



SOMETHING INSIDE SO STRONG

A RESOURCE GUIDE ON
HUMAN RIGHTS IN THE
UNITED STATES

[R]ecognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world...

. [D]isregard and contempt for human rights has resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people... [I]t is essential, if a man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

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Summit Participants

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I think it is necessary to realize that we have moved from the era of civil rights to the era of **human rights**

Martin Luther King, Jr.

Section I: I N T R O D U C T I O N

In the United States today:

- The U.S. government is mandating the registration, detention and expulsion of immigrants often without a hearing or access to legal counsel;
- The U.S. government takes the land and property of American Indians without due process of law and without compensation;
- State governments imprison and execute minorities at rates that are grossly disproportionate to their presence in the overall population;
- Incarceration rates are skyrocketing in state and federal prisons;
- Thirty-three million people live in poverty;
- More than seventy-four million people had no health insurance for some part of 2001 and 2002;
- Discrimination continues to infect social, political and economic institutions.

These and other abuses persist in the United States and most are growing worse. Traditionally, U.S. activists have attacked these problems using the laws, media and other means available to them domestically. Most Americans know that they have certain rights that are enshrined in the Constitution and federal and state laws. There is an increasing awareness, however, that these domestic protections are not enough. The courts are increasingly conservative and hostile to civil and economic rights. Politicians seem only concerned with building the prison industrial complex and fail to address social, economic, and political conditions responsible for the overwhelming numbers of incarcerated individuals. Economists tell us that in a free market system a certain level of poverty is necessary and desirable. The legal, economic and political institutions available to activists to address enduring, structural inequities too often conform themselves, like grass bending in the wind, to the prevailing societal obsessions of the day.

This Resource Guide offers activists an additional rights vision, framework and set of tools to use in their struggles for justice in the United States. These are not meant to replace existing laws and strategies, but to bolster them and provide new avenues of activism. This framework and tools, rooted in the concept of “human rights,” are not new. Their precursors are evident in the abolitionist movement,

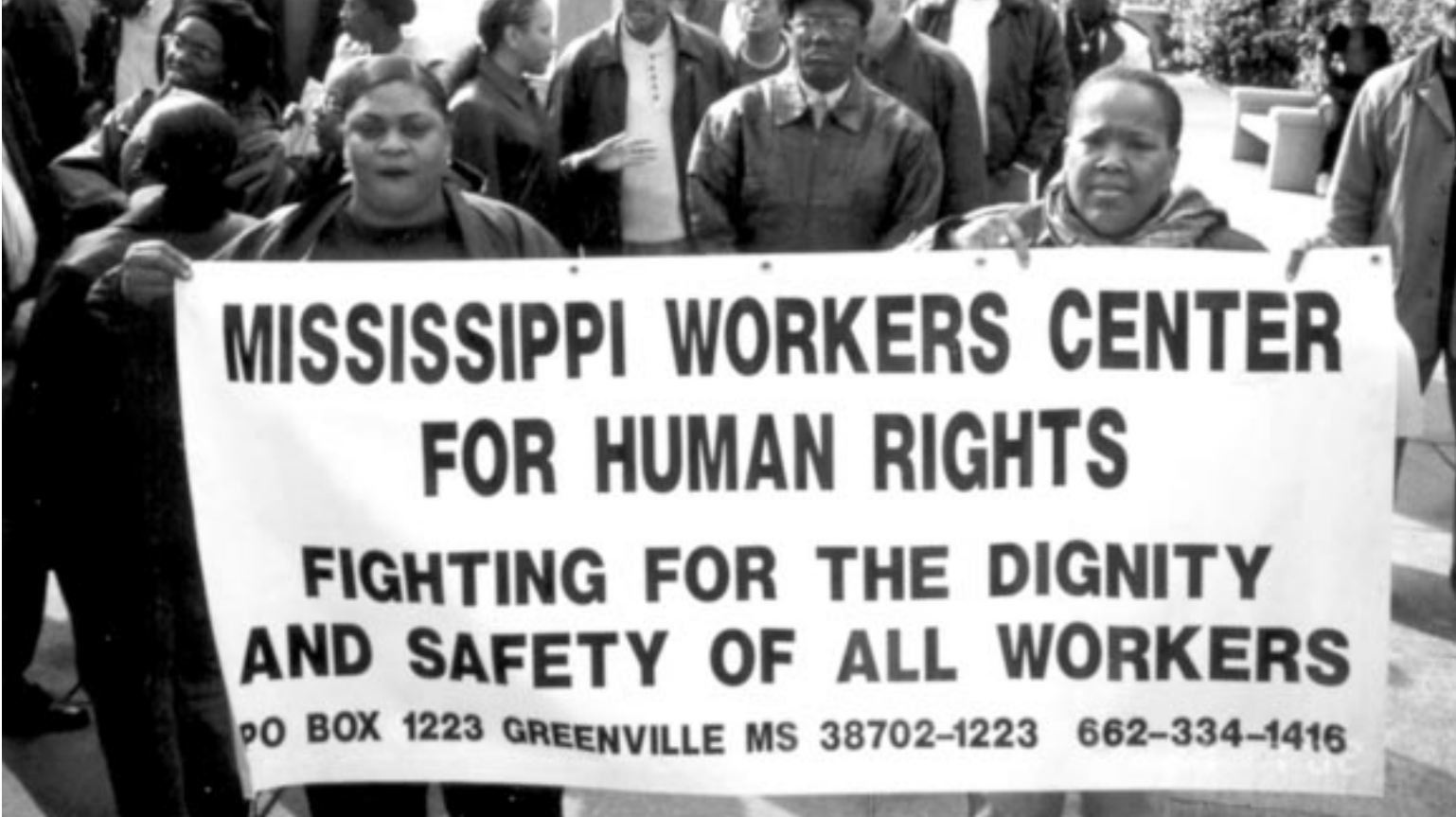


Photo provided by the Mississippi Workers Center for Human Rights

the suffragist movement, the labor movement, and the civil rights movement. In 1920, Marcus Garvey submitted complaints to the League of Nations on behalf of the “Negro Peoples of the World.” In 1923, Deskaheh, a Chief of the Cayuga Nation and Speaker of the Haudensosaunee Six Nations Confederacy made his case to the League of Nations for the right of his people to live according to their own laws on their own lands. In 1947, the NAACP filed a petition with the United Nations denouncing race discrimination in the United States. In 1951, W.E.B. DuBois submitted a petition to the United Nations, entitled “We Charge Genocide,” protesting segregation and other aspects of Jim Crow. In the late 1960’s Martin Luther King Junior argued that progress in the moral duty to fight poverty required a reframing of the issue in international terms. And in 1966, the founding charter of the National Organization for Women announced that it was “part of the worldwide revolution of human rights now taking place within and beyond our national borders.”

What, then, is the human rights framework and how can it help leaders in their communities? The modern western concept of human rights encompasses a vast array of civil, political, economic, social and cultural rights. Some of these rights are acknowledged and protected in various federal and state laws in the United States, although sometimes not to the same extent as they are under human rights law. Many other human rights are altogether unrecognized and unprotected in the U.S. domestic legal and political system, particularly in the economic rights arena. Human rights conceives of civil, political, economic, social and cultural rights as interdependent, transcending the current U.S. rights framework that often pits disadvantaged groups against one another. Applying a human rights framework puts the power of rights back into the hands of the people who possess those rights, whether or not they are recognized in domestic law.

The modern concept of human rights arose for the most part after World War II in response to the bloody reality of state-sponsored genocide in Europe. The Universal Declaration of Human Rights, adopted by the United Nations in 1948, identifies rights that belong to all human beings. These rights include the right to equality; the right to be free from discrimination; the right to life, liberty and personal security; the right to be free from torture and degrading treatment; the right to education; the right to be free from arbitrary arrest and exile; the right to a fair public hearing; the right to own property and to an adequate standard of living;

the right to shelter and health care; the right to freedom of opinion and information; and many others. The Declaration proclaims, “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.”

Human rights have evolved since the adoption of the Universal Declaration of Human Rights to include a multitude of conventions, treaties and declarations. Some of the major human rights instruments created through the United Nations and the Organization of American States include:

- The Convention on the Elimination of All Forms of Racial Discrimination
- The International Covenant on Civil and Political Rights
- The International Covenant on Economic, Social and Cultural Rights
- The Convention on the Elimination of Discrimination Against Women
- The Convention Against Torture
- The Convention on the Rights of the Child
- Convention on the Protection of Migrant Workers and Their Families
- American Declaration of the Rights and Duties of Man

There are also a number of regionally-specific laws and mechanisms, including for the Americas (see Appendix B).

As these international standards developed, so did a set of mechanisms, methods and strategies that can be used for their enforcement. These mechanisms include treaty bodies, which monitor compliance with international human rights treaties. A basket of human rights methodologies, ranging from human rights education, organizing and documentation, to policy, legal and scholarly work. Additional strategies, including the use of cross-constituency work and international solidarity and scrutiny, are now advancing domestic advocacy.

Although the human rights framework and the tools associated with it are broad in scope and relevant to the many problems faced by people in the United States today, they remain unknown and underutilized. This obscurity is due in large part to a deliberate, long-standing effort by the federal government to deny the legitimacy of human rights and, in particular, their application to situations internal to the United States. This denial of the applicability of human rights to the domestic problems of the United States — which this Resource Guide refers to as “U.S. exceptionalism” — has its roots in the effort to maintain racial segregation in the south during the 1950’s. Southern senators seeking to defend segregation, for example, successfully opposed ratification of human rights treaties by the Eisenhower administration. This stance continues to manifest itself in the fact that the Senate has ratified less than half the existing international human rights treaties, and no regional human rights treaties. On those occasions when the Senate does ratify a treaty, it does so with reservations that can cripple its effective use in the U.S. legal system.

The policy of U.S. exceptionalism has resulted in a shameful record. The United States, and Somalia (which is now in the process of moving towards ratification) are the only countries in the world that have not ratified the Convention on the Rights of the Child (CRC). The United States is the only industrialized nation that has refused to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The United States has not ratified the Covenant on Economic, Social and Cultural Rights (CESCR). The Senate has attached reservations to those human rights instruments that it has ratified to undermine their effective use in U.S. courts. The United States has refused to endorse the International Criminal Court; withdrawn from the Anti-Ballistic Missile Treaty; walked out on the World Conference Against Racism; and cast doubt on its adherence to the Geneva Conventions. The United States is one of only two countries (with Iran) that continues to execute juvenile offenders.

Unfortunately, U.S. exceptionalism has largely been effective in preventing the application of the human rights framework to situations in the United States. Not only has the U.S. government largely managed to shield itself from human rights accountability, but the U.S. rights movement has generally relinquished any human rights dimension to its advocacy. With this in mind, domestic activists met first in Mill Valley, California in July 1999, and then at Howard University Law School in Washington, D.C. in July 2002, to assess, strengthen and expand the use of human rights in the United States. These activists came together to challenge U.S. exceptionalism and to discuss strategies for the effective application of a human rights approach to social justice work in the United States. They concluded with a landmark decision to found the U.S. Human Right Network, the first national network focused on human rights in the United States whose mission is discussed in Section V.

This Resource Guide is the first publication of the U.S. Human Rights Network and will likely see subsequent editions as the U.S. human rights movement develops and additional resources are identified. It draws in particular on discussions at the Howard meeting. Section II on human rights in the United States, explores some of the major human rights violations faced by immigrants, American Indians, prisoners, prisoners on death row, the poor and those who suffer discrimination in the United States, and outlines how the use of a human rights approach may be helpful in *effectively* combating these problems. Each issue-specific subsection includes a list of resources that community activists may use to educate themselves about the human rights tools available to them and how to use them.

Section III, on the U.S. human rights movement, is perhaps the most important for community activists: the toolkit. It lays out the growing use of human rights in education, organizing, fact-finding, legal work, policy advocacy, and scholarship in the United States and discusses the methods and strategies being used in this work. It is designed to provide a rough guide to community activists in any issue area who may be interested in using human rights in their U. S. advocacy. The Resource Guide concludes with a summary of challenges and priorities common to U.S. human rights work and a commitment to several collaborative and issue or method specific next steps.

Now more than ever it is important to use all the resources at our disposal to achieve just and inclusive societies in the United States and elsewhere. On September 11, the entire world watched as terrorists seized passenger planes and flew them into the World Trade towers in New York and the Pentagon in Washington, DC. The terrorist attacks – mind numbing in the enormity of their calculated violence – followed by three days the conclusion of the controversy-riven U.N. World Conference Against Racism in Durban, South Africa. Soon thereafter anthrax shut down the U.S. Capitol, the Taliban regime of Afghanistan collapsed under American military strikes, the globalized economy descended into recession, and the U.S. federal government forcibly detained some 1,200 immigrants and initiated the most sweeping rollback of civil liberties since the McCarthy era. Since September 11, 2001 we have been forced to confront the instability and capriciousness of seemingly enduring human institutions — entire governments, economies and political systems have been radically changed in an overall context of global inequality and U.S. unilateralism.

To the participants in the Howard Summit, and we hope to the users of this guide, the importance of adhering to universal human rights, which hold the promise of stability and integrity, has never been clearer. This is no less true in the United States than it is in any other country of the world. In fact, as the United States indulges an increasingly unilateralist bent in both domestic and foreign policy, the cost to rights at home and abroad is increasing. As a result, a growing number of U.S. activists from a wide array of issue areas and methods of work have pledged to combat U.S. exceptionalism and create instead a movement for human rights in the United States. We see this Resource Guide as a starter kit for that movement. We hope you find it useful.

How is the black man going to get “civil rights” before he first wins his human rights?

Malcolm X, *The Autobiography of Malcolm X*

Section II: HUMAN RIGHTS ABUSES IN THE UNITED STATES

Human rights abuses occur in the United States. These abuses occur in cities and rural areas, in our schools, in our homes, in prisons and in courts. Human rights violations are a U.S. problem, not merely a problem of other countries. When civil rights are violated, human rights are violated – only the terminology and legal relief differs. Human rights law, however, offers a broader array of rights protections than does domestic U.S. law. A human rights approach also offers new tools to strengthen domestic advocacy in terms of framework, method and strategy.

This section explores some of the abuses suffered in the United States, focusing in particular on immigrants, American Indians, people who are imprisoned, people who are on death row, the poor, and those who face various, and often simultaneous, manifestations of discrimination. A complete discussion of each of these and other issue areas is not possible. It is possible, however, to provide a snapshot of these six issues and to demonstrate how the human rights approach with its legal framework, mechanisms, methods and strategies might be useful for activists in the United States, especially in those cases where domestic laws are ineffective or existing approaches inadequate.

Each of the following sub-sections briefly reviews the violations at issue, outlines some current human rights work in that area and sketches some recommended strategies. Key human rights resources available to activists to both educate themselves and take action are also provided. A list of the human rights treaties that are most applicable to each issue appears in Appendix B.



Photo provided by the National Network of Immigrant and Refugee Rights

IMMIGRANTS

Since September 11, 2001, immigrant communities have faced mounting xenophobia and discrimination. Immigrants who are not U.S. citizens are *particularly* vulnerable because their status is often exploited to deny them the protections they would otherwise have under the Constitution. Immigrants of whatever status often suffer the most in times of national crisis as the focus of suspicion and hatred and are desperately in need of strong legal rights. Almost immediately after the terrorist attacks, a wave of hate violence swept the United States targeting immigrants for “retaliation.” Congressional and presidential policies have reinforced the hostile atmosphere, portraying immigrants as a threat to national security and adopting policies that greatly increase the likelihood of discrimination and harassment. Refugees and asylum seekers have also been affected by xenophobic policy. After September 11, the Immigration and Naturalization Service (now known as the Bureau of Citizenship and Immigration Services and located in the Department of Homeland Security) enacted harsher policies of detention, reduced judicial review for individual asylum cases, and further restricted the number of refugees allowed entry in the United States.

Facts about the human rights of immigrants and refugees since September 11, 2001 include:

- The detention of roughly 1,200 immigrants by the U.S. federal government after September 11, 2001. Most of these people were never charged with a crime or activities related to terrorism, although many were deported or are still in custody. Often, immigrants are not informed of their rights once in federal custody and frequently go through deportation hearings without the assistance of legal counsel.
- New Immigration and Naturalization Service and Department of Justice requirements that all men over the age of 16 from Muslim countries as well as North Korea and Eritrea, register at INS offices or be deported. Reports indicate that hundreds of boys and men who voluntarily registered have been arrested and detained.
- Immigration hearings, when they occur, can be held secretly at the direction of the federal government. The secrecy of these hearings, which can result in the forced, permanent separation of families, removes a necessary bulwark against the arbitrary violation of the human rights of immigrants.

Relevant Human Rights Treaties

The Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (“Migrant Rights Convention”) was adopted by the U.N. General Assembly in 1990, and passed into force on July 1, 2003. The U.N. Migrant Rights Convention provides a set of binding international standards to address the treatment, welfare and human rights of both documented and undocumented migrants. Overall, the Convention seeks to play a role in preventing and eliminating the exploitation of all migrant workers and members of their families throughout the entire migration process. In particular it seeks to put an end to the illegal or clandestine recruitment and trafficking of migrant workers and to discourage the employment of migrant workers in an irregular or undocumented situation. Finally, the Convention establishes mechanisms for its implementation which provide new opportunities for increased participation from the global community to protect the rights of migrants. Here are some provisions of the Migrant Rights Convention:

- Article 7: Protects migrants from discrimination or distinction of any kind on the basis of sex, race, color, language, religion, or convictions, political or other opinion, national, ethnic, or social origin, nationality, age, economic position or other status
- Article 8: Gives migrants the freedom to leave any country, including the home country, and the right to re-enter the home country at any time
- Article 44: Protects the right to family reunification and the protection of appropriate measures to ensure the protection and unity of one’s family

Why Human Rights

The use of a human rights framework is an excellent fit for immigrant and refugee communities for several reasons. First, non-citizen immigrants and refugees are frequently denied basic civil rights enjoyed by U.S. citizens, including the right to due process and representation, while also contending with the added penalties of harsh immigration law. A human rights framework, which supports the rights of all people, regardless of immigration status or citizenship, thus provides a more comprehensive and supportive vision of immigrant and refugee rights. Next, broad international consensus on the issue of human rights speaks clearly to the interests of migrants and refugees, whose experiences transcend particular national frameworks. Immigrants and refugees also bring to U.S. advocacy knowledge and expertise in using a human rights framework in social justice organizing, drawing on human rights traditions that grow deep in other countries.

Current Human Rights Work

Today, immigrant and refugee communities continue a long history of organizing for the human rights of migrants at the local, national, and international level. Local community organizations have directly supported the human rights of immigrants and refugees in many ways, including through service provision, organizing, and advocacy work. In particular, “know your human rights” community education initiatives to document human rights abuses, and the growing use of human rights language in framing campaigns and media work highlight the ways that communities have directly employed a human rights framework in their work. The fight for the human rights of immigrants and refugees also continues to thrive at the international level. In 2001, US-based immigrant and refugee community leaders and organizers participated in the U.N. World Conference Against Racism (WCAR) and Xenophobia, where over 70 migrant and refugee rights organizations formed the Migrant and Refugee Caucus. Through its work, the Caucus ensured the inclusion in the final conference document of over forty-five paragraphs that referenced migrants, refugees, internally displaced people, and asylum seekers. It is the most comprehensive treatment of the human rights of migrants and refugees in any United Nations’ conference document and sets the stage for on-going international advocacy in this area, including via world-wide celebrations of International Migrants Day, celebrated each year on December 18th.

Suggested Advocacy Strategies

The victory at WCAR was stupendous. The U.S. policy of exceptionalism, however, means that immigrant and refugee rights activists will have to be creative in bringing the standards set forth in this and other human rights instruments home to their communities, particularly in a post-9/11 environment. The United States has not ratified the U.N. Migrants Rights Convention, but there are concrete strategies for using human rights tools in local immigration struggles, even in the face of U.S. exceptionalism, including:

- Educating and organizing immigrant and refugee communities to defend their human rights;
- Holding community human rights tribunals and forums to gather personal testimony from immigrants for the purpose of demonstrating the human cost of U.S. anti-immigration policies and laws;
- Participating in international campaigns for the human rights of migrants, including by holding events to celebrate December 18, International Migrants Day;
- Organizing campaigns for the passage of resolutions by local governments in support of local immigrant communities to prevent xenophobic and discriminatory acts against those communities consistent with the rights and protections found in human rights law;
- Sending reports and documentation of human rights abuses to the U.N. Special Rapporteur on the Human Rights of Migrants;
- Bringing individual complaints before the Organization of American States (OAS) Inter-American Commission on Human Rights, after domestic remedies have been exhausted; and
- Filing shadow reports with the U.N. committee overseeing the Convention on the Elimination of Racial Discrimination (CERD) documenting violations of CERD.

A CASE IN POINT: BORDER NETWORK FOR HUMAN RIGHTS

The Border Network for Human Rights (formerly the Border Rights Coalition) was established in 1987 to engage local communities along the Mexico-U.S. border to challenge abuses of authority, including violence and other violations of human and civil rights, in the enforcement of immigration law. The Network's work is concentrated in West Texas and Southern New Mexico. Its objectives are (1) to strengthen the capacity of border communities to participate in decisions relating to border control policies and practices; (2) to increase public support for building a non-abusive, demilitarized environment on the border; and (3) to seek changes in key policies that foster abuse, human suffering, and a militarized border.

The Network trains local community members to become human rights educators and promoters by learning their rights, documenting human rights abuses and by organizing communities along the border. The Project had its first large, human rights training program in Las Cruces, New Mexico in 1999. Participants are educated about their own human rights, what do if their rights are being violated and how to file a human rights abuse report. They are also shown how to train and organize others in their communities to become knowledgeable and active in defense of their rights. The Network provides community members with the necessary educational material to train others and to document abuses. The Network uses this documentation process to mobilize local communities and to exert pressure on local and federal authorities to abide by national and international human rights standards. For more information contact: Border Network for Human Rights, 611 Kansas St., El Paso, TX 79901, telephone: (915) 577-0724.

GENERAL:

- ▼ **A World On the Move:** A Report from the 2001 UN World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance, A Resource Guide on International Migrant Rights. A *World On the Move* presents a comprehensive look at the outcomes, lessons, and successes for immigrant and refugee rights from the 2001 UN World Conference Against Racism and Xenophobia. The report includes testimonies of participants in the Immigrant Rights Working Group, and tips on preparing for international conferences, and practical guides on connecting local issues with international human rights campaigns and systems. To order, visit www.nnirr.org. Price: \$7 + \$3 shipping/handling, U.S. currency please. National Network for Immigrant and Refugee Rights, 310 8th St. Suite 303, Oakland, CA 94607.
- ▼ **Promoting and Protecting the Rights of Migrant Workers: A UN Road Map—A Guide for Asian NGOs to the International Human Rights System and Other Mechanisms.** This comprehensive guide provides specific information for migrant rights non-governmental organizations (NGOs) to access and utilize current international structures, including the U.N., International Labour Organization (ILO) and International Organization for Migration (IOM). Published by the Asian Migrant Center, the Asia Pacific Forum on Women, Law, and Development, the Ateneo Human Rights Center, and the Canadian Human Rights Foundation. Available free by download at www.chrf.ca.
- ▼ **The Denial of Due Process to Asylum Seekers in the U.S.,** October 2000, Lawyers Committee for Human Rights. Examines the impact of expedited removal of refugees seeking asylum in the United States based on 1996 changes to U.S. immigration laws. Report can be read on-line at www.lchr.org/refugees/reports/due_process.htm. The Lawyers Committee can be reached in New York City at (212) 845-5200, in D.C. at (202) 547-5692, or in California at (510) 452-8400.
- ▼ **A Year of Loss: Re-examining Civil Liberties Since September 11th,** September 2002, The Lawyers Committee for Human Rights, www.lchr.org/pubs/pubs.asp#law.
- ▼ **Imbalance of Power: How changes to U.S. law and security since 9/11 erode human rights and civil liberties,** March 2003, The Lawyers Committee for Human Rights, www.lchr.org/pubs/pubs.asp#law.
- ▼ **We Are Not the Enemy: hate crimes against Arabs, Muslims, and those perceived to be Arab or Muslim after September 11th,** November 2002, Human Rights Watch. A 41-page report examining hate crimes which have occurred in the aftermath of the September 11th terrorist attacks. Available on-line at www.hrw.org/reports/world/usdom-pubs.php. Human Rights Watch can be reached at 350 5th Ave, 34th floor, New York, NY 10118. They can be reached by phone at (212) 290-4700 in New York and at (202) 612-4300 in Washington, DC.
- ▼ **The September 11 Detainees: A Review of the Treatment of Aliens Held on Immigration Charges in Connection with the Investigation of the September 11 Attacks,** June 2003, Office of the Inspector General for the Department of Justice. Available on-line at www.usdoj.gov/oig/igspeccr1.htm.
- ▼ **International Legal Norms and Immigration: An Analysis,** International Organization for Migration, Migration Policy and Research Programme, 17 route des Morillons, 1211 Geneva 19, Switzerland, 41 22 717 91 11, hq@IOM.int.
- ▼ **America's Challenge: Domestic Security, Civil Liberties, and National Unity After September 11,** June 2003, a report of the Migration Policy Institute, 1400 16th St., NW, Suite 300, Washington, DC 20036, (202) 266-1940. The report can be ordered on-line at www.migrationpolicy.org.

FOR SAMPLE EDUCATION AND ORGANIZING TOOLS SEE:

- ▼ **BRIDGE: Building A Race and Immigration Dialogue in the Global Era**—a curriculum project of the National Network for Immigrant and Refugee Rights (forthcoming 2003). This curriculum features popular education workshop modules geared towards community organizers on the subjects of immigration, race, globalization, human rights, gender, LGBT issues, and more. Contact NNIRR at 310 8th St. Suite 303, Oakland, CA 94607, call 510-465-1984 x 303, or visit www.nnirr.org.

- ▼ **Abuse Documentation Reference Manual**, a community-oriented training manual for documenting human rights abuse. Created by Casa Proyecto Libertad and the Immigration Law Enforcement Monitoring Project. Available from the Border Network for Human Rights, 611 Kansas, El Paso, Texas 79901. Telephone: 915-577-0724.
- ▼ **Manual para Promotores de Derechos: a Training Manual (in Spanish) for Community-Based Human Rights Organizing**, available from the Border Network for Human Rights, 611 Kansas, El Paso, Texas 79901. Telephone: 915-577-0724 or from Movimiento del Valle Por Los Derechos Humanos, 113 N. 1st., Harlingen, TX 78550, cellphone 956-425-9552, email: selzernj@hnsnmail.com.

FOR SAMPLES OF LOCAL CAMPAIGNS PROTESTING POLICE/IMMIGRATION AND NATURALIZATION SERVICE PRACTICES:

- ▼ **Hate Free Zone**, visit their website to find information about local organizing efforts, www.hatefreezone.org, (866) 439-6631.

FOR A SAMPLE HUMAN RIGHTS COMPLAINT REGARDING IMMIGRANTS' RIGHTS IN U.S. COURTS SEE:

- ▼ **JAMA v. United States**, 22 F. Supp. 2nd 353. *JAMA v. United States* is litigation brought on behalf of immigrants in detention challenging the conditions of their confinement in Immigration and Naturalization Services facilities in New Jersey. The case uses the Alien Tort Claims Act as a basis for alleging that the conditions of confinement violate international standards which prohibit cruel and inhuman treatment. This case can be found at the Human Rights Online Library at: www.probono.net/humanrights/.

FOR SAMPLE INTERNATIONAL COMPLAINTS REGARDING IMMIGRANTS RIGHTS SEE:

- ▼ The Inter-American Commission on Human Rights recognizes the right of Non-Governmental Organizations (NGO's) to file requests for 'precautionary measures' on behalf of individuals without first requiring exhaustion of domestic legal remedies. The Center for Constitutional Rights (CCR), the International Human Rights Law Group, and other human rights organizations have used this mechanism to request the issuance of a 'precau-

tionary measure' from the Commission regarding Muslim men of Arab and South Asian origin who continue to be in the custody of the Immigration and Naturalization Service following the adjudication of immigration charges against them, despite being willing to voluntarily leave. For updates on these requests to the Inter-American Commission see the CCR website, www.ccr-ny.org. You can also contact CCR at (212) 614-6464, 666 Broadway, 7th floor, New York, NY 10012 or info@ccr-ny.org. Precautionary measures were issued by the Inter-American Commission in September 2002 and can be found on the International Human Rights Law Group website at www.hrlawgroup.org/resources/content/IACHR_Award.pdf.

- ▼ The Inter-American Court on Human Rights, on occasion, will also ask for input from non-governmental organizations if a nation requests an advisory opinion in a particular case. In 2002, the U.S. Supreme Court issued its decision in the *Hoffman Plastic Compounds v. NLRB*, holding that undocumented workers fired for organizing are not entitled to back pay. The government of Mexico filed a request for an advisory opinion with the Inter-American Court of Human Rights in Costa Rica. Several groups in the United States filed or endorsed *amicus curiae* briefs, including the National Employment Law Project (NELP), the National Immigration Law Center, and the Immigration Project and Labor Employment Committees of the National Lawyers' Guild, as well as some 50 other labor, civil rights, and immigrant groups. NELP's brief argues that discrimination prohibitions in international law are violated by the Supreme Court's ruling, and that the United States justification for discrimination against the undocumented cannot be justified as based on reasonable and objective criteria, and is not proportional under international law. For information on this case visit website: www.nelp.org.
- ▼ **Enemy Aliens: Double Standards and Constitutional Freedoms in the War on Terrorism**, by David Cole, New Press, NY 2003.

NOTE: More general human rights resources can be found in section III on the U.S. human rights movement.

Indian peoples in the United States still live under the **threat** of having their lands taken, of being poisoned or killed by the toxic contamination of their resources.

AMERICAN INDIANS

Indian peoples in the United States still live under the threat of having their lands taken, of being poisoned or killed by the toxic contamination of their resources, and of being deprived of their languages and traditions. American Indians suffer the highest unemployment and poverty rates in the country and the lowest education level. These problems are largely the result of a continuing effort to assimilate the Indian tribes and cultures of the United States. The most fundamental right sought by American Indians is the right to remain indigenous. This right is a collective right, which includes being a member of a unique culture and speaking a unique language; worshiping in a traditional manner; maintaining control over traditional territories; and being able to govern the affairs of the people. The full exercise of these aspects of the right to remain indigenous can be called “sovereignty.” American history is replete with failed experiments to destroy Indian sovereignty by removing, killing or assimilating the indigenous peoples of this continent. These experiments continue to impede the right of American Indians to determine for themselves the future of their peoples.

Facts about the human rights of American Indians in the United States include:

- The taking of Indian lands by the federal government without due process or compensation in order to accelerate the assimilation of tribes through the elimination of their land base.
- The federally approved destruction of Indian sacred sites critical to Indian cultural life.
- The federally approved destruction and contamination of natural resources that Indians depend upon for food and water.
- High rates of poverty, unemployment, inadequate housing and health problems due largely to federal mismanagement of Indian resources.
- Continuing judicial attacks on the right of Indian governments to manage their own territories and peoples.



Photo provided by the Indian Law Resource Center

Relevant Human Rights Treaties

Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries is the only international treaty having indigenous peoples as its sole subject. The International Labour Organization, a specialized agency of the United Nations, adopted Convention No. 169 in 1989. The Convention contains general protections for indigenous lands, as well as measures to improve the health, education and employment of indigenous peoples. The United States has not ratified this Convention. Both the United Nations and the Organization of American States (OAS,) however, are nearing the completion of declarations on the rights of indigenous peoples. Once adopted, these declarations will form the standards to which all national governments are expected to conform in their treatment of the indigenous peoples within their borders. For more information on these declarations, see Appendix B.

Current Human Rights Work

Indian nations in the United States are using human rights to protect their communities in a variety of ways. The United Nations has recently established a “Permanent Forum on Indigenous Issues.” The Permanent Forum, which is the only body in the United Nations that has permanent seats for indigenous peoples, functions as an open forum through which indigenous peoples may bring the abuses they suffer to the attention of the world community. Indian nations in the United States have long presented information to the United Nations Working Group on Indigenous Populations, and have been actively participating in the drafting of the both the United Nations draft Declaration on the Rights of Indigenous Peoples, and the draft American Declaration on the Rights of Indigenous Peoples. Finally, Indian nations are increasingly using the United Nations Human Rights Committee, the United Nations Committee on the Elimination of Racial Discrimination, and the Inter-American Commission on Human Rights as international investigatory bodies that are not constrained by the discriminatory legal doctrines that undermine Indian rights in the United States. These committees have issued reports and made observations harshly critical of the laws and policies of the United States in regards to Indian peoples.

Suggested Advocacy Strategies

Ideas for the use of a human rights approach in domestic advocacy regarding Indian peoples include:

- Teaching indigenous communities about human rights, emphasizing applicability to the struggles of indigenous peoples for self-determination and collective rights;
- Bringing complaints for international investigation and scrutiny before the U.N. Human Rights Committee, the U.N. Committee on the Elimination of Racial Discrimination, or the O.A.S. Inter-American Commission on Human Rights; and
- Participating in the international campaign for the adoption of declarations in the U.N. and the O.A.S. that will protect indigenous rights.

A CASE IN POINT: THE WESTERN SHOSHONE

Since 1974, the Dann Band of the Western Shoshone has fought the United States over the right to graze cattle on lands that were guaranteed to the Western Shoshone by an 1863 treaty. These lands have never been ceded by the Western Shoshone to the federal government. The Bureau of Land Management (BLM) insists that the lands are federal public lands and that the Danns must pay grazing fees and apply for permits. The Danns are also fighting against the contamination of their groundwater and environmental degradation caused by massive gold mining operations which are located throughout Western Shoshone lands pursuant to federal permits.

The Indian Law Resource Center filed a petition on the Dann's behalf with the Inter-American Commission on Human Rights (IACHR) challenging the discriminatory laws cited by the United States to claim that it had legally extinguished Western Shoshone land title. The Commission released its final report on the petition in December 2002, Report No. 75/02, Case No. 11.140, Mary and Carrie Dann v. United States, Organization of American States, Inter-American Commission on Human Rights, December 27, 2002 (available at www.indianlaw.org). This report finds that the methods used by the United States federal government to "extinguish" the land title of the Western Shoshone of Nevada violated basic international human rights norms and recommends that the United States take steps to provide the Western Shoshone with a remedy that recognizes Western Shoshone land rights under international law.

The United States has publicly stated that it rejects the IACHR report regarding the Western Shoshone. The BLM has since confiscated hundreds of Western Shoshone cattle on Western Shoshone land using armed federal agents. Although the actions of the BLM indicate disdain for the rights of Indian peoples and a total disregard for the decisions of an international human rights commission, the IACHR report is having a positive effect. Congressional proposals to make final the extinguishment of Western Shoshone land rights have been put on hold, and the national media is beginning to report on the human rights aspect of the story. For more information contact: Western Shoshone Defense Project, P.O. Box 211308, Crescent Valley, NV 89821, (775) 468-0230, www.wsdp.org or the Indian Law Resource Center, 602 North Ewing St., Helena, MT 59601, (406) 449-2006, www.indianlaw.org.

GENERAL

- ▼ **Guide for Indigenous Peoples**, United Nations, Office of the High Commissioner for Human Rights, available in printed format and online at www.unhchr.ch.
- ▼ **A Guide to Indigenous Peoples Rights in the Inter-American Human Rights System**, International Working Group for Indigenous Affairs, Copenhagen 2002. To order, go to www.iwgia.org.
- ▼ **The Human Rights Situation of Indigenous People in the Americas**, Organization of American States, Inter-American Commission on Human Rights, 2000, www.iachr.org.
- ▼ **Authorities and Precedents in International and Domestic Law for the Proposed American Declaration on the Rights of Indigenous Peoples**, Organization of American States, Inter-American Commission on Human Rights, www.iachr.org.
- ▼ **International Human Rights Mechanisms to Promote and Protect the Rights of Indian Nations and Tribes in the United States: An Overview**, Robert T. Coulter, March 1, 2002, Indian Law Resource Center, www.indianlaw.org.
- ▼ **A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country**, U.S. Commission on Civil Rights. July 2003. Available at www.usccr.gov.

FOR SAMPLE INTERNATIONAL COMPLAINTS REGARDING AMERICAN INDIANS SEE:

- ▼ **Mary and Carrie Dann v. United States**, Report No. 75/02, Case 11.140, Inter-American Commission on Human Rights, December 27, 2002. Available at www.indianlaw.org.

NOTE: More general human rights resources can be found in section III.

People who are imprisoned are subjected to violence and sexual assault; to overcrowded, unsanitary and **inhumane conditions** and to discriminatory disciplinary policies.

PEOPLE WHO ARE IMPRISONED

Incarceration is a source of gross human rights abuse in the United States. People who are imprisoned are subjected to violence and sexual assault; to overcrowded, unsanitary and inhumane conditions and to random, retaliatory and discriminatory disciplinary policies. They are exposed to diseases, including tuberculosis, HIV/AIDS and hepatitis, which often go untreated and result in death; women in prison are subject to custodial sexual abuse by guards; and prisoners with mental illnesses frequently go untreated. “Law and order” rhetoric is used not only to justify locking people up at alarming rates, but also to avoid addressing the structural causes of poverty and criminal behavior. The contemporary prison-industrial complex merges criminal punishment with corporate profits in both public and private prisons. Families and communities that are disproportionately poor and of color suffer the costs of criminalization and incarceration without the resources needed to prevent criminal behavior or help former inmates successfully re-enter society. Little or no credence is given to the fact that current and former inmates have basic human rights that are not forfeited by being imprisoned.

Facts regarding the human rights of incarcerated people in the United States include:

- Two million people – about one in every 147 Americans – are imprisoned in the United States. The United States leads the world in the sheer reported number of people it has behind bars, far outpacing both China (1.2 million) and Russia (1 million).
- About one-half of the people incarcerated in the United States are African American. One of every fourteen African American males is in prison. One in every four African American males will, at current incarceration rates, spend time behind bars.
- 63% of the total adult prison population is Latino and African American, while these two groups comprise only 25% of the overall U.S. population.
- 3.9 million Americans – one in every 50 adults — are disenfranchised because of a felony conviction.
- The construction of private prisons is booming and prison populations continue to rise due largely to mandatory minimum drug sentencing.
- 1.5 million minor children have a parent in prison.



Photo by Kent Knudson/Getty Images

Relevant Human Rights Treaties

The human rights abuses suffered by people in U.S. prisons violate multiple provisions in the International Covenant on Civil and Political Rights (ICCPR,) on the Convention on the Elimination of All Forms Racial Discrimination (CERD,) the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). The ICCPR, CAT, and CERD have been ratified by the United States government.

Article 7 of the ICCPR prohibits torture or cruel, inhuman or degrading treatment or punishment.

Article 10 of the ICCPR requires that persons deprived of their liberty be treated with humanity and with respect for the inherent dignity of the human person. Article 10 also provides that incarceration shall be for the purpose of reformation and social rehabilitation.

Article 16 of the CAT obligates nations to “prevent . . . acts of cruel, inhuman or degrading treatment or punishment . . . when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”

Article 5 of the CERD obligates nations to “undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinctions to race, colour, or national or ethnic origin, to equality before the law...” including the “right to equal treatment before the tribunals and all other organs administering justice...” For more information about these treaties see Appendix B.

Current Human Rights Work

Current human rights work related to incarceration in the United States encompasses a wide range of issues including sentencing reform, disparate treatment, conditions of incarceration and re-entry. U.S. based international human rights organizations have conducted numerous investigations exposing everything from racial disparities in the sentencing of drug offenders, to sexual abuse in prison, to con-

ditions in so-called "maxi-maxi" prison facilities, to the impact of incarceration on children, both in and out of custody. Community-based activists have used human rights to organize affected communities to oppose over incarceration and to document the exploitation of incarcerated persons by, for example, private corporate entities that provide services to or obtain employees from the prison system. In recent years attention has also been directed to the collateral consequences of incarceration including felony disenfranchisement and the lifetime ban on welfare and other public benefits that often follows from a felony drug conviction.

Suggested Advocacy Strategies

Ideas for human rights advocacy related to incarceration include:

- Organizing with formerly incarcerated persons to highlight prison human rights abuse and advocate for just and humane re-entry policies;
- Human rights documentation of prison abuses, with careful attention to the possibility of retaliation;
- Domestic litigation using human rights to help interpret U.S. law and educate judges. For example, the standard for determining what constitutes cruel and unusual punishment under the 8th Amendment to the Constitution requires courts to consider whether a particular punishment violates "evolving standards of decency," which clearly include international rights standards; and
- Submission of information to the U.N. Human Rights Committee, the U.N. Committee Against Torture, or the Inter-American Commission on Human Rights for investigation.

A CASE IN POINT: RIGHTS NOW

Rights Now is a public education effort that uses popular culture, video and news media to teach young people (ages 15-25) that social justice issues in the United States are part of the global campaign for human rights. Rights Now is a collaborative effort amongst artists, activists, educators, and lawyers coordinated by the Human Rights Institute at Columbia University Law School, WITNESS, and the Ella Baker Center for Human Rights. The first project of this effort is "Books Not Bars." This effort includes an educational video and grassroots, youth-led campaign dedicated to reversing the growth of the prison industrial complex in the United States. The campaign highlights domestic criminal policies that violate international human rights standards for the treatment of juveniles. For more information contact: The Human Rights Institute, Columbia University Law School, 435 W. 116th St., B-28, New York, NY 10027. Telephone: (212) 854-0706.

GENERAL:

- ▼ **Every Door Closed: Barriers facing Parents with Criminal Records** (2002) Describes the way in which people with criminal records are excluded by law from certain forms of employment, welfare, subsidized housing, student loans, and the effect of the criminal records on immigrants and persons in the child welfare system. Report available from Community Legal Services of Philadelphia. http://www.clasp.org/Pubs/DMS/Documents/1022677412.o/doc_Every_Door_Closed.pdf
- ▼ **Making Standards Work: an international handbook on good prison practice**, (2001) A manual to assist prison officials in implementing international instruments on prison conditions. Available from Penal Reform International, www.penalreform.org/english/MSW.pdf.
- ▼ **All Too Familiar: Sexual Abuse of Women in U.S. State Prisons**, 1996, Human Rights Watch. The report documents sexual abuse of women in U.S. state prisons. The report highlights the main factor contributing to this sexual abuse is that the United States, in violation of international norms, allows male officers to guard female prisoners during almost all prison activities. Available on-line at www.hrw.org/reports/1996/Us1.htm.
- ▼ **Not Part of my Sentence: Violations of the Human Rights of Women in Custody**, 1999, Amnesty International. This report describes violations of the internationally guaranteed human rights of women incarcerated in the United States. These violations include: rape, sexual abuse, isolation, and shackling of pregnant women. Available on-line at www.amnestyusa.org/rightsforall/women/report.

FOR SAMPLE EDUCATIONAL AND ORGANIZING TOOLS SEE:

- ▼ **Books Not Bars video**-an educational video for young people about using a human rights framework to challenge US criminal justice policies. The video was produced by the Human Rights Institute at Columbia University and WITNESS. Available from the Ella Baker Center for Human Rights, 1230 Market St., PMB #409, San Francisco, CA 94102, (415) 951-4844, www.booksnotbars.org, www.ellabakercenter.org.
- ▼ **Prison Activist Resource Center**-a source for progressive and radical information on prisons and the criminal prosecution system. The Center's website has information about organizing campaigns, statistics, and educational resources. Visit their website at www.prisonactivist.org.

- ▼ **Campaign to Restore Voting Rights**, for more information contact Robin Templeton, National Director, 120 Wooster St., New York, NY 10012, (212) 965-0400, or at rtemp@igc.org.
- ▼ **Critical Resistance**, a national grassroots organization that fights to end the prison industrial complex. Critical Resistance has local chapters throughout the country and a variety of different resources available on their website. For more information contact: Critical Resistance, National Office, 1904 Franklin St., Suite 504, Oakland, CA 94612, (510) 444-0484, www.criticalresistance.org.
- ▼ **Justice Now**
Justice Now works with women prisoners and local communities to build a world without prisons. 1322 Webster St., Suite 210, Oakland, CA 94612, (510) 839-7654, www.jnow.org.

FOR SAMPLE HUMAN RIGHTS COMPLAINTS REGARDING INCARCERATED PERSONS IN U.S. COURTS SEE:

- ▼ **Cox v. Livingston County 00 71310 USDC ED MI**
Federal class action litigation, brought by the Michigan ACLU and cooperating attorney Deborah LaBelle, alleging that the state and countries' treatment of women inmates in the Livingston County Jail in Michigan violates jail inmates' rights protected by customary international law, treaties and conventions. This case will be available in the Human Rights Online Library at www.probono.net/humanrights
- ▼ **Children and Family Justice Center**, The Center has filed an amicus brief on human rights and sentences of life without parole in the case of the *Illinois v. Leon Miller*. For more information contact: Children and Family Justice Center, Northwestern University School of Law, 357 East Chicago Ave., Chicago, IL 60611, (312) 503-0396, www.law.northwestern.edu.

FOR SAMPLE INTERNATIONAL COMPLAINTS REGARDING INCARCERATED PERSONS:

- ▼ **Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences, Report of the mission to the United States of America on the issue of violence against women in state and federal prisons**, (January 4, 1999), E/CN.4/1999/68/Add.2, Radhika Coomaraswamy, report is available on the United Nations human rights commissioner's website at: www.unhchr.ch. Search website's charter-based bodies database by key word "violence against women" or general search by document number.

NOTE: More general human rights resources can be found in section III.

The United States has in recent decades dramatically accelerated the rate at which it is **executing** people.

PEOPLE WHO ARE ON DEATH ROW

Deprivation of life is the most extreme of human rights abuses. The world community is moving steadily away from the imposition of the death penalty. Many countries have abolished the death penalty entirely or severely curtailed its use. The United States, however, has in recent decades dramatically accelerated the rate at which it is executing people. Since 1976, 873 people have been put to death, primarily by state governments. As DNA technology improves, it becomes increasingly clear that innocent people have been and will continue to be executed. One hundred and eight people have been exonerated and released from death row since 1973. At least 23 innocent people have been executed this century. It is also clear that the death penalty is imposed in a random manner from state to state. Further, statistics show that the death penalty has no deterrent value.

Facts about human rights and the death penalty in the United States include:

- At present, only two countries in the world – the United States and Iran – are sentencing persons to death for crimes they committed as children.
- 90% of the people for whom the United States government seeks the death penalty are racial minorities.
- Over 300 people on death row in the United States are known to be mentally retarded.

Relevant Human Rights Treaties

The death penalty and the manner in which it is implemented in the United States violates several international treaties, most specifically the Second Optional Protocol to the International Covenant on Civil and Political Rights, which prohibits the death penalty. The U.S. government has not signed the Second Optional Protocol, although it appears the tide may be slowly turning against the death penalty in the United States. Reason for optimism exists in the Supreme Court's gradual recognition of the human rights implications in the administration of the death penalty. In striking down the death penalty with respect to a person with mental retardation, in *Atkins v. Virginia* for example, in June 2002, the Court noted an *amicus* brief asserting that U.S. practice was out of sync with that of the rest of the global community. In August 2003, the Supreme Court of Missouri ruled the death penalty unconstitu-



Photo provided by the National Coalition to Abolish the Death Penalty

tional with respect to its application against juveniles. The Court cites the U.N. Convention on the Rights of the Child in its analysis of the growing trend in the international community against juvenile executions. For more information, see resource section, pg. 25.

Current Human Rights Work

Currently, anti-death penalty advocates in the United States are working on a variety of fronts to end state-sponsored executions. After more than two decades of organizing to end capital punishment, advocates are beginning to see the tangible results. In the last several years, hundreds of death penalty related bills have been introduced in state legislatures, including proposed legislation that would ban executions of those who were juveniles at the time of their offense, moratoriums, death penalty studies, mandatory DNA evaluation of crime scene evidence, and minimum standards for capital defense. Activists and advocates are an integral part of pushing this proposed legislation forward.

In addition to legislative action, U.S. anti-death penalty activists continue to engage in direct action such as marches, rallies, and vigils to draw attention to condemned prisoners awaiting execution on death rows throughout the country. Activists have also initiated a national campaign to end juvenile executions. This campaign includes large national and international organizations like the National Coalition to Abolish the Death Penalty and Amnesty International, as well as local organizations such as the Kentucky and Texas Coalitions to Abolish the Death Penalty. This work also has an international dimension. International connections are emerging between anti-death penalty organizations in the United States and Japan, for example. As a result of these collaborations the Council of Europe passed a resolution requiring both countries to show “substantial” movement away from using the death penalty or risk the loss of their observer status at the Council.

Suggested Advocacy Strategies

Strategies to strengthen the use of human rights norms in combating the death penalty include:

- Forging strong alliances with activists working at different levels and in different issues areas in order to overcome the lack of knowledge regarding human rights and to bring pressure to bear on states still executing people;
- Introducing human rights standards early and often into death penalty proceedings, emphasizing that “evolving standards of decency” include a worldwide movement away from the death penalty;
- Exploring alternative tactics including greater use of non-violent civil disobedience and economic pressure related to international investment in death penalty states;
- Using the media to better advance the abolitionist message; and
- Using international forums such as the Inter-American Commission on Human Rights and the International Court of Justice to protest United States’ use of the death penalty.

A CASE IN POINT: THE DEATH PENALTY

Since the reinstatement of the death penalty in the mid-1970’s, the modern anti-death penalty movement has identified capital punishment as a violation of human rights and has used international standards as a cornerstone of its efforts to end the death penalty in the United States. Over the last two decades, as U.S. death penalty practices have worsened, the international community has become increasingly abolitionist. Opposition to the death penalty is clearly articulated in a number of important international treaties and by various international human rights bodies (see appendix B). The unity of opposition to the death penalty among European countries in particular, serves as important touchstone for those in the United States committed to complete abolition. U.S. anti-death penalty advocates often rely on human rights standards for legislative, organizing, and education efforts. U.S. advocates use these human rights standards in part due to an absence of remedies within the U.S. court system and because there is an overwhelming perception of the death penalty as a human rights violation by the international community.

Throughout the 1980’s and 1990’s anti-death penalty advocates from the United States have utilized international pressure and human rights standards to advance activism in this country. Some of these activities have included meeting with United Nations Special Rapporteurs, writing ‘shadow reports’ to the Committee for the Convention on All Forms of Racial Discrimination, meeting with members of the European Union, European Parliament, the International Committee of Jurists, and filing petitions with the Inter-American Commission on Human Rights. Reports and observations of these international bodies have all been critical of the death penalty in the United States.

The U.S. anti-death penalty movement uses human rights standards strategically. The invocation of human rights standards aims to highlight how isolated and out-of-step with global opinion U.S. death penalty policies remain, in spite of the growing international consensus against the use of capital punishment. In 2002, anti-death penalty advocates in Indiana led a successful effort to pass legislation banning the execution of juvenile offenders. The legislation’s primary sponsor repeatedly highlighted that the United States was one of only a few countries known to execute juvenile offenders and that the U.S. government banned the practice for federal offenses. For information about this campaign contact the Indiana Citizens to Abolish Capital Punishment at www.icadp.org.

GENERAL

- ▼ **Death Penalty Information Center** provides analysis and information on issues concerning the death penalty. The Death Penalty Information Center can be reached at 1320 18th St., NW, Washington, DC 20036, (202) 293-6970, or at www.deathpenaltyinfo.org.
- ▼ **National Coalition to Abolish the Death Penalty** is a network of organizations and individuals committed to the abolition of capital punishment. The Coalition provides information, advocates for public policy, and mobilizes activists nationally and locally to oppose the death penalty. The Coalition can be reached at 920 Pennsylvania Ave, SE, Washington, DC 20003, (202) 543-9577, or at www.ncadp.org.
- ▼ **The Moratorium Campaign** is a national effort to mobilize grassroots support for a moratorium on the death penalty, for more information contact; P.O. Box 13727, New Orleans, LA 70185, (504) 864-1071, www.moratoriumcampaign.org
- ▼ **International Perspectives on the Death Penalty: A Costly Isolation for the United States** (October 1999), a report prepared by the Death Penalty Information Center, offering an analysis of the growing global trend toward abolition of the death penalty and increasing isolation of the United States in administering this punishment. Available from Richard Dieter, Executive Director, Death Penalty Information Center, 1320 18th Street, NW, 5th Floor, Washington, DC 20036, or through the DPIC website, <http://www.deathpenaltyinfo.org/article.php?scid=45&did=536>.
- ▼ **Beyond Reason: The Death Penalty and Offenders with Mental Retardation**, (March 2001), a report prepared by Human Rights Watch examines legal and scientific issues related to prosecution of mentally retarded offenders. The report is available on-line at www.hrw.org/reports/2001/ustat/.
- ▼ **Human Rights, Human Wrongs: Sentencing Children to Death** (March 2003), a report prepared by the National Coalition to Abolish the Death Penalty (NCADP), documenting use of the death penalty against those who commit crimes under the age of eighteen as a violation of international human rights. Available from Sapna Mirchandani, Public Education Coordinator, Campaign to End Juvenile Executions, NCADP, 920 Pennsylvania Ave., SE, Washington DC20003, or http://www.ncadp.org/NCADP-juvenile_report.pdf.

- ▼ **Indecent and Internationally Illegal: The Death Penalty Against Child Offenders**, (2002), a report prepared by Amnesty International USA. The report is available on-line at www.amnestyusa.org/news/2002/usa09252002.html.

FOR SAMPLE LEGISLATIVE AND MEDIA ACTIONS REGARDING THE DEATH PENALTY:

- ▼ **National Coalition to Abolish the Death Penalty's Legislative Action Center.** The Coalition's on-line Legislative Action Center allows visitors to the site to obtain updates on anti-death penalty legislation in every state. Updates include summaries of current and pending legislation as well as contact information for state legislators. The Action Center also allows visitors to the site the ability to send instant messages to legislators to support or oppose pending bills regarding moratoriums and other legislation. The Action Center site also contains a media guide. This guide allows visitors to the site to identify local media contacts on a state-by-state basis using zip code or city searches. The media guide also enables visitors to the site to send instant messages or "letters to the editor." To find out more information about the Coalition's Legislative Action Center visit www.ncadp.org.

FOR SAMPLE DIRECT ACTION AND ORGANIZING TOOLS:

- ▼ **Abolition Action Center**, The Abolition Action Center is an ad-hoc group of individuals committed to highly visible and effective public education for alternatives to the death penalty through non-violent direct action. Members of the Action Center's ad-hoc group stage an annual fast and vigil to end the death penalty on the steps of the Supreme Court. Members of the group have also staged acts of civil disobedience at the Supreme Court and in other parts of the country. The Action Center can be reached at www.abolition.org.
- ▼ **Abolition Flashcard**, The Abolition Flash Card is an initiative of Amnesty International USA. The Flashcard is a monthly update on resources, news, information and action from Amnesty International USA's Program to Abolish the Death Penalty. To sign-up for the flashcard contact Amnesty International USA at: www.amnestyusa.org/abolish, or email the Program to Abolish the Death Penalty at padp@aiusa.org or call (202) 544-0200, ext. 500.

- ▼ **Amnesty International USA, Program to Abolish the Death Penalty's Faith in Action Weekend** takes place annually in October and seeks to bring together two important approaches to social justice — that of human rights and that of faith-based community action. This national observance weekend invites individuals of all faiths, local congregations, and national religious organizations to organize and incorporate activities focused on the issue of the death penalty into their worship service or weekend activities. For more information contact Amnesty's Death Penalty project at; 600 Pennsylvania Ave., SE, 5th Fl., Washington, DC 20003, (202) 544-0200, www.amnestyusa.org/abolish.

FOR SAMPLE USES OF INTERNATIONAL PRESSURE REGARDING THE DEATH PENALTY SEE:

- ▼ There are many organizations globally that work to end the death penalty throughout the world including here in the United States. The **National Coalition to Abolish the Death Penalty** created an **International Abolitionist Directory** listing contact information for many of these organizations. Please see the Coalition's contact information above.

FOR SAMPLE HUMAN RIGHTS COMPLAINTS IN U.S. COURTS REGARDING THE DEATH PENALTY SEE:

- ▼ **Napoleon Beazley v. Gary Johnson, Brief of Amici Curiae in Support of Petitioner** (2001) (filed by Constance de la Vega, counsel of record, in the United States Supreme Court on behalf of Human Rights Advocates, Human Rights Watch, Minnesota Advocates for Human Rights, and Human Rights Committee of the Bar of England and Wales). Available from Constance De La Vega, University of San Francisco Law Clinic, 2130 Fulton Street, San Francisco, CA 94117, and reprinted with modification in 42 Santa Clara L. Rev. 1041 (2002). This law review article can also be found at www.abanet.org/crimjust/juvjus/ConniedelaVega.pdf.
- ▼ **McCarver v. North Carolina, Brief of Amici Curiae in Support of Petitioner**, (2000) (filed by Rick Wilson, counsel of record, in the United States Supreme Court on behalf of the European Union). This brief addresses the execution of accused who is mentally retarded. The McCarver case was made moot by the North Carolina legislature which passed legislation banning execution of the mentally retarded. This

same brief was also filed on behalf of Daryl Atkins in *Atkins v. Virginia*, the Supreme Court decision which eliminated execution of the mentally retarded nationwide. The brief can be found at: www.internationaljusticeproject.org/pdfs/emccarver.pdf.

- ▼ **Simmons v. Roper, SC84454**, August 26, 2003. Recent decision of the Supreme Court of Missouri, which ruled the death penalty unconstitutional with respect to its application against juveniles. The court cites the U.N. Convention on the Rights of the Child. The opinion can be found at: www.osca.state.mo.us/courts/pubOpinions.nsf/.

FOR SAMPLE INTERNATIONAL COMPLAINTS REGARDING THE DEATH PENALTY SEE:

- ▼ **The U.S. Position on the Death Penalty in the Inter-American Human Rights System**, 42 Santa Clara L. Rev. 1159, Santa Clara Law Review, 2002, Richard Wilson. This article provides an overview of death penalty litigations against the United States in the Inter-American human rights system. It reviews claims raised in petitions filed in the Inter-American Commission on Human Rights by death row inmates in the United States, how the United States defends the decision of domestic courts in those cases, and how the Commission has evolved in its resolution of capital issues.
- ▼ **Written Statement on the Death Penalty presented at 59th Session of the United Nations Commission on Human Rights**. (March 2003), authored by International Possibilities Unlimited (IPU), a new non-governmental organization based in the United States. Available from Dr. Deborah Robinson, Executive Director, IPU, 8403 Colesville Road, Metro Plaza Two, Suite 865, Silver Spring, MD 20910, or through the UN website, <http://www.unhchr.ch/huridocda/huridoca.nsf/Documents?OpenFrameset>.

- ▼ ***Avena and Other Mexican Nations (Mexico v. United States)***. This International Court of Justice (ICJ) case brought by Mexico against the United States for violations of Articles 5 and 36 of the Vienna Convention on Consular Relations with respect to 54 Mexican nationals who have been sentenced to death in the states of California, Texas, Illinois, Arizona, Arkansas, Florida, Nevada, Ohio, Oklahoma, and Oregon. The ICJ granted provisional measures to Mexico requesting that the United States take all measures necessary to prevent the execution of three Mexicans on death row. For more information go to ICJ website, www.icj-cij.org/icjwww/idocket/imus/imusframe.htm?CFID=35901&CFTOKEN=5e1d3fca4e70404e-B73DF012-D639-D3BD-D3FDAoFCD802CE13.

FOR SAMPLE U.N. REPORTS ON THE U.S. DEATH PENALTY SEE:

- ▼ **Report of the Special Rapporteur on Extra-Judicial and Summary Executions on the United States**, This report is available on the website of the International Justice Project at the bottom of the page there will be a link to reports of the Special Rapporteur. Visit the International Justice Project website at: www.internationaljusticeproject.org/juvResources.cfm.

NOTE: More general human rights resources can be found in section III.

In the United States, the wealthiest country in the world in aggregate terms, an estimated 33 million people live below the federal **poverty** line.

THE POOR

In the United States, the wealthiest country in the world in aggregate terms, an estimated 33 million people live below the federal poverty line. Official estimates of poverty have been widely critiqued, however, and researchers developing alternative measures estimate that significantly larger numbers of people are unable to meet basic needs. This persistent and widespread poverty is generally perceived as an inevitable bi-product of society that can be managed rather than as a human rights violation that must be eliminated. Both popular consciousness and political discourse disregard systematic and structural inequalities that give rise to this high level of poverty, and lay the blame for poverty on individual poor people themselves.

In this way, the poor are socially stigmatized. This social stigma is internalized by poor people themselves, rendering anti-poverty organizing vulnerable to divisions between, for example, low-wage workers and people on public assistance. Poverty must be transformed into a human rights issue and concrete policy proposals for developing and implementing human rights-based solutions to poverty must be created. In order for those solutions to be effective, it is essential that poor people themselves define and are at the center of that movement.

Facts about human rights and poverty in the United States

- The United States has the highest level of child poverty of any fully industrialized nation, and over 10 percent of households in the United States suffer from food insecurity.
- The U.S. Conference of Mayors reported in December, 2002, that requests for emergency food assistance increased an average of 19 percent over the previous year in 18 cities, the steepest rise in a decade. Of those asking for emergency food 48 percent were members of families with children and 38 percent of the adults were employed.
- 74.7 million people had no health insurance for part or all of 2001 and 2002.
- 11.1 million Californians had no health insurance for all or part of 2001 and 2002.
- The African American poverty rate is at a “historic low” of 22.7 percent, closely followed by 21.4 percent for Hispanics.



Photo by Harvey Finkle

- Between 2.5 and 3.5 million people will experience homelessness sometime during the year, and 12 million, or 6.5% of the population, will experience homelessness at some point in their lives. A quarter of homeless are children, and families with children make up 37 % of the homeless.
- In 1996, the federal government dismantled the six decades long welfare entitlement program, deepening poverty for the “bottom” fifth of the population – i.e. families already considered to be in “extreme poverty.”

Relevant Human Rights Treaties

The Inter-American Commission on Human Rights, an investigatory body of the Organization of American States, has jurisdiction over individual complaints from U.S. citizens alleging violations of rights elaborated in the American Declaration on the Rights and Duties of Man. The American Declaration on the Rights and Duties of Man contains several provisions protecting economic and social rights.

Article XIV: every person has the right to work and to receive adequate remuneration as will assure a decent standard of living.

Article XVI: every person has the right to social security.

Article XXIII: “Every person has a right to own such private property as meets the essential needs of decent living and helps to maintain the dignity of the individual and of the home.”

Article XXV : (1) Everyone has the right to a standard of living adequate for the health and well being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article XXVI: (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. For more information, see Appendix B.

Current Human Rights Work

Workers in the United States, like their counterparts throughout the globe, have begun to craft new strategies in order to fight for economic human rights. They have a new vision of social justice, and organizers are developing models at the local level, such as National Mobilization Against Sweatshops (NMASS) in New York City, as well as the national level, such as the Poor People's Economic Human Rights Campaign (PPEHRC). The economic human rights framework is a vehicle for building a movement that joins the working poor with the jobless poor and unites the poor across color lines. PPEHRC, for example, develops broad networks with a commitment to economic human rights, and NMASS works in several languages with a range of communities. Poverty afflicts Americans of all colors, the largest segment being white Americans. PPEHRC and NMASS are part of a new civil rights movement dedicated to fighting poverty as a human rights violation.

Suggested Advocacy Strategies

Strategies for using the human rights framework in anti-poverty advocacy include:

- Build a broad movement to end poverty led by the poor as a united and organized force taking lessons from the Poor People's Economic Human Rights Campaign, the Kensington Welfare Rights Union and organizers around the country using the economic human rights framework;
- Use the legitimacy of the human rights framework to transform the public debate around basic needs to a public call for basic rights that guarantee human dignity;
- Foster unity and leadership of the poor of all colors;
- Use the world moral and religious legitimacy of Martin Luther King Jr., the United Nations Universal Declaration of Human Rights, and the growing global struggles of the world's poor majority to support a full fledged transnational economic human rights movement;
- Conduct nationally coordinated activities to teach that poverty is a human rights violation and set forth human rights-based solutions;
- Develop a visual image with symbols and slogans depicting the budding economic human rights movement in the United States and its new leadership;
- Incorporate direct actions into anti-poverty activism that foster leadership by and for the poor, including marches, bus tours, takeovers, tent cities, rallies, and sit-ins;
- Develop a media strategy;
- Use culture to highlight injustice, and resistance by poor people;
- Develop human rights messages around government accountability and social responsibility for poverty;
- Build alliances across communities, in particular with faith-based and service organizations;
- Use international human rights bodies to lodge complaints against the United States for violations of economic, social, and cultural rights; and
- Identify and/or develop economic models that demonstrate that poverty can be eliminated.

A CASE IN POINT: THE WOMEN'S ECONOMIC AGENDA PROJECT

Working people who never shared in the economic boom of the 1990s set out on August 26, 2002, on the ***Save the Soul of America March and Freedom Bus Ride***. The eight-day march wound through the East Bay Corridor from San José to Vallejo and ended on Labor Day, September 2nd, in Oakland. Sponsored by the Women's Economic Agenda Project (WEAP) and the Community Homeless Alliance Ministry (CHAM), this was the seventh in a series of mobilizations aimed at building a new movement for economic justice. The march united California workers who have been economically displaced, including temporary workers, immigrants, the young, the poor, the homeless, and those cast aside by both the new and the old economies. This event documented the shameful economic human rights violations in some of the poorest and most destitute areas of Northern California's East Bay region, as well as expanded the growing state and national movement known as the **Poor People's Economic Human Rights Campaign (PPEHRC)**. This movement was developed by the Kensington Welfare Rights Union based in Philadelphia, Pennsylvania whose goal is the elimination of poverty.

WEAP has created more than 24 PPEHRC committees throughout California to document, educate, and declare that poverty is an economic human rights violation. The committees confront these violations by learning and teaching the solutions to acquiring adequate health care, living wage jobs, free higher education, and affordable housing rights covered under Articles 23, 25 and 26 of the 1948 Universal Declaration of Human Rights. Over the course of the march, WEAP and CHAM strengthened California's existing PPEHRC committees and laid the groundwork for new ones to follow. For more information contact: Women's Economic Agenda Project, 449 15th St., 2nd Fl., Oakland, CA 94612, (510) 451-7379, www.weap.org.

GENERAL

- ▼ **“America Needs Human Rights,”** (video produced by Food First! Institute for Food and Development Policy) “The time has come to stand up for what’s right in America. The United States is arguably the richest nation on Earth, but millions of Americans are not sharing its bounty. Is it right that 30 million go hungry—12 million of them children—despite abundant food? Thirty three million live below the poverty line. These and similar statistics reveal widespread and systematic violations of universally recognized human rights, right here in America.” This video is in VHS NTSC Format. \$19.95, visit www.foodfirst.org.
- ▼ **Poor People’s Economic Human Rights Report on the United States** (1999), “This report shows the plight and fight of poor people in communities around the US including farmworkers in Florida, public residents in Chicago, workfare workers in San Francisco, and housekeepers in North Carolina. It documents the beginning of an economic human rights movement led by poor people themselves.” 48 pages. Available from the Kensington Welfare Rights Union, P.O. Box 50678, Philadelphia, PA 19132, (215) 203-1945, www.kwru.org.
- ▼ **Civil Society and School Accountability: A Human Rights Approach to Parent and Community Participation in New York City Schools,** (June 2003), Report produced by the Center for Economic and Social Rights (CESR) and the Institute for Education and Social Policy at New York University. The report argues that parents and communities have a fundamental human right to participate in the management and oversight of the New York City School system, and that their participation is essential for creating greater accountability. The report identifies and critiques obstacles to participation that currently exist in New York City schools and makes recommendations based on human rights standards for how to better ensure effective civil society participation. For more information or for a copy of the report contact CESR at (718) 237-9145 or rights@cesr.org or visit www.cesr.org.
- ▼ **International Network for Economic, Social, and Cultural Rights,** An emerging coalition of organizations and activists from around the world dedicated to advancing economic, social, and cultural rights. For more information visit their website at: www.escr-net.org.

- ▼ **Circle of Rights, Economic, Social and Cultural Rights Activism: A Training Resource,** (2000), A training manual created by the International Human Rights Internship Program. Available on-line at: www.hrusa.org/hrmaterials.IHRIP/circle/toc.htm.

SPECIFIC ADVOCACY TOOLS

- ▼ **The University of the Poor,** is the educational arm of the Poor People’s Economic Human Rights Campaign (PPEHRC) and is concerned with developing and uniting the leaders for the movement to end poverty. One of the main tools of University of the Poor are regional economic human rights organizing schools. These schools, based on the current needs and struggles of each region, convene regional forums for leaders to share experiences, refine knowledge and develop strategy in a number of different ways from “train the trainers sessions to leadership exchanges, from roundtable discussion to teams to teach specific, action-oriented tools. The form and content of these schools is open-ended and dependent on each region’s needs. The schools will focus primarily on leadership development. The University of the Poor also has a Media College, A School of Theology, a School of Labor, a School for Social Workers, a School for Youth and Parent Leadership, a School for Student Organizing and a School of Artists. To organize a Regional Economic Human Rights Organizing School or for more information contact Co-Coordinator Liz Theoharis (liz@universityofthepoor.org) or Willie Baptist (willie@kwru.org). Articles available from University of the Poor include:
 - ◆ “A View from the Bottom: Poor People and Their Allies Respond to Welfare Reform,” Willie Baptist, Mary Bricker-Jenkins
 - ◆ “A New and Unsettling Force” by Cheri Honkla and Willie Baptist. www.kwru.org, also printed in “The Other Side Magazine.”
 - ◆ “The MLK you don’t see on TV,” Jeff Cohen, Norman Soloman
 - ◆ “MLK – The Trumpet of Conscience,” King’s Speeches
 - ◆ Human Rights Documentation and Monitoring Survey and Form
 - ◆ “The Poor Organizing the Poor” by Willie Baptist
- ▼ **Poor Peoples’ Economic Human Rights Campaign Mission Statement,** Available on the Kensington Welfare Rights Union website, www.kwru.org.

- ▼ **Poor Peoples' Economic Human Rights Campaign California Newsletter, Summer 2003, Vol. 1**, published by Women's Economic agenda Project (WEAP). For copies of the newsletter contact WEAP at: 449 15th Street, 2nd fl., Oakland, CA 94612, (520) 451-7379, weap@weap.org.
- ▼ **Questions and Answers about Health and Human Rights**, available from Marketing and Dissemination, World Health Organization, 20 Avenue Appia, 1211 Geneva 27, Switzerland, Telephone: 41 22 791 2476, bookorders@who.int.
- ▼ **Promises to Keep: Using Public Budgets as a Tool to Advance Economic, Social and Cultural Rights**, available from Fundacion Ford-Mexio, Apartado Postal 105-71, Colonia Polanco, Mexico D.F. 11560.

FOR SAMPLES OF VIDEO DOCUMENTARY AND ALTERNATIVE MEDIA AS HUMAN RIGHTS ORGANIZING AND EDUCATIONAL TOOLS RELATED TO POVERTY SEE:

- ▼ **Outriders** (video, available from Skylight Pictures at www.skylightpictures.com)
- ▼ **Battle for Broad** (video, available from Skylight Pictures at www.skylightpictures.com)
- ▼ **Poverty Outlaw** (video, available from Skylight Pictures at www.skylightpictures.com)
- ▼ **Teen Dreams** (video available from Skylight Pictures at www.skylightpictures.com)
- ▼ **A Day's Work, A Day's Pay** (video available from New Day Films at www.newday.com)

FOR SAMPLE DOCUMENTATION OF POVERTY-RELATED ISSUES AS HUMAN RIGHTS VIOLATIONS SEE:

- ▼ **Hunger is No Accident** Report which examines human rights violations related to the food stamp program in New York City. Available from the Urban Justice Center, 666 Broadway, 10th floor, New York, NY 10012, (646) 602-5630, www.urbanjustice.org.
- ▼ **Human Rights Violations in Welfare Legislation: Pushing Recipients Deeper into Poverty**, Available from the Urban Justice Center, 666 Broadway, 10th floor, New York, NY 10012, (646) 602-5630, www.urbanjustice.org.

FOR SAMPLE INTERNATIONAL COMPLAINTS AND REPORTS REGARDING ECONOMIC RIGHTS SEE:

- ▼ **Human Rights Petition before the Inter-American Commission on Human Rights**, The Center for Economic and Social Rights (CESR), as co-counsel with the Center for Constitutional Rights and the International Women's Human Rights Law Clinic, filed a petition on June 9, 2003 before the Inter-American Commission on Human Rights against the United States on behalf of the Economic Human Rights Campaign. The petition challenges aspects of the 1996 Personal Responsibility and Work Opportunity Reconciliation Act ("welfare reform") that exclude whole categories of people from receiving necessary benefits. For more information or for a copy of the petition contact CESR at (718) 237-9145 or rights@cesr.org or visit www.cesr.org.
- ▼ **From the Outside Looking In: Changing New York City's Education through the Human Rights Approach**, (April 2002), This is a report produced by Professor Katarina Tomasevski, The United Nations Special Rapporteur on the Right to Education. The United Nations Special Rapporteur works through the United Nations Commission on Human Rights and produced this report following her visit to New York City in October 2001 where she met with local parent, community, and advocacy organizations. This meeting was organized by the Center for Economic and Social Rights (CESR) and the Institute for Education and Social Policy at the New York University. For more information or for a copy of the report contact CESR at (718) 237-9145 or rights@cesr.org or visit www.cesr.org.

NOTE: More general human rights resources can be found in section III.


Large segments of the U.S. population continue to face systemic **barriers** to the full enjoyment of their human rights

DISCRIMINATION

Discrimination – in all of its various manifestations — continues to permeate social, political and economic institutions in the United States. The presence of hundreds of U.S. organizations at the August, 2001 U.N. World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, demonstrates the wide spectrum of advocacy in the United States related to issues of discrimination. A survey of some of the people and issues represented at the World Conference includes: discrimination against Africans and African descendants; reparations for descendants of U.S. slavery; justice for Dalits and the Palestinians; anti-Semitism; anti-Arab racism and Islamaphobia; discrimination against Asians and Asian descendants; criminal justice issues; colonialism and its continuing effects on society; discrimination against persons with disabilities; education issues; discrimination against ethnic and national minorities and groups; environmental racism; gender discrimination; globalization issues; hate violence; police brutality, racial profiling, economic oppression, health issues; discrimination against indigenous peoples; labor issues; discrimination against migrants; religious intolerance; discrimination based upon sexual orientation; and discrimination affecting children and the elderly. Despite the U.S. government's failure to fully participate, the World Conference succeeded in showcasing the degree to which large segments of the U.S. population face systemic barriers to the full enjoyment of their human rights.

Why Human Rights

The current domestic climate in the United States is characterized by a sustained attack on the legal and political framework that combats discrimination and inequality in this country. Civil rights and remedies are being systematically curtailed by all three branches of a hostile and increasingly conservative federal government. By contrast, the human rights framework defines discrimination as an issue of substantive, rather than solely legal inequality, and thus may positively influence the debate on issues such as affirmative action and drug sentencing. Recent groundbreaking decisions by the United States Supreme Court acknowledged the influence of human rights norms and their relevance to U.S. law and practice regarding discrimination. In a dissenting opinion in the University of Michigan undergraduate admission case, *Gratz v. Bollinger*, No. 02-51 and a concurring opinion in *Grutter v. Bollinger*, No.02-241, the University of Michigan Law School case, Justice Ginsburg cited both the



Human Rights Tribunal
on
Domestic Violence
&
Child Custody

Organized by the

Battered Mothers' Testimony Project

of the

Wellesley Centers for Women

Photo provided by the Women's Rights Network

Covenant on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination Against Women. International law was also recognized in the majority opinion in the sodomy statute case, *Lawrence v. Texas*, No. 02-102. Written by Justice Kennedy, this opinion cited the 1981 decision by the European Court of Human Rights, which struck down remaining European sodomy statutes.

Relevant Human Rights Treaties

The human rights framework recognizes that discrimination as such an expansive a problem that it implicates nearly every human rights treaty or declaration. Treaties include:

- International Covenant on Economic, Social, and Cultural Rights
 - International Covenant on Civil and Political Rights
 - International Convention on the Elimination of All Forms of Racial Discrimination
 - Convention on the Elimination of All Forms of Discrimination Against Women
 - Convention on the Rights of the Child
 - Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment
- For more detailed information, see Appendix B.

Current Human Rights Work

In addition to the increasing comparative and persuasive importance international human rights norms are having in the U.S. courts, activists are also using the human rights framework as part of a political campaign to change the domestic dialogue about discrimination issues. For example, citing the Conventions on the elimination of racial and gender discrimination, a coalition of local and national non-governmental organizations are working to encourage New York City to pass an ordinance that would require city agencies and programs to determine whether their policies and practices have a discriminatory impact on women and people of color. Working at the international level, a number of U.S. organizations filed “shadow reports” with the committee which oversees the race convention exposing the discriminatory practices in policing, the healthcare system, and education, to name a few, to the scrutiny of the international community.

Suggested Advocacy Strategies

Some suggested human rights activities for anti-discrimination activists include:

- Raise public awareness about discrimination as an abuse of human rights in the United States through multi-level human rights work including community organizing documentation, public campaigns, litigation and pressure on government agencies and policies;
- Create local and national organizing campaigns focused on Congressional ratification of critical human rights treaties and declarations, including the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Covenant on Economic, Social, and Cultural Rights;
- Submit shadow reports to international human rights enforcement bodies to ensure international monitoring of the United States, and to educate the U.S. public about human rights and their application to situations in the United States;
- Provide training and support to local organizations to document discrimination using human rights standards;
- Identify organizations and coalitions that are actually using the human rights framework to fight discrimination at the local, domestic and international level in order to learn from them and implement strategies that are known to work;
- Build a youth rights campaign using the Convention on the Elimination of all Forms of Racial Discrimination and referencing the U.S. failure to ratify the Convention on the Rights of the Child. Collaborate with youth organizations that are doing anti-discrimination work and especially those who are already doing human rights work; and
- Publish a set of best practices on how to apply human rights to anti-discrimination work in the United States.

A CASE IN POINT: HATRED IN THE HALLWAYS

“Hatred in the Hallways: Violence and Discrimination Against Lesbian, Gay, Bisexual, and Transgendered Students in U.S. Schools,” is an in-depth report released by Human Rights Watch that documents human rights abuses against young people in our nation’s school systems. This report is based on interviews with 140 youth and 130 teachers, administrators, counselors, parents, and youth service providers in seven states, and offers the first comprehensive look at the human rights abuses suffered by lesbian, gay, bisexual, and transgendered (lgbt) students at the hands of their peers. Human Rights Watch documents physical, verbal, and psychological abuse suffered by lesbian, gay, bisexual, and transgendered teens and the frequent failure of school administrators to protect them. The report also identifies the consequences of such harassment on students including dropping out of school, poor academic performance, physical injury, and in some cases suicide. The report also includes recommendations for intervention on the part of school administrators and state and federal agencies. For more info contact: Human Rights Watch, 350 5th Ave., 34th fl., New York, NY 10018, (212) 290-4700, www.hrw.org.

GENERAL:

- ▼ **Using the international human rights system to combat racial discrimination: A Handbook**, Amnesty International, 2001. This handbook is aimed to help non-governmental organizations negotiate international and regional treaties and standards that prohibit racial discrimination, as well as international and regional human rights bodies that can serve as resources in combating racial discrimination. Available in Arabic, Spanish, and English. To order a copy, send your request to Amnesty International, 322 8th Ave, New York, NY 10001 or admin-us@aiusa.org. You can also see the Amnesty website at www.aiusa.org or call (212) 807-8400.
- ▼ **Combating Racism Together**, International Human Rights Law Group, 2001. In preparation for the 2001 United Nations World Conference Against Racism, the Law Group created a multi-lingual guide for Non Governmental Organizations (NGO's) participating in the Conference. This guide provided information to U.S. civil rights and social justice organizations about Conference participation, lobbying governmental representatives, and background on the Race Convention. Copies of the guide are available from the International Human Rights Law Group, 1200 18th St., NW, Suite 602, Washington, DC 20036, (202) 822-4600 or on their website at www.hrlawgroup.org.
- ▼ **Voices**, International Human Rights Law Group, 2002. During the 2001 United Nations World Conference Against Racism, the Law Group presented a six day forum on the comparative experiences of racism. This forum featured 21 individuals from 18 different countries who spoke on their experience with racism. The testimony provided by these individuals is available in report or CD-ROM form. They can be found at the International Human Right Law Group, 1200 18th St., NW, Suite 602, Washington, DC 20036, (202) 822-4600 or by contacting VoicesProject@hrlawgroup.org.
- ▼ **With Liberty and Justice for All: Women's Human Rights in the United States**, Malika Dutt for the Center for Women's Global Leadership, 1994. Copies are available from Women Ink, 777 U.N. Plaza, New York, NY 10017, (212) 687-8633 or by email at wink@womenink.org, website: www.womenink.org.
- ▼ **Human Rights of Women: A Reference Guide to Official UN Documents**, United Nations documents can be found at University of Minnesota Human Rights Library, www1.umn.edu/humanrts/.
- ▼ **Bringing Equality Home**, edited by Ilana Landsberg-Lewis for the United Nations Development Fund for Women, 1998. Copies are available from Women Ink, 777 U.N. Plaza, New York, NY 10017, (212) 687-8633 or by email at wink@womenink.org, website: www.womenink.org.
- ▼ **Racial Discrimination in Healthcare in the U.S. as a Violation of the ICERD**, 14 University of Florida Journal of Law and Public Policy 45-91, (Fall 2002), Vernellia R. Randall. The paper discusses disparity in health status, institutional discrimination in healthcare, and inadequate legal enforcement, which points to serious human rights violations under CERD. Article available on-line at Race, Healthcare, and the Law website, www.academic.udayton.edu/health/07humanrights.
- ▼ **Center for Women's Global Leadership**, The Center develops and facilitates women's leadership for women's human rights and social justice worldwide. The Center can be reached at: Douglass College, Rutgers, The State University of New Jersey, New Brunswick, NJ 08901, (732) 932-8782, www.cwgl.rutgers.edu.
- ▼ **International Gay & Lesbian Human Rights Commission (IGLHRC)**, IGLHR uses advocacy, documentation, coalition building, education, and technical assistance to secure the full enjoyment of the human rights of all people and communities subject to discrimination or abuse on the basis of sexual orientation or expression, gender identity or expression and/or HIV status. IGLHRC can be reached at: 1375 Sutter St., Suite 222, San Francisco, CA 94109, (415) 561-0633, www.iglhrc.org.
- ▼ **Applied Research Center (ARC)**, ARC is a public policy, educational, and research institute whose work emphasizes issues of race and social change. ARC can be reached at: 3781 Broadway, Oakland, CA 94611, (510) 653-3415, www.arc.org.

- ▼ **The Southern Human Rights Organizers' Conference**, (SHROC) was first convened at the University of Mississippi in Oxford, Mississippi September, 1996. SHROC is a bi-annual gathering of grassroots human rights and social justice activists and organizers. Over the years, the conference has been held in Jackson, Mississippi, Atlanta, Georgia and Miami, Florida. Principal organizations involved in building SHROC are: Mississippi workers' Center for Human Rights, Amnesty International Southern Regional Office and the National Center for Human Rights Education. Visit our website www.msworkerscenter.org or call (662) 334-1122.

FOR SAMPLE "SHADOW REPORTS" TO THE RACE CONVENTION COMMITTEE SEE:

- ▼ **The Persistence of White Privilege and Institutional Racism in U.S. Policy**, Applied Research Center, Transnational Racial Justice Initiative's Shadow Report for CERD, 2000. Available from the Applied Research Center, 3781 Broadway, Oakland, CA 94611, (510) 653-3415 or on-line at www.arc.org/trji.
- ▼ **Punishment and Prejudice: Racial Disparities in the War on Drugs**, (May 2000), Available from Human Rights Watch, 350 5th Ave., New York, NY 10118, (212) 290-4700, or at www.hrw.org/reports/world/usdom-pubs.php.

FOR SAMPLE COMPLAINTS, OPINIONS OR AMICUS BRIEFS IN U.S. COURTS SEE:

- ▼ **CERD Shadow Report, Racial and Ethnic Discrimination in the U.S., Status of Compliance by the U.S. Government with the ICERD**, World Organization Against Torture/USA, 2001. Available from the World Organization Against Torture, 1725 K St., NW, Washington, DC 20006, (202) 296-5702 or on-line at www.woatusa.org/cerd/.
- ▼ **Compliance with Article 5: Economic Social and Cultural Rights Under the International Convention on the Elimination of Racial Discrimination: A Report on US Government Compliance with ICERD**, Available from the Urban Justice Center, 666 Broadway, 10th floor, New York, NY 10012, (646) 602-5630, www.urbanjustice.org.
- ▼ **Gratz v. Bollinger, No. 02-516**, Supreme Court decision which struck down the University of Michigan's undergraduate affirmative action policy. Justice Ginsburg dissented from the majority opinion and cited human rights treaties (Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination Against Women). To view her dissenting opinion see the Supreme Court website: www.supremecourtus.gov/opinions.
- ▼ **Grutter v. Bollinger, No. 02-241**, Supreme Court decision which upheld the University of Michigan Law School's affirmative action policy. Justice Ginsburg concurred with the majority opinion and cited human rights treaties (Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination Against Women). To view her concurring opinion see the Supreme Court website: www.supremecourtus.gov/opinions.
- ▼ **Grutter v. Bollinger, No. 02-241, Brief of Amici Curiae in Support of Petitioner**, (2002) (filed by the National Organization for Women Legal Defense and Education Fund [NOWLDEF]). This brief addresses the importance of international treaties and the decisions of foreign courts when ruling on

FOR SAMPLE DOCUMENTATION SEE:

- ▼ **Key Survey Findings: Assessing the Intersection of Race and Welfare Reform for New York City Households**, Available from the Urban Justice Center, 666 Broadway, 10th floor, New York, NY 10012, (646) 602-5630, www.urbanjustice.org.
- ▼ **Battered Mothers Speak Out: A Human Rights Report on Domestic Violence and Child Custody in the Massachusetts Family Courts**. Available from the Women's Right's Network, Wellesley Center for Women, 106 Central St., Wellesley, MA 02481, (781) 283-2548, www.wcwoonline.org/wrn.

the constitutionality of affirmative action. The brief can be found at the NOWLDEF website : www.nowldef.org/html/issues/whr/pdf/gruttervbollingere-mail.pdf.

- ▼ **Lawrence v. Texas, No. 02-102**, Supreme Court decision which struck down state sodomy laws. The majority opinion, by Justice Kennedy, cites a previous decision by the European Court of Human Rights which struck down European sodomy laws. To view the decision, visit the Supreme Court website at: www.supremecourtus.gov/opinions.
- ▼ **Amicus Brief in Lawrence v. Texas, No. 02-102 filed by Mary Robinson, Amnesty International, USA, Human Rights Watch, Interights, Lawyers Committee for Human Rights, Minnesota Advocates for Human Rights**, Brief is available on the website of the Lawyers Committee for Human Rights, www.lchr.org/international_justice/various/lawrence.pdf. The Lawyers Committee can be reached at 333 7th Ave., 13th floor, New York, NY 10001.

FOR SAMPLE INTERNATIONAL COMPLAINTS SEE:

- ▼ **International Human Rights Law Group**, 1200 18th St., NW, Suite 602, Washington, DC 20036, (202) 822-4600, www.hrlawgroup.org. In 1999 and 2000 the Law Group provided training and support to U.S. racial, criminal, and environmental justice organizations enabling them to present information about discrimination in the United States to members of the United Nations Commission on Human Rights. Additionally, the Law Group provided training and assistance to U.S. social justice groups in 2001 to prepare and submit shadow reports to the United Nations CERD Committee. Information about this initiative can be found on the Law Group website at www.hrlawgroup.org/country_programs/united_states/capacity_building.asp.

NOTE: More general human rights resources can be found in section III.

O, let my land be a land where
Liberty Is crowned with no
false patriotic wreath,
But opportunity is real,
and life is free,
Equality is in the air we breathe.

Langston Hughes

Section III: T H E U . S . H U M A N R I G H T S M O V E M E N T

Social justice organizations in the United States have a long history of using human rights as one of many tools in the fight for fundamental change. During the latter half of the last century that history – and the pioneering activism it reflected – was at risk of being lost. Now, as a result of globalization, the events of September 11, 2001, mounting threats to domestic civil rights and liberties, increased economic inequality and insecurity and other factors, the use of human rights in U.S. social justice work is being reclaimed.

The emerging U.S. human rights movement sees in human rights a way to reframe their rights work in broader, more integrated and more participatory terms. Human rights recognizes rights in all aspects of civil, political, economic, social and cultural life, and sees these rights as interdependent on one another. Human rights also restores the notion of the inalienability of rights, investing them not in any particular law or type of person, but in the simple status of being human. Human rights is a common vision of opportunity and well being for all – a powerful starting place for the participatory methodology and multi-issue, cross-constituency human rights advocacy described below.

The previous section examined ongoing U.S. human rights work in specific issue areas. This section takes a more general look at non-issue specific human rights methods and strategies that activists are using to assist those whose rights are under attack in their communities. These include 1) educating communities about human rights standards, 2) organizing public protest and response to human rights violations; 3) documenting human rights violations; 4) infusing international human rights standards into the U.S. legal system; 5) assessing and shaping U.S. rights policy in human rights terms; and 6) producing scholarship that reflects and supports U.S. human rights work.



Photo by Harvey Finkle

These methods and strategies continue to be explored and expanded by domestic activists with the goal of bringing the United States government in line with human rights standards. As that work unfolds, several basic principles have begun to emerge. These are:

- Human Rights are interdependent and universal;
- Human Rights include civil, political, economic, social and cultural rights;
- Human Rights are protected through building social movements;
- Human Rights movements must ensure leadership by those most directly affected;
- Human rights advocacy must always respect the diversity within communities; and
- Human rights organizations must be financially responsible and accountable.

We offer the following toolkit for putting human rights into action with these basic principles in mind.

METHODS AND STRATEGIES IN ACTION: A Toolkit for Human Rights Advocacy

HUMAN RIGHTS EDUCATION

Public awareness of human rights in the United States is extraordinarily low. Unlike some nations, where human rights education has become a routine practice, it is severely lacking in the United States. A poll conducted by Human Rights USA in 1997 indicated that only 8% of Americans knew of the existence of the Universal Declaration of Human Rights. Clearly, this lack of education has taken a large toll on general awareness of human rights, has kept Americans from identifying social justice struggles as human rights struggles and has fueled the perception that human rights violations happen only outside the United States.

When the term “human rights” is raised in the United States, it is often presented as a concept that applies elsewhere or is only accessible to experts. Such approaches fail to acknowledge the experience and wisdom of U.S. communities that are affected by human rights violations. A progressive approach to human rights education can remedy this situation, both by making human rights accessible to communities and by offering them a radical tool for empowerment and organizing. By providing tools and information that inherently support the dignity of individuals and communities, human rights education can become a transformative process that allows the development of a common framework for social justice across identities and issue areas.

The value of human rights education cannot be overstated: it is the first step in building awareness of the concept of human rights itself. Strategically, human rights education is crucial to the success of any campaign or organizing drive engaging the human rights framework. Only by building more familiarity with the concept of human rights among community members, constituents, allies, and decision-makers will a human rights message be fully understood. In addition, human rights education can serve as an organizing opportunity, by empowering community members to participate in a process that may have at first seemed far removed from local conditions.

Strategies:

- Integrate human rights education as a vital part of an organizing strategy in campaigns;
- Integrate information about human rights into other educational events and/or workshops that organizations already conduct on many issues;
- Create methods for human rights education that address the specific needs of your community;
- Hold human rights institutes or trainings for trainers to further empower social justice activists to use human rights education as a tool in their communities;
- Ensure that those whose human rights are violated are involved in the preparation and implementation of human rights trainings;
- Facilitate human rights education for funders and foundations and other influential community members to address lack of resources and other support; and
- Work with educators in local schools to integrate a human rights framework into their curriculum.

A CASE IN POINT: HUMAN RIGHTS EDUCATION

Many domestic social justice organizations include human rights education amongst their activities. These organizations include those involved in issues such as workers rights (Mississippi Worker’s Center for Human Rights) , ending poverty (Kensington Welfare Rights Union) immigrants’ rights (National Network for Immigrant and Refugee Rights) to name just a few. Additionally, organizations like the National Center for Human Rights Education bring human rights education to activists and organizations from around the country. The Mississippi Worker’s Center’s education efforts place local worker’s struggles in a larger context of global worker’s struggles and international human rights. Trainings led by the Worker’s Center include information about domestic concerns such as the Occupational Safety and

ORGANIZATIONS

- ▼ **National Center for Human Rights Education**, the Center can be reached through their website, www.nchre.org, P.O. Box 311020, Atlanta, GA 31131 or by phone at (404) 344-9629. The Center has a variety of resource materials available for educators, including fact sheets adapted to various issue areas and pocket-size copies of the Universal Declaration of Human Rights.

Health Administration as well as information about the Universal Declaration of Human Rights. The National Center for Human Rights Education offers an array of trainings on human rights, and has tailored numerous presentations, fact sheets, and resource lists for organizations working on a variety of social justice issues. The Kensington Welfare Rights Union provides human rights education to anti-poverty organizations around the country as part of its efforts to organize the Poor Peoples Economic Human Rights Campaign. The National Network for Immigrant and Refugee Rights has created educational curricula that feature popular education workshops geared toward community organizing and human rights (please see resource section for information about all these materials). For general human rights education contact: The National Center for Human Rights Education, P.O. Box 311020, Atlanta, GA 31131, (404) 344-9629, www.nchre.org.

- ▼ **The People's Decade for Human Rights Education** publishes a number of training manuals and teaching materials on the subject of human rights education. For more information, visit www.pdhre.org.
- ▼ **Human Rights Education Associates** is an international organization that provides a clearinghouse of human rights curricula, study guides, and news. Visit www.hrea.org for more information.
- ▼ **The Refugee Women's Network** offers technical assistance and expertise to emerging local refugee women's groups. Training programs that enhance refugee women's skills include conflict resolution, board development, grant writing, program management, grass-roots community organizing, participation in civil society, effective communication, strategic planning and others. For more information, visit www.riwn.org.

- ▼ **Amnesty International USA**, (national office) 322 8th Ave, New York, NY 10001, (212) 807-8400, www.aiusa.org. Amnesty has created a variety of different educational materials for young people and other audiences including a manual for human rights education, human rights syllabi, sample lesson plans, and classroom materials for grades K-12. These educational materials are available on-line at www.amnesty-volunteer.org/usa/education/index.

PUBLICATIONS

- ▼ **Learning, Reflecting, and Acting: 149 Activities Used in Learning Human Rights** is a guide to introducing human rights education in community settings. Published by People's Decade for Human Rights Education. Visit www.pdhre.org for more information.
- ▼ **Popular Education for Movement Building: A Resource Guide Vol. 1** This great introduction to popular education for social change includes workshops on Welfare in the Global Economy, Health Care for All & Criminal Injustice & the Police State. Additionally, it contains descriptions of 8 popular education tools developed at the 1st Southern Institute for Popular Education, as well as suggestions for designing your own workshops. A publication of Project South. \$25.00, visit www.projectsouth.org for more information.
- ▼ **Primary, Intermediate, and Secondary School Kits on the United Nations**. These three publications offer ready-to-go curriculum on human rights for school teachers at all levels. For more information, contact U.N. Publications at 212-963-8302.
- ▼ **Women's Education in the Global Economy (WEdGE)** is a workbook of lessons, activities, games and skits for better understanding the impact of the global economy on women all around the world. Includes modules on the importance of human rights to these issues. Published by the Women of Color Resource Center. (\$24.95, visit www.coloredgirls.org for more information).

NOTE: Information on relevant international and regional human rights documents can be found in Appendix B.

The message of human rights has tremendous potential for mobilizing communities.

HUMAN RIGHTS ORGANIZING

Grassroots and community organizing is key to achieving social change in the United States. For a human rights movement to be successful, the communities most affected by human rights violations must be organized and at the center of the movement. The message of human rights has tremendous potential for mobilizing communities. By framing struggles as human rights issues, communities are empowered to claim their rights for themselves and demand accountability to internationally recognized standards.

Human rights organizing work is already underway in the United States with workers, former prisoners, immigrants, youth, people of color, American Indians, women, and the Lesbian/Gay/Bi/Transgendered community. Moreover, organizers are using human rights to advocate on a wide range of issues including welfare rights, a living wage, work conditions and healthcare benefits for factory and domestic workers, land rights, housing, criminal justice and police brutality, militarization of the U.S.-Mexico border and women's rights. Human rights can also bring diverse communities fighting for a wide range of issues together under a common framework. Such an approach goes a long way towards addressing chronic divisions in U.S. social justice work that have resulted in part from turf issues and in part from affected communities being far too removed from the policy and legal work undertaken on their behalf.

One of the biggest challenges facing human rights organizers in the United States is the population's general lack of familiarity with human rights, the product in part US exceptionalism and underlying assumptions that these standards are not relevant or enforceable domestically. Organizers need to redefine issues so that people can relate to human rights in their daily lives in their local communities. Even as such links begin to be made, however, organizers must address potential backlash against claims of human rights violations. All advocacy efforts carry some risk, but experience has shown that use of the human rights language can intensify the backlash. When the targets of the backlash are poor or undocumented it is extremely hard to protect them. They can face unemployment or deportation – even criminalization — for claiming their rights. Yet, these voices are critical for making gains



Summit participants Rick Halperin, Trishla Deb, Ethel Long Scott

in achieving human rights. Any organizing effort has got to take that into account and ensure that developing community leaders also have their fundamental needs and rights safeguarded. Indeed, it is essential to have the people most affected lend their voice while simultaneously addressing their immediate needs.

Strategies

- Ensure the development of community leaders who represent those directly affected by violations;
- Incorporate a participatory approach to organizing, ensuring that the communities most affected identify organizing priorities;
- Build the capacity of community leaders in using a human rights approach, through trainings and dialogues on strategy and direction;
- Facilitate dialogue across organizing communities and issues using the power of human rights to bring together diverse constituencies;
- Develop multi-faceted campaigns which include strategies for education, media, litigation, and direct action;
- Increase the visibility of human rights organizers by facilitating access to media, technology, and national and international fora where key human rights issues are being debated and decided.

The chief lesson learned by U.S. human rights organizers is that those most affected must be central to the movement for it to have lasting effect in local communities. Acting on this principle, organizers have learned to prioritize capacity-building and not to allow the need to “win” on a given issue to overtake efforts to build leadership. As community leadership grows, the human rights framework enables organized constituencies in different issue areas to build coalitions and to make connections between different social strata, such as, between low wage workers and those on public assistance. The focus on leadership building, however, does not eliminate the need to focus on tangible goals, even if they are long-term. Reframing organizing efforts, including civil disobedience, as human rights work also gives people a sense of empowerment, helps attract media attention, creates moral force, and helps to meet real needs.

A CASE IN POINT: HUMAN RIGHTS ORGANIZING

The Deaf & Deaf-Blind Committee on Human Rights (DDBCHR) is an example of the human rights organizing efforts that are taking place across the country. The DDBCHR, based in Ohio, works to build a movement to gain equality, a respectful living environment, and human rights for all deaf, hard of hearing, and deaf-blind people. The DDBCHR fights for housing, healthcare, social services, and living wage jobs for the deaf and deaf-blind community. Since its formation in 1998, the DDBCHR has held demonstrations to demand interpreters for deaf and deaf-blind patients at local hospitals, participated in national marches for economic human rights, and provided ongoing educational forums for the deaf and deaf-blind community. For more information contact: The Deaf and Deaf-Blind Committee for Human Rights, 1875 North Ridge Rd. East, Suite A, Lorain, OH 44055, (440) 277-7946.

EXAMPLES OF HUMAN RIGHTS ORGANIZING CAMPAIGNS:

- ▼ **Poor People's Economic Human Rights Campaign,** The campaign is spearheaded by the Kensington Welfare Rights Union, P.O. Box 50678, Philadelphia, PA 19132, (215) 203-1945, www.kwru.org. The Poor People's Economic Human Rights Campaign is a national effort led by poor and homeless women, men and children of all races to raise the issue of poverty as a human rights violation. The campaign is made up of over 50 organizations of poor people from across the United States of America, from public housing residents facing the demolition of their housing in Chicago to welfare recipients about to be cut off from assistance in Philadelphia; from farm workers working for poverty wages in Florida to workfare workers organizing in San Francisco. For more information contact the Kensington Welfare Rights Union or visit their website at www.kwru.org.
- ▼ **People's Coalition to Take Back Our Schools,** The People's Coalition to Take Back Our Schools is a coalition of parents, community organizations and individuals fighting for the right to a quality education for all New York City children. They base their advocacy on the human rights of parents, students and communities to participate in the governance of the education system, to have effective remedies available for violations of their rights, and independent monitoring of the school system. They support the creation of a human rights ombudsperson office to support parent and community participation and monitor the quality of education in New York City schools, www.takebackourschools.info.
- ▼ **City of Santa Cruz, Moratorium Resolution** (May 1998) This notes the findings of United Nation's Special Rapporteur that the application of the death penalty in the United States violates international law in certain respects and that the United Nations Commission on Human Rights calls for a moratorium on the death penalty). Available from Equal Justice USA, P.O. Box 5206, Hyattsville, MD 20782, or www.quixote.org/ej (under sample resolutions, Santa Cruz, CA).

PUBLICATIONS:

- ▼ **Human rights manual on domestic violence and sexual assault as human rights violation.** For use with advocates and service providers. Available from the Women's Right's Network, Wellesley Center for Women. Call (781) 283-2548, or visit www.wcwonline.org/wrn.
- ▼ **Strategy Connections.** These papers outline some of the connections between the strategic considerations faced by Martin Luther King, Jr., in his helping to build a non-violent social movement led by poor people, and those faced by the Poor People's Economic Human Rights Campaign as they try to build a similar movement of the American people to end poverty, led by the poor. Available from the Kensington Welfare Rights Union, PO Box 50678, Philadelphia, PA 19132, (215) 203-1945, <http://www.universityofthepoor.org/library/stratpapers/stratpapers.htm1>.
- ▼ **Forefront Handbook Series,** Forefront is a human rights organization which provides resources to other grassroots groups. Publications include: **Making the Most of the Media: Tools for Human Rights Groups Worldwide, A Handbook of Practical Strategies for Local Human Rights Groups, Human Rights Institution-Building: A Handbook on Establishing and Sustaining Human Rights Organizations, A Quick Guide to Funding Sources for Human Rights Organizations.** Forefront can be reached at 333 7th Ave., 13th Floor, New York, NY 10001, (212) 845-5273, www.forefrontleaders.org.

Documenting human rights violations can be a powerful way to make abuses visible and credible.

HUMAN RIGHTS DOCUMENTATION

Documenting human rights violations can be a powerful way to make the abuses faced by your community visible and credible, and can help to expose and challenge the perpetrators of the abuse. By collecting information about human rights violations in your community, it is possible to introduce a human rights perspective to your work, while empowering community members to speak for themselves in confronting human rights abuses. Documentation of abuse also provides a quantifiable, yet human face to a situation, providing a tool for further action.

Human rights documentation can be used in a variety of ways to build public and legal support to stop abuse. For example, the results of documentation are often used as a way to raise public and media awareness about a problem, putting pressure on those responsible to change the situation. Efforts to document human rights abuses in the United States have included the mapping of native land, documenting race and gender discrimination in education, exposing abuses by the U.S. border patrol, tracking the denial of basic rights to an adequate standard of health care or housing, and publicizing the failure of states to protect against domestic violence. These findings have also been used as evidence in domestic and international legal complaints against perpetrators of human rights abuses.

While human rights documentation can prove to be challenging, time-intensive and exacting work, the results of a community fact-finding mission can become an important tool in all aspects of a human rights campaign, from community organizing to political and legal advocacy. In the past, large, well-funded human rights organizations have used their resources to draw attention to specific human rights violations, but increasingly grassroots organizations are using participatory methods of research to gather information in their communities and pursue advocacy campaigns on their own behalf. Through these participatory methods, documentation becomes a powerful organizing tool whereby affected communities get actively involved in exposing, analyzing, and combating abuse. The following list provides some strategies that local community groups and others have used to ensure accountability and empowerment in human rights documentation, whether documentation is conducted by community members or by external activists.



Summit participant Steve Hawkins

Strategies:

- Provide community-appropriate human rights education to all involved in the documentation process;
- Train community members and activists in human rights documentation standards, methods and techniques (including less traditional methods like video);
- Engage the leadership and involvement of community members and activists to document abuses as an organizing opportunity;
- Develop a communications, media, and advocacy strategy that involves and empowers community members when publicizing the results of documentation; and
- Develop participatory methods of research with an emphasis on transparency and accountability in the documentation process, and acknowledge biases of researchers.

A CASE IN POINT: BATTERED MOTHER'S TESTIMONY PROJECT

The Women's Rights Network's Battered Mother's Testimony Project (BMTP) is a human rights documentation project that assessed the extent to which the Massachusetts family court system adheres to international human rights standards and norms in domestic violence and child custody cases and identifies the necessary changes to ensure that the family courts meet their human rights obligations. Components of the BMTP included documentation, a human rights report, and a human rights tribunal. The project trained volunteers to gather qualitative data from the affected community and produced a human rights report which advocated for a higher standard of government accountability for protecting battered women and their children. Battered mothers were involved in all aspects of the project including planning, interviewing, and production of the report. For more information contact: The Women's Rights Network, Wellesley Center for Women, 106 Central St., Wellesley, MA 02481, (781) 283-2548, www.wcwonline.org/wrn.

EXAMPLES OF HUMAN RIGHTS DOCUMENTATION:

Community organizations:

- ▼ **Hunger is No Accident**, July 2000. Report which examines human rights violations related to the food stamp program in New York City. Available from the Urban Justice Center, 666 Broadway, 10th floor, New York, NY 10012, (646) 602-5630, www.urbanjustice.org.
- ▼ **Battered Women Speak Out**, November 2002. Available from the Women's Right's Network, Wellesley Center for Women, 106 Central St., Wellesley, MA 02481, (781) 283-2548, www.wcwonline.org/wrn.
- ▼ **Poor Peoples' Economic Human Rights Report on the United States**, for information about this report please see the website for the Kensington Welfare Rights Union, P.O. Box 50678, Philadelphia, PA 19132, (215) 203-1945 www.kwru.org.
- ▼ **Behind Every Abuse There is a Community**, 2001. Available from the Border Network for Human Rights, 611 Kansas St., El Paso, TX 79901. Telephone: (915) 577-0724.

International organizations:

- ▼ **Human Rights Watch** publishes a comprehensive series of reports documenting human rights abuses around the world, including the United States, www.hrw.org.
- ▼ **Amnesty International** has produced reports that document human rights abuses in the United States and internationally. For Amnesty International USA, visit www.aiusa.org.
- ▼ **International Human Rights Law Group**, publishes reports and training manuals addressing human rights abuses around the world, including in the United States. For responses to the U.S. "War on Terrorism" see the Law Group's: "Statement of Principles Regarding Constitutional Law Enforcement" (2002) and "Liberties Lost in the Hunt for Terrorists: Why We should Care" (2002). Both documents are on the Law Group's website. The Law Group can be reached at 1200 18th St., NW, Suite 602, Washington, DC 20036, (202) 822-4600 or on their website at www.hrlaw-group.org.

- ▼ **Global Child Survival: A Human Rights Priority**, a comparative study of child mortality from a human rights point of view with a chapter on the United States. The Study available from Minnesota Advocates for Human rights, 310 Fourth Ave. South, Suite 1000, Minneapolis, MN 55415, (612) 341-3302, mnadvocates@igc.apc.org.

Manuals on Human Rights Documentation

- ▼ **The Human Rights Abuse Documentation Reference Manual**, a publication of Casa de Proyecto Libertad, Immigration Law Enforcement Monitoring Project, and the Border Network for Human Rights. This manual provides information on documenting human rights abuses in the U.S. immigration law enforcement context. Contact Nathan Selzer, Casa de Proyecto Libertad, 113 N. 1st St., Harlingen, TX 78550. Tel: 956-425-9552.
- ▼ **Women's Human Rights Step by Step: a Practical Guide to Using International Human Rights Law and Mechanisms to Defend Women's Human Rights**, (1997) a publication of Women, Law, and Development International, 1350 Connecticut Ave., NW, Suite 1100, Washington, DC 20036, (202) 463-7477, www.wld.org. A basic guide to human rights mechanisms and strategies and how to use them to uphold women's human rights. Copies of the guide are available from Women Ink, 777 U.N. Plaza, New York, NY 10017, (212) 687-8633 or by email at wink@womenink.org, website: www.womenink.org.
- ▼ **Ripple on Still Water: Reflections by Activists on Local and National Level Work on Economic, Social, and Cultural Rights**, written by Dana Buhl for the International Human Rights Internship Program/Institute for International Education, 1400 K St., NW, Suite 650, Washington, DC 20005, (202) 326-7725, www.iie.org. The book is available on-line from the University of Minnesota Human Rights Library at www.umn.edu/human/rts/edumat/HRIP/ripple.
- ▼ **Video for Change: A Practical Guide for Activists**, (August 2000), A guide for activists interested in using video documentation for their social justice work. The guide is available on-line from WITNESS, 353 Broadway, New York, NY 10013, (212) 274-1664, www.witness.org.

The U.S. government is notorious for disregarding international human rights laws — particularly when it comes to its own actions.

CREATING HUMAN RIGHTS POLICIES

The U.S. government is notorious for disregarding international human rights laws—particularly when it comes to its own actions. Claiming that the U.S. system of Constitutional rights removes the need to observe human rights, many policy makers dismiss and actively block the use of human rights language and standards in federal and state legislation. Human rights activists working through policy channels thus face a double challenge: to take positions on unpopular policies affecting vulnerable communities and at the same time to argue for the relevance of human rights with officials who are often unfamiliar with or opposed to the domestic application of international standards.

Much current U.S. human rights policy work focuses on foreign rather than domestic policy and is carried out largely by international human rights organizations based in the United States, rather than by local or national groups. This foreign policy work is crucial, for example, to evaluating U.S. actions post September 11th. More recently human rights analysis has begun to inform domestic policy work. Groups working on everything from race/gender discrimination, to incarceration, to welfare policy are using the framework of human rights to assess the cause and effect of federal and state policies in these areas and to argue for alternatives. Some examples include:

- The use by activists in states and cities across the United States of the conventions on the elimination of race and gender discrimination to critique existing anti-discrimination law and practice and introduce alternatives. In the city of San Francisco for example, the race and gender conventions were adopted as law governing city anti-discrimination policy and brought about a more proactive and coherent approach to the elimination of discrimination. This effort is now being replicated in other municipalities including New York City.
- In states across the country, anti-death penalty advocates are seeking to shape criminal justice policy by using human rights, largely through the adoption of moratoriums on juvenile and other executions. In the state of Indiana for example in 2002, anti-death penalty advocates led a successful effort to pass legislation banning the execution of juvenile offenders. The legislation's primary sponsor repeatedly highlighted that the United States was one of only a few countries known to execute juvenile offenders and that the U.S. government banned the practice for federal offenses. Organizers used this information to drive home the point that Indiana was out of step with the rest of the world and with the U.S. Congress.
- For more than a decade women's and prisoner's rights activists in states across the United States have been combating sexual abuse of women in custody. A report by the National Women's Law Center in 1994,

and one by Amnesty International in 2000 revealed that many U.S. states had weak policies governing custodial sexual contact and that 13 states had no law whatsoever prohibiting such abuse. As a result of a national campaign spearheaded by Amnesty International USA and a broad coalition of community groups, 11 of those 13 states now have laws that criminalize sexual contact between officers and prisoners. A much larger number have reformed existing laws and practices against the framework of human rights protections in this area, including with respect to the guarding of prisoners by officers of the same sex.

As attention to the implications of a human rights approach to domestic policy increases, it will be necessary to keep in mind the foreign policy dimension of domestic issues as well, and to endeavor to make sure that human rights activists working at either or both levels reinforce one another.

Analyzing U.S. domestic policy through a human rights lens is not easy. Community-based activists at the forefront of the U.S. human rights movement do not always focus on federal policy, and policy advocates usually have had very little exposure to human rights. Moreover the U.S. Congress has – up to this point at least – demonstrated a consistent resistance to the domestic application of human rights. A systematic educational and organizing campaign is essential if policy advocates are ever meaningfully to shape U.S. policy to accord with human rights.

Despite these obstacles — which are considerable – existing U.S. human rights policy advocacy has produced some promising results. Here are some suggested strategies:

Strategies:

- Convene local activists to analyze a given state or city policy and identify a set of remedies (in human rights terms);
- Develop human rights policy advocacy campaigns drawing on the successful efforts around the local adoption of the race and gender conventions or the anti-death penalty moratoriums;
- Reach out to national organizations about the potential relevance of human rights to the issues on which they work;
- Press to your senators for United States ratification of international human rights treaties; and
- Provide a resource kit to advocates which contains the human rights tools, information, and organizations that could help advance policy work in their area.

A CASE IN POINT: MDRI

Established in 1993, Mental Disability Rights International (MDRI) documents conditions, publishes reports on human rights enforcement, and promotes international oversight of the rights of people with mental disabilities. Drawing on the skills and experience of attorneys, mental health professionals, human rights advocates, people with mental disabilities and their family members, MDRI trains and supports advocates seeking legal and service system reform and assists governments to develop laws and policies to promote community integration and human rights enforcement for people with mental disabilities.

Many of the projects and reports initiated by MDRI have focused on the treatment of people with mental disabilities in other countries. Recently however, MDRI has begun to work collaboratively with domestic mental disability advocacy organizations to monitor and critique U.S. foreign policy regarding relations with other nations and their commitment to addressing discrimination and abuse of persons with mental disabilities. In particular, MDRI has worked to change the U.S. State Department's annual assessment of human rights abuses in other countries to include coverage of governmental responsibility for the care and protection of persons with mental disabilities. Additionally, MDRI works to educate domestic mental disability advocacy organizations about the proposed International Convention on the Human Rights of People with Disabilities and the role of the U.S. government in the process of drafting and ratifying this document. For more information contact: Mental Disability Rights International, 1156 15th St., NW, Suite 1001, Washington, DC 20005, (202) 296-0800, www.mdri.org.

FOR INFORMATION ABOUT LOCAL EFFORTS TO PASS CEDAW/CERD LEGISLATION

- ▼ **Women's Institute for Leadership Development (WILD)**, For information about the successful effort to pass local CEDAW/CERD legislation in San Francisco contact WILD at 1375 Sutter St., Suite 407, San Francisco, CA 94109, (415) 345-1195, or at their website www.wildforhumanrights.org.
- ▼ **NOW Legal Defense Fund (NOW LDEF)**, For information about current efforts to pass local New York City CEDAW legislation contact NOW LDEF at 395 Hudson St., New York, NY 10014, (212) 925-6635, or at their website www.nowldef.org, the Urban Justice Center-Human Rights Project, 666 Broadway, 10th floor, New York, NY 10012, (646) 602-5630, www.urbanjustice.org, or the Human Rights Institute at Columbia University Law School, 435 W. 116th St., B-28, New York, NY 10027, (212) 854-0706.

FOR INFORMATION ABOUT STATE LEGISLATIVE EFFORTS:

- ▼ **National Coalition to Abolish the Death Penalty (NCADP)**, The NCADP's website has information and links to state and local legislation and campaigns regarding the death penalty. For legislative information visit their website and go to the Legislative Action Center section. Contact the NCADP at 920 Pennsylvania Ave, SE, Washington, DC 20003, (202) 543-9577 or at www.ncadp.org.

- ▼ **Abuse of Women in Custody: Sexual Misconduct and Shackling of Pregnant Women, A State-by-State Survey of Policies and Practices in the United States**, This report, which includes the current state of legislative efforts across the United States, is available from Amnesty International, USA, 322 8th Ave, New York, NY 10001, (212) 807-8400, www.amnestyusa.org/women/custody/.
- ▼ **Moratorium Campaign**, The Campaign's website has information and links to state and local legislation and campaigns regarding the death penalty. For legislative information visit their website and go to the legislation section. Contact the Campaign at P.O. Box 13727, New Orleans, LA 70185, (504) 864-1071 or at their website www.moratorium2000.org.

...lawyers need to use their legal skills outside the courtroom to assist in organizing, education, documentation, and policy and legal advocacy.

USING HUMAN RIGHTS LAW

The use of the law is a crucial part of the domestic human rights movement, but the law alone is insufficient to realize human rights in the United States. In addition to developing a long-term strategy aimed at legal enforcement of human rights standards in the United States, lawyers need to use their human rights skills outside the courtroom to assist in organizing, education, documentation, and policy and legal advocacy. Legal human rights discourse can play a key role in changing public attitudes and perceptions about the applicability of human rights to U.S. work. At the same time, community activism and organizing can both create political pressure to influence legal and policy outcomes and assure that organized communities are in place so that legal victories are not short-lived.

Primary legal avenues for human rights implementation in the United States include introducing human rights into domestic litigation strategies and using international and regional forums to pressure the United States to comply with international human rights obligations.

Lawyers can take several approaches when using human rights in domestic litigation. The Alien Tort Claims Act (ATCA) allows non-U.S. citizens to sue in the U.S. courts for violations of international law. The Center for Constitutional Rights has used ATCA to bring cases against U.S. companies for human rights violations committed in other countries. The Rutgers University Law School Clinic has also used ATCA to bring suit on behalf of Immigration and Naturalization Service (INS) detainees challenging the conditions of their confinement in INS detention centers, arguing that the treatment of these prisoners is cruel and inhuman.

Lawyers can also use international human rights law to help interpret U.S. law. Legal arguments can be made to challenge practices, like the execution of juveniles, that “violate evolving standards of decency” as defined at least in part by the practices of the international community. Examples of this type of intervention include using international standards to interpret the Eighth Amendment prohibition on cruel and inhuman treatment or using the race and women’s conventions to shape government obligations with respect to the elimination of discrimination. International law was also recog-



Photo by Hisham F. Ibrahim/Getty Images

nized in the majority opinion in the sodomy statute case, *Lawrence v. Texas*, No. 02-102. Written by Justice Kennedy this opinion cited the 1981 decision by the European Court of Human Rights, which struck down remaining European sodomy statutes.

International and regional forums, like U.N. treaty body committees and the Organization of American States' Inter-American Commission on Human Rights, are another avenue available to the U.S. legal community to raise human rights claims with respect to domestic human rights abuse. The U.S. government has reporting requirements to committees that oversee compliance with international treaties. These committees issue reports and review complaints and can be highly visible venues for bringing attention to human rights violations. U.S. advocates affiliated with the Western Shoshone Defense Project and the Indian Law Resource Center, for example, appeared before the committee that oversees the Convention on the Elimination of All Forms of Racial Discrimination (CERD) to protest the taking of Indian lands. Similarly, the National Coalition to Abolish the Death Penalty submitted a report to the same committee highlighting the racial disparities in capital sentencing in the United States. In both instances, the CERD committee issued remarks condemning the actions of the U.S. government and suggesting specific remedies.

Among the challenges faced by human rights litigators in the United States is the fact that the government has attached conditions to its treaty ratifications that significantly limit its obligations, including a reservation stating that the treaties do not automatically have the force of law in the United States. The current judicial environment also makes it difficult to successfully bring human rights claims. Some notable exceptions include the dissenting opinions in the University of Michigan admission cases, *Gratz v. Bollinger*, No. 02-516 and *Grutter v. Bollinger*, No. 02-241, both written by Justice Ginsburg and citing both the Covenant on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination Against Women. There is a pressing need for legal education and training in human rights because many lawyers and judges are unfamiliar with the international law standards and system.

Strategies:

Effective strategies for incorporating human rights into legal work include:

EDUCATION/TRAINING

- Create human rights trainings available to a broad spectrum of lawyers (including public defenders and legal aid attorneys) in the form of Continuing Legal Education (CLE) classes. CLE classes, which are mandatory for all attorneys, could be an effective avenue to familiarize attorneys with the discourse of human rights;
- Begin a dialogue with judges who are interested in human rights issues with the eventual goal of providing training for judges;
- Work with state bar associations and other legal organizations to familiarize them with basic fundamentals of international human rights law and principals;
- Make an effort to utilize the discourse of human rights in public speeches, discussions, presentations, writings, etc. Simply using the language of human rights can have an effect in making the terminology more commonly used and understood;
- Work to create a specific human rights focus geared toward training new and developing lawyers through the creation of internships, mentoring programs, and clinical work in law schools, classes taught from the “traditional civil rights” perspective need to more consistently introduce human rights paradigm where appropriate; and
- Foster legal scholarships in support of the domestic application of human rights.

LITIGATION

- Develop a common long-term legal strategy and carefully choose cases to build precedents applying international human rights law in the United States;
- Explore key legal issues and potential causes of action from a human rights perspective;
- Identify good test cases for domestic implementation of international human rights principles; and
- Expand forums for discussing human rights cases among lawyers, judges, academics and advocates.

NETWORKING AND COLLABORATION

- Build coalitions and networks with community groups, and other grassroots organizations that are currently doing human rights related work;
- Develop ties to legal and community/grassroots organizations in other countries, given the overwhelming international consensus regarding many of the most important human rights laws and principles; and
- Continue to pressure the U.S. government to remove many of the reservations it has attached to international human rights treaties and encourage the meaningful ratification of international treaties that the United States has currently not signed and/or ratified.

A CASE IN POINT: USING HUMAN RIGHTS LAW IN THE UNITED STATES

In 1998, the Human Rights Institute (HRI), located at Columbia University Law School, created the Bringing Human Rights Home Lawyers' Network. The Network facilitates dialogue between domestic human rights advocates to develop new models of advocacy which include legal strategies that advance human rights implementation in the United States. The Network provides a forum for experienced public interest lawyers to learn about new human rights strategies, to collaborate with students and other attorneys, and to develop new models of legal advocacy. The Network's Human Rights Online is a website database created in collaboration with the online public interest legal community probono.net, that supports lawyers who want to make domestic human rights arguments in court. The database includes: 1) briefs, 2) pleadings (complaints), 3) articles (law reviews and other articles), and 4) links to United Nations' and other international and regional documents.

One legal case brought by a Network member, the Center for Constitutional Rights (CCR), (*Turkmen vs. Ashcroft*) is a federal civil suit that charges the U.S. government with arbitrary detention and cruel, inhumane and degrading treatment of Muslim non-citizens from the Middle East and South Asia who were detained post 9/11 and who, despite having received final deportation orders or grants of voluntary departure, remained in INS custody far beyond the period necessary to secure their removal. CCR attorneys continue to consult with Network members to request feedback and ideas regarding the use of human rights standards in their legal arguments and the use of international human rights mechanisms to pursue these claims. For more information contact: Cindy Soohoo at the Bringing Human Rights Lawyers' Network, Human Rights Institute, Columbia University Law School, 435 W. 116th St, B-28, New York, NY 10027, (212) 854-0706.

GENERAL

- ▼ **Human Rights Online**, www.probono.net/human-rights, a website for participants in Columbia University's "Bringing Human Rights Home" project. The website includes legal tools to support the work of attorneys who are using or are interested in using human rights standards in domestic legal cases. The website includes model briefs, pleadings, and other resources which are shared on the site through a brief bank, online library, bulletin board and chat space to assist in developing legal strategies for "bringing human rights home." There are currently 60 members to the website. If you are interested in joining you must fill out an initial application which can be found on the website.
- ▼ **Human and Constitutional Rights Resource website**, www.hrcr.org/, a website for rights resources administered by the Columbia University Law School Library.
- ▼ **Bibliography on International Human Rights and US Constitutional Rights Law**: Available online at Fordham University Law School's Crowley Human Rights Program at <http://law.fordham.edu/crowley.html>.
- ▼ **ACLU International Civil Liberties Reporter**, this annual report compiles articles discussing key developments in human rights law, www.aclu.org/International.

SAMPLE INTERNATIONAL COMPLAINTS:

- ▼ **Mexico v. the United States, International Court of Justice (ICJ)**, this case was brought by Mexico against the United States in the International Court of Justice for violations of Article 5 and 36 of the Vienna Convention on Consular Relations with respect to 54 Mexican nationals who have been sentenced to death in ten states. Mexico has requested provisional measures necessary to ensure that no Mexican national be executed and that no execution dates be set for any Mexican national. This case and a link to the ICJ can be found at the Human Rights Online library on their website, www.probono.net/humanrights/.
- ▼ **Request for Precautionary Measures on behalf of the Guantanamo Bay Detainees**, This request submitted to the Inter-American Commission of Human Rights by the Center for Constitutional Rights, the Human Rights Clinic of Columbia Law School, and the Center for Justice and International Law. The request seeks the intervention of the

Commission to protect the rights of Guantanamo Bay detainees under Article 25 of the Commission's regulations. This case can be found at the Human Rights Online library on their website, www.probono.net/humanrights/.

FOR SAMPLE HUMAN RIGHTS COMPLAINTS IN U.S. COURTS:

- ▼ **Jama v. United States, 22 F. Supp. 2d 353 (D.N.J. 1998)**, This case, which relies on the Alien Tort Claims Act, was brought on behalf of Immigration and Naturalization Service detainees alleging that the conditions of their confinement violated international standards prohibiting cruel, inhuman, and degrading treatment. This case can be found at the Human Rights Online library at: www.probono.net/humanrights/.
- ▼ **Nicholson v. Williams, 203 F. Supp. 2d 153 (E.D.N.Y. 2002)**, This decision granting a preliminary injunction prohibiting the removal of children from their mothers' custody on the grounds that the mothers were victims of abuse, notes that the U.S.'s international law obligations require extreme care when making decisions that could threaten the right to family integrity. This case can be found at the Human Rights Online library on their website, www.probono.net/humanrights/.

FOR SAMPLE AMICI BRIEFS IN U.S. COURTS:

- ▼ **Brief of Amici Curiae in *Lawrence v. Texas*, No. 02-102 filed by Mary Robinson, Amnesty International, USA, Human Rights Watch, Interights, Lawyers Committee for Human Rights, Minnesota Advocates for Human Rights**, Brief is available on the website of the Lawyers Committee for Human Rights, www.lchr.org/international_justice/various/lawrence.pdf. The Lawyers Committee can be reached at 333 7th Ave., 13th floor, New York, NY 10001.
- ▼ ***Napoleon Beazley v. Gary Johnson*, Brief of Amici Curiae in Support of Petitioner** (2001) (filed by Constance de la Vega, counsel of record, in the United States Supreme Court on behalf of Human Rights Advocates, Human Rights Watch, Minnesota Advocates for Human Rights, and Human Rights Committee of the Bar of England and Wales). Available from Constance De La Vega, University of San Francisco Law Clinic, 2130 Fulton Street, San Francisco, CA 94117, and reprinted with modification in 42 Santa Clara L. Rev. 1041 (2002). This law review article can also be found at www.abanet.org/crimjust/juvjus/ConniedelaVega.pdf.

- ▼ **McCarver v. North Carolina, Brief of Amicus Curiae in Support of Petitioner**, (2000) (filed by Rick Wilson, counsel of record, in the United States Supreme Court on behalf of the European Union). This brief addresses the execution of the accused, who is mentally retarded. The McCarver case was made moot by the North Carolina legislature which passed legislation banning execution of the mentally retarded. This same brief was also filed on behalf of Daryl Atkins in *Atkins v. Virginia*, the Supreme Court decision which eliminated execution of the mentally retarded nation-wide. The brief can be found at: www.internationaljusticeproject.org/pdfs/emccarver.pdf.

FOR TRAININGS FOR LAWYERS ON HUMAN RIGHTS TREATIES, LAWS AND ORGANIZING STRATEGIES:

- ▼ **Human Rights at Home: International Law in U.S. Courts**, The American Civil Liberties Union will provide a national training conference for lawyers October 10 & 11, 2003 in Atlanta, Georgia. The conference will familiarize lawyers and advocates with international human rights treaties, laws and organizing strategies that can strengthen domestic social justice work. Continuing Legal Education credit will be offered. Travel and accommodation scholarships are available on a needs basis. For more information contact Lydia Milnes at (212) 519-7815 or lmilnes@aclu.org. For preliminary program schedule see www.aclu.org/Files/OpenFile.cfm?id=12220.

NOTE: Information on international and regional human rights treaties can be found in Appendix B.

Much more could be done to **bridge** the theory/practice divide and make the academy more supportive of and useful to the human rights movement.

HUMAN RIGHTS SCHOLARSHIP

Human rights scholarship ranges from traditional written scholarly pieces examining human rights theories and doctrines to music and other cultural productions used for the purposes of popular human rights education. Such scholarship is produced in criminal justice, economics, ethnic studies, history, international affairs, philosophy, women's and gender studies departments, as well as schools of law and public health. It is also produced in the streets, kitchens, churches, offices, meeting halls, and courtrooms of the frontline struggle for human rights.

Key issues for U.S. human rights scholarship include the relationship between the academy and the movement; the marginalization of human rights scholarship within academic circles; and the resistance to cross-disciplinary work that human rights scholarship encounters. Much more could be done to bridge the theory/practice divide and make the academy more supportive of and useful to the human rights movement. Human rights scholars, however, may find that doing human rights work and being taken seriously as an academic are mutually exclusive. They often face the "suicidal choice" of either remaining focused on social justice work, thereby risking professional derailment, or moving smoothly along the tenure track by producing "acceptable" scholarship and neglecting their human rights interests. Such choices are further complicated by the fact that human rights scholarship often involves negotiating across multiple disciplines simultaneously and necessarily involves the use of rights language at a moment when leftist scholarship increasingly questions the legitimacy of rights-talk.

Since the mid-1990's, numerous conservative scholars have written and published articles attacking the legitimacy of human rights law in U.S. courts. While these articles often run counter to established precedent, the executive branch and an increasingly conservative judiciary frequently rely on the conservative scholar's arguments to re-examine and undermine the domestic use of international law. Progressive human rights scholars can play a key role in challenging such conservative trends and develop and reinforce the theoretical underpinnings of existing affirmative precedent concerning the role of international law in U.S. courts.



Summit participants Tonya McClary, Sherry Wilson, and Jaribu Hill

Strategies:

- Help open academic institutions to non-academic human rights scholars and other activists who want to spend time thinking about their work in ways that the crush of day-to-day activity usually will not permit them to do;
- Change models of pedagogy to make organizing activities part of academic training, where students become engaged in movement work as part of the requirements for receiving academic credit;
- Hold multidisciplinary meetings focusing on specific case studies of human rights work to determine how to improve the ways people work together across both disciplines and the “theory/practice” divide; and
- Host academic conferences focused on the application of human rights in the United States and support the generation of related scholarship within the academy.

Resources

(See select bibliography at Appendix C)

A CASE IN POINT: THE HOWARD LAW JOURNAL

The **Howard Law Journal** consistently publishes articles that address human rights as a domestic issue. One example of this commitment is the spring of 1997 edition of the Journal which addressed the U.S. government’s compliance with the Convention on the Elimination of All Forms of Racial Discrimination (CERD). Publication of this edition of the journal was meant to coincide with the expected release of the United States government’s report to the CERD committee on its record of compliance with the treaty. The editors envisioned the journal and the symposium that preceded it as a “shadow” report to the reporting of the government regarding the state of racial discrimination in the United States. The symposium and journal also highlighted the historic engagement of African-Americans with the United Nations and other international bodies toward the goal of holding the U.S. government accountable for ensuring the fulfillment of human rights for racial minorities. **Howard Law Journal, Spring 1997**. For more information visit the law journal website: www.law.howard.edu/student-org/lawjournal.

The cause of **freedom** is not the cause of a race or a sect, a party or a class—it is the cause of human kind, the very birthright of humanity.

Anna Julia Cooper, 1892

Section IV: C H A L L E N G E S , N E E D S A N D P R I O R I T I E S

The Second Leadership Summit on Human Rights in the United States enabled U.S. activists working on different issues with various methods to come together and begin to interconnect their activism using the common framework of human rights. This is easier said than done. The highly fractured state of the U.S. domestic rights movements, the age old competition for resources and the existence of profound political and strategic differences all pose a significant challenge to the collaborative spirit needed to build a U.S. human rights movement. This challenge is exacerbated by the U.S. activists' relative unfamiliarity with the human rights framework and its long association either with other countries or with U.S.-based international organizations that have had little sustained connection to domestic rights advocacy.

Even a relatively brief attempt, like the Howard Summit, to foster collaboration amongst U.S. activists within the framework of human rights exposes a significant amount of tension both substantively and methodologically. With respect to the former, participants noted the tensions, for example, between sentencing reform work and anti-death penalty advocacy that promotes the alternative of life without parole; or the tension between the promotion of individual versus collective rights. With respect to the latter, the conference participants highlighted conflicts, for example, between popular and elite advocacy strategies and activists; between cross-constituency and single identity work; and between what activists preach about human rights and what we practice, particularly with regard to equality, transparency and accountability.

This list of examples is not exhaustive, nor are such complexities easily or, in some cases, ever resolved. In fact, the ongoing existence of creative tensions between advocates is central to the collaborative process and its potential to generate an alternative vision of rights work in the United States. Perhaps this accounts for the great appeal of the human rights approach: it allows for enormous variety in terms of analysis and focus while rooting this diversity in the common ground of the language, standards, strategies and, most important, values associated with fundamental human rights.



Photo by Harvey Finkle

As the Howard Summit participants evaluated their efforts to re-frame and carry out their U.S. work in human rights terms, a range of specific needs and several common priorities emerged. These are summarized below:

ISSUE/METHOD SPECIFIC NEEDS

With respect to U.S. human rights work on the death penalty, discrimination, immigration, incarceration, poverty and sovereignty, for example, several specific needs were highlighted. These included:

- Timelier and steadier insertion of human rights arguments into death penalty cases, including at the state level;
- Increased use of the U.N. Conventions on race and gender discrimination in domestic equality work;
- Promotion of human rights vision and analysis in immigration and refugee work inside the United States;
- More critical and engaged use of human rights in U.S. criminal justice work;
- Sharper definition of poverty as a human rights violation in order to strengthen the advocacy focus on prevention; and
- Greater sensitization of the human rights community to the concerns of the indigenous community and greater links between the two.

With respect to U.S. human rights education, organizing, documentation, policy advocacy, legal reform and scholarship, for example, specific needs included:

- Greater use of human rights education as an organizing tool;
- Expanded resources to community-based organizing;
- Increased capacity for U.S. groups to conduct participatory human rights documentation, including through non-traditional means, like video;
- More thorough use of human rights to analyze and shape U.S. rights policy, foreign and domestic, particularly post 9/11;
- Additional training for U.S. lawyers, and young lawyers in particular, in the use of human rights; and
- Increased multi-disciplinary human rights scholarship focused on the United States.

COMMON PRIORITIES

As the Summit participants assessed their progress and identified specific needs, several common priorities emerged. These included:

Ongoing Collaborative Work

Every single working group at the Howard Summit acknowledged that human rights activism in the United States is taking place at multiple levels, on different issues, using various strategies simultaneously. Virtually without exception, the participants shared a determination to work more collaboratively, both to strengthen their individual advocacy and to increase the impact of U.S. human rights work overall. In identifying greater collaboration as a priority, participants highlighted the need to develop a collective, alternative vision of rights in the United States expressly framed in human rights terms, to identify and resolve conflicts and inconsistencies in ongoing advocacy and to greatly increase overall visibility.

Advanced Communications and Media Strategy

Throughout the Howard planning process and the meeting itself, attention was consistently paid to the need for U.S. human rights groups to develop a much more sophisticated and creative communications strategy, particularly through concerted work on messaging, dedicated media training and the strategic use of information technology. Aside from developing their own capacity in this area, a clear, common commitment also emerged to do more media education and outreach, particularly with alternative media in the print and broadcast arenas.

Increased Leadership, Institutional and Technical Capacity

Although participants identified a range of different concerns in this area, they shared a common commitment to the leadership and participation of those most affected in U.S. human rights work. Additionally, they shared the commitment to increase outreach to youth groups and to enhance youth leadership in the U.S. human rights movement. A pressing need exists to develop inter-generational leadership strategies, to address the institutional fragility of many U.S. human rights groups and to undertake training across the board in human rights history, standards, mechanisms, methodologies, strategies and pedagogy.

Resources

Most U.S. human rights activists are currently doing their work with very limited resources and will continue to do that work even if available resources do not increase. As one participant put it, “this is not about compensation, it’s about commitment,” a view that was endorsed by the summit more generally. This is not to suggest the burgeoning U.S. human rights movement does not see greater resources as a crucial need. It does. But that need is filtered through the human rights lens itself, and prioritizes the effort to reach underserved community-based groups, emergent human rights programs within more established U.S. organizations and nascent collaborative work. It also sees donors as *partners* rather than merely *benefactors* of this work, particularly as support for U.S. human rights activism often requires funders to re-examine the splits between international and domestic rights funding that is common to many of their own programs.

Without concerned citizen action to uphold [universal rights] close to home, we shall look in vain for **progress** in the larger world.

Eleanor Roosevelt

Section V: N E X T S T E P S

Collaborative Action: Founding of U.S. Human Rights Network

While many specific next steps were identified with respect to different issue areas and methods of work, the Howard Summit generated overwhelming interest in strengthening collaborative action and working together to build the U.S. human rights movement. As the participants met in plenary on the final day of the conference, July 13, 2002, to review their work, an unexpected and energized interest in continuing to work together emerged. By that session's close the Howard participants had taken the historic decision to found the first ever national network on human rights in the United States.

In the months between July 2002 and the publication of this resource guide, the Howard participants, operating in twelve working groups organized by issue area and method of work, voted to establish the U.S. Human Rights Network, identified a 12-person coordinating committee drawn from the working groups and selected a three-person administrative body. In the coming months, the Network will work to create links between U.S. human rights activists through a series of meetings, conference calls, trainings, list serves, and a website.

For more information about the U.S. Human Rights Network, visit their website at www.ushrnetwork.org or email them at info@ushrnetwork.org.

Issue/Method Specific Work

In addition to resolving as a group to found the U.S. Human Rights Network, the Howard participants agreed to specific next steps with respect to their particular issue areas/method of work. These included:

ISSUE AREAS

Death Penalty: develop a law school clinic consortium to help insert human rights arguments into death penalty cases, including at the state level;

- Discrimination:** initiate a youth rights campaign with a focus on the race and children’s rights conventions and produce a shadow report to the next U.S. government report on its compliance with the race convention;
- Immigration:** hold human rights tribunals on immigrant and refugee rights post 9/11
- Incarceration:** develop an economic rights analysis of the consequences of involvement with the criminal justice system;
- Poverty:** conduct an assessment of the capacity of anti-poverty groups operating at the local level and host a series of issue-specific meetings to devise alternatives to existing anti-poverty policies framed in terms of economic, social and cultural rights; and
- Sovereignty:** develop a video on human rights for use in the American Indian community and build stronger relationships between the human rights and AI communities.

METHODS

- Education:** launch a national public education campaign on the Universal Declaration of Human Rights;
- Organizing:** develop a long-term, multi-phase networking process for U.S. human rights groups;
- Documentation:** produce a best practices tool kit for human rights documentation and hold a national training session on participatory human rights documentation;
- Policy advocacy:** produce an analysis of US rights policy by issue area with suggested alternatives from a human rights point of view;
- Legal reform:** launch a continuing legal education (CLE) effort to expose legal practitioners to the use of human rights and build on the existing Bringing Human Rights Home Network at Columbia University Law School; and
- Scholarship:** publish a multi-disciplinary U.S. human rights reader and host a symposium on U.S. human rights scholarship.

"We must **love** and promulgate equality of human rights with everything we've got."

June Jordan

Section VI: C O N C L U S I O N

Underlying all human rights work in the United States is a commitment to challenge the pernicious belief that the United States is inherently superior to other countries of the world, and that neither the U.S. government nor the U.S. rights movements have anything to gain from the domestic application of human rights. Rather, in the view of a growing number of U.S. activists, the U.S. government should no longer be allowed to shield itself from accountability to human rights norms and the U.S. civil, women's, worker, immigrant, lgbt, prisoner and other rights movements stand to benefit, perhaps now more than ever, from an end to U.S. impunity in this regard.

Such an avowedly internationalist and multi-lateralist stance has not been common to domestic rights advocacy in the United States since the Cold War. Its current resurgence in U.S. rights work, from the death penalty to economic justice, signals a fundamental shift in the politics of U.S. rights activism. The current approach eschews insularity in favor of global engagement; territoriality in favor of collaboration; supremacy in favor of participation and egoism in favor of equality and dignity. Such progressive politics are not inherent in the use of a human rights approach. But a human rights approach readily accommodates and even engenders such politics.

The resonance of human rights with progressive trends in U.S. rights work ensures its increasing relevance to domestic activists. The question we face now is less whether to adopt a human rights approach to U.S. social and economic justice work, than where such an approach will lead us. It is still too early, and the Howard participants too few, to say for sure. But one thing is perfectly clear: The days when political pundits can argue that "no movement in the United States has succeeded in bringing human rights home" are over. The movement for human rights in the United States is here and plans to stay.

Appendix A

Appendix A

HOWARD HUMAN RIGHTS SUMMIT PARTICIPANTS

(working group and caucus affiliations are listed in parenthesis)

CATHY ALBISA (FACILITATOR POVERTY WORKING GROUP, ORGANIZING CAUCUS)

Center for Economic and Social Rights

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calbisa@cesr.org
www.cesr.org

The Center for Economic and Social Rights (CESR) was established in 1993 to promote social justice through human rights. CESR works with social scientists and local partners in affected communities to document rights violations, advocate for changes in policies that impoverish and exploit people, and mobilize grassroots pressure for social change. As one of the first organizations to challenge economic injustice as a violation of international human rights law, CESR believes that economic and social rights — binding on all nations — can provide a universally accepted framework for strengthening social justice activism. CESR believes that by engaging the US public to raise issues of poverty and declining standards of housing and healthcare as human rights violations, grassroots organizations and activists can generate new legal and activist strategies to improve living conditions in their own communities.

PATRICIA ALLARD (DOCUMENTATION CAUCUS, INCARCERATION WORKING GROUP)

(formerly of the) Sentencing Project

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(202) 628-1091 fax

www.sentencingproject.org

She can now be reached at:

The Brennan Center

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The Sentencing Project is a 501(c)(3) non-profit organization which promotes decreased reliance on incarceration and increased use of more effective and humane alternatives. It is a nationally known source of criminal justice policy analysis, data and program information. Its reports, publications and staff are relied upon by the public, policymakers and the media.

SUSAN ALVA (POLICY CAUCUS, IMMIGRATION WORKING GROUP)

Coalition for Humane Immigrants Rights of Los Angeles

1521 Wilshire Blvd.
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salva@chirla.org
www.chirla.org

The Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA) is a nonprofit organization founded in 1986 to advance the human and civil rights of immigrants and refugees in Los Angeles. As a multiethnic coalition of community organizations and individuals, CHIRLA aims to foster greater understanding of the issues that affect immigrant communities, provide a neutral forum for discussion, and unite immigrant groups to more effectively advocate for positive change.

SANDRA BABCOCK (LEGAL CAUCUS, DEATH PENALTY WORKING GROUP)

Babcock Law Offices

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Sandra Babcock is an attorney in private practice in Minneapolis, Minnesota, who specializes in international criminal law. She is the Director of the Mexican Capital Legal Assistance Program, a pioneering project funded by the Government of Mexico to assist its nationals in capital cases at trial and on appeal. Through this Program, she has provided litigation support to attorneys in over 65 capital cases involving Mexican nationals, and routinely appears as Mexico's counsel in state and federal courts around the country.

RADHIKA BALAKRISHNA (SCHOLARSHIP CAUCUS, POVERTY WORKING GROUP)

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AJAMU BARAKA (ORGANIZING CAUCUS, DEATH PENALTY WORKING GROUP)

Amnesty International, USA

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Founded in London in 1961, Amnesty International is a Nobel Prize-winning grassroots activist organization with over one million members worldwide. Amnesty International is dedicated to freeing prisoners of conscience, gaining fair trials for political prisoners, ending torture, political killings and “disappearances,” and abolishing the death penalty throughout the world. Amnesty International USA (AIUSA) is the U.S. Section of Amnesty International.

ANN BEESON (LEGAL CAUCUS, DISCRIMINATION WORKING GROUP)

American Civil Liberties Union

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The American Civil Liberties Union (ACLU) works daily in courts, legislatures and communities to defend and preserve the individual rights and liberties guaranteed to all people in this country by the Constitution and laws of the United States. Since its founding in 1920, the nonprofit, nonpartisan ACLU has grown from a roomful of civil liberties activists to an organization of nearly 300,000 members and supporters, with offices in almost every state. The ACLU has also maintained, since its founding, the position that civil liberties must be respected, even in times of national emergency. In support of that position, the ACLU has appeared before the Supreme Court and other federal courts on numerous occasions, both as direct counsel and by filing amicus briefs. The ACLU's mission is to fight civil liberties violations wherever and whenever they occur. The ACLU is also active in our national and state capitals, fighting to ensure that the Bill of Rights will always be more than a “parchment barrier” against government oppression and the tyranny of the majority.

Appendix A

DEB BENKO (POLICY CAUCUS, DISCRIMINATION WORKING GROUP)
(formerly of) Mental Disability Rights International
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www.mdri.org

Mental Disability Rights International (MDRI) is a non-governmental advocacy organization dedicated to the recognition and enforcement of the rights of people with mental disabilities. Established in 1993 as a joint project of the Bazelon Center for Mental Health Law and American University's Center for Human Rights and Humanitarian Law, MDRI documents conditions, publishes reports on human rights enforcement, and promotes international oversight of the rights of people with mental disabilities. Drawing on the skills and experience of attorneys, mental health professionals, human rights advocates, people with mental disabilities and their family members, MDRI trains and supports advocates seeking legal and service system reform and assists governments to develop laws and policies to promote community integration and human rights enforcement for people with mental disabilities.

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(212) 854-0706
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He can now be reached at
Asian American Legal defense Fund
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Founded in 1998, the Human Rights Institute at Columbia Law School is training the new generation of human rights lawyers. As a crossroads for practitioners, scholars, and activists, the Human Rights Institute (HRI) bridges law and other disciplines; theory and practice; international human rights and national constitutional rights. Working closely with a network of civil and human rights lawyers and Columbia's Human Rights Clinic and Public Interest Programs, HRI's "Bringing Human Rights Home" Program develops new strategies and legal support for the domestic implementation of international human rights standards.

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(215) 227-2435 fax
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He can now be reached at:
American Friends Service Committee
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For nearly three decades, Community Legal Services, Inc. (CLS) has provided the highest quality legal assistance to the needy with the ongoing support of the Philadelphia Bar Association and the legal community. Our mission is to help low-income Philadelphia residents with legal problems by providing them with advice and representation in civil matters. In 1999 alone, we handled over 20,000 cases. Since we opened our doors, we have served over one million individuals directly. This is in addition to providing community education to inform low-income communities about their legal rights, policy analysis and advocacy, and filing class action law suits to help large numbers of poor people facing similar injustices.

WIDNEY BROWN (POLICY CAUCUS, DISCRIMINATION WORKING GROUP)
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Human Rights Watch is dedicated to protecting the human rights of people around the world. We stand with victims and activists to prevent discrimination, to uphold political freedom, to protect people from inhumane conduct in wartime, and to bring offenders to justice. We investigate and expose human rights violations and hold abusers accountable. We challenge governments and those who hold power to end abusive practices and respect international human rights law. We enlist the public and the international community to support the cause of human rights for all. Human Rights Watch is an independent, nongovernmental organization, supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly.

HONORABLE MARK BUTTERFIELD (POLICY CAUCUS, SOVEREIGNTY WORKING GROUP)
Ho-Chunk Nation Court System
P.O. Box 70, W9598 Hwy 54 East
Black River Falls, WI 54615
(800) 434-4070
(715) 284-3136 fax
www.ho-chunknation.com

The Ho Chunk People have remained and continue to remain one of the strongest indigenous Nations in the United States. This is because the Elders of the Nation are honored and their teachings have upheld throughout history.

GRACE CHANG (SCHOLARSHIP CAUCUS, IMMIGRATION WORKING GROUP)
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Grace is a writer and activist in struggles for immigrant rights and welfare rights for immigrant women and women of color. Grace was a co-editor of *Mothering: Ideology, Experience and Agency*. She is the author of *Disposable Domesticity: Immigrant Women Workers in the Global Economy* (South End Press, 2000). As a consulting researcher for the DataCenter, she produced a report on criminal justice reform organizing based on interviews with CJ reform groups across the country. Currently, she teaches courses in Ethnic Studies, Women's Studies, and Globalization at Evergreen State College. Grace works with the Movement Strategy Center (MSC). MSC is a movement building intermediary that engages youth and adults across issues and regions - through a collective visioning and mapping process that encourages collaboration and joint strategizing in order to develop stronger, more effective movements for democracy, equity and social change.

NANCY CHANG (LEGAL CAUCUS, DISCRIMINATION WORKING GROUP)
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The Center for Constitutional Rights (CCR) is a non-profit legal and educational organization dedicated to protecting and advancing the rights guaranteed by the U.S. Constitution and the Universal Declaration of Human Rights. CCR uses litigation proactively to advance the law in a positive direction, to empower poor communities and communities of color, to guarantee the

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rights of those with the fewest protections and least access to legal resources, to train the next generation of constitutional and human rights attorneys, and to strengthen the broader movement for constitutional and human rights.

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The National Network for Immigrant and Refugee Rights (NNIRR) is a national organization composed of local coalitions and immigrant, refugee, community, religious, civil rights and labor organizations and activists. It serves as a forum to share information and analysis, to educate communities and the general public, and to develop and coordinate plans of action on important immigrant and refugee issues. We work to promote a just immigration and refugee policy in the United States and to defend and expand the rights of all immigrants and refugees, regardless of immigration status. The National Network bases its efforts in the principles of equality and justice, and seeks the enfranchisement of all immigrant and refugee communities in the United States through organizing and advocating for their full labor, environmental, civil and human rights.

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Since 1970, the NOW Legal Defense and Education Fund has been at the center of every major social and economic justice concern on the women's rights agenda, defining the issues and bringing them to public attention. NOW Legal Defense pursues equality for women and girls in the workplace, the schools, the family and the courts, through litigation, education, and public information programs. NOW Legal Defense's docket of 70 cases covers a wide range of gender equity issues. NOW Legal Defense also provides technical assistance to Congress and state legislatures, employs sophisticated media strategies, distributes up-to-the-minute fact sheets, and organizes national grassroots coalitions to promote and sustain broad-based advocacy for women's equality. Established in 1970 by the founders of the National Organization for Women, NOW Legal Defense is a separate organization with its own mission, programs and Board of Directors.

CAROLYN H. DE LEON (ORGANIZING CAUCUS, DISCRIMINATION WORKING GROUP)
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The Committee Against Anti-Asian Violence (CAA AV) was started in 1986. It has since been working with Asian communities on issues of racially motivated violence and police brutality. CAA AV brings together Asians of different nationalities, ethnicities and generations to address issues of racism, anti-immigration discrimination and economic injustice. CAA AV's most visible success has been in assisting hundreds of victims of anti-Asian violence over the last eight years. In addition to this visible task of fighting anti-Asian violence related cases, CAA AV seeks to unite New York's Asian communities so as to force changes in the police department, criminal justice system, public policy and media representations. Further CAA AV is involved in organizing projects with the Chinese,

Korean, South Asian and the South East Asian immigrant communities in areas of youth leadership and worker organizing.

TRISHALA DEB (ORGANIZING CAUCUS, IMMIGRATION WORKING GROUP)
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The Audre Lorde Project is a Lesbian, Gay, Bisexual, Two Spirit and Transgender People of Color center for community organizing, focusing on the New York City area. Through mobilization, education and capacity-building, we work for community wellness and progressive social and economic justice. Committed to struggling across differences, we seek to responsibly reflect, represent and serve our various communities.

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WILD's Mission is to promote human rights through the conscious leadership and action of women and girls. With a vision of social and political change, we strive to improve the conditions of women and girls and their communities. WILD provides human rights education, engages in public advocacy, and collaborates on the adoption and implementation of international human rights standards in the United States. WILD was founded in June 1996, after the 1995 United Nations Fourth World Conference on Women in Beijing, China.

DAZON DIXON DIALLO (EDUCATION CAUCUS, DISCRIMINATION WORKING GROUP)
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SisterLove is on a mission to eradicate the impact of HIV/AIDS and other reproductive health challenges upon women and their families through education, prevention, support and human rights advocacy in the United States and around the world.

Appendix A

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Border Action Network formed in May of 1999 on the second anniversary of the murder of 18-year-old Esequiel Hernandez. While herding his family's goats outside Redford, Texas, Esequiel was shot in the back by a group of young Marines on a Joint Task Force-6 (JTF-6) mission. The Marines shot Esequiel only a few hundred yards from his home and made no attempt to provide first aid as he bled to death. Since 1995, over 2000 people have died attempting to cross the US-Mexico border. Border Action Network was created by and consists of activists and organizers from the environmental, human rights, labor, and social justice movements who came together to oppose military and Border Patrol expansions on the border and to hold them accountable to the public. We see ourselves as a "new generation" of activists who believe in the importance of multi-issue organizing and coalition building.

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The Texas Coalition to Abolish the Death Penalty (TCADP) is a grassroots Texas organization comprised of individuals and groups who work to end the death penalty in all cases, everywhere. We are an inclusive organization composed of

human rights activists; death row prisoners and their families; crime victims and their families; persons working within the criminal justice system; persons opposed to capital punishment on religious and moral grounds; and other concerned citizens opposed to capital punishment.

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Since its inception in 1976, the National Coalition to Abolish the Death Penalty (NCADP) has been the only fully staffed national organization exclusively devoted to abolishing capital punishment. NCADP provides information, advocates for public policy, and mobilizes and supports individuals and institutions that share our unconditional rejection of capital punishment. Our commitment to abolition of the death penalty is rooted in several critical concerns. First and foremost, the death penalty devalues all human life—eliminating the possibility for transformation of spirit that is intrinsic to humanity. Secondly, the death penalty is fallible and irrevocable—nearly one hundred people have been released from death row on grounds of innocence in this "modern era" of capital punishment. Thirdly, the death penalty continues to be tainted with race and class bias. It is overwhelmingly a punishment reserved for the poor (95% of the over 3700 people under death sentence could not afford a private attorney) and for racial minorities (55% are people of color). Finally, the death penalty is a violation of our most fundamental human rights—indeed, the United States is the only western democracy that still uses the death penalty as a form of punishment.

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The Mississippi Workers' Center for Human Rights, founded in December,

1996 in Oxford, Mississippi) is a non-profit worker advocacy organization that provides education, legal assistance and organizing support for Mississippi workers. The Center assists workers with developing strategies for organizing to change conditions in their work environment. In partnership with members and community supporters, the Center implements organizing campaigns to eradicate racism, unfair labor practices and unsafe working conditions from Mississippi workplaces. Through their involvement with the Center, workers develop strategies to more effectively fight for human rights and justice on the job.

CHERI HONKALA (FACILITATOR ORGANIZING CAUCUS AND POVERTY WORKING GROUP)
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The Kensington Welfare Rights Union (KWURU) is a multi-racial organization of, by and for poor and homeless people. We believe that we have a right to thrive - not just barely survive. KWURU is dedicated to organizing welfare recipients, the homeless, the working poor and all people concerned with economic justice.

ANDY HUFF (MEMBER OF PLANNING COMMITTEE)
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As an organization founded and directed by Native Americans, the Indian Law Resource Center is dedicated to protecting the right of indigenous peoples to live with dignity and respect. Our principal goal is the survival of indigenous peoples, including protection of their land rights, environment, and right to self-determination. By providing legal and technical support to indigenous communities working on these issues, we work to reform national and international laws to recognize indigenous human rights. We believe that indigenous peoples can deal with the problems they face if their basic rights are established and protected and the inequities they suffer are removed from national and international laws and policies. Only then will indigenous communities have the protection that they need to maintain and develop their unique and vibrant cultures.

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Deborah LaBelle Law Offices is a civil rights law firm which focuses on addressing the human rights of incarcerated people. Deborah LaBelle is a Open Society Institute, Soros Senior Justice Fellow working on issues of juvenile detention.

BERNICE LALO (ORGANIZING CAUCUS, SOVEREIGNTY WORKING GROUP)

Western Shoshone Defense Project

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The Western Shoshone Defense Project's mission is to affirm Western Shoshone jurisdiction through the protection, preservation and restoration of Western Shoshone rights and homelands for present and future generations based upon cultural and spiritual traditions. As part of this effort, the Western Shoshone Defense project also assists Mary and Carrie Dann in their ongoing efforts to protect their traditional Western Shoshone lands.

RAQUEL LAVINA (ORGANIZING CAUCUS, INCARCERATION WORKING GROUP)
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www.booksnotbars.org

The Ella Baker Center for Human Rights documents, exposes, and challenges human rights abuses within the United States criminal justice system. We combine policy reform, media advocacy, public education, grassroots organizing, direct-action mobilizing, cultural activism, new technology and legal services to accomplish our mission. EBC works to build

“people’s power” in those communities that are most harmed by unlawful police violence and the incarceration industry.

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ETHEL LONG-SCOTT, EXECUTIVE DIRECTOR
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Women’s Economic Agenda Project

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In keeping with its commitment to economic human rights for all and the elimination of poverty, the Women’s Economic Agenda Project’s (WEAP) mission has always been grounded in justice for economic human rights. Our approach incorporates strategic actions, including, organizing, education, message development, leadership development, campaigns, policy work, and advocacy that derive from the needs of the community. We address economic injustices experienced by individuals and families, and bring people together to speak out and create change.

TONYA McCLARY (POLICY CAUCUS, INCARCERATION WORKING GROUP)

American Friends Service Committee

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The American Friends Service Committee (AFSC) is a Quaker organization that includes people of various faiths who are committed to social justice, peace, and humanitarian service. Its work is based on the Religious Society of Friends (Quaker) belief in the worth of every person, and faith in the power of love to overcome violence and injustice.

Founded in 1917 to provide conscientious objectors with an opportunity to aid civilian victims during World War I, today the AFSC has programs that focus on issues related to economic justice, peace-building and demilitarization, social justice, and youth, in the United States, and in Africa, Asia, Latin America, and the Middle East.

ALI MILLER (SCHOLARSHIP CAUCUS, DISCRIMINATION WORKING GROUP)

Columbia Univ. School of Public Health

Law and Policy Project

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The Law and Policy Project:

Through research, writing, teaching and training, monitoring and case-by-case advocacy, the Law and Policy Project has been at the forefront of developing linkages between public health and human rights. The Project’s staff bring their training as both practicing lawyers and public health professionals to address issues such as sexual rights, reproductive health, maternal mortality, safe migration and anti-trafficking work, violence against women and the health of refugee and displaced populations. The Project focuses its work at the intersection of public health and human rights, where analytic tools, moral power and popular appeal combine to have the greatest potential to generate social change and thus advance the health and well-being of people in all parts of the world. In addition to the theoretical development of the public health-human rights linkage through publications, staff at the Law and Policy Project have worked in the last decade to continue to build strong linkages with NGO movements in the US, trans-nationally and internationally, and close collaborations with some specific networks and organizations. Our base in a university setting gives us a freedom to press the edges of human rights theory and practice in ways that are often institutionally impossible when working from within more traditional activist organizations, but which we hope to place in service to NGOs working in these areas.

RAMONA ORTEGA (DOCUMENTATION CAUCUS, POVERTY WORKING GROUP)

Human Rights Project/Urban Justice Center

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The Human Rights Project attempts to situate domestic poverty and discrimination issues within a human rights framework. Our work represents a unique and creative attempt to push for a higher standard of government accountability than U.S. legislation typically allows. We spearhead efforts to document, monitor, and report on economic

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human rights violations in the United States, and then publicize our findings through publications, community education, and direct action.

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Centro Comunitario Juan Diego (CCJD) is a non-profit organization on the southeast side of Chicago. CCJD organizes around issues that effect the community directly, including in the schools to improve the quality of education and in the local health clinics to bring better services, around crime and other issues.

The project collaborates with other institutions such as the Illinois Coalition for Immigrants and Refugee Rights, Local 1 Service Employees International Union, the National Network for Immigrants and Refugees, the Poor Peoples' World Summit and others.

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The Joseph R. Crowley Program in International Human Rights at Fordham Law School aims to increase awareness

of human rights problems around the world, including in the United States, and to prepare lawyers to address those problems throughout their careers. Since its founding in 1997, the Crowley Program has become a crossroads for human rights scholarship, teaching and activism, through establishment of a speaker series, conferences, and human rights missions to a range of countries. Through its speaker series, the Program has become a center for presentations, meetings, and colloquia featuring academics and advocates from around the world. In addition to placing students as interns in human rights organizations throughout the world, each year the Program sends teams of students and professors on human rights missions. Through its innovative annual human rights missions, students and faculty have visited and published reports on human rights issues in Turkey, Hong Kong, Mexico, Ghana, and Malaysia. Human rights in the U.S. is also a focus of the program, both in the context of conferences and scholarship sponsored by the the Crowley Program, as well as in the context of a course Crowley-affiliated Professor Catherine Powell will teach on Human Rights and Constitutional Rights.

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The International Criminal Justice Law Clinic (ICJLC) was founded in August 2000, by Professor Speedy Rice, in conjunction with his international criminal defense work on behalf of the National Association of Criminal Defense Lawyers (NACDL).

The ICJLC has four students each semester, with supplemental support by the previously enrolled students on an ongoing basis. These students provide legal assistance to attorneys in the US and abroad, researching and writing briefs on issues of international law as it relates to foreign nationals serving time on death row in the United States.

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The National Center for Human Rights Education (NCHRE) provides educational programs for community groups, nonprofit organizations, schools and universities, helping individuals to appraise their efforts in the context of the global human rights standards. Offering introductory and intensive training workshops and educational resource materials, NCHRE enables individuals and organizations to evaluate their current strategies for social change and build a united movement for human rights in the United States.

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Over the years, LDF has built a formidable reputation as the primary legal representative of the African-American community. However, our work has impacted not only black Americans, but other minorities, women, the aged, the disabled, gays and lesbians, and the poor. Today, through our primary program areas-education, political participation, economic justice and criminal justice-we continue to challenge America to meet its democratic ideals.

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INCITE! Women of Color Against Violence is a national activist organization of radical feminists of color advancing a movement to end violence against women of color and their communities through direct action, critical dialogue and grassroots organizing. By supporting grassroots organizing, we intend to advance a national movement to nurture the health and well-being of communities of color. Through the efforts of Incite!, women of color and our communities will move closer towards global peace, justice and liberation.

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Dorothy Q. Thomas is a consultant on human rights in the United States. From 1989-1998, she served as the founding director of the women's Rights Division at Human Rights Watch. She is a 1995 Peace Fellow of the Radcliffe Institute for advanced Study, a 1998 MacArthur Fellow, and a 1998 recipient of the Eleanor Roosevelt Human Rights Award from the President of the United States.

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The Constitutional Litigation Clinic was founded in 1970 as part of the curriculum of the Rutgers School of Law - Newark. The Clinic's aim is to advance civil rights and human rights using test cases and impact litigation, and to train generations of new lawyers to work on cutting-edge legal issues. The Clinic's landmark international human rights case, *Jama v. United States*, remains the only case in the U.S. that holds that federal officials, and private corporations that contract with the federal government, can be sued under non-treaty-based customary international law for abuses they commit in the U.S. In addition, the Clinic continues to be at the forefront of freedom of speech litigation protecting the rights of people to speak in public spaces and private spaces. The Clinic is involved in legislative and advocacy efforts to reform abusive conditions of detention facilities where political asylum seekers and other immigrants are detained.

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The mission of the Deaf & Deaf-Blind Committee on Human Rights is to build the movement to gain equality, a respectful living environment and Human Rights for all Deaf, Hard of Hearing and Deaf-Blind people through education, networking, leadership, unity, teamwork and empowerment.

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See information above

Appendix B

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SELECT INTERNATIONAL AND REGIONAL HUMAN RIGHTS DOCUMENTS

General:

Universal Declaration of Human Rights, (1948), United Nations document can be found at University of Minnesota Human Rights Library, www1.umn.edu/humanrts/. Passport-size copies of the Universal Declaration can be purchased from the United Nations publication's department at (800) 253-9646, 100 copies are available for \$3.

American Declaration of the Rights and Duties of Man, (1948), Organization of American States document can be found at the University of Minnesota Human Rights Library, www1.umn.edu/humanrts/.

Convention on the Rights of the Child, (1990), United Nations treaty can be found at the University of Minnesota Human Rights Library, www1.umn.edu/humanrts/.

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts, (2002), United Nations treaty can be found at the University of Minnesota Human Rights Library, www1.umn.edu/humanrts/.

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Convention on the Prevention and Punishment of the Crime of Genocide, (1951), United Nations treaty can be found at the University of Minnesota Human Rights Library, www1.umn.edu/humanrts/.

Civil and Political Rights:

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Basic Principles for the Treatment of Prisoners, (1990), United Nations document can be found at University of Minnesota Human Rights Library, www1.umn.edu/humanrts/.

Body of Principles for the Protection of All Person under Any Form of Detention or Imprisonment, (1988), United Nations document can be found at University of Minnesota Human Rights Library, www1.umn.edu/humanrts/.

Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the protection of Prisoners and Detainees against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, (1982), United Nations document can be found at University of Minnesota Human Rights Library, www1.umn.edu/humanrts/.

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Anti-

Discrimination: Convention on the Elimination of All Forms of Discrimination Against Women, (1981), United Nations treaty can be found at University of Minnesota Human Rights Library, www1.umn.edu/humanrts/.

International Convention on the Elimination of All Forms of Racial Discrimination, (1969), United Nations treaty can be found at University of Minnesota Human Rights Library, www1.umn.edu/humanrts/.

World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Programme of Action, (2001), United Nations document can be found at University of Minnesota Human Rights Library, www1.umn.edu/humanrts/.

Beijing Declaration and Platform of Action, United Nations document can be found at University of Minnesota Human Rights Library, www1.umn.edu/humanrts/.

Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, (1994), Organization of American States (OAS) document can be found at the OAS website, www.oas.org.

Inter-American Convention on the Granting of Political Rights of Women, (1948), Organization of American States (OAS) document can be found at the OAS website, www.oas.org.

Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities, (1999), United Nations document can be found at University of Minnesota Human Rights Library, www1.umn.edu/humanrts/.

Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, (1991), United Nations document can be found at University of Minnesota Human Rights Library, www1.umn.edu/humanrts/.

Migrants: International Convention on the Protection of all Migrant Workers and Their Families, (2003), United Nations treaty can be found at University of Minnesota Human Rights Library, www1.umn.edu/humanrts/.

Sovereignty: Convention Concerning Indigenous and Tribal Peoples in Individual Countries, (International Labour Organization Convention No. 169), (1991), International Labour Organization document can be found at University of Minnesota Human Rights Library, www1.umn.edu/humanrts/.

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Draft American Declaration on the Rights of Indigenous Peoples, Organization of American States document can be found at www.cidh.oas.org/indigenos.htm.

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Economic, Social, and Cultural Rights: International Covenant on Economic, Social and Cultural Rights, (1976), United Nations treaty can be found at University of Minnesota Human Rights Library, www1.umn.edu/humanrts.

Protocol of San Salvador Convention Concerning Employment Promotion and Protection Against Unemployment, (1991), United Nations/International Labor Organization document can be found at University of Minnesota Human Rights Library, www1.umn.edu/humanrts.

Resolution of the United Nations Human Rights Commission on the right of everyone to the highest attainable standard of physical and mental health, (2003), E/CN.4/RES/2003/38, the resolution can be found at the website of the high commissioner of human rights: www.unhchr.ch/huridocda/huridoca.nsf/FramePage/standard%20physical%20En?OpenDocuments&Start=1&Count=15&Expand=1.

Report of the Special Rapporteur on the Right to Health, (2003), E/CN.4/2003/58, submitted by Paul Hunt regarding the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the report can be found at the website of the high commission of human rights: www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/9854302995c2c86fc1256cce005a18d7?

Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights "Protocols of San Salvador," Organization of American States (OAS) document can be found at the OAS website: www.oas.org.

Basic Documents on Economic and Social Rights
Links to UN documents on economic and social rights and resources on the six basic rights to education, health, housing, work, food and social security. Fact sheets and other materials on those rights are also available. (available from the Center for Economic and Social Rights, <http://www.cesr.org/ESCR/basicescr.htm>, 162 Montague St, 2nd Fl, Brooklyn, NY 11201, 718-237-9145, rights@cesr.org).

ONLINE RESOURCES

University of Minnesota Human Rights Library, www1.umn.edu/humanrts/, the University of Minnesota Human Rights Library is a repository for human rights documents available on the internet. The Library is fairly simple to use and more easy to navigate for those who maybe less familiar with the United Nations system and its various bodies and documents. Documents include treaties, those generated by treaty committees, the secretariat, specialized UN agencies, international criminal tribunals, and world conferences. The Library also has documents generated by the Organizations of American States and the Inter-American Commission on Human Rights.

United Nations High Commissioner for Human Rights website, www.unhchr.ch. This site has two primary document search mechanisms: the Charter-based Bodies Database and the Treaty Bodies Database. Both search mechanisms allow you to search by key words such as "education" or "death penalty." The Treaty Bodies Database includes Treaties (i.e. Convention on the Rights of the Child) as well as documents generated by Treaty Committees and documents generated by countries responding to Committee requests or fulfilling reporting requirements of signatory countries. The Charter-based Bodies Database includes documents generated by Charter-based bodies within the United Nations such as the General Assembly and the Commission on Human Rights. This database includes documents such as resolutions and reports of Special Rapporteurs.

United Nations Refugee Agency and the United Nations High Commissioner for Refugees, www.unhcr.ch. The mandate of this United Nations Agency is to lead and coordinate international activities to protect refugees and resolve refugee problems worldwide.

Appendix C

Appendix C

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Appendix D

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A NOTE ON SOURCES

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**JUST LOOK
THEM IN
THE EYES
AND SAY
WE'RE
GONNA
DO IT
ANYWAY.**

Labi Siffre, *Something Inside So Strong*

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