

VOICES

G L O B A L R I G H T S



Poverty in the United States
Human Rights Denied



Partners for Justice

GLOBAL RIGHTS is a human rights advocacy group that partners with local activists to challenge injustice and amplify new voices within the global discourse.

With offices in: Afghanistan, Bosnia and Herzegovina, Burundi, Democratic Republic of Congo, India, Mongolia, Morocco, Nigeria, Sierra Leone and the United States.

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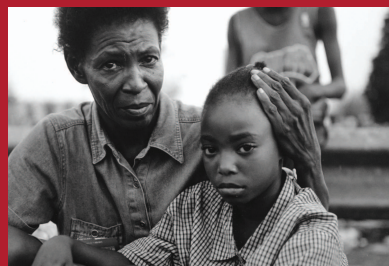


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GLOBAL RIGHTS REVIEW

By Gay McDougall, Executive Director

Rights, Poverty, and Discrimination

Extreme poverty is both a cause and an effect of human rights denials. It is a state of existence that's marked by compromised rights in the civil, political, social, and economic spheres.

Poverty is more than a lack of income or assets. Poor people generally suffer from denial of fundamental rights, particularly their right to participate effectively in political decision-making, their right to non-discrimination on the basis of group identity, and their access to justice when other rights are violated. Poor people are often the last to get assistance when disaster strikes and often find themselves stigmatized even more when societies are in crisis.

Discrimination against racial, religious, or linguistic minorities in societies is often linked in complex ways to poverty levels in those communities. Minority groups that face discrimination have higher rates of poverty than other groups. Overwhelmingly, the poorest in the world are people of color and disproportionately minority communities that have been the targets of discrimination. The vast majority of the world's poor are women of color.


A recent study sponsored by the World Bank and the UNDP measured the poverty levels of people of African descent and indigenous peoples in fifteen Latin American and Caribbean countries. They found that "in almost every country and according to all poverty lines, nonwhite groups have higher poverty rates than white groups."

People of African descent and indigenous peoples in these countries are routinely subject to racial discrimination and under-representation in government. They suffer from unequal access to education, health care, employment, and land. They are often at a distinct disadvantage within their countries' judicial systems and the areas where they live lack investment in schools, hospitals, and municipal services. Without a targeted focus on their needs and rights, they will continue to experience poverty disproportionately.

When leaders from around the globe gathered in New York in September for the United Nations' 2005 World Summit, they reaffirmed their commitment to the Millennium Development Goals (MDGs), a set of eight targets that governments have set out to meet by 2015. The first among these is to cut in half the proportion of people who experience poverty, defined as living on less than one dollar a day.

While this is a critically important goal, it suffers from an unacceptable shortcoming: the indicators for progress toward the goal focus only on national averages. Currently, there appears to be no requirement to judge progress toward the MDGs based on data that is disaggregated to show inequalities based on gender and population groups, particularly disadvantaged minority groups who are subject to discrimination and societal exclusion. By focusing on aggregate numbers, some countries could meet the targets while failing to improve the situation for those most in need of assistance. Government development policies could either ignore or further entrench inequalities based on racial or ethnic discrimination. This surely could not have been the intent when the UN Secretary-General launched the MDGs.

In the months ahead, as governments across the globe develop and implement programs to meet the MDGs, it is imperative that the goals be restated to require a focus on the rights of disadvantaged groups. Specifically, all evaluations of poverty reduction strategies must be based on data that has been disaggregated to illuminate the impact on the most marginalized sectors of the population. Those programs must include special measures to meet the needs of the poorest members of society.

Moreover, mainstreaming human rights guarantees—like equality, non-discrimination and minority rights—into national poverty reduction plans will benefit all members of society by promoting more democratic governance, increased stability, and more targeted use of development funds. 



"Mainstreaming human rights guarantees—like equality, non-discrimination and minority rights—into national poverty reduction plans will benefit all members of society by promoting more democratic governance, increased stability, and more targeted use of development funds."

Poverty in the United States:



Photo © AP Photo/LM Otero

Photo © AP Photo/Charles Rex Arbogast

Nine years ago, Maria Foscarnis, the founder and executive director of the Washington DC-based National Law Center on Homelessness and Poverty (NLCHP) attended a conference that would change the way she approached her work fighting for America's poor. At a United Nations gathering on human settlements held in Istanbul, Turkey, called Habitat II, Foscarnis saw for the first time the value of using an international human rights framework to address the critical problems of homelessness and poverty in the United States. Before long, she began to conceptualize her work through the lens of human rights—particularly the right to housing.

"The reason why it seemed this would be potentially promising was that human rights frameworks address the essence of the issues we work on in a way domestic frameworks do not," Foscarnis says. "Especially when you talk about economic and social rights, there is no comparable framework in U.S. law that looks at rights and connects the issues at play in poverty."

Foscarnis and her colleagues soon realized that although U.S. law did not protect the right to an adequate standard of living or to adequate housing, international human rights law did. Moreover, they saw that a human rights approach was empowering for those most affected by poverty; no

longer were the poor asking for charity, they were invoking rights and demanding that the government meet its corresponding duties. Relying on international human rights law therefore opened up a whole array of possibilities for engaging in domestic advocacy, beyond what was available in the U.S. context alone.

Foscarnis calls her organization's use of human rights in domestic advocacy a "new concept" and "cutting edge." But human rights advocacy was not always so rare in the United States. In fact, in the wake of World War II, the United States played a leading role in drafting the Universal Declaration of Human Rights—the international human rights movement's foundational document—as well as a number of subsequent international human rights treaties. Decades ago, the United States also strongly supported the creation of several innovative mechanisms for monitoring human rights abuses, investigating breaches of human rights norms, and punishing governments for human rights violations.

In the years that followed, however, while the United States actively promoted human rights overseas, it fought against any invocation of these standards at home. Much of this hostility to human rights stemmed from the fear, pervasive among senators from southern states, that these norms could

Human Rights Denied



be used as a justification for ending U.S. policies of racial segregation. In an attempt to quell this fear, the United States did not ratify many of the core human rights treaties for decades after they came into force (and still has not ratified others).

But today, the pendulum is swinging in the opposite direction, as more and more U.S.-based advocates such as Foscarinis are realizing that human rights can be a useful tool in their domestic advocacy. As part of this development, these advocates are demanding that the United States meets its legal obligations under the human rights treaties it has signed and ratified. They are asking international human rights institutions to investigate the United States and hold the government to account when it breaches its responsibilities. These advocates have begun to publicize human rights violations at the international level to draw attention to violations that have been under-reported at home. Moreover, they now rely on international human rights norms as models for domestic laws, and are pushing U.S. courts to use international human rights law to interpret domestic legislation.

Last March, for example, Advocates for Environmental Human Rights, a formerly New Orleans-based organization that works within the United States to protect

the human right to a healthy environment, submitted a petition to the Inter-American Commission on Human Rights alleging that African-American residents of Mossville, Louisiana, were suffering from severe health problems, an ailing environment, and a deteriorated quality of life because racially discriminatory policies allowed local industrial facilities to create noxious pollution near residents' homes and schools. The group alleged that by allowing the Mossville residents' environment to become so dangerous, the U.S. government had failed to protect their human rights to life, health, privacy, and freedom from discrimination. The charges are serious, explains Monique Harden, the organization's co-founder (and a former participant in Global Rights' Advocacy Bridge program), who says simply "If you have an unsafe and unhealthy environment, you die."

Today, Harden and her group are using a human rights framework to push for protections for New Orleans' poorest residents who were displaced from their homes by Hurricane Katrina. Many of the displaced people, Harden explains, were the city's most vulnerable residents long before the storm struck; they lacked resources and adequate incomes, and their human right to live with security and dignity had long been violated. As a result of their poverty, they were particularly vulnerable when the hurricane came



ashore. And in the storm's aftermath, she says, it remains unclear whether their human rights will be fully guaranteed in the months to come.

In her work, Harden relies heavily on the Guiding Principles on Internal Displacement, elaborated by the UN Secretary-General's former Special Representative on Internally Displaced Persons, Francis M. Deng. Among other things, these principles guarantee all internally displaced persons "the right to an adequate standard of living" and, at a minimum, require "competent authorities" to provide these persons with "essential food and potable water," "basic shelter and housing," "appropriate clothing," and "essential medical services and sanitation." Using such a human rights framework, Harden says, breaks down the divisions—she calls them "issue silos"—that often separate advocacy groups that focus on different rights, and shows how their work fits together. At the same time, she continues, this approach makes clear the obligations the United States has to provide for its citizens.

For advocates working to combat poverty in the United States, the need to tap into the benefits human rights law can provide is great. In the country with the greatest wealth in the world, more than 37 million Americans earn less than \$9,800 annually, thereby meeting the U.S. Government's definition of poverty. Twenty percent of American children live in poverty, the highest proportion of any industrialized nation. Thirty-six million Americans regularly do not have enough food to meet their daily nutritional needs, and an estimated 3.5 million Americans (more than a third of whom are children) are affected by homelessness each year. The United Nations' annual Human Development Report recently found that poverty in some areas of the United States was comparable with that in many parts of the developing world.

The effect of poverty on the enjoyment of human rights is complex, as it both causes human rights violations, and

undermines people's ability to exercise other rights. For example, the poorest people are typically denied their rights—enshrined in international conventions—to food, health, housing, education, participation in the public sphere, nondiscrimination, even to life. Yet poverty can also prevent these people from exercising those rights that are recognized. The UN General Assembly has recognized that states must overcome poverty if political, civil, economic, social, and cultural rights are to be enjoyed. Moreover, poverty is often defined as a human rights violation in itself. The UN Development Program has made clear, for example, that "A decent standard of living, adequate nutrition, health care, education, decent work and protection against calamities are not just development goals—they are also human rights."

"Because poverty causes human rights violations and is evidence of the non-realization of human rights, governments that have ratified certain international and regional human rights conventions have a legal obligation to reduce poverty," says Gay McDougall, Global Rights' Executive Director. The United States is legally bound by a number of such treaties guaranteeing the right to life (which has been interpreted to include the obligation to adopt measures to eliminate malnutrition) and the right to be free from discrimination in work, housing, education, public health, medical care, and social services. As a member of the Organization of American States, the United States is also obligated to guarantee those rights laid out in the American Declaration of the Rights and Duties of Man, including "the right to the preservation of his health through sanitary and social measures relating to food, clothing, housing and medical care, to the extent permitted by public and community resources."

Accordingly, advocates in the United States may focus on any of a vast number of human rights strategies in pursuing their goals. The Poor People's Economic Rights Campaign, a national organization spearheaded by the Philadelphia-based Kensington Welfare Rights Union, for example, has organized a march from Philadelphia to New York to present a petition to the United Nations alleging that the United States has violated the human rights of the poor. The organization has also convened a delegation of poor and homeless Americans to speak before the UN Human Rights Commission in Geneva and has charged the United States with violating rights to an adequate standard of living, health, education, and social security in a petition to the Inter-American Commission on Human Rights.

Other advocates focus on different areas. Anthony Williams, founder of the New York-based group Picture the Homeless, believes that guaranteeing the right to participate in the public sphere is key to reducing poverty. The problem, as Williams sees it, is that poor and homeless citizens simply "don't have power in the government decision-making process" and thus do not have a voice in formulating, implementing, and evaluating the programs and policies that affect them. The right to meaningful participation in government is guaranteed by several human

rights treaties to which the United States is a party. Because the poor must be adequately informed if they are to meaningfully exercise this right, it also implicates their rights to education, to association, and to information. These rights, too, are guaranteed by international human rights treaties that the United States has adopted.

Foscarinis, of the National Law Center on Homelessness and Poverty, focuses much of her advocacy on the human right to housing. Through partnerships with grassroots organizations, her group has successfully lobbied local governments to adopt resolutions on the right to housing, using international human rights law as a model. NLCHP has presented testimony at a hearing of the Inter-American Commission on Human Rights on the United States' compliance with the right to housing. The organization also recently held a consultation between the United Nations Special Rapporteur on Adequate Housing and women from the United States and Canada, at which the women provided information about the right to housing in North America. More generally, Foscarinis says, her group has incorporated human rights norms and instruments into its litigation, campaign, and public information outreach activities.

While Foscarinis acknowledges that a human rights approach to poverty reduction is just starting to catch on among many U.S.-based advocates, she is convinced that those most affected by poverty have no problem understanding why a rights-based approach must be used. "People directly affected by poverty, including the homeless, get the idea of human rights," she explains. "It is clear to them that their rights are being violated." 🗣️

UN INDEPENDENT EXPERT ON EXTREME POVERTY VISITS THE UNITED STATES

Dr. Arjun Sengupta, the United Nations Independent Expert on the Question of Human Rights and Extreme Poverty, visited the United States from October 23 to November 4 and, while in Washington DC, was hosted by Global Rights' U.S. program. During his country visit, Dr. Sengupta's first as Independent Expert, he met with government representatives and civil society leaders to assess the United States' programs and policies for poverty reduction.

Dr. Sengupta identified three elements to extreme poverty: 1) income poverty, 2) "human development" poverty (including lack of access to social services) and 3) social exclusion. He said that he had come to the United States to highlight the fact that extreme poverty exists everywhere; as he noted, while the United States is the world's richest country, it also has more poverty than any country in the developed world. And Dr. Sengupta made clear that the United States must respect a number of international legal instruments it has signed, including the Universal Declaration of Human Rights and the Charter of the Organization of American States, and to take steps to alleviate poverty.

Dr. Sengupta will present his findings from this visit to the United Nations Commission on Human Rights in April 2006.



AP Photo © AP Photo/Amy Sances

ACTION UPDATE: EXPLOITATION OF DOMESTIC WORKERS EXPOSED

U.S. Human Rights Tribunal Exposes Exploitation of Domestic Workers



Photo by Tony Lu

Members of Domestic Workers United voice their support for the protection and promotion of their human rights.

In a New York City union hall with a long history of spirited meetings about the rights of workers, Domestic Workers United (DWU) and Global Rights convened a forum, the Domestic Workers Human Rights Tribunal, to expose the exploitation and abuse of domestic workers in New York. Domestic workers and advocates presented dramatic testimony at the Cooper Union Great Hall to a distinguished group of human rights and labor rights experts on violations of domestic workers' rights. Tribunal members listened intently to testimonies which detailed stories about appalling working conditions including physical abuse, seven day work weeks, low wages and irregular pay, and threats of deportation.

"Today's Domestic Workers Human Rights Tribunal placed a spotlight on an industry that is often invisible in the United States, despite its importance to our national economy" said Gay McDougall, executive director of Global Rights, who chaired the Human Rights Tribunal.

Tribunal members also included: Doudou Diene, UN Special Rapporteur on Racism; Jaribu Hill, Mississippi Workers Center for Human Rights; Lenora Lapidus, Women's Rights Project, ACLU; Ida LeBlanc, National

Union of Domestic Employees, Trinidad; Kimberly Freeman, American Rights at Work; and Catherine Tactaquin, National Network for Immigrant and Refugee Rights. And Deborah Baumgarten, Assistant Attorney General, Labor Bureau (NY) was an official observer of the tribunal.

Ai-jen Poo of DWU called for action stating, "Domestic workers in New York deserve an immediate and effective response from Albany and the national government to guarantee that their human rights are respected as workers."

DWU is calling for support for the "Domestic Workers Bill of Rights," legislation that is pending in New York State, as a way to address generations of exploitation, end human rights violations, and protect the dignity and future of all domestic workers and their families in New York.

Ten women gave testimony about their experiences as domestic workers and urged the judges to help them stop the abuses. A woman who worked as a nanny in Westchester County told of having to sleep on the living room floor, with only one thin blanket in the dead of winter. She had no days off and her \$200 a month salary was paid only irregularly.

Another woman said simply; "We find ourselves in modern day slavery. We are human beings and we deserve respect."

In response to the compelling testimony, the panel of judges came up with a set of recommendations that:

- Urges the New York State government "to take immediate steps to extend basic labor protections to domestic workers throughout the state."
- Advises the governor of New York "to establish the office of a Domestic Workers Ombudsperson" with the mandate to monitor and investigate domestic workers' situations and their places of employment, and to prosecute employers who violate the rights of workers.
- Calls upon the U.S. government to "take immediate steps to extend basic labor protections to domestic workers throughout the country."
- Urges international institutions to "call for all governments to recognize and protect the rights of domestic workers around the world."

After hearing the testimony, Doudou Diene said: "History was made today. This struggle needs to be brought into the light. From now on I will take this issue to all of the countries I visit." Lenora Lapidus echoed Mr. Diene's sentiments, saying, "Domestic workers are entitled to the rights of all other workers. We must continue this fight to ensure that domestic workers are treated with the dignity and respect they deserve." And Jaribu Hill said "We must fight together to ensure that workers rights are human rights."

The complete list of findings and recommendations is available at globalrights.org/domestic_workers. 🇺🇸

ACTION UPDATE: SEEKING JUSTICE FOR THE TULSA RACE RIOT SURVIVORS

Global Rights Submits Petition to the Inter-American Commission on Human Rights

On May 31, 1921, hundreds of African-Americans were killed, thousands of homes burned, and millions of dollars worth of property destroyed when a massive race riot seized Tulsa, Oklahoma. But in the decades since, the victims of this riot have never received justice for the harms they suffered. In an attempt to push the courts to right this wrong, on October 26, Global Rights and Charles J. Ogletree Jr., of the Charles Hamilton Houston Institute for Race and Justice, Harvard Law School, submitted a petition on behalf of the riot's survivors to the Inter-American Commission on Human Rights.

The petition was presented to Clare Roberts, president of the Inter-American Commission and Special Rapporteur on the Rights of Afro-Descendants, by two survivors of the riot, 102 year-old Otis Clark and 90 year-old Olivia Hooker. It alleges that the United States, by denying the riot's survivors an effective remedy and equality before the law, has violated international human rights law to which the United States is bound.

The riot began after a young African-American man was taken into police custody on charges of sexually assaulting a white woman. (The charges were later dropped). Soon, rumor began to spread that the man would be lynched, and thousands of people gathered at the courthouse where he was held. When a gun was fired from the crowd, the riot began.

Before long, Tulsa's police swore in as many as 500 white men and boys as "Special Deputies," instructed them to get guns, and told them to attack the African-Americans in the crowd. The African-Americans, vastly outnumbered by the whites in the area, quickly began to retreat to Greenwood, the city's African-American district. At the time,

Greenwood was a vibrant and well-off community, home to around 10,000 men, women, and children, as well as a number of successful African-American owned businesses and churches.

In the hours that followed, Tulsa's police, National Guard, and the Special Deputies carried out a devastating assault on Tulsa's African-Americans and the Greenwood district. A large number of African-Americans were illegally imprisoned in ad hoc facilities including a ball park and a convention center. Homes were looted and buildings set on fire. By the time the riot came to an end on June 1, an estimated 100-300 African-Americans had been killed by city and state officials, and deputized government agents. Every church, school, and business in Greenwood had been set on fire. Thirty-five square blocks of property was in ashes, more than 1,200 houses were destroyed, and nearly 10,000 African-Americans were left homeless.

For years after the riot, survivors and their descendents were unable to bring suit in U.S. courts because of personal safety concerns, because the government kept critical information from them, and because the courts were not open to such claims. But after a state commission investigated the riot and made its results public, the survivors filed suit in federal court. The courts, however, have refused to hear their case on the merits, ruling only that the statute of limitations has expired. The Supreme Court denied certiorari last May.

The petition submitted to the Inter-American Commission on Human Rights calls on the Commission to find that U.S. courts should hear this case on the merits and give the survivors of the Tulsa Race Riot a chance to obtain an effective remedy for the harms they have suffered. 🏛️



(L-R) Charles Ogletree; Gay McDougall; Agnieszka Fryszman, Cohen, Milstein, Hausfeld & Toll; Survivor Otis Clark; Eddie Faye Gates, Oklahoma Commission to Study the Tulsa Race Riot; Survivor Olivia Hooker; and Clare Roberts.

Photo by Ann Andrews

COUNTRY FOCUS: BOSNIA & HERZEGOVINA

On the Road from Dayton: Ten Years of Misdirected Nation Building

(This is an opinion piece authored by Global Rights' Mark Bromley. A version of this ran in the Dayton Daily News on the tenth anniversary of the Dayton Accord.)

In November 1995, the United States locked together the representatives of three warring factions from the former Yugoslavia at Wright-Patterson Air Force Base, in Dayton, Ohio, and forced them to agree to a new political framework that would divide control of Bosnia, while protecting the rights of its three dominant ethnic groups.

Since then, the United States and Europe have repeated that same diplomatic dance, often producing peace agreements with equally exuberant agendas and similarly muddled results. As we mark the 10th anniversary of the Dayton Peace Accords, it's important to consider the legacy of this approach to modern nation-building.

International agreements, like Dayton, that establish ambitious new institutions of government, create new national identities, and impose new constitutions on skeptical factions are only effective if they gain the trust—and eventually the consent—of those they seek to govern.

In the lexicon of peacekeepers and diplomats, “Dayton” is more than a reference to a document that brought an end to the war in Bosnia; it's a formula for modern peace-making. Under that Dayton formula, warlords are locked together until they reach some limited power-sharing agreement. It's understood that the agreement may be filled with internal contradictions and deferred decisions. But there is a belief that the mere promise of peace embodied in a document like Dayton ultimately becomes self-fulfilling. Ten years later, it's not at all clear that the formula really works when it comes to building democracies or providing long-term stability.

When this formula has been applied to settle other conflicts—including in Afghanistan and Iraq—it has yielded



Then—U. S. Secretary of State Warren Christopher (center, red tie) speaks at the Dayton Peace Accords in 1995.

similarly broad compromises that carve up power among entrenched factions and along unstable fault lines. And the resulting peace documents are routinely packaged with a similar range of human rights guarantees that if faithfully applied would undermine the gritty compromises.

Peace agreements like the Dayton accord are well-intentioned but inefficient responses to conflict management and they leave countries like Bosnia politically unstable and economically depressed.

It's hard not to see this same script being repeated in Afghanistan and Iraq, where laws and constitutions have been negotiated, and then re-negotiated, behind locked doors.

The good news is that Bosnia is still at peace and the country's cumbersome government is moving slowly forward with a European integration agenda. But even after a costly, 10-year commitment of peacekeepers and international administrators, and despite the carrot of European Union accession that provides an even more forceful incentive for political reform, the country has still not found its legs.

The international community calls the plays, removing elected local officials and imposing laws in the face of gridlock within the country's own legislative bodies. In practice, the struggle between nationalist leaders and international administrators has created a system of political dependence and opaque policy-making that has alienated a majority of the population from the reconstruction effort. For these reasons, in foreign policy circles in Washington and in several European capitals, the “Dayton process” now conjures up an increasingly uncomfortable image of unfinished nation-building.

As an activist model for peace enforcement, the Dayton process also teaches us several lessons:

Ultimately there must be local ownership of any imposed government or constitutional structure. But before new democratic orientations can take root—before peacekeepers can pack their bags and before citizens can rebuild their country—the terms and structures of these peace agreements must be embraced by local communities.

Story continued on page 13

GLOBAL RIGHTS ACTIVITIES

Human Rights Workshop Hosted in South Africa

Thirty legal service providers from 12 countries gathered in Johannesburg, South Africa, in September 2005, for a workshop, "Making Legal Service Provision an Effective Human Rights Strategy." The workshop was organized in partnership with the Legal Resources Centre of South Africa and Global Rights, as part of its global project, Strategies for Human Rights Lawyers. Participants were from: Sierra Leone, Liberia, Burundi, Mongolia, South Africa, Ghana, Senegal, Indonesia, India, Chad, Democratic Republic of Congo and the United States.

The three-day workshop focused on exploring how legal service providers can use strategic planning to develop effective tactics to address systemic human rights abuses. Workshop



Photo by Maria Kouloris

Participants from 10 countries gathered in Johannesburg, South Africa for a meeting on effective human rights strategies

participants learned about best practices from stakeholders in different countries and/or regions, documenting experiences and methodologies in different project locations, and refining these experiences into program models, to be made

available and accessible to NGO legal service providers.

Over the next 18 months, Global Rights will work with its partners on testing and implementing the models to help shape their legal work. 🗣️

Partners for Justice SPEAK OUT



SAM HARE
Liberia

Mr. Hare attended the workshop in South Africa. Following is an excerpt of an interview he gave to Global Rights.

My organization, FIND, focuses primarily on the return of Internally Displaced Persons (IDPs). It is important that they be returned to their home communities in a dignified way, that they have enough food and good transportation.

There are also core issues that IDPs face as they return. For instance, there have been many incidents of rape. And we do all we can to make people see that this is not only a human rights violation, but this is a crime. We have collaborated with other organizations to completely revise the rape laws. Previously, rape was a bailable

offense and many times the perpetrators would go free. But we have revised these laws and they are now before the president. There have been major changes. For instance, rape is now non-bailable offense.

To help expand the reach of human rights protections, FIND is in the field, in the refugee camps, in the displaced persons camps, in the rural communities. We've trained local human rights monitors. We've received their reports. And we think we are making a difference. People are more aware of their rights and how they can have those violations redressed. They are more confident of who they are and insist on the restoration of their dignity and social justice.

We are looking at the current presidential transition process very optimistically. But the fact of the matter is that we will not progress well if we do not get our human rights situation straight. Development will not thrive in a chaotic situation. Good leadership and governance will have to adhere to basic international human rights standards. We will have to make it happen. We will have to keep on talking, keep on writing, keep on advocating, until we acquire some minimum standard of human rights and dignity for Liberian people. We cannot do it on our own. And we are very grateful for organizations that we partner with like Global Rights who have confidence in us. We do all we can to make sure that this vision is realized.

Partners for Justice **SPEAK OUT**



SUCHITHRA VEDANTH
India

Ms. Vedanth attended the workshop in South Africa. Following is an excerpt of an interview she gave to Global Rights.

The main work that my organization, Mahila Samakhya, does is for women's rights, primarily in the area of health and education. We also work on children's rights, so that they can have the opportunity to go to school, have a healthy upbringing and be able to learn in an environment conducive to holistic development.

My interest was triggered by my research work, which was on violence against women. I found that most women didn't report the violence because they saw no way to gain redress. The only place victims of domestic violence could go was the police station, which was not a friendly place. More often than not, the police dismissed these cases as family matters. They might even say "If you're husband doesn't beat you then who will." These kind of responses from the police discouraged women from speaking out against violence. As part of Mahila Samakhya, I now have the opportunity to run counseling centers, provide support, create an enabling environment for women to seek help, break the isolation, build women's collectives, and try to alleviate the situation.

Another area that needs our attention is the practice of child marriage, which is quite common (although illegal) in rural parts of south India. Very often we find that young girls are married off at ages as young as eight and 12 years old. Preventing child marriage is sometimes a challenge because the parents will have the marriage conducted secretly. However, every year there are dozens of such illegal marriages that are prevented.

In order to handle all disputes and cases that are brought to us, an alternate dispute resolution (ADR) mechanism, led by women from local communities, has been established. This serves the needs of previously remote communities that did not have any legal service providers. The ADR mechanism is an effective method of dealing with disputes at the local level and the justice is dispensed in a way that is mostly satisfactory to both parties. It's a non-threatening way of dispute resolution, because it doesn't focus merely on punishment. It mostly uses dialogue, persuasion and a settlement of the issue. So this approach reduces the pressure on the formal courts. If women have to seek resolution from the courts for even small things it could take them an entire lifetime. So the ADR mechanism is growing in strength. And, hopefully, with the new training that is being given by Global Rights and the education of paralegals, we will be able to strengthen this ADR mechanism in better ways.

Global Rights Takes Action at Summit of the Americas

The Summit of the Americas, held in Argentina from November 4–5, provided Global Rights' Latin America program an important platform from which to highlight the human rights concerns of Afro-descendants across the Americas. Global Rights' preparations for this Summit began months earlier in Costa Rica, when the Latin America program joined with the Afro-Costa Rican Women's Center to host a two day forum on the rights of Afro-descendants in the region and, together with its partners, to develop a series of recommendations to be presented at the Summit.

The Global Rights forum, held in September, brought together 64 participants from across Latin America and the English-speaking Caribbean who work on the rights of Afro-descendants. Among the recommendations formulated at this meeting and publicized at the Summit were that governments promote the rights of Afro-descendant youth, ensure the full participation of Afro-descendant women in decision-making, and develop just public policies concerning employment of Afro-descendants. The forum participants also recommended that governments adopt and ratify an Inter-American Convention against Racism and All Forms of Discrimination and Intolerance, a new legal mechanism that Global Rights' Latin America program has been instrumental in developing. 🏳️‍🌈

Justice in Democratic Republic of Congo

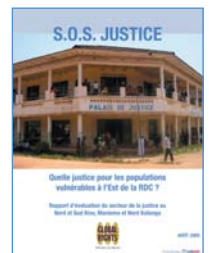
A new report, "SOS JUSTICE: What Justice Is There for Vulnerable Groups in Eastern DRC?," finds that the legal system in the Democratic Republic of Congo has collapsed under rebel occupation in the country's North Kivu, South Kivu, Maniema and North Katanga regions. The report also contends that the government has abandoned the issue of justice in these areas, where large scale human rights atrocities have taken place.

The report found that the severe shortage of judges and courts outside the main cities has rendered justice nearly inaccessible to local populations. The situation is even worse for victims of sexual violence who often prefer to keep quiet or accept out-of-court settlements that are not in their favor rather than face courts that are ill-prepared to deal with their cases.

To help correct these underlying problems, the report proposes a series of recommendations for improving the justice system to the Congolese government, the international community, donors, and NGOs. Among key recommendations are the adoption of draft legislation that ensures payment of decent wages to judges and strengthens anti-corruption mechanisms.

"SOS Justice" was researched and published through a partnership among Global Rights, four Congolese human rights activists, numerous judges and judicial personnel, and non-judicial colleagues. The goal of the report is to raise awareness about the current state of justice in Congo, where impunity reigns, and to push the government, the international community, and other key players to improve the country's justice sector.

The complete report is available in French at www.globalrights.org/DRC 🏳️‍🌈



On the Road from Dayton, continued from page 10

Evolutionary political change comes from within, and that final step in moving from an enforced peace to internalized citizenship is difficult. The modern history of peacekeeping in Bosnia shows that it's easy to miss that important final step altogether.

The Dayton process also teaches us that after crafting bold, Dayton-style peace agreements, the international community has time and again undermined its own attempts to make those agreements operational.

The removal of some of Bosnia's first democratically elected officials by international administrators, for instance, provides a good example. That move was necessary to overcome political gridlock but it came too late, and when it came, it further undermined local confidence in the domestic powers of the Bosnian institutions of government. By taking it upon themselves to create a new national flag and write a new national anthem for the country, international bureaucrats in Sarajevo again alienated those they were sent to protect.

Similarly arrogant and off-putting gaffes by those pulling the strings in Afghanistan and Iraq seem just as common, although often more violent. Indeed, the brutal interrogation and detention policies of suspected insurgents in Afghanistan and Iraq have dramatically alienated many who initially supported the interventions. Political machinations in the Iraqi constitutional process seem unlikely to create the foundations of a unified, democratic country.

The lessons of Bosnia should be a guide to our actions—and the implications of those actions—in Afghanistan and Iraq.

In addition to demonstrating the importance of local ownership within any peace process, Dayton also teaches us that it's impossible to build a new democratic culture in partnership with those who benefited most from the conflict. This would seem obvious, but while embracing human rights protections, peace agreements like Dayton routinely leave warlords and their surrogates firmly in

place. One of Southeast Europe's most powerful warlords, Slobodan Milosevic, was key to the negotiating process in Dayton, and the implementation of the Dayton agreement was later dependent on other warlords on all three sides.

Some of these criminals have since been arrested and are facing major war crimes charges, including Milosevic. But the enforcers of Dayton, including the United States, at first ignored and then only half-heartedly tried to arrest war criminals in the initial years after Dayton, when they could have been removed more easily and when that decision would have had the most impact on the contours of peace.

Peace agreements like the Dayton accord are well-intentioned but inefficient responses to conflict management and they leave countries like Bosnia politically unstable and economically depressed.

The United States apparently decided that in Afghanistan, too, the warlords should be left in place. And perversely enough, in both Bosnia and Afghanistan, these warlords have now learned how to manipulate elections and undermine democratic institutions from within. The elections and constitutional process in Iraq suggest that the forces of partition are also learning this same trick in Iraq. So while the international community pats itself on the back for bringing human rights and democracy to places like Bosnia and Afghanistan, warlords are left to profit from that system while simultaneously destabilizing it from within.

Finally, and perhaps most ominously, the Dayton process has also consistently demonstrated that rewarding ethnic conflict through ethnic set-asides and ethnically driven internal boundaries almost always creates long-term instability. Even when such practical compromises are

necessary to end a war, they always complicate the peace.

The creation in Bosnia of government institutions—including the country's presidency—that are formally linked to ethnic identities has denied political voice to smaller ethnic groups and to those Serbs, Croats or Bosniaks living in enclaves where they form a localized minority population.

This driving focus on ethnicity has also impeded the creation of ideologically identified political groupings and has handicapped moderate politicians who might have reached beyond the country's ethnic divisions. In that environment, petty warlords and ethnically motivated political forces initially gained ground in the first several rounds of elections. By the time the international community stepped in to remove some of those ethnically identified politicians, the initial hope of building a grassroots constituency for the Dayton agreement was all but lost.

Similar mistakes seem evident in Afghanistan and Iraq. Both Afghanistan and Iraq could be driven to pieces by ethnic divides, and the international community must tread carefully to avoid lending indirect support to those who would manipulate ethnicity or religion to build popular support in a post-war political environment.

Ten years after the Dayton agreement, in places like Afghanistan and Iraq, we see the international community is adept at taking the first steps to establish a toehold on democracy. But we have still not figured out how to take that next step to build domestic constituencies for peace.

Democratic cultures that respect human rights must be promoted from within, rather than imposed from above. Then-Secretary of State Warren Christopher marked the Dayton agreement with these words: "I trust that one day we'll look back at this time and say: Dayton was the place where fundamental choices were made." Those Dayton choices were important and bold, but they have yet to become fully Bosnian. For the sake of Afghanistan and Iraq, let's hope we learn more about promoting human rights cultures before the 20th anniversary of Dayton or the 10th anniversary of the Bonn Agreement for Afghanistan. ☺☺

ISSUE FOCUS: WOMEN LEAD THE MOVEMENT



EPSY CAMPBELL BARR
Costa Rica

Over the years, I have focused my work on promoting the human rights of African descendants, particularly women. More specifically, I have aimed to promote the leadership of women of African descent to give them the tools for public action. I began my work with women of African descent in

1991, by gathering together a group of Afro-Costa Rican professionals with local leaders from Limón, on Costa Rica's Caribbean side. In 1995, I co-founded the Afro-Costa Rican Women Organization.

Since the time of the trans-Atlantic slave trade, Afro-descendants in the Americas have been subject to various forms of exclusion and racism. Women of African descent have also faced sexism that has prevented them from accessing the technical and political tools necessary to develop personally and as effective leaders of their communities. But women's leadership is necessary if the situation of African descendants is to be improved.

Over the years, my organization has developed leadership workshops and established a register of Central American Afro-descendant leaders from all around the region. We have launched protest campaigns against public spaces that have prevented people of African descent from entering. We have monitored the media and, where we found racist broadcasting, fought to have programs removed from the air. And we have coordinated networks of women of African descent.

I feel that one of my greatest successes has been the political recognition that has been given to the agenda of Afro-descendants and, in particular, my election to head Costa Rica's Citizens Action Party. But although I have achieved this personal success, I am aware that I must keep fighting the racism that is still too prevalent in my society. And so, in the years to come, I hope to establish a regional leadership program for women of African descent in order to give them the tools to actively participate in formal power structures and contribute to the fight against racism. I also hope to create an academic center that would further knowledge and historical study of people of African descent, and promote scientific and statistical investigations that could promote inclusion, development, and real opportunities for our people. 🌱



FLAVIA AGNES
India

I work as a women's rights advocate, activist and researcher. As co-founder of Majlis, a legal and cultural resource center in Mumbai, India, my primary aim has been to provide quality legal services to women and children. By devoting my energies to issues of gender and legal reform, I have aimed to

make my mark on India's women's movement.

Among other things, I have worked to bring women's rights to the forefront of my country's legal system and to further my country's understanding of issues of gender and identity. In 1989, when I ventured out to provide legal advocacy to women and devoted my legal practice entirely to women's rights, it was rather unusual for a lawyer to specialize exclusively on women's rights. But over the years this field has gained credibility and recognition. I consider this a great achievement.

I have also worked to analyze social trends and legal reforms, and in so doing have focused on domestic violence, minority laws, secularism, and human rights. I have written an autobiography, entitled "My Story Our Story...Of Rebuilding Broken Lives," which has been translated into several languages. I have written other publications on gender and the law as well, and I contribute articles to academic journals and newspapers on a regular basis. For example, I write a column in Asian Age called "Law, Justice and Gender," which addresses contemporary gender concerns, and another in Femina entitled "Know Your Rights."

Over the years, Majlis's legal center has developed comprehensive programs on legal advocacy, campaigning, and women's rights. While litigation defending women's rights is an important component of our work, we also focus on helping women lawyers to develop a gender perspective. Specifically, we have aimed to increase legal awareness of the problem of violence against women and to improve access to justice for women in rural areas. We have done this by initiating a training program for women lawyers and establishing annual fellowship for a select group of women lawyers from India's Maharashtra state. This model has now been adopted by groups in other states.

In addition, by working to “reform from within,” we have helped to further women’s rights in India’s Christian Personal Laws and to advance the rights of Muslim women. Recently, we have focused our energy on issues of democracy, secularism, and identity politics, and have worked to counter India’s rising wave of Hindu fundamentalism. After the communal carnage in Gujarat, India, in 2002, I initiated a legal advocacy program for women who had been sexually violated in relief camps and issued a publication on the subject, entitled “Of Lofty Claims and Muffled Voices.”

Finally, I work with various state commissions to try to improve the functioning of India’s family courts and have reported on the functioning of family courts in several states. And I have been involved in challenging the recent trend of legislating sexual morality, as has been pushed by the state of Maharashtra. When the state government banned Mumbai’s bar dancers, I took up their case and am now representing the bar dancers in a challenge to the constitutionality of the ban before Mumbai’s High Court. 🙏



BINTA MANSARAY
Sierra Leone

From 1991 to 2002, my country, Sierra Leone, experienced a devastating civil war. When the fighting finally ended, the government, together with the United Nations, established the Special Court for Sierra Leone, in our capital, Freetown. This court, staffed by Sierra Leonean and

international judges, was created to bring to justice those who bore the greatest responsibility for crimes committed in Sierra Leone after November 30, 1996.

Because women were disproportionately targeted during the war, the Special Court has made it a priority to prosecute gender crimes such as rape and sexual slavery. Most notably, it has set precedent by prosecuting the crime of forced marriage during armed conflict. The court also provides services, including trauma counseling and protective assistance, to certain female witnesses and victims.

Before the Special Court was set up, I headed an organization that focused on the welfare of women and children in Sierra Leone who had been affected by the war. But in 2003, I was

offered a position as coordinator of the Special Court’s Outreach section, and decided this was a perfect opportunity to build on my previous work.

The Outreach section aims to promote understanding of the judicial accountability process through two-way communication. We work to mainstream gender issues into our efforts both as a way to recognize women’s experiences during the war and to address the continuing need for women’s empowerment in contemporary Sierra Leone. Specifically, we promote greater awareness of women’s rights, publicize the prosecution’s ground-breaking work on gender crimes, highlight the relatively favorable treatment of women by the Special Court when compared to national courts, and inspire women activists to advocate for improved treatment by the national judiciary.

We do this by establishing partnerships with women’s groups at the community and national levels, to whom we provide information and other support. We also hold public lectures and town hall discussions on women’s rights. And we provide education about gender equality and due process to key personnel in national and traditional courts, including paramount chiefs, court chairpersons, and court clerks; this is especially important because 80 percent of Sierra Leone’s women are governed by traditional law that does not fully recognize women’s rights. Finally, we offer trainings about the Special Court to people in traditionally female occupations, such as nurses and birth attendants. These women then share information about the Special Court with others in their communities, especially survivors of violence. One of the greatest challenges of my job has been balancing sensitivity to traditional Sierra Leonean culture with the need for women’s empowerment. In order to be effective, the Outreach department needs to appeal to all sectors of the community in a constructive manner, but achieving this in patriarchal, close-knit rural areas often requires very delicate diplomacy.

The work of the Outreach section is helping to heal some of the wounds caused by Sierra Leone’s civil war. Publicizing the court’s prosecution of those allegedly responsible for gender based violence helps meet victims’ desire for retribution and shows there will be no impunity for gender based crimes. In addition, the Outreach section helped persuade the court to institute additional gender awareness programming for judges. Finally, women who have observed the court’s groundbreaking approaches to gender have been inspired to advocate for more gender sensitive national and traditional courts. My hope is that the Outreach section not only promotes understanding of Special Court’s activities but also serves as a catalyst for progress in the struggle for equality among Sierra Leone’s women. 🙏

POSTCARD FROM THE FIELD



Photo © AP Photo/J. R. Hernandez

In the United States, the country with the greatest wealth in the world, more than 37 million Americans earn less than \$9,800 annually, thereby meeting the U.S. Government's definition of poverty. To combat this harrowing reality, more and more U.S.-based advocates are beginning to invoke human rights in their national anti-poverty programs. As one advocate explains, "human rights frameworks address the essence of the issues we work on in a way domestic frameworks do not."

You can help Global Rights build our partners' capacity to fight for human rights in the United States. Mark your donation "U.S. program" or get in touch with Brigitte Savage, development director, at 202-822-4600 or brigitte@globalrights.org.

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