

# ADVANCING RACIAL JUSTICE AND HUMAN RIGHTS: RIGHTS-BASED STRATEGIES FOR THE CURRENT ERA

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## A POST CONFERENCE REPORT





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The Columbia Law School Human Rights Institute advances international human rights through education, advocacy, fact-finding, research, scholarship, and critical reflection. We work in partnership with advocates, communities, and organizations pushing for social change to develop and strengthen the human rights legal framework and mechanisms, promote justice and accountability for human rights violations, and build and amplify collective power.

The Institute's Human Rights in the U.S. Project builds the capacity of U.S. lawyers, policymakers, and advocates to incorporate a human rights framework into domestic social justice advocacy efforts. We build networks, facilitate trainings, conduct educational outreach, and promote coordination among progressive public policy and advocacy groups. We also directly contribute to the development of legal theories and positive precedents based on international law through work on select litigation before U.S. courts, in international and regional fora, and through other research and advocacy projects.

# INTRODUCTION AND CONFERENCE SUMMARY

On June 1, 2018, the Human Rights Institute convened its 15<sup>th</sup> annual CLE Symposium on Human Rights in the United States, a signature event of the Human Rights Institute's [Bringing Human Rights Lawyers' Network](#). The day-long event brought together more than 150 leading U.S. lawyers, activists, and academics, along with federal and local government representatives to share strategies to advance racial justice within a domestic and global context increasingly hostile to human rights.<sup>1</sup>

The Symposium was designed to develop U.S. lawyers' understanding of opportunities and challenges in implementing human rights principles of non-discrimination, equality, and participation. It also served as a forum to evaluate lessons learned from the successes achieved by the domestic human rights movement over the past two decades, and to chart a path forward at a time when human rights standards are permeating movement building, litigation, and policy advocacy to address individual and structural racism and discrimination.

Throughout the day, participants explored how human rights advocacy must pivot to ensure that core human rights are protected and respected. Advocates from international NGOs, such as Human Rights Watch, national legal organizations, including the ACLU and Latino Justice PRLDEF, as well as local advocacy groups, including the Michigan Welfare Rights Organization, Community Justice Project, and Black Women's Blueprint, highlighted the ways that human rights have been integrated into their work. Law school academic-activists from Howard, Berkeley, and Universidad Interamericana en Puerto Rico, as well as the Chair of the U.S. Civil Rights Commission, spoke about the potential and limitations of rights-based approaches in addressing police violence and advancing basic economic and social rights.

Panelists shared ways that human rights principles and international engagement are shaping policy on a wide range of issues including criminal justice, maternal health, housing, economic justice, voting, indigenous rights, and water, and identified recommendations for future advocacy. Speakers also highlighted the value of finding and leveraging unexpected allies, working with local actors in fighting back against rights regressive federal policies, and the key role that human rights education and

“ Human rights provide a powerful frame for advancing justice, as well as new tactics. If you listen to people who are struggling, and people who are the most marginalized, they are talking about their basic rights whether they use the words 'human rights' or not. They are talking about a conception of justice that comes from what is needed to make a person whole, and dignified. ”

- Meena Jagannath, Community Justice Project (2018)

movement building play in advancing human rights accountability. Based on the consensus that rights-based approaches highlight the importance of dignity and basic rights for all,<sup>2</sup> participants identified specific ways that lawyers can support advocacy efforts in addition to traditional litigation and policy advocacy.

This report highlights key takeaways and themes from the Symposium, drawing from speakers' remarks and their advocacy. It also serves as a basic human rights primer, describing core human rights principles relevant to advancing racial justice, and sharing examples of the use of human rights standards and strategies to advance domestic social justice.

# SYMPOSIUM BACKGROUND: USE OF HUMAN RIGHTS TO CHALLENGE ALL FORMS OF DISCRIMINATION: HISTORICAL TRENDS AND CURRENT CONTEXT

## Human Rights Advocacy in the United States: Rooted in Struggles for Racial Equality in the 1940s and 1950s

Since 2016, the United States federal Government has been openly hostile to human rights. Withdrawing from cooperation with [UN human rights bodies](#) and absence from proceedings at the Inter-American Commission are just two demonstrations of disdain for global norms and institutions. Policy action at the national level confirms that promoting and protecting human rights is no longer on the federal agenda. Federal policies on issues ranging from voting rights to immigration explicitly discriminate against communities of color. Racist, xenophobic, and misogynist rhetoric have also fanned the flames of a political climate hostile to the rights of African Americans, immigrant communities, religious minorities, women, and almost every group that has been historically marginalized or vulnerable in the United States. Americans are increasingly divided, and hate, bias, and discrimination are growing.

In response to current challenges, U.S. lawyers and grassroots advocates are developing new tactics and strategies to advance racial justice. Across the country, human rights are permeating local policy to counter federal rollbacks, and advocates are engaging with international and regional mechanisms to shine a light on persistent forms of discrimination and new policies that marginalize communities of color. This advocacy builds on long-standing efforts to advance racial justice grounded in global human rights norms, which can be traced to the 1940s and 1950s. One of the earliest examples of UN engagement was the NAACP's "[An Appeal to the World](#)" in 1947. The NAACP filed a petition to the then UN Commission on Human Rights exposing racial discrimination in the U.S. at a time when many in the country desired to shield Jim Crow laws from international scrutiny and condemnation.

Racial justice advocates in the United States have continued to engage with international human rights mechanisms to challenge injustice, and leveraged human rights principles and standards in an effort to change policies that discriminate - regardless of whether discrimination is intentional or not. As a result, human rights principles have been reflected in jurisprudence, such as Supreme Court decisions on [juvenile life without parole, where racial disparities in sentencing are evident](#). Human rights principles are also driving changes in local law. In 2017, New York City enacted [legislation](#) that guarantees legal representation to all low-income residents facing eviction, responding to [advocacy](#) that framed housing as a human right. Seattle has cited to the Universal Declaration on Human Rights [in a law prohibiting racial bias in policing](#). [Nine jurisdictions](#) have local laws based on the Convention on the Elimination of All Forms of Discrimination Against Women.

It is in this context that the Human Rights Institute convened the 2018 CLE symposium, [Advancing Racial Justice and Human Rights: Rights-Based Strategies for the Current Era](#), building upon growing advocacy

successes to explore the opportunities and challenges in efforts to fight for equality on the basis of human rights. Notably, just four years earlier in 2014, the Institute’s CLE symposium focused specifically on the [Convention on the Elimination of All Forms of Racial Discrimination \(CERD\)](#), as the United States was preparing for a review by the UN CERD Committee. That year marked the 20<sup>th</sup> anniversary of U.S. ratification of CERD, and was a time of renewed U.S. engagement with the United Nations. The political context vastly changed in that short time. The 2018 discussion centered on retreat from human rights obligations and commitments, rather than renewed engagement. While the racial justice threats occurring in 2018 represent some long-standing challenges in the U.S., the overt efforts to undermine discrimination protections, marginalize communities of color, and avoid international accountability create unique barriers to advancing human rights protections.

## The Renewed Urgency in the Fight for Fundamental Human Rights

Since 2016, Americans have seen rollbacks in hard won battles to advance racial justice. National leaders, including the President and Congress, have signaled that misogyny, xenophobia, anti-Muslim sentiment, and nativism are not only tolerated, but driving policy. One Symposium speaker aptly described this context, defined by federal policies that have been crafted to undermine racial equality, as “the new abnormal,”<sup>3</sup> citing examples from the arena of voting rights, education equity, and criminal justice, and urging symposium participants to continue to voice opposition, resist these policies, and remain vigilant in proposing alternative approaches.

The erosion of voting rights is one example where current policies have exacerbated efforts to undercut rights of African Americans. The 2013 [Shelby County v. Holder](#) decision significantly weakened the Voting Rights Act and exempted jurisdictions with a history of voting discrimination from submitting pre-clearances for any voting policy changes. Following *Shelby*, states and localities have imposed new discriminatory voting requirements and restrictions that have weakened turnout, particularly in communities of color, some based on false allegations that voter fraud is rampant. At the federal level, the current administration worked to bolster discriminatory voting laws by creating a so-called “Voter Integrity Commission” under the guise of addressing voter fraud. An array of civil rights advocates challenged the Commission as not only a waste of resources, but an illegal and unethical means to procure identifying data of millions of Americans. Persistent and concerted pressure ultimately led the Administration to abolish the panel.

“Peoples of the World, we American Negroes appeal to you; our treatment in America is not merely an internal question of the United States. It is a basic problem of humanity; of democracy; of discrimination because of race and color; and as such it demands your attention and action. No nation is so great that the world can afford to let it continue to be deliberately unjust, cruel and unfair toward its own citizens.”

- W.E.B. DuBois, *An Appeal to the World: A Statement of Denial of Human Rights to Minorities in the Case of citizens of Negro Descent in the United States of America and an Appeal to the United Nations for Redress* (1947)

In the area of law enforcement and criminalization, the trends are similar. The ongoing national problem of discriminatory policing, which has had a severe death toll in African American communities, and which fuels what is globally viewed as a crisis in mass incarceration, has been continually brushed aside by DOJ leadership and the Executive. Current policies serve in most cases to perpetuate and exacerbate discriminatory practices, and to promote a one-sided rhetoric of law and order. Efforts to monitor police activity have been portrayed as undercutting effectiveness, rather than promoting equity. The Justice Department under Jeff Sessions has shown hostility to the consent decrees put in place to mandate police reforms and rolled back smart-on-crime initiatives that were originally designed to alleviate overly harsh sentences and mass incarceration. Immigration violations are increasingly criminalized, in turn increasing imprisonment of communities of color. Additionally, there has been a frontal attack on sanctuary jurisdictions.

While discrimination in the arena of voting, criminal justice, housing, and education represent long-standing challenges, speakers repeatedly underscored the need to continue to acknowledge and challenge the extreme nature of the current Administration's disregard for basic rights' protections and to respond with strategies that take the political climate into account. To stand up against an administration that often seems immune to being shamed, advocates must fight harder. To be effective requires more aggressive and strategic coordination across sectors, organizations, and institutions. Human rights advocates must also pivot to Congress and legislative and administrative advocacy. There are an array of ways that participation in oversight hearings and ongoing budgetary processes can be used to maintain current protections, challenge rollbacks, and further human rights agendas. It is particularly urgent for the human rights community to participate in judicial nominations and confirmations to shape the judiciary for decades to come.

As speakers continually acknowledged, the political climate is certainly challenging and the strategies necessary to respond are not easy, but there are reasons for optimism. The current Administration's overtly discriminatory rhetoric and action has brought to the surface the hostilities, ignorance, and racism that have been present for all of the United States' history and sit at the root of many of the inequities that continue to exist, forcing the nation to confront them. Indeed calls for human rights accountability have increased, and emerged in new places, [such as Congress](#), reflecting the growing awareness of the necessity and value of invoking human rights principles to improve protections and advance racial justice. Further, U.S. media is more likely than ever before to [cover domestic issues as human rights problems](#). National and local organizations continue to amp up efforts to build human rights into governance, through broad-based initiatives such as the "[New Social Contract](#)." Harnessing the resistance and supporting the communities that have longed struggled for racial justice is vital, and human rights standards and strategies provide a powerful tool in the advocacy arsenal.

“ Human and civil rights lawyers must recognize that the old playbook might not be sufficient ... and focus on new strategies ... coordinating across our organizations and institutions. ”

- Todd Cox, NAACP Legal Defense Fund (2018)

Successfully advancing human rights today requires advocacy that recognizes the interrelated nature of rights. During the CLE Symposium, participants emphasized that in order to address the root causes of discrimination, tackling individual laws and policies is insufficient, and structural change is needed as well. Grassroots advocacy to secure adequate and affordable water offered one example of the inextricable connections between civil and political rights and economic, social, and cultural rights. Lack of clean water impacts access to education, and poses serious health risks, which disproportionately affect communities of color living in poverty and pervade all areas of life.<sup>4</sup> In Michigan, the advocates who have engaged with UN experts to improve water access have made the clear link between the existence of unelected emergency managers and privatization as key factors that led to a crisis.<sup>5</sup>

Importantly, a human rights lens connects local struggles to global anti-racism and anti-discrimination work. In addition to engaging with UN experts, emergent efforts to advance racial justice internationally, such as the [International Decade of People of African Descent](#), were discussed as new platforms to shape law and policy to advance international, national, and local action. As participants noted, the transnational and interconnected nature of human rights work has long informed advocacy to advance the rights of Indigenous Peoples. Decades of advocacy led to the adoption of [the UN Declaration on the Rights of Indigenous Peoples](#) in 2017, and U.S. endorsement of the Declaration several years later. While a positive step, it has not mitigated the need for resistance by the Standing Rock Sioux to the construction of the [Dakota Access Pipeline](#) (DAPL), a struggle which has engaged a number of UN human rights experts to shine a light on the underlying rights violations of [indigenous communities](#), and the harmful treatment of [human rights defenders who joined the struggle](#).

The remainder of this report will provide an overview of human rights standards relevant to racial justice, and discuss examples of how lawyers and advocates have engaged with international and regional mechanisms, and leveraged that engagement to enhance law, policy, and advocacy that promotes and protects human rights in the United States.

# OVERVIEW OF CORE INTERNATIONAL AND REGIONAL HUMAN RIGHTS AGREEMENTS AND ACCOUNTABILITY MECHANISMS

## Core UN Human Rights Treaties

In the aftermath of the atrocities of World War II, the protection of human rights became a central concern for the international community. Nations realized the imperative of developing a globally applicable human rights law framework and adopting human rights treaties focused on specific populations and particular rights, as well as mechanisms to monitor government actions. Each human rights treaty establishes a body of independent experts to interpret and monitor compliance with its provisions. These experts periodically review the human rights records of countries that have ratified human rights treaties, and some also issue decisions in individual cases. Civil society plays a pivotal role in the work of UN treaty bodies: providing information to treaty experts in the form of “shadow reports,” as well as participating in interactive dialogue sessions with human rights experts. At the conclusion of every periodic review of a national government, the UN body of experts issues “Concluding Observations,” which provide recommendations to strengthen human rights protections, often referencing information provided by civil society.

The United States has ratified only three of the core international human rights treaties: the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the International Covenant on Civil and Political Rights (ICCPR), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). The U.S. has also ratified the two Optional Protocols to the Convention on the Rights of the Child. Under past administrations, there have been several Congressional [hearings](#) on the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and more recently, [hearings](#) on the Convention on the Rights of Persons with Disabilities (CRPD), but neither have been ratified.

According to the U.S. Constitution, ratified treaties are “the supreme law of the land.” However, the United States has consistently declared human rights “non-self-executing” as a condition for ratification.<sup>6</sup> As a result, specific implementing legislation is needed for ratified treaties to be enforceable in domestic courts. The U.S. also typically attaches additional conditions (known as reservations, understandings, and declarations) to ratified treaties, placing limits on U.S. obligations under each treaty.<sup>7</sup> This includes a refusal to submit to individual complaints, as well as an indication that the federal, as well as state and local governments, bear responsibility for implementing treaties in a manner that is consistent with U.S. federalism.<sup>8</sup>



Figure 1: Core human rights treaties

## Treaties Focused Specifically on Eliminating Discrimination

Given the CLE’s focus on racial justice and equality, participants’ remarks focused largely on the two treaties that expressly prohibit discrimination: CERD, ratified by the United States, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which the U.S. has signed but not yet ratified.

### *The International Convention on the Elimination of All Forms of Racial Discrimination*

CERD was one of the first human rights treaties to be adopted by the international community – in 1965. At the time the treaty was adopted, the world community was wrestling with apartheid, Jim Crow laws, and decolonization. With the aim of preventing further marginalization and oppression, the Convention includes clear statements against racism, racial segregation, and racial discrimination.<sup>9</sup> It calls on governments to not only outlaw overt discrimination, but to affirmatively eradicate laws, policies, and practices that perpetuate inequality and impede the enjoyment of human rights.

CERD defines racial discrimination as “[a]ny distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the *purpose or effect* of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms.”<sup>10</sup> Discriminatory impact alone is sufficient to demonstrate a right’s violation. As panelists noted, once disparities are demonstrated, the onus is on the government to explain their cause and take

action to mitigate them. CERD also explicitly protects economic, social, and cultural rights, including housing and health. The human rights protections offered by CERD have catalyzed the human rights community's engagement with the United Nations. When the United States ratified CERD in 1994, it committed to report periodically on measures being taken to prevent racial discrimination and foster racial equality. In 2008 and 2014, [large delegations of advocates submitted shadow reports to the CERD Committee and traveled to Geneva to raise concerns on a broad array of issues impacting communities of color](#). The [Committee's 2014 Concluding Observations addressed](#) racial profiling, surveillance, the disparate impact of environmental pollution, voting rights, access to healthcare, and housing, among other concerns.

The U.S. was scheduled for another review in 2018, but has failed to submit its report to the CERD Committee. While advocates [call on the U.S. to uphold its obligations and undergo a review](#), the CERD Committee has continued to monitor and weigh in on racial justice in the United States. For example, in the wake of Charlottesville protests, the Committee issued an [urgent action](#), calling upon the U.S. government to unequivocally and unconditionally reject and condemn racism in Charlottesville and throughout the country.

## *The Convention on the Elimination of All Forms of Discrimination Against Women*

In 1979, the international community adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which prohibits discrimination against women and girls.

CEDAW defines discrimination similarly to CERD in order to prohibit distinctions and exclusions that have the goal or impact of limiting enjoyment of human rights for women on the basis of that identity.<sup>11</sup> Like CERD, CEDAW addresses both *de jure* and *de facto* discrimination and includes economic, social, and cultural rights protections, in addition to civil and political rights. CEDAW further requires governments to undertake measures to eliminate discrimination against women in political and public life, and requires governments to take measures to advance women's economic stability, such as ensuring equal pay and paid maternity leave.<sup>12</sup>

While the U.S. has not ratified the treaty, city and county governments across the United States have adopted CEDAW's core principles into law and policy. Nine jurisdictions, including San Francisco, Los Angeles, Miami-Dade County, Pittsburgh, and Cincinnati have adopted local CEDAW ordinances to take persistent gender inequity, and improve equitable spending, service delivery, and employment.<sup>13</sup>

## UN Special Procedures

Special Procedures are independent human rights experts mandated by the United Nations Human Rights Council. Known as Special Rapporteurs, Independent Experts, or members of a Working Group, they monitor, report, and advise on either thematic or country-specific human rights issues.<sup>14</sup> [Thematic mandates](#) include a focus on topics such as People of African Descent; access to water and sanitation; housing; migrants; freedom of association & expression; privacy; and migrants, among others. The primary working methods of Special Procedures include sending and receiving communications to governments on particular issues of concern, producing reports on general trends and developments with regard to their specific mandates, and conducting visits to particular countries to analyze the national context.

Country visits have been highlighted as a significant opportunity to garner media attention and influence positive change.<sup>15</sup> In contrast to treaty body experts, who review compliance with one treaty during reviews that occur at the United Nations, UN Special Procedures have more flexibility because they base their findings and recommendations on a range of human rights norms, including principles in the Universal Declaration of Human Rights, and conduct fact-finding missions. U.S. advocates have engaged extensively with Special Procedures to promote human rights.<sup>16</sup> In recent years, Special Rapporteurs focused on the right to water and sanitation (2011), housing (2009), and extreme poverty (2017) have made official visits the United States, as have the Working Group on Discrimination Against Women (2015), and the Working Group on People of African Descent (2016). Their visits and recommendations have garnered significant media attention.

## Regional Human Rights Monitoring: The Inter-American Human Rights System

In addition to the global UN human rights system, regional bodies provide avenues for human rights monitoring and accountability. The Inter-American Human Rights System is responsible for monitoring, promoting, and protecting human rights in the 35 members of the Organization of American States, of which the United States is a part.

The Inter-American System is comprised of two principal bodies: the [Inter-American Court of Human Rights](#) and the [Inter-American Commission on Human Rights](#). The Commission is a quasi-judicial body that promotes and protects human rights through an array of activities that include: advising governments on human rights policy, conducting country visits, issuing thematic and country-specific reports, holding public hearings on human rights concerns, and investigating and responding to complaints of human rights abuses. The Inter-American Court has binding authority to adjudicate human rights cases brought against countries that have accepted the Court's jurisdiction.

The United States is obligated to uphold the protections in the foundational [American Declaration of the Rights and Duties of Man](#), and [the OAS Charter](#). However, the United States has not ratified the [American Convention on Human Rights](#), and the Inter-American Court cannot adjudicate cases against the United States. As a result, the Commission is the only human rights body in the world that has jurisdiction to hear individual complaints of human rights abuses against the United States. U.S. lawyers and advocates have long engaged with the Commission to hold the US accountable for human rights violations. Individuals seeking justice have filed cases in array of areas, including criminal justice, domestic violence, health, immigrant rights, indigenous land, military action abroad, and the right to vote.<sup>17</sup> These concerns have also been the subject of IACHR hearings and visits to the United States. In 2018, the Commission held a [hearing](#) on the situation of the human rights of persons affected by the cancellation of Temporary Protection Status (TPS) and Deferred Action on Childhood Arrivals (DACA). Four years earlier, IACHR representatives [visited](#) the U.S. to monitor the situation of unaccompanied children and families who have crossed the country's southern border.

## Holding the U.S. Accountable for Human Rights at the Federal Level: The U.S. Commission on Civil Rights

Across the world, over 100 countries have established National Human Rights Institutions (NHRIs) to promote and monitor the effective implementation of international human rights principles at the national level by handling complaints, promoting human rights education, and making recommendations on law reform. While the United States lacks an NHRI,<sup>18</sup> they have a federal civil rights monitoring body that monitors the enforcement of, and compliance with, federal civil rights law: the U.S. Commission on Civil Rights (USCCR). The Commission was created by the Civil Rights Act of 1957 to shape civil rights policy at a national level. In recent years, the USCCR has focused on key issues that impact the enjoyment of human rights, including minority voting rights access, civil rights at immigration detention facilities, and police use of force. The USCCR is based in Washington D.C., but holds field hearings and also has 51 State Advisory Committees (SACs), one for each state and the District of Columbia. The SACs are empowered to highlight local civil rights concerns and issue recommendations that take into account local priorities and circumstances. Through the SACs and the USCCR, advocates can raise human rights concerns, and propose and analyze affirmative solutions to achieve racial justice based on globally accepted human rights principles. The USCCR can also contribute to global dialogues on human rights.<sup>19</sup>

# BENEFITS OF ENGAGEMENT WITH INTERNATIONAL HUMAN RIGHTS STANDARDS AND STRATEGIES

A rights-based approach encompasses using human rights law and human rights mechanisms to advance change, but it also refers to advocacy grounded in core human rights principles of universality, dignity, equality, non-discrimination, and meaningful participation of communities. Symposium participants explored the potential that advocacy at the UN and Inter-American Commission holds to center the voices of individuals impacted by human rights violations; make claims that are unavailable under domestic law; raise visibility of issues in the media; and reframe key community concerns and solutions. Discussions covered an array of advocacy efforts to address criminal justice, voting, sexual and gender-based violence, economic justice in Puerto Rico, and the right to basic needs such as housing, water, and sanitation, as well as efforts to uphold the rights of migrants and immigrants, and to preserve and protect lands and rights of native and indigenous peoples. The following section distills some of the discussions and includes additional examples of emblematic human rights advocacy.

## Centering Voices and Experience of Individuals Impacted by Human Rights Violations

Symposium speakers highlighted the imperative of grassroots leadership in human rights advocacy. Taking human rights claims to regional and international human rights fora provides an opportunity for individuals who have experienced human rights violations to share their experience and demand justice. As part of UN reviews of the United States, impacted individuals can travel to Geneva, meet with representatives of UN member states and UN treaty body experts to share their concerns, and suggest recommendations to be made to the United States, in addition to submitting information in writing. UN Special Rapporteurs, as well as members of the Inter-American Commission often visit communities to gather information on the human rights situation. In addition, civil society consultations prior to the United States' Universal Periodic Review can provide a space to make demands for justice and accountability. As noted earlier, the Inter-American Commission on Human Rights is also a unique venue for individuals to testify to an audience of IACHR experts and U.S. government officials during cases and hearings. Each human rights mechanism provides some space to elevate the lived experience of individuals impacted by human rights violations.<sup>20</sup> As a number of speakers emphasized, having grassroots communities at the front and center of human rights advocacy can encourage mobilization and empower more individuals to speak up, share their stories, and vindicate their rights.

UN treaty body reviews have historically provided a significant opportunity for mobilization, and the review of U.S. compliance with the CERD in 2014 is emblematic. During the review, Black Women's Blueprint galvanized Black female and LGBTQI survivors of sexual and gender-based violence [shared their stories](#) through a shadow report, and by speaking with UN independent experts in Geneva, denouncing the lack of adequate protections against violence and bodily harm inflicted upon communities of color. The testimonies delivered in Geneva encouraged and mobilized more women

across the United States to share their own experiences and stories through various social media platforms.<sup>21</sup> It was an important moment for those who “did not think they could turn to the state for protection” to tell their personal stories and call for their right to protection by the state against violence and bodily harm.<sup>22</sup>

In 2014, [Michael Brown’s parents](#) participated in the UN Committee Against Torture’s review of the United States, discussing how the killing of their son and the excessive force by police officers against Ferguson protestors violate human rights prohibitions against torture and other cruel, inhuman, or degrading treatment. Going to international arenas to make these claims reflected a longstanding belief that issues of racism and discrimination are beyond America’s ability to solve unilaterally.<sup>23</sup>

Official and unofficial visits of UN Special Procedures to the United States have also provided a platform to amplify the voices of individuals and groups fighting for basic rights. Visits of the UN Special Rapporteurs on housing and on clean water and sanitation to the U.S. have been described as “empowering and validating” for homeless individuals whom they have consulted because these engagements foster a sense “that there are others, people in power among them, who share their vision of a world in which everyone, regardless of housing or other status, is treated ... with basic human dignity.”<sup>24</sup>

More recently, the U.S. Human Rights Network partnered with local advocates from all over the U.S. to present testimony at an the Inter-American Commission [hearing](#) on the human right to water and sanitation. Representatives of communities directly affected by misguided and harmful water and sanitation policies in New Mexico, California, Michigan, and Alabama shared the impact of U.S. failure to recognize and protect these human rights, and provided recommendations to Commissioners, linking their concerns to [transnational](#) struggles. [The Nation](#) covered the hearing, highlighting testimonies on the adverse effects of lack of access to clean and affordable water.

## Providing a space to make claims that are unavailable under domestic law

The lack of domestically available remedies and the ineffectiveness of traditional accountability mechanisms, including courts, have encouraged advocates to “look for new solutions outside of broken boxes.”<sup>25</sup> Regional and international human rights mechanisms provide an important space to make claims that may be unavailable under domestic law, and when domestic channels fail to provide redress.

Engaging in International Human Rights Mechanisms and amplifying a rights based approach does not compromise our domestic work, it enhances it. The power goes beyond legal definitions and policies, calling for approaches that ensure affected persons and communities are the voice and face of our human rights policies.

- Rosalee Gonzalez, Executive Director,  
US Human Rights Network (2018)

Criminal justice, and juvenile justice in particular, is one area where U.S. practice is clearly out of step with international human rights law and global practice. Advocates have brought issues such as juvenile life without parole sentences to the attention of the UN and the Inter-American Commission as one strategy to tackle persistent racial disparities in sentencing. In its [2014 Concluding Observations](#), the CERD Committee highlighted the incompatibility of racial disparities at all levels of the juvenile justice system with human rights norms, and called for the U.S. to prohibit and abolish life imprisonment without parole for juvenile offenders and to intensify efforts to address the racial disparities in law enforcement.

The Inter-American Commission, the only human rights body that has jurisdiction to hear individual complaints against the U.S., provides a unique platform for victims and advocates to seek justice. In 2017, the Inter-American Commission opened the case of [Anastasio Hernández-Rojas](#), who was brutally beaten, tortured, and killed in 2010 by more than a dozen federal border patrol agents. After the U.S. Department of Justice closed its investigation into Mr. Hernández-Rojas' death in 2015 – without pursuing federal charges against any of the agents involved – his family worked with advocates to file a petition with the Inter-American Commission, resulting in the IACHR's first case addressing unlawful killing by law enforcement against the United States.

Advocacy with regional and international mechanisms is also vital because it can address structural and long-term challenges, not just individual redress and compensation. As one ongoing example, advocates fighting for economic justice in Puerto Rico have engaged with the Inter-American Commission, holding public [hearings](#) on public debt, fiscal policy, poverty, and the right to vote in Puerto Rico. Given Puerto Rico's unique status, including its lack of independence and lack of political representation with the United States, the Inter-American Commission offers a unique platform for communities and local advocates to raise visibility of long-standing human rights violations, placing pressure on U.S. officials to respond.<sup>26</sup>

## Enhancing Issue Visibility

Engaging with regional or international human rights mechanisms is a unique means to attract media attention and raise awareness of human rights concerns. This is important because media attention enables activists to identify and expose human rights concerns, amplify the message of their cause, and leverage greater awareness into a broader strategy.<sup>27</sup> Advocates can further leverage commentary from human rights experts in community organizing and advocacy.<sup>28</sup>

The UN Human Rights Committee's review of U.S. compliance with the International Covenant on Civil and Political Rights (ICCPR) attracted national media attention in 2014. The [New York Times](#) covered the review, focusing on U.S. government's position that the ICCPR does not impose extraterritorial obligations on the United States, a position the Committee rebuked.<sup>29</sup>

In 2014, the Special Rapporteur on the right to water and sanitation and the Special Rapporteur on the right to housing visited Detroit to examine the devastating impact of the city's water shutoffs, holding a series of meetings in neighborhoods that had lost water service. Their visits received widespread media attention, including reports in the [Atlantic](#) and the [BBC](#), shining an international spotlight on Detroit's water crisis.<sup>30</sup>

The 2017 formal country visit of Special Rapporteur on Extreme Poverty and Human Rights garnered unprecedented media attention from national news outlets, including [Washington Post](#) and local media in jurisdictions in [California](#) and [Alabama](#). The Special Rapporteur also published his own reflections of

his visit in [the Guardian](#). Taken together, this coverage sparked new awareness and debates regarding the level of poverty in the U.S. at the local, national, and international levels.

## Reframing Issues with a New Lens

Utilizing an international human rights framework allows advocates to recast a debate using a new lens, and to shine a light on the human dignity costs of law and policy, illustrate comparative approaches, draw from a globally accepted set of laws and norms, and highlight how domestic law and policy contravene them. Advocacy to advance the right to housing demonstrates this in practice. In particular, the criminalization of homelessness has gained increasing traction as a human rights violation, as a result of ongoing advocacy.

In partnership with advocates across the country, the National Law Center on Homelessness and Poverty has leveraged UN reviews by the CERD Committee and the Committee Against Torture [to highlight the ways that criminalization of homelessness violates non-discrimination principles and the right to housing](#), and is a form [of cruel, inhuman and degrading treatment](#). Following her country visit to the United States in 2011, the Special Rapporteur on the Right to Water and Sanitation highlighted in her [report](#) that local statutes prohibiting public urination and defecation are discriminatory in their effects. She underscored that such laws are discriminatory in effect because “such statutes are enforced against homeless individuals who often have no access to public restrooms and are given no alternatives,”<sup>31</sup> and raised concerns regarding the right to sanitation and the criminalization of individuals as a result of their lack of access to sanitary facilities. This advocacy has resulted in strong recommendations to the United States and media coverage, as well as [influencing changes in housing law and policy](#).

Framing voting as a human rights issue has also increased avenues to raise structural challenges to exercising this fundamental human right. Although restrictive voter identification laws, gerrymandering, and state-level felon disenfranchisement have disproportionately impacted the voting rights of individuals of color, these practices have been upheld by federal courts. To highlight how these practices contravene U.S. human rights treaty obligations, advocates have engaged with ICCPR and CERD, submitting [shadow reports](#) that expose the scope of voting rights violations, particularly against communities of color. Human Rights Watch engaged with the CERD to [highlight](#) how the U.S. government’s drug policies and felony disenfranchisement laws disproportionately affect black communities, contravening the government’s treaty obligations under CERD.

This advocacy has led to strong recommendations from the United Nations. The Human Rights Committee called for the United States government to “take all necessary measures to ensure that voter identification requirements ... do not impose excessive burdens on voters and result in de facto disenfranchisement.”<sup>32</sup> The CERD Committee also issued recommendations that the U.S. “enforce federal voting rights legislation ... in ways that encourage voter participation, ... adopt federal legislation to prevent the implementation of voting regulations which have discriminatory impact ... [and] ensure that all states reinstate voting rights to persons convicted of felony who have completed their sentences.”<sup>33</sup> The Working Group of Experts on People of African Descent also highlighted voting rights violations after visiting the United States. The Working Group expressed concern that voter identification requirements and limits on early voting and registration in several states “served to discriminate against minorities such as African Americans” and called upon the U.S. government to “ensure that all states repeal laws that restrict voting rights,” and urged “reinstatement of the voting rights of persons convicted of a felony who have completed their sentences.”<sup>34</sup> UN reports and findings have been cited by the media and advocacy groups to raise awareness on how restrictions on voting

rights in the U.S. violate globally accepted human rights laws and principles. The CERD Committee's 2014 review of the U.S. was covered by international and domestic media outlets, including [Aljazeera](#) and [PBS News Hour](#).

A more recent example, from late 2018, is the advocacy to prevent the U.S. Department of Homeland Security from adopting a new proposed rule on immigration policy, "[Inadmissibility on Public Charge Grounds](#)," which, if finalized, could allow the government to deny admission and lawful permanent residence to immigrants who have received or are likely to receive some form of public benefits. The Center for Constitutional Rights and Columbia Law School's Human Rights Institute submitted a [public comment](#) to DHS, highlighting the potentially harmful and discriminatory impacts of the proposed rule in violation of international human rights law, drawing from UN treaty body recommendations, and the report of the UN Special Rapporteur on extreme poverty after his 2017 visit to the U.S. Human Rights Watch also [commented](#), highlighting how the proposed rule would violate the rights of vulnerable communities, including the rights to health and to non-discrimination.

# LEVERAGING SUCCESS DOMESTICALLY

Human rights norms and principles promoted by regional or international human rights mechanisms can be used to inform federal, state, and local policy and to catalyze government responses to human rights violations. Advocates have also combined strategies of norm development and capacity building to incorporate human rights norms into litigation, policymaking, and organizing. Symposium participants discussed a range of examples from the arena of women's rights, criminal justice, and struggles to secure fundamental rights for low-wage workers, as well as ongoing advocacy to tackle discrimination against Muslim, South Asian, and Arab Communities. This section highlights just a few examples, focusing on housing, gender-based violence, reproductive justice and gender-equity, and noting an uptick in state and local government engagement with human rights in recent years.

Activists have utilized the international human rights framework to inform U.S. Supreme Court jurisprudence regarding juvenile life without parole. In the case *Graham v. Florida*, human rights organizations filed an [amicus brief](#) urging the Court to consider international law and foreign practice in its interpretation of the Eighth Amendment's clause prohibiting cruel and unusual punishment.<sup>35</sup> Justice Kennedy's majority opinion cited the UN Convention on the Rights of the Child's prohibition of the sentence and foreign practice, concluding that by "continuing to impose life without parole sentences on juveniles who did not commit homicide, the United States adheres to a sentencing practice rejected the world over."<sup>36</sup>

Alongside UN advocacy to challenge the criminalization of homelessness, mentioned above, domestic litigation and advocacy have shaped the view that criminalization can constitute violations of human rights and constitutional rights,<sup>37</sup> and have influenced the U.S. Department of Housing and Urban Development (HUD)'s change in its funding applications to incentivize efforts to reduce criminalization of homelessness.<sup>38</sup>

Human rights advocacy has also secured stronger policies in the arena of women's rights, while serving as means of alliance-building and mobilization. In 2011, the Inter-American Commission on Human Rights issued a landmark [decision](#) in the case of *Jessica Lenahan (Gonzales) v. United States of America*. The case was filed to seek redress for Lenahan, whose daughters were abducted by her estranged husband and killed after local police refused to enforce her domestic violence restraining, after all domestic avenues to pursue justice were closed. During the course of the Inter-American litigation, over 70 human rights organizations and individuals joined amicus briefs including Native American women's rights groups, domestic violence advocates, and children's rights groups. The Inter-American decision found that the United States violated the human rights of Lenahan and her children, and made comprehensive recommendations for changes to U.S. law and policy to prevent and address gender-based violence. Notably, the Inter-American Commission proceedings were the first time that Jessica was able to tell the story of the rights violations she experienced – she did not testify in the domestic proceedings. The decision in her favor reflected her personal testimony, and has also provided an avenue for policy change. At the national level, the decision was a catalyst for the U.S. Justice Department, which issued a landmark guidance, [Identifying and Preventing Gender Bias in Law Enforcement to Domestic Violence and Sexual Assault](#), detailing how police departments should prevent and respond to sexual and gender-based violence to comply with civil rights laws. Locally, the decision

has served as the basis for a [number of local jurisdictions](#) to declare freedom from domestic violence as a human right, and foster changes in law and policy.

In recent years, the Center for Reproductive Rights has worked closely with national groups and grassroots advocates in Texas and across the U.S. South to improve reproductive healthcare access and outcomes for Latinx and Black women, grounding advocacy in human rights principles. The Center was a key partner in the [Nuestro Texas campaign](#), which aimed to document the human rights impacts of lack of access to reproductive healthcare for immigrant communities in Texas and eliminate existing barriers. Through this campaign, and more recent work with [the Black Mamas Matter Alliances](#) to advance maternal health, rights, and justice, the Center has leveraged engagement with UN treaty bodies and UN Special Rapporteurs to elevate the voices of women who have experienced ongoing discrimination in securing adequate healthcare on an international stage, secured recommendations for changes to US policy to address inequities, and then used those recommendations in organizing, advocacy, and litigation.<sup>39</sup>

International human rights norms have not only impacted federal and state policy, but have also informed local governance. One of the earliest efforts by local governments to implement the norms of international human rights treaties was San Francisco's adoption of a local [ordinance](#) reflecting the human rights principles of CEDAW. In 1998, San Francisco adopted a local ordinance that called for the city to "integrate human rights principles and the local principles of CEDAW into its operations," eradicate policies that have discriminatory effects, proactively identify barriers to the realization of equal rights, and adopt a CEDAW Task Force to monitor the implementation of the ordinance.<sup>40</sup> Since the law's passage, San Francisco has conducted gender [analyses](#) of the City's departmental policies. Following San Francisco's lead, more cities and counties such as Los Angeles, Pittsburgh, and Miami-Dade County have adopted ordinances to enshrine CEDAW principles into law.<sup>41</sup>

Local governments have also supported community capacity building through providing human rights education opportunities. For example, Mayor William Bell of Birmingham hosted a human rights dialogue in 2015, offering an avenue to hold panel discussions on issues including social justice, immigration, education, marriage equality, homelessness, and poverty and include community voices in decision-making.<sup>42</sup> The discussions highlighted the interrelated nature of rights, the value of community participation and collaboration, and the need to address ongoing and multiple forms of discrimination. Such human rights dialogues lay a critical basis to "foster a more collaborative, transparent, and accountable approach to governance based on core human rights principles."<sup>43</sup> In cities across the country, local officials are innovating to address long-standing racial inequality on the basis of human rights. Under the leadership of Mayor Kitty Piercy, Eugene, Oregon updated its Human Rights Ordinance to reflect global human rights norms, and committed to become a human rights city.<sup>44</sup> In Jackson, Mississippi, Mayor Chokwe Antar Lumumba is focused on fostering [economic justice and participatory democracy](#), grounded in human rights principles. State and local human rights agencies, and the umbrella organization of these agencies, IAOHRA, have also continuously fought to bring human rights home, [participating in UN proceedings, committing to human rights principles, and fostering local human rights implementation](#).

# LOOKING AHEAD: RESPONDING TO EMERGING THREATS WITH RIGHTS-BASED APPROACHES

Human rights organizations that have historically employed naming-and-shaming strategies to hold the government accountable now face an administration that “doesn’t mind being named because it cannot be shamed.”<sup>45</sup> By mobilizing and supporting new rights-based strategies to respond to current threats, advocates can build on past successes to advance human rights. The past demonstrates that success requires breaking down silos and engaging with new allies, as well as placing the communities with firsthand knowledge of rights’ violations at the forefront of advocacy.<sup>46</sup>

The 15<sup>th</sup> Annual CLE symposium brought together a remarkable group of grassroots activists, attorneys, government officials, and academia for a focused discussion of the international human rights framework, strategies to effectively engage with regional and international human rights mechanisms and leverage success domestically, and ways to respond to emerging threats with rights-based approaches to advance racial justice in the United States.

Advocates are generating a creative and rich set of responses to push back against an administration that voices xenophobia, racism, misogyny, and nativism. Speakers emphasized that it is imperative to stand alongside those who stand up and speak out against blatant disregard for human rights. “Once we can hear, we must react. We must respond, and ultimately, we must act.”<sup>47</sup> As struggles to advance racial justice continue, networks of lawyers and advocates, including the [Bringing Human Rights Home Lawyers’ Network](#) and the [U.S. Human Rights Network](#) will continue to build the capacity of U.S. social justice advocates, create space to share strategies, and amplify the human rights wins that are secured.

# ENDNOTES

<sup>1</sup> This document was prepared by the Human Rights Institute at Columbia Law School under the guidance of JoAnn Kamuf Ward, director of the Human Rights in the US Project. Gina Kim, a research assistant with the Institute from 2018-2019 conducted research and assisted with the drafting of the report. Legal fellow Anjli Parrin also contributed to the report. The Institute is grateful to all of the participants in the 2018 Human Rights in the US CLE Symposium who generously shared their insights, experience, expertise and time. We also extend our appreciation to the CLE Symposium co-sponsors: ACLU, Center for Constitutional Rights, Center for Reproductive Rights, Latino Justice PRLDEF, US Human Rights Network, and University of Pennsylvania Transnational Legal Clinic. We thank Cleary Gottlieb Steen & Hamilton LLP, who generously hosted the event, and made the discussions possible.

<sup>2</sup> Meena Jagannath, *Responding to Emerging Threats with Rights-Based Approaches*, Advancing Racial Justice and Human Rights: Rights-Based Strategies for the Current Era, June 1, 2018.

<sup>3</sup> Todd Cox, *Opening Remarks*, Advancing Racial Justice and Human Rights: Rights-Based Strategies for the Current Era, June 1, 2018.

<sup>4</sup> See *Going to the Toilet When You Want: Sanitation as a Human Right* (Human Rights Watch, 2017), <https://www.hrw.org/report/2017/04/19/going-toilet-when-you-want/sanitation-human-right#>.

<sup>5</sup> See *No Water for Poor People: The Nine Americans Who Risked Jail to Seek Justice*, The Nation, available at <https://www.theguardian.com/us-news/2017/jul/20/detroit-water-shutoffs-marian-kramer-bill-wylie-kellermann>

<sup>6</sup> See U.S. Constitution, art. VI, cl. 2 (“This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land . . .”)

<sup>7</sup> For example, the United States ratified CERD in 1994, attaching three reservations. The reservations state that the treaty provisions will not regulate private actors, will not impose restrictions on free speech, and that any resulting International Court of Justice adjudication would require U.S. prior consent.

<sup>8</sup> In ratifying the ICCPR, the United States indicated that state and local governments share authority to implement the treaty, through the understanding that the ICCPR “shall be implemented by the Federal Government to the extent that it exercises legislative and judicial jurisdiction over the matters covered therein, and otherwise by the state and local governments; to the extent that state and local governments exercise jurisdiction over such matters, the Federal Government shall take measures appropriate to the Federal system to the end that the competent authorities of the state or local governments may take appropriate measures for the fulfillment of the Covenant. See, e.g., Reservations, Understandings and Declarations to the International Covenant on Civil and Political Rights, 138 Cong. Rec. S4781-01 (daily ed. Apr. 2, 1992). That state and local governments have responsibility to implement human rights is consistent with the fact that many human rights issues fall within areas of state and local jurisdiction, such as housing, criminal justice, education and employment. Columbia Law School Human Rights Institute & International Association of Official Human Rights Agencies, *Closing the Gap: The Federal Role in Respecting and Ensuring Human Rights at the State and Local Level*, (2013), available at [https://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/State%20and%20Local%20Shadow%20Report%20\(ecopy\).pdf](https://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/State%20and%20Local%20Shadow%20Report%20(ecopy).pdf).

<sup>9</sup> Office of the High Commissioner for Human Rights, *The United Nations Human Rights Treaty System Fact Sheet*, available at <https://www.ohchr.org/Documents/Publications/FactSheet30Rev1.pdf>.

<sup>10</sup> The International Convention on the Elimination of All Forms of Racial Discrimination (CERD), art. 4 , opened for signature Mar. 7, 1966, 660 UNT.S. 195

<sup>11</sup> The International Convention on the Elimination of All Forms of Racial Discrimination (CERD), art. 1 , opened for signature Mar. 7, 1966, 660 UNT.S. 195; The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), art. 5(a), opened for signature Dec. 18, 1979, 1249 UNT.S. 13, entered into force Sept. 3, 1981

<sup>12</sup> Columbia Law School Human Rights Institute, *Gender Equity Through Human Rights: Local Efforts to Advance the Status of Women and Girls in the United States*, at 5 (Jan. 2017), available at <https://www.law.columbia.edu/sites/default/files/microsites/human-rights->

institute/gender\_equity\_through\_human\_rights.pdf.

<sup>13</sup> *Id.* See also Cities for CEDAW, <http://citiesforcedaw.org/>

<sup>14</sup> OHCHR, *Special Procedures of the Human Rights Council*, accessed October 26, 2018, <https://www.ohchr.org/en/hrbodies/sp/pages/welcomepage.aspx>. Country mandates focus on specific countries, including Myanmar, Sudan, and Belarus. The full list can be found at [https://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx](https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx)

<sup>15</sup> Ted Piccone, *Catalysts for Change: How the UN's Independent Experts Promote Human Rights*, at 21 (2012) (“Of all the tools available to the independent experts, it is their visits to countries that yield the most attention and results.”)

<sup>16</sup> Columbia Law School Human Rights Institute, *Engaging UN Special Procedures to Advance Human Rights at Home: A Guide for U.S. Advocates* (July 2015), available at [https://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/special\\_rapporteurs\\_report\\_final.pdf](https://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/special_rapporteurs_report_final.pdf);

“Columbia Law School Human Rights Institute Symposium Explores Strategies for Engaging with UN Human Rights Experts,” Columbia Law School Human Rights Institute, June 28, 2016, <https://www.law.columbia.edu/human-rights-institute/news-features/press-releases/hri-symposium-explores-strategies-engaging-un-human-rights-experts>.

<sup>17</sup> Columbia Law School Human Rights Institute, *Human Rights in the United States: Primer on Recommendations from the Inter-American Human Rights Commission and the United Nations* (June 2015), available at [https://www.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/primer.\\_june\\_2015.for\\_cle\\_0.pdf](https://www.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/primer._june_2015.for_cle_0.pdf).

<sup>18</sup> Columbia Law School Human Rights Institute & Leadership Conference Education Fund, *The Road to Rights: Establishing a Domestic Human Rights Institution in the United States* (2012), available at <https://www.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/The%20Road%20to%20Rights%20Final.pdf>

<sup>19</sup> *Id.* See also Columbia Law School Human Rights Institute & IAHR, *Public Comment to the U.S. Commission on Civil Rights: Are Rights a Reality? Evaluating Federal Civil Rights Enforcement (Hearing Held November 2, 2018)* (Dec. 2018) (on file with the authors).

<sup>20</sup> Lisa Crooms-Robinson, *Overview of Legal Framework and Core Principles*, *Advancing Racial Justice and Human Rights: Rights-Based Strategies for the Current Era*, June 1, 2018.

<sup>21</sup> Farah Tanis, *Strategies for Effective International Engagement and Leveraging Success Domestically*, *Advancing Racial Justice and Human Rights: Rights-Based Strategies for the Current Era*, June 1, 2018.

<sup>22</sup> Farah Tanis, *Strategies for Effective International Engagement and Leveraging Success Domestically*, *Advancing Racial Justice and Human Rights: Rights-Based Strategies for the Current Era*, June 1, 2018.

<sup>23</sup> Justin Hansford, *Strategies for Effective International Engagement and Leveraging Success Domestically*, *Advancing Racial Justice and Human Rights: Rights-Based Strategies for the Current Era*, June 1, 2018.

<sup>24</sup> Mona Tawatao and Colin Bailey, *Toward a Human Rights Framework in Homelessness Advocacy: Bringing Clients Face-to-Face with the United Nations*, *Journal of Poverty Law and Policy* 45, no. 5–6 (October 2011): 169, [http://povertylaw.org/files/docs/article/chr\\_2011\\_september\\_october\\_article\\_16.pdf](http://povertylaw.org/files/docs/article/chr_2011_september_october_article_16.pdf).

<sup>25</sup> Sylvia Orduno, *Strategies for Effective International Engagement and Leveraging Success Domestically*, *Advancing Racial Justice and Human Rights: Rights-Based Strategies for the Current Era*, June 1, 2018.

<sup>26</sup> Annette Martinez-Orabona, *Strategies for Effective International Engagement and Leveraging Success Domestically*, *Advancing Racial Justice and Human Rights: Rights-Based Strategies for the Current Era*, June 1, 2018.

<sup>27</sup> Martha F. Davis, Johanna Kalb, and Risa Kaufman, *Human Rights Advocacy in the United States* (St. Paul, MN: West Academic Publishing, 2014), 629.

<sup>28</sup> Justin Hansford, *Strategies for Effective International Engagement and Leveraging Success Domestically*, *Advancing Racial Justice and Human Rights: Rights-Based Strategies for the Current Era*, June 1, 2018.

<sup>29</sup> Charlie Savage, *U.S., Rebuffing UN, Maintains Stance That Rights Treaty Does Not Apply Abroad*, *The New York Times*, March 13, 2014, <https://www.nytimes.com/2014/03/14/world/us-affirms-stance-that-rights-treaty-doesnt-apply-abroad.html>.

- <sup>30</sup> Columbia Law School Human Rights Institute, *Engaging UN Special Procedures to Advance Human Rights at Home*, (2015), 7.
- <sup>31</sup> UN General Assembly, *Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque*, A/HRC/18/33/Add.4, 2011, 13.
- <sup>32</sup> Human Rights Committee, *Concluding observations on the fourth periodic report of the United States of America*, CCPR/C/USA/CO/4, 2014.
- <sup>33</sup> Committee on the Elimination of Racial Discrimination, *Concluding observations on the combined seventh to ninth periodic reports of the United States of America*, CERD/C/USA/CO/7-9, 2014, 5.
- <sup>34</sup> Human Rights Council, *Report of the Working Group of Experts on People of African Descent on its mission to the United States of America*, A/HRC/33/61/Add.2, 2016.
- <sup>35</sup> *Graham v. Florida*, 560 U.S. 48 (2010); *Graham v. Florida* banned sentencing juveniles convicted of non-homicide crimes to life without the possibility of parole.
- <sup>36</sup> *Graham v. Florida*, 560 U.S. 48 (2010)
- <sup>37</sup> *Housing Not Handcuffs: A Litigation Manual* (National Law Center on Homelessness and Poverty, 2017), <https://www.nlchp.org/documents/Housing-Not-Handcuffs-Litigation-Manual>.
- <sup>38</sup> *How Ending the Criminalization of Homelessness Can Increase HUD Funding to Your Community* (National Law Center on Homelessness and Poverty, July 2018), 6, <https://www.nlchp.org/NOFAtoolkit2018>.
- <sup>39</sup> Pilar Herrero, *Strategies for Effective International Engagement and Leveraging Success Domestically*, *Advancing Racial Justice and Human Rights: Rights-Based Strategies for the Current Era*, June 1, 2018.
- <sup>40</sup> S.F., Cal., Admin. Code ch. 12K (2011) (Local Implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW))
- <sup>41</sup> Columbia Law School Human Rights Institute, *Gender Equity Through Human Rights: Local Efforts to Advance the Status of Women and Girls in the United States*, (2017).
- <sup>42</sup> *Bringing Human Rights Home: The Birmingham Mayor's Office Human Rights Dialogue* (Columbia Law School Human Rights Institute, Office of the Mayor of the City of Birmingham, September 2015), [https://www.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/birmingham\\_outcomes\\_document\\_september\\_2015.pdf](https://www.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/birmingham_outcomes_document_september_2015.pdf).
- <sup>43</sup> *Bringing Human Rights Home: The Birmingham Mayor's Office Human Rights Dialogue*, 10.
- <sup>44</sup> See The Human Rights City Project, Eugene, Oregon, at <http://www.humanrightscity.com/>.
- <sup>45</sup> Justin Hansford, *Strategies for Effective International Engagement and Leveraging Success Domestically*, *Advancing Racial Justice and Human Rights: Rights-Based Strategies for the Current Era*, June 1, 2018.
- <sup>46</sup> Nicole Austin-Hillery, *Responding to Emerging Threats with Rights-Based Approaches*, *Advancing Racial Justice and Human Rights: Rights-Based Strategies for the Current Era*, June 1, 2018.
- <sup>47</sup> Rosalee Gonzalez, *Closing Remarks*, *Advancing Racial Justice and Human Rights: Rights-Based Strategies for the Current Era*, June 1, 2018.

# APPENDIX: SYMPOSIUM AGENDA

Bringing Human Rights Home Lawyers' Network  
Annual Human Rights in the U.S. Symposium/CLE

## ADVANCING RACIAL JUSTICE AND HUMAN RIGHTS: RIGHTS-BASED STRATEGIES FOR THE CURRENT ERA

June 1, 2018  
9:15 AM - 4:20 PM

### CO-SPONSORS

Columbia Law School Human Rights Institute, ACLU, Center for Constitutional Rights, Center for Reproductive Rights, Latino Justice PRLDEF, US Human Rights Network, University of Pennsylvania Transnational Legal Clinic

### HOSTS

Cleary Gottlieb Steen & Hamilton LLP  
One Liberty Plaza, New York, NY

### AGENDA

#### **8:30 – 9:15 AM – REGISTRATION & COFFEE**

#### **9:15 – 9:30 AM – WELCOMING REMARKS**

JoAnn Kamuf Ward, Director, Human Rights in the US Project, Columbia Law School Human Rights Institute

#### **9:30 – 10:00 AM – INTRODUCTORY REMARKS**

Todd Cox, Director of Policy, NAACP Legal Defense and Educational Fund, Inc.

#### **10:00 – 11:15 AM – SESSION I: OVERVIEW OF LEGAL FRAMEWORK & CORE PRINCIPLES**

*This introductory panel will introduce the normative basis for addressing racial justice through an international human rights lens. Panelists will explore how human rights norms and principles can complement U.S. legal protections, and the renewed emphasis on human rights in the current political context. Speakers have engaged in diverse efforts to address migrants' rights, challenge state use of force, advance gender and economic justice, promote access to education, and mobilize collectively for*

*international accountability. Drawing from these efforts, the speakers will highlight the elements of an inclusive, rights-based approach to advocacy, and the strengths and limitations of using human rights discourse and strategies to advance social justice.*

**Panelists:**

Lisa Crooms, Professor of Law, Howard University School of Law  
Roxanna Altholz, Assistant Clinical Professor of Law, Berkeley International Human Rights Clinic  
Farah Tanis, Executive Director, Black Women’s Blueprint

Moderator: Jamil Dakwar, Director, ACLU Human Rights Program

**11:15– 11:30 AM – BREAK**

**11:30 AM – 1:00 PM – SESSION II: STRATEGIES FOR EFFECTIVE INTERNATIONAL ENGAGEMENT & LEVERAGING SUCCESS DOMESTICALLY**

*This session will emphasize how a rights-based approach holds the potential to raise the visibility of key community concerns, foster strong partnerships, and enhance accountability. Panelists will also discuss ways to effectively use human rights standards and strategies, including through engagement with regional and international mechanisms, in advocacy to advance racial justice in the United States. The panel will cover advocacy on a range of issues, including police violence, maternal health, voting, the right to water, and economic justice in Puerto Rico. Drawing on such advocacy, this session will explore approaches to centering the voice of individuals and groups impacted by human rights violations, and share how human rights-based claims, as well as the results of international engagement, can be a component of policy-advocacy and movement building.*

**Panelists:**

Justin Hansford, Associate Professor of Law & Executive Director, Thurgood Marshall Civil Rights Center  
Annette Martinez-Orabona, Human Rights Clinic Director, Universidad Interamericana en Puerto Rico  
Pilar Herrero, Human Rights Counsel, Center for Reproductive Rights  
Sylvia Orduno, Michigan Welfare Rights Organization  
Marcia Johnson Blanco, Co-director, Voting Rights Project, Lawyers’ Committee for Civil Rights Under Law

Moderator: Cindy Soohoo, Director, CUNY School of Law Human Rights & Gender Justice Clinic

**1:15 –1:30 PM – BREAK**

**1:30 – 2:30 PM – LUNCH & KEYNOTE**

Catherine Lhamon, Chair, United States Civil Rights Commission  
Introduced by Robin Toma, Executive Director, LA County Human Relations Commission

**2:30 – 4:00 P.M. – ROUNDTABLE: RESPONDING TO EMERGING THREATS WITH RIGHTS-BASED APPROACHES**

*This roundtable will explore the threats and challenges posed by the current political environment, and the opportunities for new strategies and alliances. What role do, and can, human rights play in addressing both the increasingly urgent threats facing communities of color, and people living in poverty, as well as persistent forms of discrimination? How do we build the strength and collective power of the domestic human rights movement in light of current challenges we face? What role can lawyers play?*

**Panelists:**

Chase Iron Eyes, Counsel for the Dakotas, Lakota People's Law Project  
Baher Azmy, Legal Director, Center for Constitutional Rights  
Nicole Austin-Hillery, Executive Director, US Program, Human Rights Watch  
Meena JaganNath, Co-founder, the Community Justice Project

Moderator: Natasha Bannan, Associate Counsel, Latino Justice PRLDEF

**4:00 – 4:20 PM – CLOSING REMARKS**

Rosalee Gonzalez, Acting Director, US Human Rights Network

