

# HUMAN RIGHTS NOW!

*Newsletter of the  
Meiklejohn Civil Liberties Institute*



March 2010

## MCLI Makes Strong Headway on Legislative Track

### MCLI Board Vice-President Works on Police Misconduct in CA

In late January 2010, the California State Assembly unanimously passed Assemblymember Sandre Swanson's Bill 1586 establishing a BART police oversight process that had been adopted unanimously by the BART Board.

MCLI vice president Rev. Daniel Buford had lobbied for this bill, along with the family of Oscar Grant, as a step to hold BART police accountable for police misconduct. Last year, the BART Board approved the Police Oversight Process created by Rev. Buford, BART Directors, and Police union officials. The BART police had no oversight process prior to this.

The trial of BART officer Johannes Mehserle for the murder of passenger Oscar Grant on New Year's eve, 2009, is going forward in the Los Angeles County Superior Court.

Rev. Buford is also working with Allen Temple Baptist Church on the Berkeley Rapid Transit proposal to ensure that it does not discriminate against people with disabilities.

### Berkeley City Council Calls for Reconstruction and Debt Relief in Haiti

*Feb. 23:* After the Berkeley City Council heard Attorney Barbara Rhine, Sister Stella Goodpasture, MCLI's Ann Fagan Ginger, and others, they unanimously approved the resolution submitted by the Berkeley Peace & Justice Commission. The text of the resolution follows:

**Berkeley City Council Resolution on Haiti Humanitarian Earthquake Relief, Reconstruction and Return of Former Pres. Aristide**

WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code (BMC) Section 3.69.070); and WHEREAS, the Berkeley City Council passed a resolution in Solidarity with the People of Haiti on May 20, 2008; and WHEREAS, President Obama has promised that "[t]he people

*Continued on p. 6*

### CA Assembly Member Introduces MCLI-Inspired Resolution on Human Rights Treaty Reporting

On Thursday, February 18th, Assembly Member William Monning (27th District -Monterey, Santa Cruz) introduced Assembly Concurrent Resolution 129 to make California the first state to file reports to the three U.N. human rights committees under treaties the U.S. has approved.



On Monday, March 1st, the Berkeley Peace & Justice Commission voted to ask the Berkeley City Council at its next meeting to support ACR 129.

The U.S. approved the International Covenant on Civil and Political Rights (ICCPR, 1992), the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ICAT, 1994) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, 1994). The treaty committees call for the U.S. to publicize the treaty texts throughout its states and territories, and to send periodic reports from "federal, state, and local levels" on the U.S.'s enforcement of the rights to human dignity, privacy, healthcare, and employment, etc.

As Monning's Resolution notes, California, as a state, has never received a notice from the federal government to compile the needed information for the treaty committees.

The Meiklejohn Civil Liberties Institute spon-

*Continued on p. 6*

#### Inside:

<i>Call for a new International Treaty</i>	2
<i>The UPR Is Coming to the U.S. Cities</i>	3
<i>Introducing MCLI's new Interns</i>	4
<i>Judge Morcom Paints a Van</i>	4
<i>News from the Berkeley P&amp;J Commission</i>	5
<i>and more!</i>	

## Call for International Treaty

Beginning in the 1980's a variety of causes -- mechanization of agriculture, IMF and government policies, globalization -- have forced millions of the world's small farmers into cities where they have become part of what the World Bank calls the "flexible labor force". For most this means living in a wooden crate and cardboard box slum and joining a daily scrimmage for the few temporary jobs that may be available. In India their numbers are estimated at over 150 million. Once in the city slum they generally can't go back since their places in the native village have been taken. Others, facing debt they cannot possibly handle, commit suicide. In 1997 these farmer suicides in India numbered over 13,000.

Since 2002 there has been a further problem for the small farmers of India. With the cooperation of the Indian government, Monsanto Corporation persuaded many thousands of farmers to invest in their "high yield" (and high priced) varieties of genetically modified cotton. Cotton modified to produce the bacterial toxin Bt in all its cells, or cotton modified to be herbicide resistant. But the yields were not high. They were in fact too low to pay for the seed, fertilizer and pesticides used to grow them.

Trouble was first manifest when field workers had allergic reactions to the Bt cotton crops, sending some to hospital. Then the crops developed a fungus infection called Lalya, theorized by some to be a result of the degradation of the soil by the Bt in the roots of the cotton. This was followed by massive infections of mealy bug, a pest not previously found in Indian cotton and impervious to Bt. In addition, over 1800 sheep that were allowed to graze in the cotton fields after harvest were reported to have died. The poor yields and higher costs meant more debt and the wave of suicides continued, reaching a peak of 18,241 in 2004, despite relief efforts by the government. It is hard to imagine the extent of the social devastation that must be the result of these suicides.

The International Covenant on Economic, Social, and Cultural Rights commits states party to the treaty "to improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge...". As the above ongoing tragedy illustrates, however, there are grave

dangers involved in placing scientific knowledge in the unregulated service of profit making corporations. Several organizations in the UK -- The Institute for Science in Society (ISIS) and Scientists for Global Responsibility -- are currently calling for an international convention (treaty) on knowledge. Such a convention would require, for example, that knowledge serve the public interest, that it cannot be privately owned, and that it promote a sustainable society. The full draft of the proposed convention is available on the ISIS website, which has been tracking the disaster in India in a series of articles.

<http://www.i-sis.org.uk/index.php>

## We Can Use Your Help, Wherever You Are!

MCLI is working to develop a Model Reporting Initiative for local jurisdictions -- cities, counties, and states, as we have done successfully in Berkeley and as we are proposing for California.

This requires:

Research and writing

Building grassroots ties in many regions in the U.S.

MCLI is prepared to find local people to make such presentations and to send MCLI Board members when requested.

MCLI is also working to identify organizations that may want presentations on the subject of how to integrate UN treaties into the work they do -- Rev. Daniel Buford's work is the best example of the success of this effort to date.

And MCLI is promoting toolkits for (1) local reporting initiatives (based on Berkeley ordinance) and (2) ICESCR call for approval (based on NLG/IC toolkit, developed by Susan Scott, MCLI Board Pres.)

And MCLI needs help providing backup support to grassroots groups to publicize their issues through shadow reports to UN Committees.

MCLI requests your ideas on how best to start a Human Rights Training Institute for grassroots activists, teachers, labor activists, etc.

And this is a moment when it is possible to succeed on a number of these projects that WILL MAKE A DIFFERENCE!

**Support MCLI -- Donate at [www.mcli.org](http://www.mcli.org) and look for a new website coming March 2010 -- send us ideas of what you'd like to see: [webmaster@mcli.org](mailto:webmaster@mcli.org)**

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## The UPR is Coming to the SF Bay Area on March 25 and 26 and MCLI will be there!

by Susan Scott, MCLI Board President

MCLI has been a leader in reporting about the problems with US compliance with the three human rights treaties it has approved.

(ICCPR, ICERD, ICAT, International Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention Against Torture or Other Cruel Inhuman or Degrading Treatment or Punishment)



When the US government breached its obligation to report to the appropriate treaty committees, MCLI and other NGOs wrote their own "shadow reports" about the aftermath of Katrina, immigrant detention, and other local abuses. MCLI sent Board member Judge Claudia Morcom and Rev. Daniel Buford to Geneva to present its report to the UN committees. The Committees included the issues highlighted in the shadow reports in their commentary on US failure to comply with the treaties it has approved.

And now there is a new way to report on US compliance with its human rights obligations:

The UPR – Universal Periodic Review -- is a new mechanism of the UN Human Rights Council, a crucial body of the UN, which the US joined after Obama's inauguration. The UPR requires all 192 UN member states to report to the Human Rights Council (via the Office of the High Commissioner of Human Rights) about their compliance – and non-compliance – with the Universal Declaration of Human Rights and all treaties signed and/or approved by the US. All UN member states are scheduled to have their human rights compliance reviewed every 4 years. The UN General Assembly initiated this process in 2008 and the Human Rights Council holds review sessions for 16 countries every three months.

The US comes up for its first review this December.

NGO's can file reports to the Office of the High Commissioner of Human Rights and the issues they highlight will appear in the OHCHR civil society report to the Human Rights Council. MCLI will be submitting a report on the lack of local publication of HR treaties

On March 1, the Berkeley Commission on Peace & Justice passed a resolution asking the Berkeley City Council to submit a brief report on its human rights ordinance and 3-treaty commitment for the UPR as a stakeholder.

But there's something else we can do and MCLI will be doing --

Each government under review is obligated to write its own "country report" and to reach out to national civil society groups to get in-put on the most pressing issues. So the State Department, and federal agencies like Justice and Health and Human Services, are holding "consultations" in several US cities, including San Francisco/Bay Area, in the next few weeks to gather information for the report they are required to make to the UN Human Rights Council.

The UPR consultation for the Bay Area will occur on March 25 and 26 at Boalt Hall and USF. MCLI ex-director and Board member Ann Fagan Ginger and MCLI staffer Kot Hordinski will be there to report on the need for local education and reporting on treaty compliance. George Lippman and Diana Bohn from the Berkeley Peace and Justice Commission will also come to talk about Berkeley's groundbreaking Three Treaties Reporting Project.

This is the best possible way for US local groups to get their information on human rights abuses before the UN Human Rights Council for the UPR. Contact Kot if you want to get involved with MCLI. (kot@mcli.org)

And check out the US State Department website to report human rights abuses for the US government's UPR report:

[www.state.gov/r/pa/prs/ps/2009/dec/133606.htm](http://www.state.gov/r/pa/prs/ps/2009/dec/133606.htm)

**To get UPR Consultation dates in your city go to:**  
[www.ohchr.org/EN/HRBodies/UPR](http://www.ohchr.org/EN/HRBodies/UPR)

## On 7th Anniv. of Iraq War, MCLI Joins Attacks on Continuing U.S. Wars

Every U.S. soldier, marine, and sailor, and every contract laborer doing the work of a soldier / sailor / marine today anywhere in the world is violating U.S. laws.

That is one of the lessons MCLI is constantly asked to teach as the U.S. has more than 700 bases in virtually every country in the world, and as the undeclared "wars" in Iraq and Afghanistan continue.

Congress has the power to declare war when asked to do so by the President. This has not happened in decades even though the U.S. helped draft a treaty that says explicitly: "No nation shall use force or threat of force against the territorial integrity or political independence of any nation." U.N. Charter, Art. 2.4.

The U.S. helped draft the Charter and three other treaties that explicitly provide that "every human being has the right to human dignity." This most fundamental right is violated every day by the U.S.

And every day that the U.S. continues to possess nuclear weapons anywhere in the world -- every day the U.S. is violating Art. 2.4 and the right of people to live with human dignity.

## Introducing MCLI's New Interns... (in their own words)

**Darcy Garretson**, born and raised in Dallas, Texas, graduated from Occidental College in Los Angeles in 2008, where she studied Diplomacy and World Affairs, with an emphasis on Human Rights and International Organizations, and a German Studies minor. In the last few years, she has wanted to focus on human rights in the United States. She moved to Boston, where she interned at Ebb



Pod Productions, LLC, which made the film *Traces of the Trade: A Story From the Deep North* about a family's slave-trading ancestors, and later became an AmeriCorps\* VISTA at the American Red Cross of Massachusetts Bay, where she worked with youth and promoted disaster preparedness. She also learned about International Humanitarian Law and the Geneva Conventions at the Red Cross and took an online class through Harvard. Upon moving back to California, she started volunteering with the United Nations Association of the USA, East Bay Chapter, where she helps both the Education Committee and at the Chapter's store. Upon hearing about MCLI, she decided to get involved so she could merge her international and domestic human rights interests. She has enjoyed interning at MCLI so far and looks forward to learning more.

**Mariah Olivera:** I have been working for the Meiklejohn Civil Liberties Institute as an intern for about a month now and so far, I love the work that I am doing. I am working at MCLI because human rights law is my passion and I greatly support and appreciate all that MCLI does in the local community, in advocacy of human rights. As an intern at MCLI, I work closely with Ann Fagan Ginger, whom I admire greatly for her ongoing activism, and I have the opportunity to do research for various projects that she is working on. In doing so, I am learning a lot about civil and human rights law and all that is involved in passing human rights legislation, as well as gaining much more knowledge of US history and various social movements. I am currently a student at Mills College in Oakland and I plan to go to law school to study human rights law after I graduate from Mills.



## News in Brief

### U.N. Status Of Women Review Conference

On her way to the U.N. Review Conference on the Status of Women, representing the Berkeley Gray Panthers, Margot Smith called MCLI for ideas on the most important issues to raise, since Ann Ginger attended the First Conference in Beijing in 1995.

They quickly agreed that Smith should mention repeatedly that every woman has the right to human dignity, set forth in U.N. Charter and treaties, and that this right is being sharply destroyed in the economic recession. And they agreed that the rights of a woman to become pregnant, to bear a child, and to raise a child are being denied in one job after another across the U.S.

### Board Member, Judge Claudia Morcom Works to Free the "Cuban Five"

Retired Detroit Judge, Claudia Morcom, worked with local Michigan activists to decorate and then donate a van to the effort to free the so-called Cuban Five, political prisoners held in the United States. The fun event was put on by the Michigan Campaign to Free the Cuban Five, a project of the Justice for Cuba Coalition and the U.S. / Cuba Labor Exchange.



*Judge Morcom decorates the van*

The Cuban Five are five Cuban intelligence officers who were indicted in 1998 and convicted of murder and conspiracy in 2001, sentenced to varying sentences, including consecutive life-in-prison. The convictions and subsequent detention of the five have been condemned worldwide by NGO's as well as the U.N. Working Group on Human Rights.



*The Finished Product*

### Using U.N. Treaties on U.S. Issues

Vicki Sawicki, MCLI Board secretary, joined Marin activist Martin Schaff in urging the MCLI Board to plan a series of training sessions on how people in several occupations need to use human rights law in their work -- in prisons, rehabilitation centers, grade schools, in union activities.

## Berkeley Peace and Justice Commission Works to Meet U.N. Obligations

by George Lippman, Berkeley Peace and Justice Commission Vice-Chair and MCLI Board member

As mentioned in the December issue of *Human Rights Now!*, the City Council of Berkeley California—at MCLI's urging—asked its citizen Peace and Justice Commission to prepare a report to the United Nations Human Rights Committee on the status of the city's compliance with the International Covenant on Civil & Political Rights (ICCPR).



The Commission, through its UN Reports Subcommittee, is presently working towards the summer deadline for submission of the requested report to the UN Human Rights Committee.

The Peace and Justice Commission is excited about this project and sees a lot of potential in it. The Commission has been directed by the City Council to communicate our findings on the state of human rights in Berkeley not just to the United Nations, but especially to the people of Berkeley. The UN Reports project participants will supplement the official city data with feedback from city residents, to more accurately reflect the progress our community is making towards the UN's vision of international human rights.

Since October 2009, the Commission, through our UN Reports Subcommittee, has been gathering data from city documents and several of the 40 other city commissions. A talented cast of University of California (Berkeley) students has been analyzing and assembling the data into nine subject areas: health, shelter, women's issues, LGBT issues, labor, education, police and criminal justice, the environment, and the human rights of people with disabilities.

All data and conclusions will be tied to specific provisions of the ICCPR treaty, such as Article 10: accordance with the UN Standard Minimum Rules for the Treatment of Prisoners; in Article 25: equal access of all persons to public affairs and services, and Article 26: prohibition of de facto and historically generated racial discrimination.

The final report needs to incorporate the sense of the grassroots, not simply the official story on the status of human rights. To this end, we intend to distribute our draft reports to the community in advance of public forum the evening of Monday, April 12, at the North Berkeley Senior Center, 1901 Hearst Avenue at Martin Luther King Jr. Way.

Before the report is delivered to the United Nations, it will be reviewed by the Berkeley City Council. That review is tentatively scheduled for May 11.

Following the completion of the ICCPR report, the Commission will prepare similar reports on the Convention to End Racial Discrimination and the Convention Against Torture and other forms of Cruel, Inhumane or Degrading Treatment, due in 2011.

In the Peace and Justice Commission we believe that the UN Treaty Reporting Project will provide for a constructive focus on local social justice issues, as well as raising public awareness of City programs that address social justice issues in the City. We love Berkeley and its legacy of fighting for human rights for all.

The Commission's enabling legislation mandates, "It is the responsibility of one and all to labor hard for peace and justice." We are taking up this charge and will hold ourselves and our community to it.

For more information, please contact Commissioner Diana Bohn at: [nicca@igc.org](mailto:nicca@igc.org)

### MCLI Seeking Interns for Summer and Fall

MCLI is looking for interns in 2010 to work on the human rights archives as well as perform extensive research for upcoming publications. Hours are flexible but good research skills are a must. The internships are specifically recommended for law students. To apply or for more information please email [kot@mcli.org](mailto:kot@mcli.org) with "Research intern" as the subject. If applying please include your resume and a brief summary of relevant experience.

Additionally, Ann Fagan Ginger, Executive Director emeritus of the Meiklejohn Civil Liberties Institute is looking for interns and volunteers to assist her in work on a memoir book project, *The Fagan Family Fortunes*. Work will involve research, word processing, filing, organizing, editing, formatting, and more. Interested applicants are asked to speak with Ann at (510) 418-5773 or email [afg@mcli.org](mailto:afg@mcli.org) with a brief message about their interest in the work. Include "FFF Internship" as the subject of the email.

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Receive a gift with membership**

**Haiti Resolution**

of Haiti will have the full support of the United States in the urgent effort to rescue those trapped beneath the rubble, and to deliver the humanitarian relief"; and WHEREAS, as Haitian families search for survivors and relief rolls in, Haiti is still staggering under \$1 billion in old international debts racked up by unscrupulous lenders and unelected governments of the past; and WHEREAS, a majority of Haitians continues to demand the immediate return of former President Jean Bertrand Aristide to Haiti; and NOW THEREFORE, BE IT RESOLVED that the Peace and Justice Commission recommends that the Council of the City of Berkeley urge the Obama Administration to guarantee the following:

- A public commitment to prioritize the distribution of vital aid and supplies and personnel, including food, water, shelter, and medical supplies, equipment and personnel to centers around the affected areas where people have gathered for refuge
- A public commitment to deliver water, food, and other urgently needed supplies to rural areas and other population centers that have seen little or no, or greatly delayed aid
- A public commitment to ensure that all survivors in Haiti receive the necessities: clean water, food, shelter, and medical care, and that all resources received will be immediately deployed for this purpose in order to prevent unnecessary deaths from dehydration, infection and starvation in the aftermath of this disaster
- A public commitment to work with all government and civil society organizations that are delivering these needed goods and services. Haitians must be free to coordinate and lead the relief efforts and the long-term rebuilding of their country, including hiring Haitian workers at a living wage, a shift in development strategies that includes a commitment to food sovereignty for Haiti and, the democratization of the food system in favor of the poor.[...] BE IT FURTHER RESOLVED that the Council of the City of Berkeley ask President Obama and Secretary of State Hillary Clinton to support the will of the Haitian people in facilitating the return of former president Jean Bertrand Aristide who has asked to play a humanitarian role; and BE IT FURTHER RESOLVED that the Council of the City of Berkeley requests the Clerk of the City of Berkeley to send the following letter to the G7 Country Finance Ministers, the International Monetary Fund, the World Bank, and the International Development Bank: "In the wake of the earthquake in Haiti, we call on you to secure the immediate cancellation of Haiti's external debt and ensure that any emergency earthquake assistance is provided in the form of grants, not debt-incurring loans.

**Why this Resolution?**

"As the country starts to rebuild, it is essential that its people are not saddled with a debt burden that will simply deepen poverty for generations." Barbara Rhine said about what she saw in Haiti during and after the earthquake. Ann Ginger urged the Council to act to change U.S. practices after the disasters in New Orleans and Haiti to benefit the people of Berkeley after its expected earthquake.

Copies of the resolution are to be sent to Pres. Obama, Sec. of State Clinton, Sens. Boxer and Feinstein, Rep. Barbara Lee, and U.N. High Commissioner for Human Rights.

**Monning Bill**

sored the ACR 129, after convincing the City of Berkeley to become the first city in the country to submit treaty reports. On September 29, 2009, the Berkeley City Council unanimously passed a resolution allowing unpaid interns to use Berkeley statistics and data to make these reports. They will also be made public in Berkeley and will be sent to the media, the County Board of Supervisors, the State Attorney General, the U.S. Department of State so that they can be included in the country's report, and to the U.N. Human Rights Committee, the U.N. Committee on Elimination of Racial Discrimination, and the U.N. Committee Against Torture.

**After Berkeley Passed its Resolution**

Councilmember Max Anderson remarked, "This is extremely important. This is the way Berkeley should be talking. This should be an inspiration to other communities." About youth involvement in compiling the needed data together for the reports, he said, "I think it's extremely important for young people to take part in something like this so it begins to become clear to them about the relationship, not only with their neighbors or with their fellow Berkeleyans, but with the world we live in." Fellow Councilmember Kriss Worthington noted, "I think this is a wonderful thing to do... The City of Berkeley is setting an example on a small scale that we are going to respect these treaties, and we're going to provide as much information as we reasonably can... [I]nstead of lecturing Hillary Clinton and Barack Obama, we're taking small, simple steps... I think that sends a more powerful message that little cities can do it, so let's motivate the U.S. to do it."

Berkeley's Peace and Justice Commission persuaded the City Council to pass its resolution to report to the U.N. treaty committees. According to Diana Bohn, Chair of the Commission's Subcommittee on U.N. Reports, the Commission will hold Public Hearings while preparing the reports so Berkeley citizens can state their concerns. She added that, though the U. S. has filed reports, it has yet to file them in a timely manner or to include information from states and cities, except for one report about four states after the U.N. Committee requested local information.

The next U.S. ICCPR report to the UN Human Rights Committee is due on August 8th, 2010. The next U.S. ICAT and ICERD reports are due to the U.N. CAT and CERD Committees on November 19 and 20, 2011, respectively.

"Our experience at MCLI shows that making local periodic reports is essential to U.S. compliance with its human rights obligations," summed up Susan Scott, Sacramento lawyer and MCLI Board president.

# I'd like to become an MCLI member for 2010

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*Join MCLI today!*

**The Universal Periodic Review (UPR) is coming to San Francisco & Berkeley!**  
(See article on page 3).

**Thursday, March 25, 2010: UC Berkeley, Boalt Hall (AM, Times TBA)**

Discussing: Gender; considering: Health (prison rape, reproductive justice, immigration), State Accountability (SF's adoption of the Convention Eliminating Discrimination Against Women, Responsibility of War on Terror violations, anti-violence / violence against women / hate crimes)

**Friday, March 26, 2010: USF, McClaren Hall, 9 am to 5 pm**

Discussing: Racial Discrimination, LGBTQ Issues, Criminal Justice, Disability, Environmental Justice

**For updated information and if you wish to attend, please contact MCLI!**

**Want to host an MCLI Training Session on Human Rights with Susan Scott and Ann Ginger at your house or meeting place?**

email: [kot@mcli.org](mailto:kot@mcli.org) or call (510) 848-0599

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**Attend the Peace and Justice Commission Public Forum on the U.N. Treaty Review Process!**

**Monday, April 12, 2010 at 6pm**

**at the North Berkeley Senior Center,  
1901 Hearst Avenue at Martin Luther King Jr. Way.**

**(For more information on this process, read the article on page 5 of this issue.)**