Human rights defenders are often the ones uncovering States' unfavorable truths. They tip the scales in favor of democracy, using their work to promote democratic ideals and state accountability. For these same reasons, they've become targets. As the Special Rapporteur for Human Right Defenders, Mary Lawlor, said in her interactive dialogue, "everyone loves human rights defenders except when they're in your home country." But States should view human rights defenders as allies, not enemies. Both should have the same interests at heart – a desire to build a fair and just civil society.

This year's resolution on human rights defenders passed without a vote (A/HRC/RES/52/4). The resolution successfully extended the mandate of the special rapporteur on this topic for an additional 3 years. One of the most fulfilling aspects of my time at the UN was the ability to attend and contribute to these resolution drafting sessions. These sessions are where a lot of the substantive work of the Council is done and States put a great deal of effort into getting their language included in the resolutions. It was very interesting to watch States' diplomatic pageantry and posturing to figure out where their alliances may lie.

Of course, it was not always collaboration and support from the States. Often in drafting sessions for State specific resolutions, I witnessed diplomatic temper tantrums from States like China, Russia, Venezuela, and Iran, all attempting to vilify the other members of the Council for "increased politicization" and sanctions – which, apparently, are the only reason for their horrific human rights records.

A final interesting observation from these drafting sessions was the work of the organizing party. This State takes on a huge responsibility to draft the resolution with a working group prior to the session and to then host the drafting session itself. They must take note of each suggestion and try to incorporate it without sacrificing too many votes. This balance is crucial as it would be immensely disappointing for the UN Human Rights Council to fail to pass a resolution

in support of human rights.

Lastly, I want to thank each member of Human Rights Advocates, USF, Professor de la Vega, and my colleagues for the most incredible time in Geneva. No amount of time in a classroom could have provided the same experiences. I will carry this with me throughout my legal career and do my best to persuade each judge I find myself in front of to consider treaty and customary international law that we all played a part in creating.

## Right to Adequate Housing: COVID-19, Gender, and the Special Rapporteur's Role

By Clare Henry

This year I had the honor to represent Human Rights Advocates in Geneva at the 52<sup>nd</sup> Session of the Human Rights Council. While attending, I focused on the right to adequate housing and advocated for the affirmation of a safety element for housing to be considered adequate. I also gained a deeper understanding and immense interest in the role of the Special Rapporteurs within the Human Rights Council.

The right to adequate housing must be more than just ensuring people have access to shelter. Rather, the right to adequate housing is much broader and is intended to “ensure that everyone has a safe and secure place to live in peace and dignity.” Office of the High Commissioner on Human Rights with UN-HABITAT, *The Right to Adequate Housing*, Fact Sheet No. 21 (Rev. 1). As explained in my Written Statement to the Human Rights Council, the COVID-19 pandemic led to a global “shadow pandemic” of domestic violence and abuse borne disproportionately by women and girls. *Ensuring The Right to Adequate Housing Following The COVID-19 Pandemic* A/HRC/52/NGO/155. This “shadow pandemic” was largely a result of increased isolation, a deficiency in available support services and networks, insufficient domestic policy responses, and the continuation of discriminatory housing policies. Women and children experienced domestic violence at heightened rates and yet, policies and support

networks were ill-equipped to respond to a heightened need to access safety and alternative housing options.

International human rights law recognizes the right to adequate housing. The primary instrument that protects the right to adequate housing is the International Covenant on Economic, Social and Cultural Rights (ICESCR), art. 11 (1976). In 2022, the Human Rights Council adopted a resolution that included a call upon states to ensure women’s equal right to adequate housing in all aspects of housing policies and furthermore, called upon states to implement actions to prevent and eliminate all forms of violence, including sexual and gender-based violence and domestic violence. Human Rights Council Res. 49/17, UN Doc. A/HRC/RES/49/17 (March 31, 2022). During my time in Geneva, I advocated for a continued affirmation of this resolution and for states to acknowledge what must be learned from the “shadow pandemic” in ensuring the right to adequate housing globally.

While in Geneva, I participated in the draft resolution session for the resolution on the right to adequate housing. This year the Council was reviewing the expiring mandate for the Special Rapporteur on the Right to Adequate Housing. The use of Special Rapporteurs is a mechanism by which the Council has an independently operating expert study, explore, and report back on the status of a thematic right, like the right to adequate housing, or on a specific state. The previous mandate had expired after a routine three years, and so the discussion of the draft resolution session primarily focused on garnering support to renew the mandate of the Special Rapporteur for another three years. The mandate renewal for the Special Rapporteur on the right to housing was expected to be renewed, and so the discussion in the draft resolution meeting was largely focused on the specific guidance the Special Rapporteur should have for the next three years. (As predicted, the mandate was renewed. Human Rights Council Res. 52/10, UN Doc. A/HRC/RES/52/10 (March 21, 2023).)

COVID-19 has persisted to be an important topic of discussion on a vast array of rights explored by the Human Rights Council, including the right to adequate housing. States actively supported addressing the COVID-19 pandemic in the mandate renewal by advocating for language in the resolution that would allow the Special Rapporteur to examine inclusive policies and programs pursued in the aftermath of the



coronavirus disease. Human Rights Council, Draft Resolution, A/HRC/52/L.10 (March 24, 2023). I was able to see my research align with the discussion among delegates about ensuring that moving forward States address and respond to the changes COVID-19 has had on housing and homelessness in their states.

Gender equity was also highlighted by a majority of delegations as an important inquiry when investigating and reporting on the right to adequate housing. As such, many States supported including language requesting the Special Rapporteur to pay special attention to the human rights and fundamental freedoms of women and persons in vulnerable situations in the performance of their duties. Human Rights Council, Draft Resolution, ¶ 6, A/HRC/52/L.10 (March 24, 2023). Again, I was able to see states align with my advocacy and recognize the importance of understanding how housing policies and access to housing is experienced differently by women, girls, and other vulnerable groups globally.

The Special Rapporteur, as an expert operating independently of their nation of origin in a highly politicized environment, has a unique opportunity to shed light on human rights violations that many states would prefer to keep hidden from the global community. This year the Special Rapporteur on the right to adequate housing reported on the importance of environmentally sustainable housing and the need for states to invest in housing that will provide safe, secure, and stable housing in light of a changing environment. Confronting issues like the environmental impact of housing construction and the need to ensure housing provides safe shelter in the face of drastically changing weather patterns, the Special Rapporteur guided a conversation on the right to housing that required States to engage in a conversation on a global emergency: climate change.

In summary, this experience opened my eyes to the work of the Council and the work of independently operating mandate holders, such as the Special Rapporteur. I plan to continue advocating for the fulfillment of human rights, including the right to adequate housing, on both local and international levels. I also plan to continue tracking the work of the Special Rapporteurs on the right to adequate housing to see what problems they encourage the Human Rights Council confront and discuss on the global stage. I am incredibly thankful to USF, Professor de la Vega, and Human Rights Advocates for this opportunity.

## Advocating for the LGBTQ Community's Right to Culture

By Gilberto Nicolas González

In March 2023, I had the honor of attending the 52<sup>nd</sup> session of the Human Rights Council to speak on behalf of Human Rights Advocates, Inc. In preparation for this, I conducted research on the global violation of the LGBTQ (Lesbian, Gay, Bisexual, Transgender, and Queer) community's right to culture and the steps that States should take to address this issue.

Various international instruments urge and obligate States to uphold everyone's right to equal protection in cultural activities. *UDHR*, art. 27; *ICESC*, art. 15; *ICCPR*, arts. 17–19, 21–22, 27; *CEDAW*, art. 13(c); *CRC*, art. 31. Moreover, ECOSOC's definition of culture provides that "cultural activities" include more than just the majority's view of what culture should be: "Culture is a broad, inclusive concept encompassing all manifestations of human existence." ECOSOC, *General Comment No. 21*, para. 11 (2009). The previous Special Rapporteur in the field of cultural rights further clarifies that "[c]ultural rights are an expression of and a prerequisite for human dignity. They protect the rights of each person, individually and with others, ... to develop and express their humanity ... through, inter alia, values, beliefs, convictions, languages, knowledge, and the arts, institutions and ways of life." Karima Bennouna, *Universality, Cultural Diversity, and Cultural Rights*, para. 13 (2018).

Despite clear international standards, the LGBTQ community's right to culture is being violated throughout the world. On a global scale, those who identify as LGBTQ suffer discrimination, prejudice and harm because of whom they are sexually attracted to and how they decide to express themselves. Consequently, LGBTQ people, individually and with others, are unable to express their identities, beliefs, and ways of life. Finally, given its global magnitude, this issue transcends borders and race/ethnicity. Thus, to meet their obligations and—more importantly—achieve a just world, all States must unite to create inclusive societies that protect and respect the LGBTQ community's way of life.

LGBTQ people face widespread violence, abuse, and discrimination throughout the Americas, Africa, Europe, and Asia. In the United States,

LGBTQ peoples' right to culture is being deliberately undermined, as state governments have passed laws restricting teachers and staff from discussing LGBTQ issues at school. Victor Madrigal-Borloz, *Country Visit to the United States of America: Preliminary Observations*, para. 24 (Aug. 2022).

In Poland, dozens of small towns have declared themselves free of "LGBT ideology." Lucy Ash, *Inside Poland's 'LGBT-Free Zones'*, BBC News (Sept. 2020) (<https://www.bbc.com/news/stories-54191344>). Other States, such as Jamaica, Nigeria, and Malaysia, criminalize LGBTQ behavior altogether. U.S. Bureau of Democracy, Human Rights, and Labor, *Jamaica 2021 Human Rights Report* (Apr. 2022), pp. 17–18; Outright International, *Country Overview: Nigeria* (<https://outrightinternational.org/our-work/sub-saharan-africa/nigeria>); Human Dignity Trust, "Malaysia" (<https://www.humandignitytrust.org/country-profile/malaysia/>).

To ensure that the LGBTQ community's right to culture is affirmed and upheld, States must first remove all legal barriers barring LGBTQ people from expressing their identities, beliefs, and ways of life. This would not only allow LGBTQ people to express themselves and engage in cultural activities without fear of State punishment, but also contribute to creating a more inclusive environment that recognizes LGBTQ peoples' humanity. See NPR, *How Political Rhetoric Factors into Violence Against the LGBTQ Community* (2022). Second, to deter future attacks against the LGBTQ community by state and non-state actors, States must prohibit discrimination and violence on the basis of sexual orientation and gender identity. Ben Johnson, *Do Criminal Laws Deter Crime?*, MN House Research, pg. 16 (2019). Third—and perhaps most importantly—States must develop and implement LGBTQ inclusive sex education curricula to promote inclusivity throughout the school experience and, consequently, all of society. Human Rights Campaign, *A Call to Action: LGBTQ Youth Need Inclusive Sex Education*, pgs. 15–16 (2021). Although not perfect, Sweden and Portugal have implemented such approaches, and they are amongst some of the safest places for LGBTQ people. Laura Begley Bloom, *20 Most Dangerous Places for Gay Travelers (and the 5 Safest)*, Forbes (2019).

In addition to researching and reporting on this issue, I had the honor of addressing the United Nations Human Rights Council at the Interactive

Dialogue on the Right to Culture. This was one of the most exciting moments of my experience at the United Nations, as I shared the platform with international representatives to speak about what we should do to affirm and uphold the LGBTQ community's right to culture.

In conclusion, my time at the United Nations was nothing but fruitful. I learned so much about what it takes to lobby and collaborate on the international stage—things I could have never learned as well inside of a classroom. I also learned how valuable it is to be supported by a team, as my colleagues and I constantly worked together to keep each other up to date on important events, provide feedback on ideas, and give us all courage to continue challenging ourselves and the *status quo*. I will carry this experience with me throughout the rest of my life—I'm truly grateful to my family, friends, colleagues, professors, and Human Rights Advocates for making this possible.

## Protecting of Human Rights in Environmental Migration

By Piero Orlandin

My topic at the 52<sup>nd</sup> session of the UN Human Rights Council was Protecting Human Rights in Environmental Migration (A/HRC/52/NGO/154). I focused mostly on the aspect of better protection of the human rights of people who need to leave their places of residence due to poor environmental and living conditions as well as substandard living conditions caused by environmental hazards and natural disasters.

In my research, I focused on three specific global areas where this phenomenon is significantly manifested. These were the Horn of Africa, the Southeastern Asian region, and the so-called "sinking" islands. In all of these regions human rights are affected in a slightly different way, however, common to them is the fact that the human rights of those who have to migrate are almost always violated or threatened.

The protected values that are most in danger include those such as health, safety, or economic self-sufficiency. This is also exacerbated by intensifying climate change, which exacerbates the already difficult

situation of migrant populations for the countries involved.

In talking to States about this problem, I advocated not only for better protection of human rights such as the right to life, the right to health, the right to liberty and security of person, and the right to an adequate standard of living in general, but also for strict application of the *non-refoulement* principle in cases of external involuntary migration. In addition to this, I also proposed to the States' delegates applying Guiding Principles on Internal Displacement (GPID) to external involuntary migration, which could ensure that basic human rights are at least basically protected. I also advocated for greater consideration of human rights not only in the resettlement phase but also in the pre-immigration and post-immigration phases so that the highest available level of human rights protection is maintained.

The good news was that the resolution on Human Rights of Migrants was adopted without a vote (A/HRC/52/L.34) and therefore the mandate of Special Rapporteur on the Human Rights of Migrants was extended for a period of three years from the end of its fifty-third session. The less good news is that the language of the resolution does not deviate from the boundaries of standard diplomatic language.

On the one hand, this is understandable, as it is a highly sensitive issue for all countries involved, but on the other hand, it is quite risky to maintain the *status quo* in a world where up to 3 billion people are expected to be left out of favorable and adequate environmental conditions.

However, having the opportunity to attend and represent Human Rights Advocates at the 52<sup>nd</sup> session of the Human Rights Council was extremely exciting and I am very grateful that I could advocate in the field that I am interested in and do my small part to address today's major human rights challenge.

Finally, I would very much like to thank Human

Rights Advocates, USF, my colleagues, and especially Professor de la Vega for a great experience and a lot of insights that have only made me more determined to further my career in international law and human rights field.

## **Standardizing Evidence Gathering Techniques and Strengthening Victim-Centered Investigation Protocols to End Impunity for Perpetrators of Torture in Armed Conflicts**

*By Lauren McKinney*

In March 2023, I had the privilege of representing Human Rights Advocates ("HRA") at the 52<sup>nd</sup> session of the United Nations ("UN") Human Rights Council ("HRC") in Geneva, Switzerland. The 52<sup>nd</sup> session came in the midst of several global crisis, including the Russian invasion of Ukraine and political instability in several Latin American countries. The increasing polarization of the HRC and global politics poses a threat to human rights and accountability for violations. In the face of these challenges, my advocacy at the 52<sup>nd</sup> session on behalf of HRA focused on seeking mutually beneficial commitments to end impunity for systematic torture and other crimes against humanity. To this end, I urged Member States to expedite domestication of international investigation protocols, adopt a gender-sensitive approach to combating these crimes, and increase pathways for accountability. As a result, the Resolution on Torture and other cruel, inhuman or degrading treatment or punishment was adopted on April 3, 2023 with the inclusion of these points. (A/HRC/52/L.5/Rev.1)

My research found ending impunity for torture and related crimes against humanity essential in the global effort to bolster the human rights agenda and promoting justice and healing for victims and their communities. However, investigating and prosecuting these crimes continue to raise substantial challenges

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to this goal. In fragile and conflict contexts, crime scene access for investigators is limited or significantly delayed. Witness participation is difficult to obtain due to fear of retaliation. Even when a case can be established of such international crimes, domestic remedies are often unavailable or fail to meet fair trial standards. Due to these challenges, the international community investigating these crimes faces great barriers to hold perpetrators to account in a timely, meaningful manner.

Most notable to my research and integral to my advocacy at the HRC was the unclear nature of which venue can and will try these cases. Several courts have jurisdiction to hear international crimes including torture, such as the International Criminal Court (ICC) and domestic courts where the crimes occur, but these are not where most of these cases end up being heard. Case studies show it is common for the venues available to try these cases often do not exist at the time of the commission of the crime or the venue will be in a jurisdiction outside where the crime occurred. This makes the task of establishing case files that will be admissible in whichever court becomes available to hear these cases particularly fraught.

In the face of these challenges, my research highlights a number of potential solutions to this issue of impunity for systematic torture and other related crimes against humanity. Many are already in existence, but require more international commitment to their implementation. These include the adoption and implementation of established international protocols and standards on evidence gathering and witness protection, increased global acceptance of universal jurisdiction through domestic legislation, and the expansion of non-judicial accountability pathways for justice for victims.

In light of the challenges obtaining evidence of systematic torture and other related crimes against humanity, there are two primary international protocols I urged Member States to implement domestically. Highlighting just one that is of particular interest to investigations in the digital age is the Berkeley Protocol on Digital Open Source Investigations ("Berkeley Protocol"). This protocol provides guidance on proper evidence gathering techniques when dealing with open source evidence. Widespread implementation of this protocol is particularly important because of the value open source information has come to have in investigating crimes scenes where physical access is

limited or unavailable. Streamlining good practices in this area of evidence gathering strengthens the likelihood of their admissibility in court and in the reliability of open source evidence. This means, perpetrators of these crimes will not be able to hide their crimes by making access unavailable to the international community. Digitally available evidence obtained via satellites or even social media posted pictures and videos could form the basis of a charge of torture or other related crimes against humanity.

Domestic legislation adopting universal jurisdiction is key to my advocacy towards ending impunity for perpetrators of these crimes against humanity. Safe havens cannot exist for perpetrators to flee from their crime. Widespread acceptance of universal jurisdiction to try international crimes like torture and related crimes would be no matter where the preparator flees. The domestic courts where they are located can try them for their crimes. The concept is nothing new. The validity of universal jurisdiction for war crimes, torture and other crimes against humanity has been accepted by the international community via ratification of the 1949 Geneva Conventions, yet many Member States remain reluctant to implement the practice. Despite this, my advocacy highlighted the recent success in German courts convicting Syrian war criminals for systematic torture and how Germany and other European countries could act as a model for other Member States to adopt domestic legislation accepting universal jurisdiction.

Notable to my research was the need for a gender sensitive approach be taken when handling cases of torture and other related crimes. Often, the use of systematic torture contains an element of sexual humiliation and sexual violence. The gender and sexual orientation of the victims and witnesses of these crimes impact their willingness to participate in the investigation process and criminal proceedings. Thus, I urged member states to include gender sensitive language in their draft resolution on Torture in relation to witness protocols and evidence gatherings procedures. This language can be found in the final draft. (A/HRC/52/L.5/Rev.1)

The experience to travel to Geneva, attend HRC sessions and discuss my research topic with Member State delegates was incredible. I would like to thank Human Rights Advocates, Professor de la Vega and the University of San Francisco School of Law for the opportunity.

# Stolen Futures and Forced Adoption: Abduction and Illegal Adoption of Ukrainian Children

By Sophia A. Lennox

In March of 2023, I had the opportunity to represent Human Rights Advocates Inc. at the 52<sup>nd</sup> session of the UN Human Rights Council (“HRC”) in Geneva, Switzerland. Prior to the session I prepared a written statement entitled *Stolen Futures and Forced Adoption: Abduction and Unlawful Adoption of Ukrainian Children*, UN Doc. /HRC/52/NGO/88.

While at the HRC I was able to practice legal advocacy and present my research directly to state delegates and NGO representatives. I was honored to have been selected to deliver my oral intervention on the abduction and unlawful adoption of children in Ukraine before the Special Representative of Children and Armed Conflict.

Spending three weeks participating in the actual drafting sessions, interactive dialogues, and side events of the HRC provided extraordinary insight into the process of interaction among states parties, civil society, and UN bodies in shaping the dialogue on the most pressing human rights abuses.

This experience not only fostered my professional development, but also held tremendous personal meaning as I was able to speak on a myriad of human rights abuses stemming from the war in Ukraine, a country where I served for over two years in the U.S. Peace Corps with a people with whom I formed a life-long commitment to promoting cross cultural understanding and the right to development. Now, my appeal is for the right of Ukraine to simply exist; a right that has been most horrifically challenged by the Russian Federation (RF).

Since the 2022 invasion of Ukraine, the world has witnessed widespread atrocity crimes and human rights violations perpetrated by the (RF) against Ukrainian civilian noncombatants; the most egregious involving grave violations committed against children. These crimes range from targeted shelling of residential buildings, schools, and hospitals; to the use of torture, sexual violence, and summary execution as strategy of intimidation and terror. Children are also subject to enforced disappearances and mass deportation through a system of “filtration camps,” that the European Parliament has compared to Soviet Gulags and even

concentration camps.

The targeting of children in war is not isolated to Ukraine; as demonstrated by the proliferation of grave violations against children in Afghanistan, the Democratic Republic of the Congo, Israel and the Occupied Palestinian Territory, Somalia, the Syrian Arab Republic and Yemen, UN Doc. A/76/871-S/2022/493 (23 June 2022). However, the war in Ukraine is distinguished from contemporary conflicts in scale, magnitude, and intensity of violence.

As of June 2022, the United Nations Children’s Fund reported that two-thirds of all Ukrainian children were displaced by war. The destruction of homes, separation of families, and instability of communication services has placed children at a particularly high risk for exploitation and violence. According to a February 2023 Yale Conflict Observatory report, at least 6,000 Ukrainian children have been held in an organized system of facilities and summer camps while being subjected to “political-military indoctrination.” As of April 2023, the Ukrainian Ministry of Reintegration identified nearly twenty thousand verified cases of Ukrainian children being forcibly transferred into the RF, while credible reports estimate the actual number is in the hundreds of thousands. Thousands of these children are being unlawfully adopted by strangers in Russia without consent from living family members and guardians in Ukraine.

Far from denial, the Russian officials and state media have touted this adoption scheme as a humanitarian project, but the ideological underpinnings of Russian war propaganda contain disturbing similarity to depopulation programs of WWII. At the onset of the 2022 invasion, laws in the RF were amended to expedite conferral of citizenship to Ukrainian children. As verified by my exchanges with the Ukrainian delegation at the HRC, the names and birthdates of these children are being altered as to hinder opportunities for family reunification.

The practice of forcibly removing children from their homeland to be adopted into the families of an occupying force during an active armed conflict is an affront to international law and universally accepted child welfare standards on adoption promoting the best interest of the child. Forced adoption violates the Convention on the Rights of the Child in preservation of family relations, nationality and identity as well as running contrary to Hague guidance expressly stating that children found separated from their parents in armed conflict cannot assumed to be orphans. Most significantly, Article II(e) of the Genocide Convention



defines genocide as the “forceable transfer of children... committed with the intent to destroy, in whole or in part, a national or ethnic group.”

The appeals for action and condemnation of atrocity crimes and human rights abuses occurring in Ukraine was woven into the fabric of the entire 52<sup>nd</sup> HRC session and expressed by a wide range of states parties precisely because of a war of this intensity functions to justify the suspension and suppression of human rights at all levels, thus impacting parties directly and indirectly involved. The Ukrainian refugee crisis spilling across Europe has altered perceptions of the rights of migrants or how the right to food in the global south being jeopardized by RF blockades of Ukrainian grain exports. RF aggression is not only threatening the existence of the Ukrainian state, but the international response represents a battleground for the protection of sovereignty, self-determination, and human rights everywhere.

It so happened that the very next day after my presentation, the International Criminal Court issued an arrest warrant for Putin on exact same legal basis as my advocacy research on the forcible transfer and unlawful adoption of Ukrainian children. This occurrence confirmed the importance of human rights advocacy and spoke to the ability for international institutions to act in the interest of justice.

I would like to thank Professor de la Vega for her tireless work in managing the Frank C. Newman International Human Rights Clinic, a program that enables USF students to gain extraordinary entry to the world’s most recognized human rights forum and that inspires students to pursue careers in field of international law.

## Mandatory Detention of Migrant Children in Private Immigration Facilities

By Cherie Roco Corona

My advocacy at the UN was for the right of migrant children *not* to be detained under prison-like conditions in profit-driven immigration detention facilities. *Treatment of Children in Private Detention Centers*, A/HRC/52/NGO/86.

Violence against children includes all forms of violence against people under 18 years old. This includes maltreatment and emotional or psychological violence. Experiencing violence in childhood impacts lifelong health and well-being, resulting in negative coping and higher rates of anxiety, depression, and suicide.

Migrant children are especially vulnerable. Legal or immigration status intensifies the vulnerability of migrant children, who are already, by virtue of their youth, vulnerable. Private immigration detention facilities keep detainees under prison-like conditions, so even if migrant children are not criminals, they are treated like they are. This causes them irreparable psychological harm. The United States, United Kingdom, and Australia have immigration policies that automatically channel all migrants, including children, into these private prisons.

Between 2017 and 2021, 1 in 3 people detained by the US Border Patrol was a child, with more than 650,000 minors detained during that period. Detainees report extremely cold temperatures, children lying on mats on the concrete floor with only disposable mylar blankets, and chain-link fencing.

Australia detains all persons without a visa, including asylum seekers and children, with no cap on how long they are allowed to detain people. This has resulted in detainees being held for an average of 700 days, with at least half held for 8 years. Thousands of children have been subject to prolonged detention with limited opportunities for legal review.

The USF International Human Rights Clinic has helped me in so many ways. I applied to law school *knowing* that I wanted to become an international human rights attorney so I will always be grateful to USF and to Prof. de la Vega for this heuristic experience. Being at the United Nations for 2 full weeks fueled my passion to advocate for the weak and the marginalized. Once in Geneva, I finally understood what actually happens in a Human Rights Council Session. My professor and colleagues covered the different “events” at the Session.

I also observed the dynamics between the different States, such as the verbal jabs thrown between Armenia and Azerbaijan in almost every session, on every issue, which apparently has been going on for a long time. I observed how China very undiplomatically tried to silence a Tibetan representative who, it turns out, is the representative of the Dalai Lama.

Preparing for Geneva involved a lot of mental preparation on my part. This is because by nature, I am reserved and introverted. I don’t like initiating

conversations with strangers. But I knew that oral advocacy was a big part of being at the UN. So, I rehearsed my pitch many, many times and visualized myself approaching delegates and advocating for my positions.

It took me the first two days in Geneva to assimilate everything. On the third day, I finally approached my first delegate. I was so nervous. All that tension melted away once I started advocating for children's rights. My passion for fighting for the marginalized came through. After that first delegate, I was on a mission. I would scan each room I entered,

looking for delegates who could help me fight for the rights of migrant children. Professor de la Vega asked us to start with at least 5 countries to speak with, but I spoke to 12. I gave them copies of my report, got their contact information, and sent them follow up emails. I received replies from most of them, saying they will review my report, which is encouraging, and which makes me feel that, in my own tiny way, I was able to make a difference.

After this trip, it felt strange coming back to school to finish requirements that now seem less important in the grand scheme of things. I cannot wait to get back to doing this work.

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## COMMISSION ON THE STATUS OF WOMEN

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### The Right to Freedom of Expression in the Face of Online Gender-Based Violence Against Women Journalists

*By Margaret Bernauer*

It was an honor to represent Human Rights Advocates at the 67<sup>th</sup> Commission on the Status of Women (CSW). The CSW is an important annual event that brings together people from around the world to discuss issues that affect women and girls. This year, I focused my research on gender-based violence, specifically against female journalists.

In recent years, the world has seen a dramatic increase in online gender-based violence, gendered hate speech, and disinformation. This has had a particularly devastating effect on women and girls, as well as those with marginalized gender identities. Women journalists and journalists with marginalized gender identities are particularly vulnerable to online gender-based violence, hate speech, and disinformation and are often targeted for their work and beliefs.

Through my research, I learned that in order to assess the effectiveness of the various initiatives that have been taken to address the issue of online gender-based violence, gendered hate speech, and disinformation, it is important to consider the various factors that have contributed to the problem. These factors include the lack of awareness of the issue, the lack of legal and policy frameworks to address the issue, the lack of enforcement of existing laws and policies, the lack of access to justice for victims, the lack of access to support services for victims, the lack of access to technology and resources

to combat online gender-based violence, gendered hate speech, and disinformation, the lack of accountability of perpetrators and, finally, the lack of individual liability due to the anonymity of the internet.

One of the important pieces of legislation that I found that sets a great example in trying to take action in the future is The Online Safety Bill from the United Kingdom, a groundbreaking document that seeks to protect the rights of individuals online. It outlines the rights of individuals in relation to online safety, including the right to privacy, freedom of expression, and access to information. The Bill outlines the responsibilities of online service providers to protect their users, as well as the rights of individuals to access information and express themselves online.

However, language that I saw missing from the draft resolution that I tried to advocate for was the issue of anonymity on social media. It is a complex one because, on the one hand, anonymity can provide a safe space for people to express themselves without fear of judgment or retribution which is in line with the freedom of expression. On the other hand, it can also be used to spread hate speech, cyberbullying, and other forms of online harassment. Furthermore, anonymity can make it difficult to hold perpetrators accountable, as it is difficult to trace the source of the abuse.

As such, it is important for social media platforms to take steps to ensure that users are held ac-

countable for their actions, while also protecting the rights of those who wish to remain anonymous. One suggestion is to encourage social media companies to have a verification process, similar to the blue check marks famous people receive. Governments could encourage social media companies to have a verification process so that prior offenders would be removed from the sites, and in order for them to return to the site, they must go through a verification process and attach their identity to create recourse for the private media companies and to shift liability to the individual perpetrators.

My experience at the CSW was an informative and inspiring one. This year, the CSW experienced a new hybrid format due to the pandemic. While it was challenging to manage space with approximately 5,000 people participating in person at UN Headquarters, it was motivating to see the number of people willing to discuss this issue and work on solutions. The hybrid events were also helpful in making the forum more inclusive and providing more opportunities to network online and even after getting home from CSW. The side events and parallel events had hybrid options, and one side event that was very inspiring was for the Safety of Journalists. A women journalist from Afghanistan was able to zoom in and tell us her stories and experience which was very inspiring and likely wouldn't have been the case if it was an only in person event! Overall, the hybrid experience was a positive experience for allowing more participation and with having also in person options there was a powerful atmosphere at the UN headquarters.

## The Right to Education for Neurodivergent Girls and Women in the Age of Digital Education

*By Melanie Besnilian*

This year, I had the opportunity to attend the 67<sup>th</sup> Annual UN Commission on the Status of Women in New York City as a Human Rights Advocates, Inc Edith Coliver Intern. This year's priority theme was Innovation, Technology, and Achieving Gender Equality in the Age of Digital Education.

My research and report focused on the

## Human Rights Advocates is accepting nominations for the Board of Directors

The Board will be elected at the Spring Annual Meeting. Board meetings are held once a month. If you would like to apply, please contact Julianne Cartwright Traylor at [traylor@igc.org](mailto:traylor@igc.org) by January 12, 2024.

right to education for neurodivergent women and girls in the age of digital education. Neurodiversity is the term that was coined to describe those with differing abilities, like autism, ADHD, and dyslexia. Historically, neurodivergent women and girls have been underdiagnosed, and even when diagnosed, have not been provided the appropriate accommodations in school. In the age of digital education, there is an opportunity to bring light to this disparity and ensure that regardless of the platform, all neurodivergent women and girls are given access to the necessary accommodations.

Based on recent research conducted in the United States, France, and the United Kingdom, COVID has had a significant impact on remote learning for all children who struggle with neurodivergence. Because women and children are historically underdiagnosed with autism and ADHD, these women and girls in primary, secondary, and higher education are more significantly impacted, especially in the age of digital learning.

Based on statistics through the Center for Disease Control (CDC), boys are more likely to be diagnosed with ADHD than girls. This is because of the lack of diagnosis of women and girls, not because boys are just more likely to have ADHD. However, the way symptoms are expressed can be different between gender. This difference in expression of ADHD than boys and men has historically been one of the reasons girls and women are underdiagnosed. Clinicians, parents, and other adults who work with children look for the male model of ADHD symptoms that focuses on hyperactivity and impulsiveness. When girls demonstrate symptoms of inattention, overly sociable behavior, forgetfulness, talkativeness, or difficulties with time management, those behaviors are attributed to other causes or cultural expectations. Due to these different presentations of symptoms, women and girls go undiagnosed, sometimes their entire lives. There are cases of women who were either diagnosed later in life



or were never diagnosed with ADHD in the first place.

Another reason for the historical lack of diagnosis in women and girls is due to early assumptions about autism mostly affecting men. This assumption has led to studies that often recruited male-only cohorts. Male participants in brain imaging studies on autism outnumber females by eight to one, and in earlier research the bias was even more pronounced. Prof Francesca Happé, Director of the Social, Genetic & Developmental Psychiatry Centre at King's College London notes that "this means that what we think we know about autism from research is actually just what we know about male autism."

In my oral statement at the 67<sup>th</sup> CSW, I suggested that new language be included in the Agreed Conclusion to include equal access to schooling for neurodivergent women and girls, and to ensure that all neurodivergent women and girls receive the proper accommodations in schooling in order to achieve equality. Neurodivergence in women and girls should not be ignored, nor should it be a difference that stifles their ability to learn and educate themselves. Neurodivergence is not a mental difference, but rather a divergence—a different way of learning. In order to provide complete equality and give all women and girls the right to education, neurodivergent women and girls must be accounted for and included.

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## HRA ANNUAL MEETING

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Human Rights Advocates held its 2023 Annual Meeting on May 9, 2023. The new Board of Directors was unanimously elected at the meeting which includes the following members: Julianne Cartwright Traylor, Connie de la Vega, Kathy Burke, Alison Dundes Rentlen, Betty Getlu, Anna Manuel, and Trevor Yan. At the Annual Meeting, Treasurer Connie de la Vega presented HRA's Financial Report that was approved by the members.

After the Treasurer's Report, the Board and members held a discussion about how to continue to improve HRA's organizational success in the future, noting one on-going issue of concern is the work and direction of the USF Frank C. Newman International Human Rights Clinic after the retirement of Professor Connie de la Vega, the Clinic's founding director.

Before adjourning, the HRA members thanked President Trevor Yan for his invaluable leadership of the Board as it moves forward during this time when work of organizations such as HRA is needed more than ever in the promotion and protection of human rights domestically and globally.

### Human Rights Advocates

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Kathy Burke, President  
Julianne Cartwright Traylor, Secretary  
Connie de la Vega, Treasurer  
Alison Dundes Renteln  
Betty Gedlu  
Anna Manuel  
Trevor Yan

Newsletter production: Philip Goldsmith



# Human Rights Advocates

## 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  
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HRA Committee Interest:

\_\_\_ Education \_\_\_ United Nations \_\_\_ Litigation/Legislation

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**Please return this form to:**

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

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

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