



Advocacy at the UN

By *Connie de la Vega*

Ten students participated in the University of San Francisco’s Frank C. Newman International Human Rights Law Clinic during the Spring 2022 semester representing Human Rights Advocates at UN meetings. Six of the students attended the UN Human Rights Council 49th Session in Geneva, Switzerland, and four participated at the UN Commission on the Status of Women, though only two were able to participate live due to limits placed on participation by the UN in New York. Those two students were able to meet with Patience Tusingwire, HRA’s Representative in New York. The students who went to Geneva met International Advisory Board Member Cruz Melchor Eya Nchama.

The students who attended the Human Rights Council prepared written statements for the 49th session, as well as reports that are posted on the HRA website: www.humanrightsadvocates.org (under

Advocacy). The citations to the written statements are included in their articles below.

Madison Cassulo worked on HRA’s written statement for the CSW during the Fall 2021 entitled “The Disproportional Impact of Climate Change on Women”, E/CN.6/2022/NGO/87, available at <https://www.unwomen.org/en/csw66-2022>. The statement notes the causes of human activities that contribute to climate change and then discusses examples of the effect on women around the world. The students’ reports on the CSW theme covered how the intersection of conflict and climate change impact women and girls; violence against women front line defenders; and effects on migration

The students who attended the HRC49 session worked on human rights issues related to private prisons, counter-terrorism, the right to food, climate change in the context of cultural rights, the right to housing, and the prohibition against torture.



UN Palais des Nations (Photo: Iury Prado Muci de Lima)

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HUMAN RIGHTS COUNCIL

Prison Privatization

By Nicole Croce

I attended the 49th Session of the Human Rights Council where I was able to participate in the General Debate. I covered four topics during the debate including my own, prison privatization.

Prison privatization takes place when a private company owns and operates a prison and charges the government to house inmates. There has been a global spread of private prisons. However, the sector of private prisons is dominated by the United States, United Kingdom, Australia, and New Zealand. The United States has one of the world's largest private prison systems.

I focused my research on GEO Group, Inc., a U.S. company that dominates the private prison industry. An issue with GEO is that various GEO contracts include an occupancy clause. These clauses require the contracting agency to keep occupancy at a certain level or face a penalty. The result of occupancy clauses gives an incentive for a "tough on crime" legislation because the government agency is required to incarcerate a certain number of people by contract. These models with quotas incentivize the government to keep incarceration and detention levels up which results in mass incarceration and higher financing costs for the public.

Another issue that affects the human rights of prisoners is the untrained staff. Private prisons suffer from untrained staff that are not equipped to handle the problems that occur in most prisons which leads to a more dangerous environment. In order to increase profits, private prisons pay staff less than public workers, with little or no benefits. This poor compensation of staff also leads to a high turnover rate.

Private prisons are also known for forced prison labor. GEO presents prison jobs as voluntary work programs, vocational training courses, or community service opportunities. However, "inmate handbooks" have revealed that these jobs are often performed under threat of punishment. An example of such threats comes from a handbook from a New Mexico prison that stated that "failing to report to work" constitutes as "escape without force." Escape without force can be punished by up to a year of "punitive segregation" and the loss of privileges including all "good time" earning. The NAACP has alleged that GEO's use of prison

labor is akin to slavery.

GEO Group is also known to use forced labor in the immigration detention center that it operates for the U.S. Immigration and Customs Enforcement (ICE). During the Covid-19 pandemic, detainees in a privately-owned ICE detention center were denied masks. When they protested these conditions, they were met with pepper spray and denied medical care.

Overall, what I learned in my research is that corporations are profiting off the incarceration of human beings. There has been little to no accountability when it comes to the violation of human rights by these corporations. In fact, the only country that mentioned the use of private prisons at the Human Rights Council was China. Human Rights Advocates has been addressing this issue for decades yet it remains an issue in the United States. While the United States is not the only country that has private prisons, its corporations are controlling the private prison industry domestically and internationally. In 2019 President Biden signed a bill that would prohibit the federal government from renewing any private prison contracts. However, this excludes ICE detention centers and state facilities so it is a start, but not good enough.

Recently, a UK judge refused to extradite a man from Scotland to Texas on the grounds that Texas prisons violate human rights. While it is unclear if the man would have been sent to a private prison, hopefully this ruling will make the U.S. take a better look at its prison system.

Advocating for the Right to Food in the Face of Transnational Corporate Dominance

By Allie Ferraro

I was given the honor of presenting my research and advocating on the right to food before the 49th Session of the Human Rights Council in Geneva, Switzerland. The narrow focus of my research was the globalization of food systems through trade agreements and economic policies which prioritize maximizing

profits over people and how this has perpetuated global inequalities and is undermining not just the livelihoods of small farmers, but the food system as a whole. My goal was to address how the right to food involves more than just producing enough food to feed the world, but also requires ensuring that small farmers and pastoralists around the world have access to the global food market. I emphasized how corporate mergers and acquisitions as a result of unchecked monopolization and corporate greed are devastating small farmer's rights and researched the negative effects of increasingly lax economic trade policies and the crop subsidies.

I chose to focus on this topic in specific because of the fact that while our world produces more than enough food for everyone, hundreds of millions of people still endure chronic hunger, and millions of small-scale farmers are continuing to lose access to the food market due to uncontrolled corporate involvement. I have been keenly interested in food rights since taking my first sociology course in undergraduate school, before majoring in the subject. In recent years, NGOs and private activists have been the main drivers who are spearheading campaigns against corporate involvement in the global food system, but evidence shows that the most important way to address this issue is actually through direct governmental policy and legislative action.

I was able to advocate for this solution in a speech during the interactive dialogue on the right to food before the Human Rights Council and the Special Rapporteur on the right to food, Michael Fakhri. One of the most important things I learned while at the Council was just how powerful international diplomacy and cooperation can be towards shaping common goals. The Human Rights Council provides an invaluable forum to witness diplomats and NGOs from across the globe eloquently explain their points of view on dozens of different topics within the common goal of promoting and protecting human rights.

Learning from the diplomatic process and speaking before the Council were two of the most rewarding things I have ever done. I am extremely grateful for the International Human Rights Clinic through USF, Professor de la Vega, my classmates, and to the entire HRA board for allowing us to embark on this incredible opportunity. The experience has not only inspired me to continue my advocacy on this topic in the future, but has also fully solidified my goal of pursuing a career in international human rights law upon graduation.

The Right to Culture under Climate Change

By DeMarco Garcia

My topic at the 49th session of the U.N. Human Rights Council was the Right to Culture. My focus was how climate change is causing harm to the right to culture, especially among developing nations and the working poor in all Nations. Climate change affects rising sea levels and the loss of land is a direct impediment to certain people's practice of culture. Thus, acts that cause climate change can result in violations of peoples' right to culture. The example I focused on at the 49th Session was Kiribati—an island nation in the Pacific that is the first country to lose *terra firma* explicitly due to climate change. (U.N., Office of Disaster Risk Reduction, *Kiribati: Battling for Survival (Rising Sea Levels)*, YouTube (Nov. 7, 2020), <https://youtu.be/hW9Eakqu6aY>.)

Kiribati has been rapidly sinking and thus displacing the peoples of the Kiribati island. (Al Jazeera Documentaries, *Kiribati: The Sinking Islands Being Destroyed by Climate Change*, YouTube (Dec. 8, 2014), <https://youtu.be/9P7jXveokDY>.) The situation has gotten so bad that the Kiribati government spent millions to buy land in Fiji to move a large swath of the Kiribati population to Fiji once the inevitable happens and Kiribati loses its clean water, arable land, and livable land resources due to climate change's rising sea levels. (Laurence Caramel, *Besieged by the Rising Tides of Climate Change, Kiribati Buys Land in Fiji*, *The Guardian*, June 30, 2014.) This means the Kiribati culture will eventually disappear—being oppressed as the “other” culture in places like Fiji or other nations.

Importantly, indigenous cultural practices tend to be sustainable practices that been oppressed by western ideals of technology and culture. (U.N., Dept on Econ. & Soc. Affairs, *Challenges and Opportunities for Indigenous Peoples' Sustainability*, <https://www.un.org/development/desa/dspd/2021/04/indigenous-peoples-sustainability/>.) For example, the *Chinampa* system in Mexico's Central Valley that was replaced by agrochemicals in the 20th century due to Western Import Substitution Industrialization that would not lend money to Mexico unless they replaced traditional agricultural methods with Western agrochemical-based ones because the West thought this was technologically advanced compared to the old

methods used by *Chinampa* farmers. (Dissonant Views of Socioecological Problems: Conservation Policies in Xochimilco, Mexico: *Conservation & Society* 18 3 207, 209 (2020).) However, within fifty years of this replacement, the Central Valley could no longer feed its population—which includes Mexico City, one of the largest metropolises in the world. (*Id.*)

Mexico started a program to bring back the *Chinampas* in the Central Valley and again the Valley had enough food and water to feed its population. (Whitney Eulich, Floating Farm to Table: *Mexico City Farmers May Help Save Their Floating Islands by Connecting Product to Trendy Restaurants*, U.S. News & World Report, July 27, 2018.) Just as important, it also saw a reduction in environmentally destructive chemicals being used in the Valley and a return of the biodiversity and clean, full aquifers that existed before the West came it with its version of agriculture. (Role of Conservation Agriculture in Sustainable Agriculture: *Philosophical Transactions: Biological Sciences*. 363 1491 543, 551 (2008).) This shows that *Chinampas* are sustainable and better ready for their local environment rather than imported agrochemical technology and methods from wealthy nations with much different geography, environment, and developed by people with no knowledge of the land whereas the *Chinampa* system and the people are indigenous peoples who are close to the land and have been passing down the sustainable method for centuries of generations. Finally, as one *Chinampa* farmer mentioned, the return has helped fuel their pride in the region because people are interested in their culture again, people are staying in the region, and it has returned their sense of worth and identity as their closeness to the land has been their cultural identity for centuries. (*Id.*)

Using Indigenous agricultural practices (i.e., native cultural practices) is a way to incorporate indigenous peoples and those who have usually been considered the “other” into new sustainable development economies that develop globally in the attempt to curb climate change. Using indigenous sustainable methods that are closely related to their cultural identity will allow people currently left out of the mainstream economy to be integrated into it. This is because nations cannot develop new sustainable economic practices without incorporating these people into the conversations. Because these people are the holders of the knowledge of how these practices work (e.g., *Chinampas* in Mexico), it will ensure their right to practice their culture in the future. (*Supra.*)

Furthermore, at the 49th Session, I was lucky enough to be able to both attend and speak at the resolution drafting session on the Right to Culture. I mentioned the need to add Human Rights Advocates’ call to use indigenous practices in new sustainable development economies that are being developed to ensure the economic protection and cultivation of indigenous practices. This will ensure the Right to Culture is affirmatively protected by all nations. The Deputy Permanent Representative of Cyprus who headed the Right to Culture drafting session heard, received, and responded via email to my proposed additions to the Resolution. I do hope the suggestions get added, but it is satisfying enough to know they were acknowledged, and attention paid to them by the Representative.

The following are some of the lessons that I learned from my experiences at the Council meetings. Nations use lots of big speak on the main floor and set out for lofty human rights goals, but the real desire of states comes out during the resolution drafting sessions. For example, during the Right to Culture drafting session, the United Kingdom, United States, and Russia, all came together to propose deleting the word ‘welcoming’ other cultures from a draft proposal arguing that language was too strong and asked for piecemeal acceptance of the Right to Culture for the others in these nations. Thus, though on floor the United States and Russia constantly condemned each other’s acts for various rights violations—including the Right to Culture—they were in agreement about how much (i.e., how little) protection states should be encouraged by U.N. resolutions to protect certain rights.

Another thing I learned is international law is more politicking rather than making sound legal arguments. It is about how to passively rebut things to get nations to agree. Being assertive and making sound arguments of why others are incorrect—like you do in law--will get others to not listen or find the speak boisterous or rude. For example, at the 49th Session, when states made outright attacks against other states you could hear murmurs in room versus when a state made a passive attack on another state and the room continued to be silent as if this was just another day in the office. Another example I saw of this politicking is attitude-based. Being friendly and having a smile on one’s face while proposing a lesser protection during a resolution drafting session made it harder for other states to understand that this state is proposing a lesser protection. For example, Russia saying the Right to

Culture is an individual right angrily finally got another nation—South Africa—to counter Russia that it is impossible to practice culture as individual so accepting that wording would not offer any protections. This was something Russia had alluded to in a friendly manner earlier in the session, but, when reintroducing it in an aggressive manner stating that other states were wrong about the type of right it is then another state finally spoke up to counter the argument.

In conclusion, these experiences are something I could have never experienced in a classroom. I am thankful for the opportunity to both witness and argue international law and politics on the United Nations' grounds. Learning how to be politic with law is a learning experience that I will carry with me throughout my legal career, and I know will help me further my career along, too, as I learned how to persuade your opponent to—at least—hear me out.

Violence Against Protestors

By Avneet Purewal

My topic for the 49th session of the Human Rights Council was Police Violence against Protestors as a form of cruel, inhuman, or degrading treatment. The last resolution from the Special Rapporteur on Torture included language about police brutality at protests as a form of cruel and inhuman treatment, but did not expand on the topic, which is why I chose to research and make recommendations to the Council regarding this important topic, especially since it is so prevalent today.

The right to peaceful assembly is well established in international society under the International Covenant on Civil and Political Rights (ICCPR). Civilians have the right to assembly and association and have exercised that *jus cogens* norm since well before the ICCPR was adopted. Recently, the use of police force at these protests has escalated to a level that requires international attention and enforcement, however there are very few strategies in place for addressing such a matter.

The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) was adopted in 1984 and entered into force in 1987. As of 2006, 141 out of 193 States have ratified it. Despite this, it is clear from the report of the Special Rapporteur that States have not taken their obligations

under the Convention seriously, which is further demonstrated by the small number of countries that ratified the Optional Protocol to the Convention against Torture. The Optional Protocol provides for a procedure for individuals to make complaints against States Parties.

The CAT does not include any language for addressing violence used by law enforcement against civilians during protests, and as briefly mentioned in a report by the Special Rapporteur, “individuals cannot lose their protection against torture and other cruel, inhuman or degrading treatment or punishment under any circumstances whatsoever, including in the context of violent riots or unlawful protests.” The United Nations Office of the High Commissioner acknowledged this disparity in the statement that was released August 11, 2021. Forty independent human rights experts called for an end to police brutality worldwide, specifically at peaceful protests and provided some guidelines for the use of police force at protests. The experts recognized that rather than implementing efforts to de-escalate situations through dialogue, States use force to enforce laws and policies and that Police have become the “primary vehicle through which... [States respond] to social deprivation.” They specified that governments should aim for “de-escalation, reconciliation, and the peaceful exercise of civil and political rights.” This can be done by training law enforcement on how to properly handle situations in accordance with international standards.

There is a universal consensus that law enforcement should fulfill their duty with the high degree of responsibility as required by their position, which means they should be trained, equipped, and instructed to “show restraint and moderation, avoiding any unnecessary” force or coercion when confronted with unlawful acts, including misdemeanors, civil disobedience, violence, or other serious criminality. The experts recognized that States must protect themselves and their interests against violence but must react with the utmost restraint and in strict compliance with international human rights standards. They provided the following four requirements for the States to follow, though no enforcement mechanisms were suggested:

“1) Legality: any use of force must pursue a lawful purpose and respect equal treatment of all persons before the law in accordance with the principle of non-discrimination;

2) Necessity: force must only be used when, and to the extent, strictly necessary for the achievement of a lawful purpose, noting that lethal force may only

be used when unavoidable to protect against grievous bodily harm or an imminent threat to life;

3) Proportionality: the harm likely to be inflicted by the use of force must not be excessive compared to the benefit of the lawful purpose pursued, and

4) Precaution: law enforcement operations must always be planned, prepared and conducted so as to minimize, to the greatest extent possible, the resort to force and, whenever it becomes unavoidable, to minimize the resulting harm.”

Even exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles. This is a step in the right direction. However, our recommendation to the Special Rapporteur and to the Human Rights Council was to include this language in an upcoming resolution requesting a thematic report on this topic. We also urged the States to ratify both the Treaty and the Optional Protocol and cooperate with the Special Rapporteur as a mechanism of enforcement and, more importantly, of gathering information.

Tackling The Lasting Impacts of Discrimination Within the Right to Adequate Housing

By Samuel Scheid

In March 2022, I had the honor of attending the 49th session of the Human Rights Council to speak on behalf the Human Rights Advocates. In preparation for this, I conducted research on the Right to Adequate Housing and the effect of multiple factors on this right. I reviewed the impacts of financialization, climate change, and treatment of indigenous populations on the right to housing and how these factors perpetuate discrimination against the right.

The right to adequate housing is provided for as a component of the right to an adequate standard of living. This overarching right was established in the Universal Declaration of Human Rights and reiterated in the International Covenant of Economic, Social and Cultural Rights. The right to housing includes more than just a roof over one’s head, as it incorporates human dignity including having access to privacy, security, and peace. (Human Rights Council Res. 47/43, U.N. Doc.

A/HRC/47/43 (July 12, 2021). This right to privacy, security, and peace is being perpetually disturbed by the lasting impacts of colonialism and discrimination. (Balakrishnan Rajagopal, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, *Discrimination in the context of housing*, U.N. Doc. A/76/408 (Oct. 14, 2021).)

To rectify these problems, nations must take passive as well as active steps to address the lasting impacts. I urged the Special Rapporteur and Member States of the Human Rights Council to focus on addressing three components to advance the right to housing: the increasing financialization, the need for sustainable urban developments, and the lack of cultural humility in housing rights.

The housing market has become the commodity of choice for many wealthy investors and corporate parties. They have found increasing profits with minimal regulations of their actions. This has increased segregation within housing as some neighborhoods are deemed more profitable and people of lower incomes are excluded from these areas as many loans and mortgages cannot cover the extreme costs. In the United States, there have been historical efforts taken steps to combat these housing harms through the creation of the Fair Housing Act and the Federal Housing Finance Agency (FHFA) to oversee the major home mortgage companies. Since the FHFA has been supervising these companies, there have been lower interest rates, ample access to housing loans for the middle class, and increased access to such loans for low-income households. Although these lower rates make housing more accessible to those who can secure loans, it doesn’t prevent continuing discrimination otherwise, and doesn’t make housing itself affordable. The United States still has much work to do to prevent discrimination at the hands of corporate finance. There are still concerns about expanding ownership of homes by corporations and dirty money within this market. There needs to be a concerted effort to pass binding treaties on nations to ensure that businesses who commit human rights violations face repercussions.

Along with rising costs, there are well placed concerns for rising sea levels. Coastal lands, floodplains, and low-lying islands are being wiped out by rising sea levels and this is pushing many people inland to urban areas. As populations are resettled, those urban areas are seeing larger environmental impacts due to increasing resource consumption, sprawl, and pollution. The same

is occurring in Vietnam as the national government pushes for resettlement of coastal peoples away from flood areas. There is a disconnect, though, between state and local governments in regards to this resettlement which often leaves people in slums or without sustainable housing. There is, moreover, corruption at the local level where government building contracts are granted to friends who never build the needed housing. When the housing is built, they are designed using substandard materials, lacking in natural light, and having poor ventilation due to vague understanding of 'sustainable development'. Solutions can be found though clarification of guidelines for responding to climate change and increased discussion on how to handle increasing levels of displacement. Moreover, documents, such as The New Urban Agenda, focus on urban renewal in a manner that prioritizes creating jobs, improving quality of life, and expanding sustainability. By promoting these factors as the blueprint, nations can find better ways to respond to the climate crisis in a housing first method.

Underlying these issues is the concern that even when housing is affordable and sustainable, it often lacks the respect to cultural norms that many groups hold. To fully achieve the progressive realization of the right to adequate housing without discrimination, nations must encourage meaningful participation and consultation with differing cultural communities to address the cultural discrimination as well as the socio-economic hardships placed upon them. This meaningful

collaboration can lead to the creation of policies, strategies, monitoring, and accountability mechanisms that focus on the right to housing for all with an eye towards indigenous and culturally different peoples. Many Latin American countries are leading the way in this by incorporating indigenous rights to land and self-governance/representation into their constitutions. Even so, there have been ongoing concerns about a lack of inclusion of indigenous groups in decisions about oil and other non-renewable resource exploration contracts. This is due to many nations granting power over all non-renewable and sub-soil resources to themselves for national interest despite ownership over the land. As the need for these resources increases, indigenous lands are often the first affected. By urging nations to provide platforms for indigenous and culturally diverse parties to meaningfully consult with, contribute to, and participate in decisions regarding housing solutions there can be remedy to some of these inequities.

As many States are rapidly increasing in population and urbanizing, the need to ensure that there are legislative, executive, administrative, budgetary and regulatory instruments addressing discrimination and segregation has increased exponentially. Although there is no one size fits all approach to solving these problems, there are necessary steps States must take. By acknowledging the impact that historical discrimination and colonialism has had in leading us to our current housing situation we can focus on the continuing effects of this discrimination.

COMMISSION ON THE STATUS OF WOMEN

The Israeli-Palestinian Conflict: How The Intersection Of Conflict And Climate Change Impacts Women And Girls

By Kathryn Hoxha

The focus of my topic is how the intersection of climate change and conflict impacts women and girls. In my report I focused on the right to water and how climate change in Palestine, paired with the Israeli Occupation has frustrated the right to water for the Palestinian people. During the opening of the session the Executive Director of UN Women Sima Bahous called for an end to all forms of conflict, saying All crises and conflicts exact their highest price from women and girls. The chair of the Commission on the Status of

Women, H.E Mathu Joyini, pledged her support and solidarity with the women and girls in conflict areas including the women and girls of Palestine.

A focus of the Commission on the Status of Women is achieving gender equality. However, until women and girls have access to a right as fundamental as water they cannot progress. Since 1977, the UN has recognized that safe access to water adequate in both quality and quantity for consumption and sanitation needs is a fundamental precondition for the enjoyment of other human rights including the right to

education, health, life, and protection against inhumane or degrading treatment. United Nations, Office of the High Commissioner for Human Rights. (2010, August). *Fact Sheet 35 The Right to Water*. <https://www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-35-right-water>”

The World Health Organization set a bare minimum guideline that each person requires about 26 gallons of water per day to satisfy their consumption and sanitation needs. However, this is substantially insufficient for individuals with medical conditions like nursing and pregnant women. (*Id.*) Further, climate change has created water scarcity throughout the world. When paired with human based conflict the effects are devastating for women and girls who are often responsible for retrieving water for their families as part of their unpaid domestic work.

In Palestine women and girls must leave their homes to seek out water due to the limitations placed on the water resources by Israel through the 1995 Israeli-Palestinian Interim Agreement. Government of Israel and Palestine Liberation Organization. (1995). “*Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip*.” http://www.knesset.gov.il/process/asp/event_frame.asp?id=42” In this agreement about 80% of the available water resources are allocated for Israel and the remaining 20% for Palestine. The Palestinian population is limited to 31 million gallons of water per year. However, about 40 million gallons are required to support Palestine’s population of 4 million at WHO’s minimal requirement of 26 gallons per day.

On April 27, 2022, UN experts comprised of five Special Rapporteurs noted that, “Israel’s housing policies in East Jerusalem amount to racial segregation and discrimination against the Palestinian people, and a violation of their human rights... Palestinians in the territory have been subject to discriminatory zoning and planning regimes that restrict access to housing, safe drinking water and sanitation, and other essential services, including healthcare and educational facilities. United Nations Human Rights. (2022, April 27). *Israel’s housing policies in occupied Palestinian territory amount to racial segregation - UN experts*. UN Office of the High Commissioner. Retrieved April 27, 2022, from <https://www.ohchr.org/en/press-releases/2022/04/israels-housing-policies-occupied-palestinian-territory-amount-racial>. Furthermore, available water in the occupied territory is often unfit for consumption. 97% of the water in the Gaza Strip that is pumped from the

coastal aquifer is unfit for consumption due to pollution by over pumping and wastewater contamination. Consumption of contaminated water is the leading cause of child death.

To address the needs of women and girls in climate and crisis impacted zones, my report made the following recommendations:

In response to the climate change crisis which is causing severe drought throughout the globe, HRA respectfully requests that the Commission urge States to reinforce their efforts around how the right to water should be protected, what is required for the right to water to be upheld and create infrastructure so every person regardless of race, gender or economic status have adequate access to water as outlined in the International Covenant on Economic, Social, and Cultural Rights.

In response to climate change States should enact legal and policy frameworks on climate change, environmental and disaster risk reduction to ensure that in the face of climate adversity all persons, especially women and girls have access to adequate water resources for both consumption and sanitation needs.

Furthermore, Human Rights Advocates respectfully requests that the Commission promote and protect the human rights of women and girls against violence, threats, murder and ends impunity for all forms of violence so those responsible are brought to justice.

To conclude, I would like to thank Human Rights Advocates and USF for this invaluable opportunity. Not only was I able to communicate with government officials from Palestine, Egypt, and other Middle Eastern States, but also the Chair of the CSW. I was able to observe Member States in the general discussion and see how political the process is. I heard candor and actionable policies from some states while others were vague. Overall, it was a privilege to participate in the 66th CSW and I look forward to opportunities with the UN in the future.

Your contributions are greatly appreciated by HRA!

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

Violence Against Women, Girls and Gender Minorities on the Frontlines of Environmental Degradation and Land Rights Violations

By Lauren McKinney

In March 2022, I had the privilege of representing Human Rights Advocates (“HRA”) at the 66th Commission on the Status of Women (“CSW,” “CSW66”) at the United Nations (“UN”) in New York City. CSW66 was the first in-person Commission since the outbreak of the COVID-19 pandemic. Due to the last-minute decision by the UN to allow non-governmental organization (“NGO”) attendance, I represented HRA as one of few NGO representatives in the thematic sessions. As a result, my access to ministers, country delegates and UN representatives was uniquely intimate. I seized the opportunity by approaching delegates in the meetings, in the UN hallways and via social media campaign to advocate for women, girls and gender minority environmental human rights defenders (“WEHRDs”) targeted for their work against land degradation and rights violations in frontline environments.

Responsible natural resource management is key to global climate regulation. It is often said, for example, the trees of the Amazon Rainforest are the “lungs of the Earth” for their production of oxygen and reduction of air pollutants. Yet, the violent and, often, illegal logging industry directly threatens these functions. Around the world, natural resources are dually essential to the local and global community and require concerted efforts of protection.

At the local level, degradative practices in logging, mining, and water exploitation threaten the lives and livelihoods of billions across the globe. As highly profitable industries, Global South natural resources are alluring markets for private industry and governments alike. However, it is these same resources frontline communities rely on. In these communities, comprised of indigenous and rural peoples, women have a unique and intimate relationship and reliance on natural resources. Through their day-to-day duties, women of these communities uphold centuries-old knowledge of the land and its sustainable use. Exploitation of natural resources has disrupted traditional, sustainable practices, encouraged systematic exclusion of women in land management and denied women their ancestral and familial land rights. Increasingly, gender-based violence (GBV) is used as a tool against WEHRDs to maintain gender barriers and patriarchal structures

in rural communities in concerted efforts to safeguard lucrative extractive industries.

My research found violence against women frontline defenders in all five regions of the world, with increased prevalence among Global South nations and in frontline communities. The primary perpetrators of such GBV are identified as non-state actors at the direction of government actors, persons within extractive industries, and on rare occasions directly by government officials. In nearly all cases, impunity or ineffective investigations followed.

In Cambodia, for example, the Mother Nature NGO, predominately comprised of women, girls and indigenous activists, is the country’s leading organization on land conservation and monitoring land use violations. The group primarily monitors and reports on illegal logging in the protected Mondulkiri jungle and animal sanctuary. Based on the environmental and gender mainstreaming commitments the Cambodian government touts on the global stage, Mother Nature NGO is an ideal government partner. Yet, the NGO has been systematically targeted by the government and been the subject of 3rd party threats of violence, digital surveillance and arbitrary detentions. Not unique to the Cambodia case, speculation of governmental corruption and bribery by exploitative industries provide a possible explanation of how such an adversarial relationship has unfolded. Remarkably, but also not unique to the case of Cambodia, the NGO continues its work, now by publishing anonymously, wearing masks in video reports and reporting from outside the country.

GBV and other forms of repression against WEHRDs are not only counter to the global climate agenda but a violation of several international treaties. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), for example, establishes an affirmative duty of signatory states to ensure the prohibition of violence and discrimination of women in the familial, public, and political spheres. CEDAW provides particularly protections to rural women including, the state’s affirmative duty to ensure equal access to economic and communal decision-making (Art. 14). Violence targeting rural, particularly indigenous women in Asia, South America and Africa underscores an on-going and pervasive threat to the right to self-determination in

political and social decision-making, as enumerated in several international treaties including the International Covenant on Civil and Political Rights (Art. 1).

Based on these finds, my advocacy at CSW focused on obtaining commitments from member states to agree to providing enabling environments for WHERDs that ensured their safety and meaningful participation. In this commitment, I urged states to uphold their affirmative duty to protect frontline defenders.

Notably, the research effort was limited to case studies. Realizing the issue of GBV against WEHRDs is lacking in widespread, disaggregated data, I further urged member states to invest in institutions to conduct studies that present data on violence against environmental defenders disaggregated by gender, including gender minorities. To grasp the true scope of the problem, I recommended member states further invest in obtaining similar data on arbitrary detention, threats against frontline defenders, and judicial outcomes in related cases. I was humbled to find much of the data related recommendations I posed were represented in the final Agreed Conclusions of the CSW66.

The experience to travel to New York City, attend with unprecedented access the key CSW 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.

Women In Migration

By Shweta Rathore

It was a pleasure to be selected as an Edith Coliver Intern to attend the CSW66 session (March 2022) in New York. Though I attended the session virtually due to ongoing pandemic scenario, I believe I have made the best of this opportunity. This year's theme was "Achieving gender equality and the empowerment of all the women and girls in the context of Human Rights". My research focused on the challenges faced by the migrant women and girls who are displaced due to harsh and uninhabitable climatic conditions in their home countries. And it highlighted the urgency to put women and girls at the center of concerted efforts to build communities' resilience to climate change, and to help those who have already been affected by climate-

induced displacement.

Through my research, I was taken aback by learning a lot of things about this topic which requires a great deal of attention from all the countries across the globe as there is none left untouched by impact of climate change. In my research I highlighted that the impacts of climate change and climate-related forced displacement are not gender neutral, nor are the solutions. The populations most affected by climate disruption are mostly in countries of the global South, that contribute the least to the problem. The injustice is further exacerbated for women and girls, as systemic gender inequalities limit their participation in decision-making, access to education, access to and control over resources, and their choice to migrate.

I took deeper interest in emphasizing facts such as that of the more than 244 million migrants throughout the world, half are women, and an estimated 20% are in an irregular situation. In some countries like Sri Lanka, Philippines, Haiti, and Senegal, female migrants are leaving more for survival against harsh climatic conditions and to make a living for family than for any other reason. There are almost 20 million people on an average who are forcefully displaced due to climatic conditions and have to find shelters in other countries. ([UNHCR, https://www.unhcr.org/climate-change-and-disasters.html](https://www.unhcr.org/climate-change-and-disasters.html)) And overall, international migration is becoming increasingly feminized as more women are migrating on their own volition, seeking economic and social opportunities and empowerment through migration.

As climate change drives men in Asia and Africa to abandon their farms and search for jobs further afield, women back home are getting little help to cope with harsher working conditions, putting their wellbeing at risk. The burden on women is increasing as they are left to take care of their children and land, while men who leave cannot provide consistent support. Male migration has been seen as an adaptation strategy for climate change - but from a gender perspective, it is not helping in household maintenance and survival.

The labor market is unequal (for) women. For instance, in East Africa, women have to go for more risky work. They are getting into drug-smuggling or casual sex work as that's the only way they can survive. I emphasized that "the core principle is non-refoulement" which asserts that a refugee should not be returned to a country where they face serious threats to their life or freedom. This is now considered a rule of customary international law that is very much a legal remedy

that climate migrants also require in order to not just have a life but to “survive” in the first place. (UNHCR, the 1951 Refugee Convention <https://www.unhcr.org/1951-refugee-convention.html>)

Therefore, through my report, I advocated the need to better understand gender roles, including the power relations between women and men, and how these factors influence vulnerability to climate change and climate-related displacement. There is also an urgent need to scale-up gender-transformative adaptation to climate change, beyond mere gender sensitivity, to support more gender equal and resilient communities.

But, apart from all those concerns, the need of the hour is a rights-based comprehensive approach placing the human rights of these woman migrants at the center of the discussion to halt and roll back overall deterioration of treatment of climate migrants worldwide – in particular, women and young girls. What can't be emphasized enough is that there will be no safer future if the women, creators of the same future, aren't protected in the very first place.

During my two weeks at CSW66, I attended numerous presentations and panels regarding women in migration and how it has affected the female population of migrants across the globe. Although the in-person session would have given me opportunity to meet the delegates and discuss my report directly, the virtual experience turned out to be a great learning in its own way.

I am so very grateful to have had this amazing opportunity to be a part of a community which cares and holds credible dedication towards humans who are most desperately in “need” of their rights. It's through such opportunities that we learn that care by one is compassion and coming together for such noble causes is an onset towards mass movement. My experience with this CSW66 is a life time memory and I truly hope HRA and the Frank C. Newman Human Rights Clinic will continue to extend their support to students who carry the burning desire of giving back to this race in the light of humanity.

HRA ANNUAL MEETING

By Trevor Yan

Human Rights Advocates held its 2022 Annual Meeting on May 4, 2022. The meeting occurred by Zoom video call due to the continued need to take precautions during the pandemic.

The new Board of Directors was unanimously elected at the meeting. The reelected Board members from 2021 – 2022 were as follows: Trevor Yan; Julianne Cartwright Traylor; Connie de la Vega; Kathy Burke; Anna Manuel, and Betty Gedlu. The Board also welcomed newly elected member Alison Dundes Renteln.

Also at the meeting, Connie de la Vega presented the Treasurer's report that the HRA Membership approved. Interested members may request copies of the Treasurer's report by emailing Connie at delavega@usfca.edu.

Following the Treasurer's report presentation, the new Board and those regular members present had a broad-ranging discussion about how to ensure HRA's organizational success into the future. This discussion included ideas for engaging HRA's Membership, such as inviting Human Rights Clinic alumni to come speak at a future event about their current work and how they benefitted from being in the Clinic. The new Board also committed to making these topics concerning HRA's future standing agenda items for the upcoming year.

Please note that, unlike in previous years, the oral presentations by the USF Law students who attended the Human Rights Council and the Commission on the Status of Women occurred the month prior to the meeting on April 12, 2022. You may review the inspiring reports written by these students serving as Frank C. Newman and Edith Coliver interns in this issue of the newsletter.

Human Rights Advocates

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Human Rights Advocates

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

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